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www.fresnocog.org

Fresno COG Policy Board

Date: Thursday, June 30, 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

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

JOINING THE MEETING:

<https://us06web.zoom.us/j/89674928597?pwd=ZWpVV2tkaitLTGFaaHc4SmpMYThHUT09>

JOIN BY PHONE: (669) 900-6833

Meeting ID: 896 7492 8597

Passcode: 696742

IF YOU WISH TO ADDRESS THE COMMITTEE 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.

WHEN ON THE PHONE, IF YOU WISH TO ADDRESS THE COMMITTEE DURING THE PUBLIC COMMENT PORTION OF THE AGENDA, PRESS *9 TO "RAISEHAND" AND WE WILL SELECT YOU FROM THE MEETING CUE.

****IF JOINING BY PHONE USE *6 TO UNMUTE AND MUTE YOURSELF. WHEN JOINING THE MEETING ALL PARTICIPANTS ARE AUTOMATICALLY MUTED. DO NOT USE THE MUTE FUNCTION ON YOUR LAN LINE PHONE OR CELL PHONE.**

THOSE ADDRESSING THE COMMITTEE 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.

IN THE INTERESTS OF ASSURING THAT ALL MEMBERS OF THE PUBLIC HAVE A FAIR OPPORTUNITY TO ADDRESS THE POLICY BOARD, PUBLIC COMMENT MAY BE LIMITED TO THREE MINUTES PER SPEAKER.

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

Exhibits:

FCRTA Board Agenda

COG POLICY BOARD agenda and annotated agenda in PDF format - ALL EXHIBITS ARE ATTACHED BELOW

Sitting as the City Selection Committee (Excludes County of Fresno)**1. Call Meeting to Order and Roll Call****Exhibits:** CSC June 30, 2022 Agenda**2. Approval of Resolution 2022-01 in the Matter of AB 361****Exhibits:** CSC Resolution No. 2022-02

Approve and adopt resolution finding that the City Selection Committee meeting is being held during a proclaimed state of emergency and determining that as a result of the proclaimed state of emergency, meeting in person would present an imminent risk to the health and safety of attendees and authorizing the City Selection Committee to conduct its meetings remotely in compliance with Government Code section 54953(e)

3. Approval of the April 11, 2022, Minutes**Exhibits:** CSC April 11, 2022 Minutes**4. TRANSPORTATION AUTHORITY**

Appoint (1) Eastside Member to the Transportation Authority, term effective June 30, 2022, replacing Alma Beltran, whose term will expire June 30, 2022. The new term to expire June 30, 2024 Note: City Selection Committee appoints two members representing cities within the county (other than the cities of Fresno and Clovis) – one westside member appointed by a committee comprised of the mayors of each of those cities west of State Highway Route 99 and one eastside member appointed by a committee comprised of the mayors of each of those cities east of State Highway Route 99

5. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for person desiring to address the City Selection Committee on any matter the committee has jurisdiction over which is not on this agenda.

6. ADJOURNMENT**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 Committee 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 Committee concerning the item before action is taken.

A. Executive Minutes**1. Executive Minutes May 26, 2022 [APPROVE]**

Exhibits: May 26, 2022 Board Minutes**2. Executive Minutes June 9, 2022 [APPROVE]****Exhibits:** June 9, 2022 Special Board Minutes**B. Transportation Development Act (TDA) Claims****1. City of Coalinga Fiscal Year 2020-21 Transportation Development Act Claim (Les Beshears) [ACTION]****Exhibits:** Coalinga Resolution Coalinga TDA Claim

Action: Approve Resolution 2022-18 adopting the City of Coalinga's 2020-21 Transportation Development Act claims totaling \$958,997.

2. City of Coalinga Fiscal Year 2021-22 Transportation Development Act Claims (Les Beshears) [ACTION]**Exhibits:** Coalinga TDA Resolution Coalina TDA Claim

Action: Approve Resolution 2022-19 adopting the City of Coalinga's 2021-22 Transportation Development Act claims totaling \$816,111.

3. Fresno County Rural Transit Agency Fiscal Year 2022-23 Transportation Development Act Claims (Les Beshears) [ACTION]**Exhibits:** FCRTA TDA Resolution FCRTA TDA Claim

Action: Approve Resolution 2020-20 adopting the Fresno County Rural Transit Agency's 2022-23 Transportation Development Act claims totaling \$18,720,778.

4. City of Kerman Fiscal Year 2022-23 Transportation Development Act Claims (Les Beshears) [ACTION]**Exhibits:** Kerman TDA Resolution Kerman TDA Claim

Action: Approve Resolution 2020-22 Adopting the City of Kerman's 2022-23 Transportation Development Act claims totaling \$1,009,633.

5. City of Reedley Fiscal Year 2022-23 Transportation Development Act Claim (Les Beshears) [ACTION]**Exhibits:** Reedley TDA Resolution Reedley TDA Claim

Action: Approve Resolution 2020-21 adopting the City of Reedley's 2022-23 Transportation Development Act Claims totaling \$1,520,594.

6. City of Kingsburg 2022-23 TDA Claim (Les Beshears) [ACTION]

Exhibits:
 Kingsburg TDA Claim Kingsburg TDA Resolution

Action: Approve Resolution 2020-22 adopting the City of Kingsburg's 2022-23 Transportation Development Act claims totaling \$761,272.

