

BEFORE THE
FRESNO COUNCIL OF GOVERNMENTS
RESOLUTION NO. 2022-29

IN THE MATTER OF:
2022 RTP/SCS, 2023 FTIP, and
Corresponding Transportation
Conformity Analysis

RESOLUTION ADOPTING
2022 RTP/SCS, 2023 FTIP,
and Corresponding Transportation
Conformity Analysis

RESOLUTION
Fresno Council of Governments

R-2022-29

RESOLUTION ADOPTING THE
FRESNO COUNCIL OF GOVERNMENTS
2023 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM, THE 2022 REGIONAL
TRANSPORTATION PLAN/SUSTAINABLE COMMUNITY STRATEGY, AND THE CORRESPONDING
CONFORMITY ANALYSIS

WHEREAS, the Fresno Council of Governments is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long range Regional Transportation Plan (RTP) for their region; and

WHEREAS, Senate Bill (SB) 375 (Steinberg, 2008) requires that Metropolitan Planning Organizations prepare a Sustainable Communities Strategy (SCS) as part of the 2022 RTP that demonstrates how the region will reduce the greenhouse gas emissions (GHG) from automobiles and light trucks to achieve, if there is a feasible way to do so, the applicable greenhouse gas emission reduction targets approved by the California Air Resources Board (ARB), and

WHEREAS, pursuant to SB 375, the applicable ARB per capita GHG emission reduction targets for the San Joaquin Valley region are 6% below 2005 per capita emissions levels by 2020 and 13% below 2005 per capita emissions levels by 2035; and

WHEREAS, the state law requires that the RTP/SCS land-use development pattern is consistent with the Regional Housing Needs Assessment (RHNA); and

WHEREAS, the RTP addresses the issues specified in the Sustainable Communities Strategy (SCS) component as identified in Government Code Sections 65080(b)(2)(B) and 65584.04(i)(1) in that it (1) Identifies the general location of uses, residential densities, and building intensities within the region; (2) Identifies areas within the region sufficient to house all the population of the region, including all economic segments of the population over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth; (3) Identifies areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Government Code Section 65584; (4) Identifies a transportation network to service the transportation needs of the region; (5) Gathers and considers the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Government Code Section 65080.01; (6) Considers the state housing goals specified in Sections 65580 and 65581; (7) Sets forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other

transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the ARB; (8) Allows the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Section 7506); and (9) Provides consistency between the development pattern and allocation of housing units within the region (Government Code 65584.04(i)(1); and

WHEREAS, the 2022 RTP/SCS addresses no less than a 20-year planning horizon and sets forth both long-range and short-range policies, strategies and actions; and

WHEREAS, the 2022 RTP/SCS includes a regional growth forecast that was developed by working with local jurisdictions using the most recent land use plans and policies and planning assumptions; and

WHEREAS, the 2022 RTP/SCS includes a financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues and contains recommendations for allocation of funds; and

WHEREAS, Fresno Council of Governments prepared the RTP/SCS in consultation with the appropriate State and local representatives including representatives from environmental and economic communities, airport, transit, and freight; federal land management agencies; State and local agencies responsible for land use, natural resources, environmental protection, conservation and historic preservation; and federally recognized Native American Tribal Governments; and

WHEREAS, Fresno Council of Governments prepared an Environmental Justice Analysis for the 2022 RTP/SCS demonstrating Fresno COG's compliance as a MPO with federal requirements related to Title VI and Environmental Justice in the RTP development process; and

WHEREAS, the 2022 RTP/SCS has been prepared in accordance with state guidelines adopted by the California Transportation Commission and;

WHEREAS, a 2022 RTP/SCS has been prepared in full compliance with federal guidance; and

WHEREAS, federal planning regulations require that Metropolitan Planning Organizations prepare and adopt a short range Federal Transportation Improvement Program (FTIP) for their region; and

WHEREAS, projects submitted in the 2023 FTIP must be financially constrained and the financial plan affirms that funding is available; and

