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**Subject: Implementation Memo for the 2023 Caltrans Construction Contract Standards (CCS) for Local Public Agencies (LPAs) on the State Highway System (SHS) and on the National Highway System (NHS)**

Chief. Lam:

Fresno Council of Governments joins the County of Fresno and cities of Clovis and Fresno to oppose the requirement that projects authorized after Oct. 31, 2023 be updated to current Caltrans Construction Contract Standards for projects off of the State Highway System as dictated by the September 5, 2023 Memorandum from Caltrans Division of Local Assistance.

Caltrans' request within the specified timeline is infeasible and would impact dozens of critically needed infrastructure improvements. This mandate would place undue burden on LPAs that build and maintain infrastructure on local roads, as well as put regional project delivery and funding authorizations going forward in a tenuous position. If Caltrans Local Assistance goals includes helping LPAs with project delivery, it is important to seek input from them before instituting requirements that are impossible to comply with, for reasons detailed below:

1. **Projects are in the design phase for several years.** Updating the standards continuously will result in increased costs and project delivery delays.

2. **Much of Caltrans' construction methodology does not fit the smaller scale of local practices.** Special provisions must be developed before they can be incorporated into project specifications. Construction methods and materials need to be revised to fit the project. The State's specifications are geared predominately for State highways. Not all materials and methods apply well to city streets or rural roads. This is a time-consuming process.

3. **Many projects have utility and cooperative agreements that are executed years prior to construction.** These agreements include plans based on older versions of Caltrans' Construction Contract Standards. These projects would incur significant costs and delays if these agreements had to be re-executed due to repeated changes in design.

4. **The bid documents and bid process** need to be rewritten for the local agencies' policy. The contractor's qualifications criteria, which may include Small Business and Veterans Business programs, needs to be modified or removed depending on the local laws affecting that jurisdiction. Cities and counties are affected by different contract laws than the State.

5. **Local infrastructure is based on previous versions of the standards.** Street light bolt patterns and foundations, striping machine widths, marking templates, size and types of piping, methods of engineering pavement, and assessment and classification of pavement distresses are but a few of the offhand items that would be changed and impacted regularly by these updates. The true impact to infrastructure is thousands of items, thousands of miles, and

millions of dollars for retrofitting to the new standards, which have a significant chance of change with each update. (This isn't all at once, but it is a larger cost when addressing an existing site and having to upgrade to the current standard.) The realities of this untenable situation are that local agencies do not have adequate funding, storage capacity, or personnel to maintain an ever-evolving inventory of material and construction practices for each new project implemented. In addition, there are nationwide supply chain shortages that are delaying projects. These new standards will further compound supply chain shortages, cause additional project delays, and make it impossible for agencies to procure parts and materials to stock for maintenance inventory.

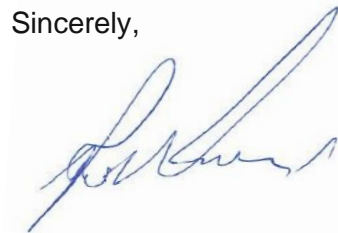
**6. Equipment replacement standardization.** Traffic signals within all 16 Fresno-region jurisdictions (County and cities) are still based on 1997 standards to make equipment replacement and ordering uniform and cost-effective.

While our LPAs may use other than the latest CC Rs, they always include any **federally-mandated safety updates** in our projects. It is unreasonable to ask LPAs to make a complete transition to new standards year after year as it usually takes a year or two for agencies to adopt the new standards after they are published. If an extension is not granted, Fresno-region LPAs will not be able to deliver numerous projects to construction this fiscal year, which will severely impact the region's obligation authority and carries the risk of damaging local economic conditions. This will serve to delay projects that affect safety, air quality and infrastructure improvements in disadvantaged communities. Our LPAs welcome an opportunity to discuss the Local Assistance may have that led to the sudden requirement, and to find alternative solutions to meet everyone's objectives while not sacrificing project delivery and federal funding.

Although your memorandum did allow for a three-month extension for agencies if authorized by their local assistance engineers, it is not enough time to make a difference for this major procedure change. It would take a year to update all projects to 2023 standards, and by that time, 2024 standards would be required. Fresno COG respectfully requests that this requirement be paused until LPAs can meet with Local Assistance to discuss concerns with this policy and acceptable alternatives.

Thank you in advance for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Phipps", is written over a light blue circular stamp.

Robert Phipps  
Interim Executive Director