C. **Appeals Procedure for the Sixth Cycle Regional Housing Need Allocation (Meg Prince)**
[ACTION]

Exhibits:
 RHNA Methodology Resolution RHNA Appeals Process

Summary: Pursuant to Government Code § 65584.05, any local jurisdictions within the Fresno County region, as well as the California Department of Housing and Community Development (HCD), may file an appeal to Fresno COG to modify the Regional Housing Need Allocation (RHNA) allocation of one or more jurisdictions in the Fresno COG RHNA Plan. The 45-day period to file an appeal will commence upon the release of the draft RHNA Plan, scheduled for July 1, 2022.

Fresno COG has prepared the attached, draft, Sixth-Cycle RHNA Appeals Procedure, in accordance with state law, outlining the basis of appeal, limitations on appeals, the appeal hearing procedure, and establishing a structure for a RHNA Appeals Committee.

If an appeal is filed, Fresno COG will request that the Fresno COG Policy Board -- at its Sept. 29 meeting -- appoint members to a RHNA Appeals Committee, which will undergo training and serve as the appeals hearing body. All decisions on RHNA appeals made by the RHNA Appeals Committee would be considered final and would not be reviewed in detail by the Fresno COG Policy Board.

Action: Staff, TTC, and PAC recommend the Policy Board accept the Draft RHNA Appeals Hearing Procedure.

D. **Measure C New Tech Program 2022 Request for Proposals (Braden Duran)** **[INFORMATION]**

Summary: Fresno COG is seeking proposals from eligible public agencies for advanced transit and transportation projects that offer potentially 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.

For additional information please contact Braden Duran at bduran@fresnocog.org and/or visit fresnocog.org/measure-c-new-technology-reserve-fund. Proposals are due July 20.

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

E. **Fresno County Urban and Rural Consolidated Transportation Services Agency Operations Program and Budget, FY 2022-2023 (Todd Sobrado)** **[ACTION]**

Exhibits:
 Res 2022-24 Urban CTSA OPB Res 2022-25 Rural CTSA OPB Res 2022-23 FCRA Fax and Social Services Transportation

Summary: The Consolidated Transportation Services Agencies' (CTSA) Operations, Program and Budget (OPB) for fiscal year 2022-2023 provides an overview of how, and in what manner, the CTSA will be providing service over the next fiscal year.

The proposed adoption is scheduled for Thurs., June 30 at the Fresno COG Policy Board meeting. The document will soon be available on the Fresno COG website www.fresnocog.org.

Action: Staff, SSTAC, TTC and PAC recommend that the Fresno COG Policy Board approve Resolution 2022-24 for the Urban CTSA, and Resolution 2022-25 for the Rural CTSA, adopting the

Urban and Rural Consolidated Transportation Service Agencies' Operations Program and Budget.

F. **Clovis Consolidated Transportation Services Agency Operations Program and Budget, FY 2022-2023 (Todd Sobrado) [ACTION]****Exhibits:**

Res 2022-23 Clovis OPB 2023 Clovis CTSA OPB

Summary: The Clovis Consolidated Transportation Service Agency's (CTSA) Operations Program and Budget (OPB) FY 2022-2023 for the Clovis Urban area provides an overview of how, and in what manner, the Clovis Consolidated Transportation Services Agency will provide service over the next fiscal year.

The proposed adoption is scheduled for Thurs., June 30, at the Fresno COG Policy Board meeting. The document is available on the Fresno COG website www.fresnocog.org.

Action: Staff, SSTAC, TTC and PAC recommend the Fresno COG Policy Board approve Resolution 2022-23 adopting the Clovis Consolidated Transportation Service Agencies' Operations Program and Budget.

G. **Reappointments for the Social Services Transportation Advisory Committee (Todd Sobrado) [ACTION]**

Summary: Fresno COG's Policy Board formed the Social Services Transportation Advisory Committee (SSTAC) in May 1988 to: respond to state legislation, coordinate social service transportation, assist the Board in identifying transit needs throughout Fresno County, review and recommend action for Fresno COG to address at its unmet transit needs hearing, and advise Fresno COG on any other transit issues. The Board appoints SSTAC members for two-year terms.

Nominated for reappointment to the Council are:

Amy Hance – General Services Manager, City of Clovis

Chenier Derrick – Paratransit Coordinator, Fresno Area Express

Transportation Development Act Article III, Section 99238 requires a minimum number of SSTAC members in specific categories. There is no maximum number specified, and in the interest of diversity, staff is seeking additional nominations. Specifically, staff is seeking members who represent minority groups, social service providers for seniors, and potential transit users.

Action: Staff, the TTC and PAC recommend the Policy Board reappoint Amy Hance and Chenier Derrick to the SSTAC.

H **Fresno County Rural Transit Agency 2022-23 Annual Budget (Moses Stites) [ACTION]****Exhibits:**

2022-23 FCRTA Budget 2022-07 FCRTA Resolution

Summary: Fresno County Rural Transit Agency's (FCRTA) budget has been prepared to reflect Fresno COG's Regional Transportation Plan (RTP) and the Short-Range Transit Plan (SRTP) for the rural Fresno County area 2022-2026. The document recommends programmed capital improvements and continuing existing intracity and fixed-route services. This year's budget has been developed to include continued review, comment and action during its 45-day review period. The budget, which may require periodic amendments during the fiscal year, is available at www.ruraltransit.org.

