

Fresno COG Policy Board

Date: Thursday, April 28, 2022

Time: 5:30 PM

Place: Via Zoom and at COG Sequoia Conference Room

2035 Tulare St., Ste 201

Americans with Disabilities Act (ADA) Accommodations

The Fresno COG offices and restrooms are ADA accessible. Representatives or individuals with disabilities should contact Fresno COG at (559) 233-4148, at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting / public hearing. If Fresno COG is unable to accommodate an auxiliary aid or translation request for a public hearing, after receiving proper notice, the hearing will be continued on a specified date when accommodations are available.

**THE FRESNO COG POLICY BOARD WILL TAKE PLACE
IN-PERSON AT THE FRESNO COG SEQUOIA ROOM AND VIA ZOOM.**

JOINING THE MEETING:

[HTTPS://US06WEB.ZOOM.US/J/82575190204?PWD=B29NEMHHS1MYBGZRRTBBCMXWM3Z3ZZ09](https://us06web.zoom.us/j/82575190204?pwd=B29NEMHHS1MYBGZRRTBBCMXWM3Z3ZZ09)

JOIN BY PHONE: (669) 900-6833

MEETING ID: 825 7519 0204

PASSCODE: 540533

IF YOU WISH TO ADDRESS THE POLICY BOARD DURING THE PUBLIC COMMENT PORTION OF THE AGENDA, CLICK ON THE "REACTIONS" AT THE BOTTOM CENTER OF YOUR PC OR MAC SCREEN. SELECT THE HAND ICON, CLICK THE ICON TO "RAISEHAND". YOUR DIGITAL HAND WILL NOW BE RAISED.

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THOSE ADDRESSING THE POLICY BOARD MUST STATE THEIR FIRST AND LAST NAME AND AGENCY FOR THE RECORD.

TO FACILITATE ELECTRONIC ACCESS, NO PERSON SHALL SPEAK UNTIL RECOGNIZED BY THE CHAIR.

Fresno County Rural Transit Agency Meeting will follow Policy Board Meeting - Package Attached

Exhibits:

FCRTA Packet

FRESNO COG POLICY BOARD AGENDA AND ANNOTATED AGENDA IN PDF FORMATTING FOR PRINTING

Exhibits:

Agenda Annotated Agenda

I. TRANSPORTATION CONSENT ITEMS

About Consent Items:

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Policy Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Policy Board concerning the item before action is taken.

A. Executive Minutes of March 24, 2022 [APPROVE]

Exhibits:

March Minutes

B. City of San Joaquin FY 2019-20 Transportation Development Act Claim (Les Beshears) [ACTION]

Exhibits:

TDA Claim Resolution 2022-06

Approve Resolution 2022-06, adopting the City of San Joaquin's 2019-20 Transportation Development Act claims totaling \$199,135.

C. City of San Joaquin FY 2020-21 Transportation Development Act Claim (Les Beshears) [ACTION]

Exhibits:

TDA Claim Resolution 2022-07

Approve Resolution 2022-07 adopting the City of San Joaquin's 2020-21 Transportation Development Act claims totaling \$206,777.

D. City of San Joaquin FY 2021-22 Transportation Development Act Claim (Les Beshears) [ACTION]

Exhibits:

TDA Claim Resolution 2022-08

Approve Resolution 2022-08 adopting the City of San Joaquin's 2021-22 Transportation Development Act claims totaling \$201,745.

E. Obligational Authority and Project Delivery Update (Jennifer Soliz) [INFORMATION]

Exhibits:

FFY 21/22 OA Plan FFY 21/22 OA Quarterly Report

Summary: On March 15, Fresno COG staff submitted its federal fiscal year (FFY) 2021/22 obligation plan to Caltrans' Division of Local Assistance. This plan documents Fresno COG's estimated project delivery for the remainder of 2021/22. The obligational authority (OA) target for 2021/22 is \$24,393,724.

As of Feb. 28, \$3.1 million or 12.7 percent of the federal Congestion Mitigation Air Quality (CMAQ) Program and Surface Transportation Block Grant (STBG) funding has been obligated, leaving the region with an OA balance of \$21.2 million. The obligation plan outlines approximately \$33 million in additional, combined CMAQ and STBG, which exceeds the OA target but includes approximately \$14 million of delivery risk. Approximately \$8 million in projects will be delayed, and another \$7 million expedited to offset those delays. These changes are reflected on the quarterly report attached. Based on the OA plan and the risk, Fresno COG's projected OA delivery is \$19 million, just short of the remaining OA balance.

