

[Matthew Shimizu]

[2035 Tulare Street, Suite 201, Fresno, CA 93721]

[(559) 233-4148 Ext. 240]

[mshimizu@fresnocog.org]

[April 15, 2024]

[Nicola Steelnack]

[Law Fellow]

[Leadership Council for Justice and Accountability]

[2210 San Joaquin Street, Fresno, CA 93721]

Dear [Mrs. Steelnack],

Re: FCOG Carbon Reduction Program Comments

Thank you for your comments regarding Fresno COG's draft, mid-cycle Carbon Reduction Program guidelines. Below, Fresno COG responds to the comments received in that April 4 letter, as well as similar comments provided during the March 28 Board meeting.

Comment: To begin, the draft guidelines never mention or explain the three pillars of the state's Carbon Reduction Strategy (CRS) developed by Caltrans. There is a brief mention of the CRS itself in the introduction of the document but there is nothing in the description of project eligibility and scoring that details and explains the requirements of adhering to the three pillars of Zero-Emission Vehicles and Infrastructure, Active Transportation and Micromobility, and Rail and Transit. The guidelines should prioritize public transit, bike and pedestrian, and EV rideshare projects in disadvantaged communities in accordance with the CRS.

Response: As you mention in your comment, the three pillars are called out specifically on pages 3 and 4 of the guidelines, although they are not referred to as the "pillars" but as "targets." To address this discrepancy, the mid-cycle 23/24 CRP guidelines are being readjusted with more specific language in alignment with the three pillars of the Carbon Reduction Strategy. These will be addressed in the project eligibility and reflected in scoring requirements.

Comment: We have concerns about the representation in the scoring committee. It is problematic that the City of Clovis and Clovis Transit Agency will represent the two rotating seats concurrently for the first year of the program. There should be a method of ensuring that the rotating transit agency and the rotating city are not aligned in this manner so that no city is overrepresented. We believe that the Fresno County Rural Transit Agency should get the transit agency seat for the first year, if it does not receive its own dedicated seat, as it has a broader geographic scope and directly supports rural disadvantaged communities in Fresno County.

Response: Fresno COG's funding program guidelines generally call for both an urban and public transit representatives to sit on each scoring committee on a rotating basis. The previous round of applications included representatives from the City of Clovis and Clovis Transit, which should have been changed for the mid-cycle CRP call for projects. Under the Board's direction, FCRTA will now be the sole public transit representative for the CRP scoring committee. The City of Fresno will serve as the urban representation for this round.

Comment: First, there is the inclusion of a subjective evaluation. This is inherently an inconsistent category and scoring method. Instead, the factor should be the extent to which the project decreases environmental inequities and serves disadvantaged communities. This could include factors such as providing direct, meaningful, and assured benefits to DACs, receiving community support, financing projects that have been overlooked for years, and improving public health outcomes.

Response: The subjective category will be considered for point adjustments and scoring flexibility. There will be a separate scoring section with points dedicated in support of DAC. Points will be awarded with considerable range factors if a project demonstrates benefits that positively impact DAC and if project location(s) is/are in a disadvantaged community. Projects will be eligible to receive points if an explanation of benefits to a DAC is provided.

Comment: Second, the prioritization of construction ready projects is a major concern. Disadvantaged communities do not have shovel ready projects because they are not prioritized during planning processes and this scoring category will unfairly disadvantage these communities which are already struggling to have their needs met through other funding sources.

Response: Point adjustments will be made to this scoring section; however, the construction-ready projects scoring section needs to be a factor in the CRP process. CRP funds are available for obligation for a period of three years after the last day of the fiscal year for which the funds are authorized (See 23 U.S.C. 118(b)). Thus, CRP funds are available for obligation for up to four years. If projects do not obligate on time, funds will be lost for that apportionment year. To avoid losing any Federal or State funds to the Fresno County region, the "use it or lose it" requirements of AB 1012 place local governmental agencies in a position that they must be able to deliver their projects on time. That is, they must be able to meet their project delivery schedules as proposed and as programmed within the Federal Transportation Improvement Program (FTIP).

Comment: Lastly, there should be a category for demonstrated community engagement in project development and implementation. The Federal Highway Administration has specified that CRP recipients should have direct engagement with underrepresented and disadvantaged groups and all impacted communities and community leaders, and this category could be one method of ensuring that standard is met. The CRP guidelines state that recipients should use these connections to "inform decisions across all aspects of project delivery including planning, project selection, and the design process."

Response: Thank you for your comment. We will take this into consideration.