Action: Staff and TTC/PAC recommend the Policy Board approve the fiscal year 2022-23 Fresno County Rural Transit Agency Budget and adopt FCRTA Resolution No. 2022-07.

I. **Temporary Buy America Waiver for Construction Materials (Robert Phipps) [INFORMATION]**

Summary: The U.S. Department of Transportation (DOT) has issued a temporary waiver of Buy America requirements for construction materials for projects funded under the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL). To

deliver projects "while ensuring robust adoption of Buy America standards," DOT has established a 180-day public interest waiver for construction materials between May 14 and Nov. 10. DOT is establishing this transitional waiver to prepare for compliance with the new Made in America standards for construction materials. During this period, DOT expects states, industry, and other partners to begin developing procedures to document compliance. DOT will "continue its engagement through the waiver period to ensure robust enforcement and compliance mechanisms and to rapidly encourage domestic sourcing of construction materials for transportation infrastructure improvements."

The full notice can be found at: <https://www.transportation.gov/sites/dot.gov/files/2022-05/Temporary%20Waiver%20of%20Buy%20America%20Requirements%20for%20Construction%20Materials.pdf>

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

J. Federal Transit Administration Transit-Oriented Development Planning Pilot Program (Robert Phipps) [INFORMATION]

Summary: The Federal Transit Administration (FTA) has issued a Notice of Funding Opportunity (NOFO) for the FY 2022 Pilot Program for Transit-Oriented Development Planning. The program is intended to support comprehensive and site-specific transit-oriented development (TOD) planning for new, fixed guideway and core capacity improvement projects. The deadline to submit an application is July 25, 2022.

The full NOFO may be found at: <https://www.govinfo.gov/content/pkg/FR-2022-05-26/pdf/2022-11336.pdf>

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

K. Draft Congestion Mitigation and Air Quality Improvement and Surface Transportation Block Grant Program Guidelines (Braden Duran) [ACTION]

Exhibits: Draft FCOG Project Delivery Policy and Procedures Draft Interim CMAQ Guidelines June 2022
 Draft Interim STBG Guidelines June 2022 STBG CMAQ Corrective Action Resolution

Summary: In June 2021, as part of its routine federal and state certification process, FHWA and FTA issued Fresno COG a corrective action to remove suballocations of the Congestion Mitigation and Air Quality Improvement (CMAQ) and Surface Transportation Block Grant (STBG) programs from its project programming and selection procedures. A similar corrective action was issued for the Caltrans Federal Statewide Transportation Improvement Program in accordance with 23 CFR 450.324(j).

Historically, Fresno COG split the CMAQ and STBG distributions into two programs. The regional competitive bid program was based on scoring criteria developed by a programming subcommittee, evaluated by a scoring committee, and approved by the Fresno COG Policy Board.

The Targeted Performance Program (TPP) -- formerly known as Lifeline -- was directly suballocated to member agencies based on population. TPP funds have been used at an agency's discretion; however, TPP projects are also based on criteria developed by a programming subcommittee and then evaluated by Fresno COG Staff to ensure they adhere to regional program guidelines and meet regional performance planning goals.

Under the corrective action, Fresno COG is mandated to remove the suballocation procedure from the CMAQ and STBG guidelines by Oct. 1. Accordingly, staff convened the Fresno COG Programming Subcommittee from January through May to review, develop, and approve new guidelines for both programs. Additionally, staff developed a project delivery policies and procedures document to streamline obligational activities and strengthen coordination across agencies. The Programming Subcommittee approved all three documents, which are included in the agenda packet.

The updated CMAQ guidelines also reflect funding distribution changes the Programming Subcommittee prefers. This new policy directs staff to allocate at least 95% of CMAQ apportionment to fund the regional bid competitive program, with the remainder to be reserved for: projects on the contingency list, post-programming adjustment requests, EPSP requests, or for retainment for future programming cycles.

Additionally, the CMAQ guidelines reflect changes to the scoring process and funding distribution within the regional bid program. Specifically, the Programming Subcommittee and staff are recommending

new project category targets as a way to ensure a diverse set of projects is funded each cycle. Staff's proposed targets are indicated in the guidelines but may be subject to change (more on that below).

The updated STBG guidelines also reflect the subcommittee's changes to funding distribution, calling for staff to allocate at least 85% of STBG apportionment to fund the regional bid competitive program, with the remaining apportionment to be reserved for: post-programming adjustments, EPSP requests, pavement management system (PMS) updates, current contingency list projects, or for future programming cycles.

Fresno COG will manage the remaining apportionment of both programs based on fiscal year project delivery to ensure funds are obligated in a timely manner, and will follow Fresno COG's proposed Project Delivery Policies and Procedures.

Staff notes that guideline updates reflect only the changes needed to specifically address the corrective action. Topics such as: scoring rubrics, applications, STBG scoring process, CMAQ category targets, and others, will be discussed during the normally scheduled CMAQ and STBG call-for-projects cycle, scheduled for summer 2023.

If approved, Fresno COG will circulate the updated guidelines and resolution to Caltrans and FHWA to resolve the corrective action. Staff also notes that Caltrans and FHWA have been patiently and continuously involved in the guidelines update process.