The federal fiscal year ends Sept. 30; however, as of May 1, federal funds become available to the rest of the state on a first-come, first-served basis. Projects not submitted to Caltrans for authorization by May 1 are at risk of being delayed. It is the state's goal to exceed the OA target and, in August, receive additional federal funds redistributed from other states to projects pending authorization. Fresno COG encourages all agencies to continue submitting their requests for authorization as soon as possible to

ensure they are queued up for the funds that will become available. If projects do not receive authorization approval after August, they will be delayed to October, the beginning of the next federal fiscal year.

Please keep Fresno COG staff updated on any changes that could impact the region's project delivery plan. Contact Jennifer Soliz at 559-233-4148 ext. 223 or jsoliz@fresnocog.org with any questions regarding fiscal year deadlines or the process of obligating project funds.

Action: Information. The Policy Board may provide additional direction at its discretion.

F. **Measure C New Technology Reserve Program 2022 Grant Application (Braden Duran)**
[INFORMATION]

Exhibits:

 2022-23 New Tech Guidelines and Application

Summary: Fresno COG is seeking proposals from eligible public agencies for advanced transit and transportation projects that have the potential for broad benefits to Fresno County residents and will assist the region in meeting its air quality goals.

Fresno COG and the Fresno County Transportation Authority (FCTA) are proposing to fund projects of regional significance in the areas of research, development, demonstration, and deployment that will advance public transit and transportation. This cycle of Measure C's New Technology Reserve Program will make approximately **\$4.465 million** available for eligible new technology projects/programs. The 2022 application is attached to this item as a PDF and is also available at fresnocog.org in Microsoft Word format.

Timeline:

ACTIVITY	DATE
Request for proposals released	April 8
Last day to submit requests for clarification	June 2
Deadline for electronic proposals from agencies wishing to partner with Fresno COG	June 16
Deadline for proposal submittal	July 20
Scoring (tentative)	July 25 - Aug. 12
Potential interview dates (tentative)	Aug. 15 - 26
Policy Board approval (tentative)	Sept. 29
FCTA Board approval (tentative)	Oct. 12
Notice to proceed - subject to contract signing (tentative)	January 2023

In February 2016, the Policy Board approved a formal process to solicit and accept members to sit on a Multidisciplinary Advisory Group (MAG). The MAG reviews, evaluates, and scores the New Tech applications and recommends projects for funding. Nominees are needed from the following categories: City of Fresno, City of Clovis, east side city, west side city, County of Fresno, Measure C Citizens Oversight Committee, FCTA, transit, business, education, and two public seats. MAG applications will be released late this spring and are due June 17.

Anyone interested in being a part of this scoring committee, who may wish to nominate someone else,

or for additional information generally, please contact Braden Duran at bduran@fresnocog.org and/or visit [fresnocog.org/measure-c-new-technology-reserve-fund](https://www.fresnocog.org/measure-c-new-technology-reserve-fund).

Action: Information. The Policy Board may provide additional direction at its discretion.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. 2022 Unmet Transit Needs Assessment (Harold Sobrado) [PUBLIC HEARING]

Summary: The 2022 Unmet Transit Needs Assessment public hearing will be held during the regularly scheduled, April 28 Fresno COG Policy Board meeting. Staff will be available to address any comments received during the public hearing. Staff will return to the Board in June with the final Unmet Transit Needs Report, following approvals from the Social Services Technical Advisory Committee (SSTAC), TTC and PAC approval.

Action: Staff, the SSTAC, TTC and PAC recommend the Policy Board open the public hearing, receive comments, and close the public hearing. The Policy Board may provide additional direction at its discretion.

B. Sixth-Cycle Multijurisdictional Housing Element Consultant Contract (Meg Prince) [ACTION]

BACKGROUND

California housing element law requires every jurisdiction to prepare and adopt a housing element as part of general plans. In California, typically each city or county prepares and maintains its own separate general plan and housing element. During the last round of housing element updates, however, the County of Fresno and 12 of the 15 cities in the region, with Fresno COG's help, prepared a multi-jurisdictional housing element (MJHE).

The MJHE provided an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level. In addition, the economies of scale from the multijurisdictional effort resulted in significant cost savings for participating jurisdictions.

State housing element requirements are established in Government Code Sections 65580 through 65589, Chapter 1143, Article 10.6. The law requires the State Department of Housing and Community Development (HCD) to review housing elements for compliance with State law and report its written findings to the local jurisdiction. State law mandates that housing elements be updated every eight years. The sixth-cycle housing elements will cover the planning period between 2023 and 2031 and must be adopted and submitted to HCD for certification by Dec. 31, 2023.