WHEREAS, the 2023 FTIP has been prepared to comply with Federal and State requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staffs, and public owner operators of mass transportation services acting through the Fresno Council of Governments forum and general public involvement; and

WHEREAS, the 2023 FTIP public involvement activities and the time established for public review and comment for the FTIP satisfy the Program of Projects (POP) requirements for Federal Transit Administration (FTA) projects; and

WHEREAS, the 2023 FTIP program listing is consistent with: 1) the 2022 RTP/SCS; 2) the 2022 State Transportation Improvement Program; and 3) the Corresponding Conformity Analysis; and

WHEREAS, the 2023 FTIP contains the MPO's certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

WHEREAS, the 2023 FTIP meets all applicable transportation planning requirements per 23 Code of Federal Regulations (CFR) Part 450; and

WHEREAS, Fresno Council of Governments has established performance targets that address the performance standards per 23 CFR Part 490 , 49 United States Code (U.S.C.) 5326(c), and 49 U.S.C. 5329(d) to use in tracking progress toward attainment of critical outcomes for the region of the MPO; and

WHEREAS, Fresno Council of Governments has integrated into its metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. Chapter 53 by providers of public transportation, required as part of a performance-based program; and

WHEREAS, in non-attainment and maintenance areas for transportation-related criteria pollutants, the MPO, as well as the Federal Highways Administration (FHWA) and Federal Transit Administration (FTA), must make a conformity determination on any updated or amended RTP in accordance with the federal Clean Air Act to ensure that federally supported highway and transit project activities conform to the purpose of the State Implementation Plan (SIP); and

WHEREAS, the MPO must demonstrate conformity per 40 CFR Part 93 for the 2022 RTP/SCS and 2023 FTIP; and

WHEREAS, Fresno Council of Governments has conducted interagency consultation through the San Joaquin Valley Interagency Consultation Group, which includes the 8 Valley MPOs, the Air District, the FHWA, FTA, EPA, CARB and Caltrans representatives; and

WHEREAS, the 2022 RTP/SCS and 2023 FTIP includes a new Conformity Analysis, which makes a positive transportation conformity determination; and

WHEREAS, the 2022 RTP/SCS and 2023 FTIP conforms to the applicable SIPs; and

WHEREAS, the 2022 RTP/SCS and 2023 FTIP do not interfere with the timely implementation of the Transportation Control Measures; and

WHEREAS, pursuant to Government Code §65080(b)(2)(F) and federal public participation requirements, including 23 C.F.R. §450.316(a)(1)(iv), Fresno Council of Governments must prepare the RTP/SCS by providing adequate public notice of public involvement activities and time for public review. On June 25, 2020, Fresno Council of Governments approved and adopted a Public Participation Plan, to serve as a guide for Fresno Council of Government's public involvement process, including the public involvement process to be used for the 2022 RTP/SCS, and included an enhanced outreach program that incorporates the public participation requirements of SB 375 and adds strategies to better serve the underrepresented segments of the region; and

WHEREAS, Fresno COG conducted a proactive public involvement process, consistent with Title 23, CFR §450.316(a) that provided complete information, timely public notice, full public access to key decisions and early and continuing involvement of the public in developing the RTP and associated plans. In addition, a dedicated website was developed in English and Spanish for access to RTP/SCS information at www.PlanFresno.com; and

WHEREAS, pursuant to Government Code §65080(b)(2)(F)(iii), Fresno Council of Governments held a series of RTP/SCS public workshops throughout the region, including residents, elected officials, representatives of public agencies, community organizations, and environmental, housing and business stakeholders; and

WHEREAS, the FTIP was concurrently posted and released for public review and available for public comment as part of the RTP/SCS outreach process; and

WHEREAS, the Fresno Council of Governments developed and evaluated several possible RTP/SCS scenarios in response to community feedback, agency consultation, transportation and other needs, and other information, and proposed to adopt Scenario "B" as the preferred scenario; and