Action: Staff, the TTC, PAC, and Programming Subcommittee recommend the Policy Board approve Resolution 2022-27 adopting the updated CMAQ and STBG guidelines.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Consideration of Measure C Renewal Expenditure Plan (Tony Boren) [ACTION]

Exhibits:

Measure C Renewal Allocation Presentation

Summary: As has been discussed with the TTC/PAC and Fresno COG Policy Board, since late 2019, Fresno COG and Fresno County Transportation Authority staff in collaboration with a team of professional consultants (VRPA Technologies/Jeffrey Scott and Associates, Props and Measures) have been engaged in a vigorous regional planning process to develop a Measure C Renewal Expenditure Plan for Fresno County voter's consideration in 2022. While our current Measure C (1/2 cent sales tax for transportation purposes) does not expire until July 1, 2027, there has been strong recognition at the staff and policy levels that there would be some significant advantages to seeking an early reauthorization of Measure C prior to its termination. Fresno COG staff will be giving a detailed PowerPoint presentation on the Measure C Renewal Expenditure Plan and the process to produce that plan. Consequently, this annotated staff report will briefly highlight some of the major considerations/benefits/planning processes used to develop the new Expenditure Plan. The complete Measure C Renewal Expenditure Plan and the related PowerPoint presentation can be found on Fresno COG's Measure C Renewal webpage at this link: [Measure C Renewal Plan Development Process - Fresno Council of Governments \(fresnocog.org\)](#). The expenditure plan will be available after June 6th.

Following the Fresno COG Policy Board's action, the FCTA will be asked to consider and approve the Expenditure Plan at its July 20 meeting. Following FCTA Board approval, the plan will be presented to the Fresno County Board of Supervisors for approval and inclusion on the November 2022 ballot.

Measure C Renewal "Regional" Planning Process

- Fresno County region- 6,000 sq. miles/6,637 road miles
- Current population-1,023,358

15 Incorporated Cities

- Fresno - Population-546,770-53.26%
- Clovis - Population- 121,834-11.87%

13 Small Rural Incorporated Cities

- Population range -4,145-23,000
- Seven eastside cities-population 11.97%
- Six westside cities-population 6.32%

Fresno County-Unincorporated

- Population-170,067
- Population % -16.56
- Unincorporated communities within incorporated cities-Fig Garden/Sunnyside/Mayfair/Tarpey,
- Thirty-four “disadvantaged” unincorporated communities:
 - Eastside-Del Rey, Tombstone, Calwa, Malaga,
 - Westside-Easton, Caruthers, Raisin City Bowles, Cantura Creek, Lanare, Tranquility, West Park

The Measure C renewal planning process consisted of a two-prong strategy led by two committees with different membership compositions and responsibilities:

Technical Working Group (TWG)

Responsibilities:

- Identify funding needs, available funding, and funding gaps by mode
- Help develop preliminary recommendations to the Executive Committee
- Forward draft TWG products to Executive Committee for review and feedback
- Provide information and feedback to other related stakeholders
- Project identification, prioritization and recommendations

Executive Committee (EC)

Responsibilities:

- Understand current & future transportation needs
- Review surveys and develop funding recommendations
- Provide Information & feedback to other related stakeholders/community leaders
- Assist with preparing the draft & final Measure C extension Expenditure Plan that best meets mobility needs and will have voter support

The Measure C Renewal Expenditure Plan was developed following a set of five “guiding principles” adopted by both the TWG and the EC. These specific principles were:

1. Stewardship
2. Flexibility
3. Air quality and climate resiliency
4. Equity
5. Sustainability & resource conservation

In addition, there are several significant themes in this Expenditure Plan including “Fix it First”, “No Neighborhood Left Behind”, “Improve Transportation Safety”, and “Promises Made, Promises Kept.” For over 35 years Measure C has kept its promises of delivering high priority transportation improvements and services throughout Fresno County. Staff believes that this track record has led to the exceptionally high level of voter support reflected in the two surveys conducted to date.

Public Engagement Strategies

- Fourteen community meetings
- Door-to-door; 1,070 Spanish responses
 - Cantua Creek, Lanare, Tranquility, Orange Cove, Parlier, Kerman, Caruthers, Biola, Hmong community, Coalinga, Del Rey, Five Points, Huron, Sanger, Kingsburg, San Joaquin, Punjabi community

- Community events
- Virtual meetings
- Online & in-person surveys: 2,800 surveys, 2,000 comments
- Two public opinion surveys - statistically valid surveys - just short of 5,500 responses

FCTA/Fresno COG staff believe the Measure C Renewal Expenditure Plan balances the inherently varied transportation interests of different stakeholders and represents the necessary regional consensus to garner support from two-thirds (66.7%) of Fresno County voters in 2022.

“Why now in 2022? “Why not wait until 2024?”

There are several reasons that proceeding in 2022 makes sense. These include:

- Recent surveying shows incredibly high voter support for a Measure C renewal.
 - Voter support for Measure C renewal is at 80% countywide.
 - Even when presented with negative arguments, voter support remains well in the 70% range.
 - Surveying demonstrates that voter opposition - “definitely no” is very low at about 10%. Statewide surveying average generally runs about 20%.
 - Due to ever shifting political winds, there is no guarantee that same support would be present in 2024 or beyond.
 - Voter approval in 2022 would allow the FCTA and local agencies to borrow or bond against future revenues generated to begin street/road pavement needs now
 - The sooner the necessary street/road repairs and associated transportation projects identified in the Measure C renewal plan can begin, the lower the cost will be. This is particularly true in times of high inflation. Obtaining voter approval in 2022 will allow the benefits to be experienced by the public much sooner.
 - Waiting another two years is not likely to change residents’ perception of their transportation needs.
 - The proposed Measure C Renewal Expenditure Plan is well considered and reflects the views of transportation professionals at both the regional and local levels, as well as the 15 cities, the County of Fresno and the general public.
 - The Expenditure Plan reflects substantial public and private sector input..
 - The Measure C Renewal Expenditure Plan is targeted toward Fresno County voters’ highest transportation needs and includes significant local control with maximum flexibility at the local level.
 - The apparent goal of those opposed to a 2022 ballot measure is to shift elected officials’ decision-making authority away to non-elected community-based organizations (CBOs).
 - The Measure C Renewal Expenditure Plan is designed to give maximum local control to those elected officials chosen by voters in their community
 - Voters’ transportation priorities are immediate needs. We owe it Fresno County residents to move forward now. Delaying voter consideration beyond 2022 makes no fiscal or policy sense.

Duration of Measure C Renewal - 30 years vs. 20 Years

- Revenue projections: 20-year - \$4 billion
30-year - \$6.8 billion
- Achieving a Countywide pavement condition index (PCI) of 70 would take nearly 90% of a 20-year MC3
- With a 30-year measure, a 70 PCI would take about 50% of the renewal funds
- A 30-year measure allows sufficient revenues to achieve a “good” PCI, defined as 70 out of 100, along with substantial funding for other important transportation facilities and services, including public transit and active transportation
- Surveying indicates that both durations -- 20-year or 30-year – enjoy widespread voter support: 80+%

Measure C Renewal Expenditure Plan Highlights include:

- About \$6.84 billion in new revenue over 30 years for transportation improvements
- Slightly more than one-half of the revenue, \$3.5 billion, dedicated to **Local and Neighborhood Street Repair and Maintenance**. Fixing local streets has over 80% support in the two public surveys and is consistently the highest priority within all communities and areas of the County, cutting across all demographic and economic categories. It is also the top priority for nearly all the people who have attended public meetings and participated in on-line and in-person surveys. This level of funding is sufficient to raise the countywide average PCI to 70, which is within the good category. Further, the plan will require that each agency spend a minimum of 30% of their pavement repair funds in disadvantaged areas (as defined by CalEnviroScreen 4.0) until certain criteria is met.
- Over \$800 million will be dedicated to **Urban and Rural Public Transit**, more than double what transit will receive through the current measure. Keeping transit fares low for students, seniors, veterans, and the disabled also scored high in two surveys.
- Just under \$1 billion in the **Major Roads and Highways Safety Improvements and Congestion Relief Program** will focus on reducing and avoiding congestion, improving safety, and reducing greenhouse gases (GHG) and improving air quality. This funding is almost exclusively for modifications to the existing system, not for expansion. The Regional Program in the current measure used 30% of the overall funding, but in this measure, it is one half that amount at just under 15%.
- **Safe Bikes and Pedestrians** will receive approximately \$75 million, which may be the smallest program in the new measure; however, there are significant funding opportunities through non-Measure C sources resulting in well over 95% of the overall need in this category being met.
- \$144 million is dedicated to **Environmental Sustainability**, including: transit-oriented development, alternative fueling facilities, clean-air vehicles, and new technology projects. This program is a bit of a misnomer, as it implies that only these funds are being invested in these sustainability projects. In fact, environmental sustainability is built in to all of the other programs. This Environment Sustainability Program is over and above the funding in the other program categories.
- Lastly, \$1.2 billion is dedicated to the **Local Control Program**. Local Control allows each agency to address its highest priority transportation needs not specifically addressed in one of these categories; or, an agency can supplement any of the previously mentioned categories depending on where the highest need lies.

Under this proposed Measure C3, administrative expenses have been reduced from 1.5% to 1.25%.

Besides the flexibility built into the Local Choice and other programs, this measure focuses on the first 15 years rather than trying to predict the 30-year need. This plan provides for a comprehensive review of the programs' successes or shortcomings near the measure's midpoint. That midpoint review will also re-evaluate the then-current needs and can make program or project adjustments at that time if the needs have changed.

"Local control" of Measure C funding is built into all of these programs. **Local and Neighborhood Street Repair and Maintenance, Urban and Rural Transit, Safe Bikes and Pedestrians**, and the **Local Choice Programs** are all under local control – each elected body will determine how and where those funds are invested. The **Major Roads and Highways Safety Improvement and Congestion Relief** project lists can be found on the Fresno COG renewal webpage linked above, and were all developed with input from each of the 16 local agencies in Fresno County. **Environmental Sustainability** will be a competitive program with funding recommendations made by committees that will all contain public agency staff.

This plan also provides enhanced accountability measures. First, the Citizens Oversight Committee will be retained and enhanced. Second, each program category will have performance indicators to help the FCTA evaluate if the Measure C funds are being invested efficiently and effectively.

Similarly, the plan contains key principles to make sure that the transportation benefits provided by Measure C are shared equitably throughout Fresno County.

Action: Fresno COG staff, along with the Measure C Technical Working Group, Executive Committee, TTC and PAC recommend the Policy Board approve the draft Measure C Renewal Expenditure Plan as

presented, and move the Expenditure Plan forward to the Fresno County Transportation Authority for its consideration.