While legislative changes have increased the cost and complexity of the housing element since the fifth cycle, there are some advantages to pursuing a joint effort, and local members have again requested Fresno COG hire a consultant to be paid for by participating member agencies to develop a sixth-cycle multijurisdictional housing element.

The MJHE's primary objective is to have a regional plan, with individual appendices for each participating jurisdiction, addressing housing needs to be certified by the State. Fresno COG is acting as the fiscal agent and contract administrator for the sixth-cycle, multi-jurisdictional housing element. Fresno COG will convene a MJHE Working Group, which will include participating local government staff, to direct and support the overall effort.

CONSULTANT SELECTION

Fresno COG released a request for proposals on Jan. 27 for qualified consultants to develop the sixth-cycle MJHE, and received two proposals. A consultant selection committee comprising representatives from the County, Kerman, Fowler, Fresno, Selma, and Fresno COG conducted consultant interviews on March 22.

The consultant selection committee is recommending PlaceWorks as the preferred consultant team. The PlaceWorks team includes Ascent Environmental, Provost and Pritchard, and California Coalition for Rural Housing as subconsultants. The PlaceWorks team has extensive experience preparing housing element updates and is well versed in addressing the latest legislation affecting housing

elements and general plans.

The contract cost is broken out by two potential options for environmental compliance. The first option includes each participating jurisdiction adopting its housing element with an addendum to its general plan's environmental impact report (EIR), for a total of \$1,746,266. The second option includes an initial study for each jurisdiction, leading to a negative declaration for the proposed housing elements, for \$1,894,931. Once necessary changes to land use are understood in more detail, PlaceWorks will assist local jurisdictions in determining the appropriate course in terms of environmental compliance.

The estimated cost for each of the 13 smaller jurisdictions ranges from \$110,000 with an environmental addendum to \$125,000 with an initial study/negative declaration. The cost for the County ranges from \$140,000 with an environmental addendum to \$150,000 with an initial study/negative declaration. The estimated cost for the City of Fresno is \$225,000 with an environmental addendum to \$245,000 with an initial study/negative declaration.

NEXT STEPS

At this time, the County, City of Fresno, and 13 other cities have all expressed interest in participating. Participating jurisdictions have (or are in the process of) providing a signed resolution confirming participation in the joint effort as well as a \$10,000 deposit to help Fresno COG alleviate cashflow issues. The deadline for these two items is Thurs., April 28, at which time Fresno COG staff will request the Policy Board authorize the executive director to enter into a contract with PlaceWorks.

A kickoff meeting with the consultant and participating jurisdictions will be scheduled for May.

Please contact Meg Prince at mprince@fresnocog.org with any questions or concerns.

Action: Staff, TTC, and PAC request that the Policy Board authorize the executive director to enter into an agreement with PlaceWorks to produce the sixth-cycle multi-jurisdictional housing element for an amount not to exceed \$1,894,931.

C. Measure C Transit Oriented Infrastructure for Infill Development (TOD) Program Cycle 10 Funding Recommendation (Kristine Cai/Jennifer Soliz) [ACTION]

Summary: The Measure C Transit-Oriented Infrastructure for Infill Development (TOD) program was established as part of the Measure C 2006 Extension Plan. It was designed to boost transit ridership through transit supportive land uses, such as compact development and mix uses, and other transit complementary infrastructure development and planning activities. It was intended to provide seed money for transit-oriented development in Fresno County and promote livable, sustainable and healthy communities that are walkable, bikeable and transit friendly.

The TOD program accounts for 1.2% of Measure C funding and is estimated to accrue about \$17 million in the Measure's 20-year lifespan. Cycle 10 has about \$1.44 million available. Fresno COG received three applications totaling \$989,932 in funding requests. These applications are:

1. City of Fresno requested \$450,000 for preliminary engineering on segments of Blackstone Avenue from State Route 180 to Pine Avenue as part of the Blackstone Avenue Smart Mobility Project. The project aims to transform the auto-oriented Blackstone corridor into a people-centered, multi-modal community that is walkable, bikeable and transit-friendly.
2. City of Kingsburg requested \$396,165 to construct pedestrian and bicycle infrastructure improvements in downtown Kingsburg as identified in the Downtown Kingsburg Strategic Plan.
3. City of Fowler requested \$143,767 to fund a bicycle infrastructure project in downtown and surrounding areas to connect key activity centers to transit facilities in Fowler.