WHEREAS, the documents have been widely circulated and reviewed by the Fresno Council of Governments advisory committees representing the technical and management staffs of the member agencies; representatives of other governmental agencies, including State and Federal; representatives of special interest groups; representatives of the private business sector; and residents of Fresno County consistent with the public participation process adopted by the Fresno Council of Governments; and

WHEREAS, public hearings were conducted on May xx, 2022 to hear and consider comments on the 2022 RTP/SCS and the 2023 FTIP, on May xx, 2022 to hear and consider comments on the 2022 RTP/SCS, and on May xx, 2022 to hear and consider comments on the Corresponding Conformity Analysis for the 2022 RTP/SCS and the 2023 FTIP; and

WHEREAS, the Fresno Council of Governments also released the Draft 2022 RTP/SCS Programmatic Environmental Impact Report (PEIR) pursuant to the California Environmental Quality Act concurrently with the release of the Draft 2022 RTP/SCS, and issued a Notice of Availability for the same 55-day public review and comment period of April 15, 2022 to June 10, 2022; and

WHEREAS, the Fresno Council of Governments' PEIR fully evaluated the potential environmental impacts of RTP/SCS Scenario "D" and also presented an evaluation of potentially feasible; and

WHEREAS, during the public review and comment period, Fresno Council of Governments received ## verbal and ## written comment submissions on the Draft 2022 RTP/SCS and Draft 2022 RTP/SCS PEIR; and

WHEREAS, comment letters and Fresno Council of Governments staff responses on the Draft 2022 RTP/SCS and Draft 2022 RTP/SCS PEIR as well as the proposed Final 2022 RTP/SCS and proposed Final 2022 RTP/SCS PEIR were posted on the Fresno Council of Governments web page and circulated to commenting public agencies at least ten (10) days prior to the certification of the PEIR; and

WHEREAS, on July 8, 2022, Fresno Council of Government's Policy Advisory Committee and Transportation Technical Committee held a public, joint meeting to consider a recommendation to the Policy Board to approve and adopt the proposed Final 2022 RTP/SCS and certify the proposed Final 2022 RTP/SCS PEIR at the July 28, 2022 Policy Board meeting; and

WHEREAS, prior to the adoption of this resolution, the Policy Board certified the Final 2022 RTP/SCS PEIR prepared for the 2022 RTP/SCS to be in compliance with CEQA; and

WHEREAS, the Policy Board has had the opportunity to review the Final 2022 RTP/SCS and its related appendices as well as the staff report related to the Final 2022 RTP/SCS, and consideration of the Final 2022 RTP/SCS was made by the Policy Board as part of a public meeting held on July 28, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are true and correct and are incorporated herein by reference as an operative portion of this Resolution.

BE IT FURTHER RESOLVED, that the Fresno Council of Governments finds that the 2022 RTP/SCS and 2023 FTIP are in conformity with the requirements of the Federal Clean Air Act Amendments and applicable State Implementation Plans for air quality.

BE IT FURTHER RESOLVED, that the Fresno Council of Governments also finds that the 2022 RTP/SCS meets the SB 375 GHG reduction targets of 6% below 2005 per capita emissions levels by 2020 and 13% below 2005 per capita emissions levels by 2035.

BE IT FURTHER RESOLVED, that the Fresno Council of Governments adopts the 2022 RTP/SCS (specifically, Scenario B), the 2023 FTIP, and the corresponding Conformity Analysis.

BE IT FURTHER RESOLVED, that the documents and materials that constitute the record of proceedings on which this Resolution is based are based are located at Fresno COG, 2035 Tulare Street, Suite 201, Fresno, CA 93721. The Custodian of Record is Tony Boren, Executive Director.

BE IT FURTHER RESOLVED, that Fresno COG staff is directed to file a CEQA Notice of Determination with the California State Clearinghouse and with the Fresno County Clerk within five (5) working days of the adoption of this Resolution.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 28th day of July, 2022.

AYES:

NOES:

ABSENT:

Michelle Roman
Chair

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments duly adopted at a regular meeting thereof held on the 28th day of July, 2022.

Signed: _____
Tony Boren
Executive Director