B. Final Sixth-Cycle Regional Housing Need Allocation Methodology (Meg Prince) [ACTION]

Exhibits: 2022-17 RHNA Methodology Resolution Fresno COG RHNA Methodology HCDFindings May 13, 2022 Fresno COG 6th Cycle RHNA

Summary: California housing law requires each local jurisdiction to plan for its share of the state's housing need. The Regional Housing Needs Allocation, or RHNA, is the process outlined in State law for determining the number of housing units in each of four affordability tiers (very low-, low-, moderate-, and above-moderate income) assigned to each jurisdiction's housing element of its general plan. The sixth RHNA cycle covers the housing projection period from June 30, 2023 to Dec. 31, 2031.

The final methodology was developed based on direction from the Fresno COG Policy Board and the guidance of the Fresno COG RHNA Subcommittee, a 20-member advisory committee comprising: representatives from each of the 16 Fresno COG member jurisdictions; three at-large members representing Fresno Building Industry Association, the Fresno Housing Authority, and Leadership Counsel for Justice and Accountability; and a nonvoting representative from HCD. The proposed methodology underwent a 30-day public review period, a public hearing, and consideration by the Fresno COG Transportation Technical Committee, Policy Advisory Committee, and Policy Board. This final methodology includes revisions from the proposed methodology, based on input provided during the review period. The methodology consists of two primary components: the overall jurisdictional allocation and the distribution of units by income tier.

Below is a summary of the distribution by jurisdiction by income tier, also shown in Table 6 of the final methodology.

Distribution by Jurisdiction by Income Tier

Jurisdiction	Very Low		Low		Moderate		Above Moderate		Total Housing Units
	%	Housing Units	%	Housing Units	%	Housing Units	%	Housing Units	
Clovis**	32.6%	2,855	17.3%	1,512	16.1%	1,412	34.0%	2,980	8,759
Coalinga**	27.7%	153	16.8%	93	15.8%	87	39.7%	219	552
Firebaugh	22.9%	99*	10.2%	44*	14.8%	64*	52.1%	225*	432
Fowler	27.8%	92	16.6%	55	14.2%	47	41.4%	137	331
Fresno**	25.5%	9,166*	16.0%	5,742	15.3%	5,514*	43.2%	15,550*	35,972
Huron	14.1%	44*	13.8%	43*	16.7%	52*	55.3%	172*	311
Kerman**	26.8%	278	12.4%	129*	15.5%	161*	45.2%	469*	1,037
Kingsburg	28.1%	242	18.2%	157	17.1%	147	36.6%	315	861
Mendota	20.1%	126*	10.4%	65*	14.9%	93*	54.6%	342*	626
Orange Cove	14.0%	64*	10.3%	47*	18.3%	84*	57.4%	263*	458
Parlier	20.1%	144*	12.7%	91*	14.5%	104*	52.6%	376*	715

Reedley	27.6%	394	12.3%	176*	14.2%	203*	45.9%	655*	1,428
Sanger	27.6%	402	12.8%	186*	16.2%	236*	43.5%	634*	1,458
San Joaquin	19.5%	38*	13.8%	27*	17.4%	34*	49.2%	96*	195
Selma	26.2%	381*	10.9%	158*	15.5%	226*	47.5%	691*	1,456
Unincorporated County	30.1%	1,114	16.7%	618	15.7%	583	37.6%	1,392	3,707

HCD Requirement 26.7% 15,592 15.7% 9,143 15.5% 9,047 42.1% 24,516 58,298

* The initial Income-Shift adjustment results in a discrepancy between the regional determination by income tier and the sum of allocations by income tier. To address this, Fresno COG made manual adjustments that resulted in reduced allocations of the very low- and/or low-income tiers for jurisdictions with an existing share of units in these income tiers that is greater than the regional determination and corresponding increases to those jurisdiction’s allocations in the moderate- and above moderate-income tiers.

**Additional manual adjustments (of 1.0 or -1.0) were made to address discrepancies with the total allocation and the sum allocations by income tier resulting from rounding in previous steps.

Following the Policy Board’s direction on Feb. 24, Fresno COG submitted the Draft RHNA Methodology to the California Department of Housing and Community Development (HCD) for a 60-day review. HCD has completed its review and found that the Draft RHNA Methodology furthers the statutory objectives described in Government Code 65584(d).

Fresno COG is requesting that the Policy Board approve the final methodology so that it may be included in the Draft RHNA Plan, which will be released for a 45-day public review period beginning July 5 and ending on Aug. 19.

All aforementioned documents are available on Fresno COG’s RHNA webpage:

<https://www.fresnocog.org/project/fresno-county-regional-housing-needs-allocation-plan/>

Please contact Meg Prince, Senior Regional Planner, at mprince@fresnocog.org with questions or comments.

Action: Staff, TTC, and PAC recommend the Policy Board approve Resolution 2022-17, approving the Final RHNA Methodology for inclusion in the Draft Sixth-Cycle RHNA Plan.

C. FY 2022-2023 Unmet Transit Needs Assessment Findings Report (Todd Sobrado) [ACTION]

Exhibits: 2022-23 UTN Report FINAL TTC-PAC Rdcd Res 2022-26 TTC Unmet Transit Needs Report

Summary: Under California’s Transportation Development Act, Fresno COG’s Policy Board must determine that public transportation needs within Fresno County will be reasonably met in fiscal year 2022-23 before approving Local Transportation Fund claims for streets and roads. Fresno COG’s Social Service Transportation Advisory Council (SSTAC) is responsible for evaluating unmet transit needs.