The scoring committee met and discussed application's qualifications on March 22. The committee unanimously recommended to fully fund all three projects, as requested.

Action: Staff and TTC/PAC recommend the Policy Board approve the projects submitted by the cities of Fresno, Kingsburg and Fowler, totaling \$989,932, through Measure C's TOD program.

D. California Inland Port System Project USDOT Regional Infrastructure Accelerator Phase Contract (Braden Duran/Tony Boren) [APPROVE]

Exhibits:

GLDPartners Background Fresno Bee Op-Ed

Summary: Fresno COG, acting as project manager on behalf of a multitude of State partners, is continuing to develop the California Inland Port System Project.

The California Inland Port System would be a public-private platform to transform the California logistics system to become the cleanest, most sophisticated supply chain system in the world. The Inland Port would establish higher efficiencies through new strategic mobility hubs, sustainable technologies, and business partnerships. It is planned as a multimodal network of integrated, clean and highly efficient truck, rail, and cargo facilities that will underpin a next-generation ecosystem of goods movement and radically boost California's economic competitiveness.

This approach would be a paradigm shift from the current conditions, and would cut greenhouse gases, improve air quality, reduce road congestion, increase traffic safety, increase investment and jobs, and shape California's extraordinarily large intrastate freight movement system as the most advanced in the world.

This "system of projects" is designated as an emerging project under an agreement by the California State Transportation Agency (CalSTA) and the United States Department of Transportation (USDOT) due to its long-term benefits to help the supply chain crisis.

The primary stakeholders represent a unique blend of public and private partners, all committed to improving quality of life and increasing economic competitiveness of the state and the region.

The public side includes: the Ports of Los Angeles, Long Beach, and Stockton; the Sacramento Metropolitan Air Quality Management District; the San Joaquin Valley Air Pollution Control District; South Coast Air Quality Management District; the San Joaquin Valley metropolitan planning organizations; Sacramento County; Sacramento Area Council of Governments; various counties in the San Joaquin Valley, California State Transportation Agency; California Department of Transportation (Caltrans); California Department of Food and Agriculture (CFDA); California Air Resources Board (CARB); Governor's Office of Planning and Research (OPR); Governor's Office of Business and Economic Development (GO-Biz) and; the United States Department of Transportation (USDOT).

From the private and philanthropic sectors, a range of technology companies and organizations have been and will be involved in the project as it proceeds, including: the Central Valley Community Foundation; California Forward; railroads (Union Pacific and Burlington Northern Santa Fe); US Agricultural Transportation Coalition; Daimler Trucks (largest truck manufacturer in the US, focusing on hydrogen and electric powertrains); Zayo (largest owner of telecommunications fiber/network systems in the US); California Fuel Cell Partnership (national, leading, California-based government/trade body focused on speeding hydrogen vehicle adoption); Plug Power (major producer of green hydrogen); Gatik (high-efficiency logistics technology); Nossaman (national law firm/leader in developing P3 structures); HPC (global leader for rail intermodal planning); GLDPartners (supply chain infrastructure/P3 project developer); Jacobs (global infrastructure planning and engineering), and; several private-sector manufacturing, shipping, and distribution companies.

The USDOT has designated the project as a Regional Infrastructure Accelerator (RIA) under a new demonstration program and will provide \$1 million in funding. The California Inland Port System project will benefit from a partnership with the Build America Bureau and the USDOT by specifically enhancing the pipeline of projects that may use Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation & Improvement Financing (RRIF) programs to create a foundation for leveraging substantial local and private co-investment.

This RIA phase would include: design and preliminary engineering on the intermodal hubs, conducting environmental analyses, developing the project pipeline for funding, and considering implementation. Specifically, this phase would be looking at an implementing entity, including: best practices, legal structure, governance funding, and financing options. The application, submitted in March 2021, received immense support from partners around the state, and was awarded late last year. This project was one of five USDOT selected nationwide as inaugural recipients.

There is no local match required for this award, and this phase is 100% federally funded. Fresno COG will retain a portion of the award for administration.

CONTRACT SELECTION

USDOT has authorized Fresno COG to conduct the RIA phase. As a result of the March 2022 Fresno COG Policy Board meeting, an ad-hoc committee convened to further understand the project, meet the project team, and determine the appropriate steps forward.