Each year the SSTAC begins soliciting comments by sending approximately 400 letters to agencies and individuals interested in providing feedback on their public transportation needs within Fresno County. The request for comments letters, in English and Spanish, was sent in January.

Public outreach was a combination of in-person and virtual events. In-person outreach consisted of six

public events and a public hearing. Four of the six in-person events were held in the Fresno-Clovis Metropolitan area, while two were held in rural Fresno County. Based on feedback received in the last cycle of the UTN, one of the meetings within the Fresno-Clovis Metropolitan area was held on a Saturday to allow participation by those who were not able to participate in outreach events held during the week.

Virtual events consisted of three Zoom meetings, one of which was broadcast on the Fresno COG Facebook page, and an online survey. The three Zoom meetings took place throughout the day on Thurs., Feb. 17.

The second component of public outreach was an online survey available in both English and Spanish throughout February and March 2022. Staff received 12 comments, all through the online survey. A summary of the comments includes:

- Requests for transit service to Clovis Community College.
- Comments about service between outlying rural communities and the Fresno metropolitan area.

Public outreach for the current Unmet Transit Needs Assessment concluded with the public hearing that took place at the Fresno COG Policy Board on April 28. No comments were received.

After a thorough review of all comments and issues, the Social Services Transportation Advisory Council (SSTAC), at its April 14, meeting, found that of the 12 comments received, four were found to be unmet needs, none of which were deemed “reasonable to meet.”

Action: Staff, the SSTAC, TTC and PAC recommend the Policy Board adopt Resolution 2022-26, approving Fresno COG's 2022-23 Unmet Need Assessment and find that there are four unmet transit needs, none of which are “reasonable to meet.”

E. 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 Committee 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 Committee concerning the item before action is taken.

A. Contracts

1. Regional Transportation Planning Agencies Valleywide Coordinator (Robert Phipps) **[ACTION]**

Summary: Sigala, Inc. of Clovis has provided administrative support and coordination services to the San Joaquin Valley Regional Transportation Planning Agencies for the last 11 years. The duties include organizing and producing agendas and minutes for the Valley COG Directors group and San Joaquin Valley Regional Policy Council, assisting with special projects and initiatives, organizing the SJV Policy Conference, planning Valley Voice trips to Washington and Sacramento, and other duties as required.

At their May 2022 meeting, the Valley COG Directors voted to extend Sigala, Inc.'s contract through 2023 at a rate of \$125,000 plus expenses. This represents a zero net increase over 2022. While Fresno COG administers the contract, the cost is split on a pro-rata basis with each of the other seven Valley COGs.

Action: Staff and the PAC recommend the Policy Board approve an extension to Sigala, Inc.'s contract through June 30, 2023, at a rate not to exceed \$125,000 plus supported expenses.

2. **San Joaquin Valley Regional Early Action Planning (REAP) Technical Assistance Contracts (Robert Phipps) [ACTION]**

Summary: Fresno COG serves as the fiscal agent for the San Joaquin Valley Regional Early Action Planning (REAP) Committee, which is responsible for distributing nearly \$19 million in state housing planning funds. Those funds are intended to assist member jurisdictions and regional planning agencies prepare for the sixth-cycle Regional Housing Needs Assessment (RHNA) process.

To date, approximately \$5.5 million has been reserved for tasks, activities and deliverables intended of a Valleywide scope and benefit among all eight counties.

Phase one of Valleywide activities, tasks and deliverables involved a comprehensive housing report covering all 80 SJV jurisdictions that detailed existing conditions, obstacles and impediments to new housing, potential solutions and recommendations. Additional report work is being handled through a separate, technical assistance contract with Mintier Harnish.

Mintier-Harnish: \$250,000

The Valleywide comprehensive housing report included a contract with Raimi Associates as well for data collection and packaging. Raimi, Assoc. is continuing to assemble U.S. Census-based datasets for each jurisdiction.

Raimi Associates: \$200,000

Action: Staff recommends two, separate actions:

1. Staff and the PAC recommend the Policy Board authorize the executive director to extend the contract with Mintier-Harnish through June 30, 2023.
2. Staff and the PAC recommend the Policy Board authorize the executive director to extend the contract with Raimi, Assoc. through June 30, 2023.

3. **Circuit Planner and Engineer Program Contract Renewal / Extension (Meg Prince) [ACTION]**

Summary: Since 2019, Rincon Consultants Inc., along with subconsultants Collins & Schoettler and VSCE, have served as Fresno COG's circuit planner and engineer. The circuit planner and engineer team provides planning and project delivery assistance to the smaller cities and the County, and works to complete smaller transportation-related projects that support the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Circuit planner and engineer tasks have included feasibility studies, technical reports, intersection operations analyses, and active transportation and Safe Routes to Schools plans and studies. The circuit planner also provides grant-writing assistance for plans and projects that further RTP/SCS goals.

Staff is requesting authorization to amend the circuit planner and engineer contract to add \$100,000, as is typically granted each fiscal year. This recommendation is included in the adopted 2022/23 budget.

To submit a new project for consideration, or for more information on the program, contact Meg Prince at mprince@fresnocog.org.

Action: Staff and PAC recommend the Policy Board authorize the executive director to extend the contract with Rincon Consultants Inc. and amend the contract to add \$100,000 for the Circuit Planner and Engineer Program.