The committee comprised elected officials and staff from the City of Fresno, City of Clovis, Fresno County, east side cities, and west side cities. It met April 20 to review project progress and meet with the RIA project team, which includes Fresno COG staff and members of the Global Logistics Development Partners (GLDPartners) team. The committee voiced unanimous support for Fresno COG to move forward with the RIA process using the team led by GLDPartners that includes HPC, Jacobs Engineering, and others.

Attached to this item is an Op-Ed piece by Congressmen Jim Costa And David Valadao and background information on GLDPartners.

Action: Staff, TTC, PAC and the ad-hoc committee recommend the Policy Board authorize the executive director to enter into a contract with GLDPartners for an amount not to exceed \$960,000 to conduct the California Inland Port System Project's RIA phase.

E. **Measure C Renewal Update (Tony Boren) [INFORMATION]**

Summary: Staff will provide a short update on the Measure C renewal process and timeline.

Action: Information and discussion. The Policy Board may provide additional direction at its discretion.

F. **Caltrans Report (Caltrans) [INFORMATION]**

III. **ADMINISTRATIVE CONSENT ITEMS**

About Consent Items:

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Policy Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Policy Board concerning the item before action is taken.

A. **AB 361 - COVID Contingency Board/Committee Meeting Format (Robert Phipps) [ACTION]**

Exhibits:

 Resolution 2022-01

Summary: On Sept. 15, 2021, Governor Newsom signed Assembly Bill (AB) 361, amending the Ralph M. Brown Act to allow local agency councils, boards and committees to continue conducting public meetings remotely during a state of emergency after Oct. 1, 2021, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied. Under the Brown Act, the Policy Board, TTC and PAC and other Fresno COG committees are considered "legislative bodies," according to the Fresno County Counsel's office.

Under the urgency legislation, a local agency may use the more "relaxed" Brown Act teleconferencing/videoconferencing requirements in any of the following circumstances:

- There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- There is a proclaimed state of emergency, and the local agency's meeting is to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- There is a proclaimed state of emergency, and the local agency has determined, by majority vote, that as a result of the emergency meeting in person would present an imminent risk to the health

or safety of attendees.

AB 361 defines a “state of emergency” as a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. Importantly, this includes the Governor's proclaimed state of emergency due to the COVID-19 pandemic.

To continue to rely on the relaxed video/teleconferencing provisions, the local agency must reconsider the circumstances of the state of emergency and make the following findings by majority vote, **every 30 days**:

- The state of emergency continues to directly impact the ability of members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

The recommended finding under this option would be that "The Board, meeting during a proclaimed state of emergency, has determined by majority vote, pursuant to AB 361 subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

While the Committee has the option of using teleconferencing, as was available prior to COVID restrictions, the Brown Act requires: 1) a quorum of the legislative body to participate from within the boundaries of the agency's jurisdiction, 2) the public agency to post notice of each teleconference location, and 3) the public be allowed to address the legislative body from each teleconference location. These requirements place a significant burden on both Board members and staff.

Action: Staff recommends two actions:

- 1) That the Board issue the following finding: As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- 2) Reaffirm Resolution 2022-01 from Jan. 6, and direct staff to continue offering video/teleconferencing provisions for all Fresno COG committee and Board meetings through May 26.

B. City Selection Committee and COG Board Positions (Robert Phipps) [INFORMATION]

Exhibits:

Board Appointments

Summary: Aside from assigning its own members as officers and to COG-related committees, Fresno COG Policy Board members also act as the City Selection Committee, a County of Fresno body that appoints elected officials from local jurisdictions to multiple other governmental entities. Some of these include the Local Area Formation Commission (LAFCO), the Airport Land Use Commission, and the San Joaquin Valley Unified Air Pollution Control District.

Typically, these positions are filled by COG Board members themselves, although not every post requires a COG appointee. Staff has prepared a summary matrix of all positions that the COG Policy Board assigns while acting in its primary capacity or when acting as the City Selection Committee.

Action: Information. The Policy Board may provide additional direction at its discretion.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Voting Protocols for Officer Elections (Les Beshears/Robert Phipps) [ACTION]

Exhibits:

Officer Election Protocol

Summary: Fresno COG's bylaws specify that the most recent edition of Robert's Rules of Order (RRO) shall constitute the parliamentary authority for the Policy Board.

RRO provides multiple guidelines for officer elections depending on the nomination and voting method

used, but does not dictate a specific protocol on nominations and elections.

For instance, it provides nominations are customary but not required when voting by ballot or roll call. Any member can vote for any eligible person whether nominated or not. A nomination is not a motion and a second is not required. Nominations are merely treated like a motion to "fill in a blank".

Once all nominations are provided, they may be voted on in the manner prescribed in the agency's bylaws or, in the order nominated, or any other method RRO provides for a vote to be taken. Generally, the most common method is by ballot.

Importantly, Board members can themselves determine how they wish to proceed with an officer election within certain parameters and still be consistent with RRO.

Given those loose parameters, staff has developed a protocol addressing all officer positions for the COG Board and committees, to be codified by resolution, wherein:

The Chair shall open nominations. Any Board/committee member may nominate anyone other member for an officer's position (chair or vice-chair). A second is not required.

After allowing sufficient opportunity for any Board/committee member to make a nomination, the Chair shall close nominations and repeat the names of those nominated. The Chair shall direct the secretary to proceed to a vote by roll call. The secretary shall ask members, in turn, the candidate for whom they wish to vote.

Before voting, the member may request the names of the candidates be repeated. The secretary shall tabulate the votes and announce the candidate with the most votes as the winner. In case of a tie, a run off vote shall be taken between tied candidates.

In the case a tie cannot be broken after repeated votes, the winner shall be determined by coin toss.

Action: Staff and the PAC recommend the Policy Board approve Resolution 2022-09 establishing a formal and orderly election protocol.

B. Oppose Position - Assembly Bills 2237 and 2438 (Robert Phipps) [ACTION]

Exhibits:

Opposition AB 2237 Opposition AB 2438

Summary: Two bills working their way through the California Assembly have the potential for serious ramifications to both regional and local transportation projects.

Together, AB 2237 and AB 2438 -- authored by Assembly Transportation Committee Chair Laura Friedman -- require all projects funded through regional plans and programs, such as the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP), be consistent with the California Transportation Plan (CTP) and the California Climate Action Plan for Transportation Infrastructure (CAPTI).

Under AB 2438, these requirements also extend to such state funding programs as the State Highway Operation and Protection Program (SHOPP), as well as multiple SB 1 programs, including: Solutions for Congested Corridors, Trade Corridor Enhancement and the Local Partnership Program within the Road Maintenance and Rehabilitation (RMRA) Program.

Among other issues, the CTP does not meet the definition of "reasonableness" to which regional plans must adhere. Whereas the CTP is "aspirational," regional plans like the RTP are grounded in "fiscal constraint," or a demonstrable degree of certainty regarding consistent funding sources over time.

For example, CalCOG estimates that pricing assumptions in the CTP are equal to a current-day gas tax increase of \$2.25 per gallon. Federal regulations prohibit regional entities from adopting plans that include such unlikely scenarios. Given that the state plan does not have to adhere to regional plan standards, there is a significant risk that a project may be consistent with the vision in one plan but not the other.

In addition, State policies have a tremendous influence on whether or not a region meets its greenhouse gas (GHG) reduction target under SB 375. For example, many of the capacity-increasing projects on the State system are sponsored by Caltrans. There are multiple approaches the State might

take to achieve such outcomes. AB 2237 should direct state agencies to look at supporting state actions more closely.

The state must be more accountable for its own actions. In another example, the California Air Resources Board's (ARB) Scoping Plan states that GHG reductions from "SB 375-like" strategies should be 25 percent. Yet ARB's Plan could only set the SB 375 targets at a 19 percent average, acknowledging the limits of what metropolitan planning organizations like Fresno COG could feasibility achieve. ARB stated that the 6% gap (25%-19%) would be achieved by "additional state actions." To date there has been no comprehensive plan to address this issue, or analysis to determine whether actions like CAPTI or SB 743 sufficiently bridge this gap. This kind of analysis is an essential first step in reaching State climate change goals.

Collectively, AB 2237 and 2438 place the full onus of the State's climate change goals and GHG reductions on local and regional transportation projects without addressing additional policies and actions the State Legislature could adopt to help solve the problem. Staff recommends opposing both AB 2237 and 2438.

Action: Staff and the PAC recommend an "oppose" position to the Policy Board for both AB 2237 and AB 2438, and to authorize the Chair to sign opposition letters to be filed with the Legislature.

V. OTHER ITEMS

A. Items from Staff

B. Items from Members

VI. PUBLIC PRESENTATIONS

A. Public Presentations

This portion of the meeting is reserved for persons wishing to address the Policy Board on items within its jurisdiction but not on this agenda. **Note: Prior to action by the Policy Board on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to three minutes.**