4. **Program Environmental Impact Report (PEIR) for the 2022 RTP/SCS Contract Extension (Meg Prince) [ACTION]**

Summary: Fresno COG employs VRPA Technologies, Inc. to develop a program environmental impact report (PEIR) for the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The existing contract is not to exceed \$173,491.42. Staff is requesting that this

contract be extended into fiscal year 2022-23, as the document is expected to be finalized and certified in July 2022.

Action: Staff and PAC recommend the Policy Board authorize the executive director to extend the contract with VRPA Technologies Inc. through June 30, 2023.


5. **Legal Services for Regional Transportation Plan/Sustainable Communities Strategy, Program Environmental Impact Report, and Regional Housing Need Allocation Plan Contract Extension (Meg Prince) [ACTION]**

Summary: Fresno COG has an existing contract with Best Best & Krieger (BB&K) for legal counsel relating to the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the environmental impact report for the 2022 RTP/SCS, and the Sixth-Cycle Regional Housing Need Allocation (RHNA) Plan. The existing contract is not to exceed \$75,000. Staff is requesting that this contract be extended into fiscal year 2022-23 to cover the period during which those documents will be finalized and adopted/certified.

Action: Staff and PAC recommend the Policy Board authorize the executive director to extend the contract with Best Best and Krieger through June 30, 2023.

6. **Modeling On-Call Contract with RSG (Kristine Cai) [ACTION]**

Exhibits:

 Exhibit A on Call 07-2022

Summary: Fresno COG's activity-based model (ABM) is a cutting-edge travel demand forecasting model that has been used to develop plans such as the RTP/SCS, conduct air quality conformity analyses, and analyze traffic and VMT impacts projects. The ABM is an essential planning tool for COG and the region.

Fresno COG has maintained an on-call contract with RSG, who built the ABM for Fresno COG and has been providing technical assistance to Fresno COG modeling staff. The RSG team helps COG staff troubleshoot the model, provides training, and fixes any bugs related to the code.

Attached please find the scope of work for the on-call contract with RSG for FY22-23.

Action: Staff and PAC recommend that the Policy Board authorize the executive director to enter into a contract with RSG for an amount not to exceed \$20,000.

7. **CA Inland Port System Planning Phase 4 Contract (Braden Duran) [ACTION]**

Summary: Fresno COG continues to manage the California Inland Port System Project. The first three feasibility studies/planning phases and the final Regional Infrastructure Accelerator (RIA) phase (known internally as Phase 5) have been completed or are proceeding this year with funding mainly from seaport and air district local funds, state grants (with matching SJV MPO/RTPAs funds), and federal grants.

To bridge the Phase 3 planning work and RIA Phase 5 "project delivery" work, the Fresno COG Policy Board approved roughly \$640,000 of carryover federal planning (PL) funds to be used for portions of Phase 4 project planning. These funds will help identify sites for San Joaquin Valley TradePorts (the anchors to the Inland Port System) and for establishing the delivery entity, which is mainly happening in the RIA project phase.

This project calls for a tightly choreographed workplan to weave three project phases together and allow work to continue simultaneously and with the necessary speed to begin implementation by 2024, in line with state and USDOT expectations. Consequently, Fresno COG staff is recommending a contract with GLDPartners specifically using these federal PL funds. Work completed under this contract would complement the work already started in Phase 3 and the RIA phase, also under GLDPartners. Fresno COG would retain some funds for administration.

Action: Staff and PAC recommend the Policy Board authorize the executive director to enter into a contract with GLDPartners for an amount not to exceed \$630,000.

9. Golden State Boulevard Project Contract Extension (Pankaj Joshi) [ACTION]

Summary: In April 2016, Fresno COG contracted with Mark Thomas for design engineering services on the Golden State Boulevard (GSB) project, as approved in the Measure C expenditure plan. The GSB project has progressed to the 100% design phase.

In February, the Policy Board authorized an additional \$240,132 for work the Union Pacific Railroad (UPRR) requires. The project is being phased to proceed with construction while UPRR is reviewing the final plans that affect railroad right-of-way.

Extra work will be done to break the project into two phases. This includes separating the plansets for all regions into Phase 1 and Phase 2. In addition, Fresno County also requested to perform an Aerially Deposited Lead (ADL) soils testing for the project area, although the Environmental document did not identify the need to perform ADL. This also includes the Structural design of the two city of Fowler monument signs. These additional works will result in \$169,465.12 cost increase to the existing contract with Mark Thomas.

Since approval of the design is still pending from CPUC and extra works described above are necessary, the contract with Mark Thomas will need to be extended into the next fiscal year with an additional fee of \$169,465.12 for the extra work.

Action: Staff and PAC recommend the Policy Board authorize the executive director to extend the contract with Mark Thomas through June 30, 2023 and increase the cost by \$169,465.12 to \$4,786,946.45.

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

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 Policy Board issue the following findings: (a) The Board has reconsidered the circumstances of the state of emergency; and (b) 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, authorize the Board and subordinate legislative bodies to conduct their meetings in accordance with remote participation by teleconference in the manner provided by Government Code section 54953, subd. (e) through July 28, and direct staff to continue providing video/teleconferencing provisions for all Fresno COG committee and Board meetings through July 28.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

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 Committee on items within its jurisdiction but not on this agenda. **Note: Prior to action by the Committee on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to three minutes.**