

I. TRANSPORTATION CONSENT ITEMS

About Consent Items:

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A. Executive Minutes [APPROVE]

1. July 7, 2022 [APPROVE]

Exhibits:

July 7, 2022 Special Board Meeting Minutes

B. Transportation Development Act (TDA) Claims

1. City of Huron Fiscal Year 2022-23 Transportation Development Act Claim (Les Beshears) [ACTION]

Exhibits:

2022-31 Huron 2022-23 TDA Claim Resolution Huron TDA Claim 2022-23

Action: Approve Resolution 2022-31 adopting the City of Huron's 2022-31 Transportation Development Act claims totaling \$377,956.

2. City of Sanger Fiscal Year 2022-23 Transportation Development Act Claims (Les Beshears) [ACTION]

Exhibits:

2022-33 Sanger TDA Resolution Sanger TDA Claim 2022-23

Action: Approve Resolution 2022-34 adopting the City of Sanger's 2022-33 Transportation Development Act claims totaling \$1,600,776.

C. Reconnecting Communities Pilot Grant Program (Robert Phipps) [INFORMATION]

Summary: The U.S. Department of Transportation (DOT) has launched the Reconnecting Communities Pilot (RCP) Discretionary Grant Program to award \$195 million for planning and capital construction for projects that help restore community connectivity by removing, retrofitting and/or mitigating transportation facilities that have created historic barriers to mobility, access, and economic development. DOT expects to award \$50 million in funding for RCP planning grants, ranging from \$100,000 to \$2 million each. The agency will award \$145 million in funding for RCP capital construction grants ranging from \$5 million to \$100 million each. The application deadline is Thursday, Oct. 13.

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

D. Thriving Communities Program (Robert Phipps) [INFORMATION]

Summary: The U.S. departments of Transportation (DOT) and Housing and Urban Development (HUD) established the Thriving Communities program to provide technical assistance and capacity-building resources to communities for infrastructure projects. DOT developed a DOT Navigator with a library of technical assistance resources available at the agency. In the fall, DOT and HUD will issue

Notices of Funding Availability (NOFAs) seeking providers of technical assistance. Eligible applicants for assistance from these “Capacity Builders” will include state, local, and tribal governments; metropolitan planning organizations (MPOs); and transit agencies, with priority for rural, tribal, and other disadvantaged communities.

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

E. **Rail Crossing Elimination (RCE) Program (Robert Phipps) [INFORMATION]**

Summary: The Federal Railroad Administration (FRA) has issued a notice of funding opportunity (NOFO) for the new Railroad Crossing Elimination (RCE) Program. The RCE program supports highway-rail and pathway-rail grade crossing improvement projects that improve safety and mobility. FRA will award approximately \$573.3 million in program funding. The minimum award size is \$1 million with an exception for planning projects. There is no maximum award size; however, no more than 20 percent of total funding may be awarded to projects in a single state. The deadline for applications will be 90 days following the publication of the NOFO in the *Federal Register*, which will be publicly noticed when available.

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

II. **TRANSPORTATION ACTION/DISCUSSION ITEMS**

A. **2022 RTP/SCS Approval (Kristine Cai) [Action]**

Exhibits: 2022-29 Final 2022 RTP-SCS-FTIP-Conformity Board Resolution 2022-30 Final 2022 REP PEIR Board Resolution FCOG 070622 Exhibits

Summary: As a metropolitan planning organization (MPO) and regional transportation planning agency (RTPA) for the Fresno region, Fresno COG is required to update the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) every four years. The RTP/SCS is an overarching planning document that provides guidance on regional transportation investments for the next 20+ years. It is also a plan that demonstrates how the region will be able to meet the state-mandated greenhouse gas (GHG) emission reduction targets through integrated land use and transportation planning.

The 2022 RTP/SCS was officially launched in June 2020. Fresno COG took a two-pronged approach that involved both the general public and the stakeholders such as: local governments, transit agencies, Caltrans, community groups, advocates and industry representatives. It was a comprehensive, interactive and robust public process that included a committee process led by the RTP Roundtable and an extensive public outreach process that reached out and solicited input and feedback from communities. Fresno COG received over 3,000 comments and suggestions from the public during the two-year process.

In October 2021, after careful consideration of public input and recommendations from the RTP Roundtable, the TTC and PAC, the Policy Board selected scenario B as the preferred scenario for the SCS. The preferred SCS scenario:

- meets the state-mandated GHG reduction targets and the air quality conformity requirements
- provides the most public health benefits
- offers the best climate protection
- preserves the most important farmland
- is the most sustainable in land use development
- is consistent with the local land use plans

Fresno COG released the draft RTP/SCS, draft EIR, draft air quality conformity analysis and draft Federal Transportation Improvement Program (FTIP) documents for public comment on April 15. Staff

received several comment letters from agencies such as: the San Joaquin Valley Air Pollution Control District, Caltrans, CARB and EPA. Staff provided responses, which are included in the draft final documents, available at www.planfresno.com.

The **air quality conformity analysis** is required by section 176(c) of the Clean Air Act, as amended in 1990, in non-attainment areas to ensure that transportation plans, programs and projects will not produce new air quality violations, worsen existing violations or delay timely attainment of the national ambient air quality standards. The conformity analysis contains documentation to support findings that the 2022 RTP/SCS and the 2023 FTIP meet conformity requirements for ozone and particulate matters. Responses to comments were included in the draft final document.

The 2022 RTP/SCS' programmatic environmental impact report (**EIR**) assessed environmental effects related to the document, as required by the California Environmental Quality Act (CEQA). The 2022 RTP/SCS identifies the region's transportation needs and issues, sets forth an action plan of projects and programs to address those needs consistent with the adopted policies, and documents the financial resources needed to implement the plan. Projects are identified at a conceptual level, and the program EIR is programmatic in nature – meaning it does not specifically analyze individual projects. The PEIR finds that implementing the 2022 RTP/SCS could result in potentially significant and unavoidable direct and cumulative environmental impacts in the following areas: aesthetics, agricultural & forestry resources, air quality, biotic resources, climate change/greenhouse gases, cultural resources & tribal cultural resources, energy and energy conservation, geology/soils/minerals, hazardous materials, hydrology & water resources, land use and planning, noise, population, housing and employment, public utilities, other utilities and services, and transportation/traffic. Included in the final PEIR are responses to comments received on the draft PEIR document, changes made/addressed within the document in response to those comments, findings of potential impacts, and a statement of overriding considerations, and a mitigation monitoring program to address such findings.

The 2023 **FTIP** is a four-year program that includes a listing of transportation projects requiring federal funding and approval. FTIP projects are consistent with Fresno COG's Regional Transportation Plan and are part of the area's overall strategy for providing mobility, congestion relief and reducing transportation-related air pollution and GHG emissions to attain federal air quality standards and to meet the State's climate change requirement. Responses to the comments are included in the draft final documents.

The **2022 RTP/SCS** identifies the region's transportation needs and issues, sets forth an action plan of projects and programs to address the needs consistent with the adopted policies, and documents the financial resources needed to implement the plan. Fresno COG has included all the required elements in the plan, has engaged in extensive public outreach, prepared the required Program Environmental Impact Report and completed the associated Federal Transportation Improvement Program and Air Quality Conformity documents. Responses to the comments about the Draft RTP/SCS are included in the document. The RTP Roundtable recommended approval of the 2022 RTP/SCS.

Action: TTC/PAC and staff request that the Policy Board take the following actions:

1. Approve the Air Quality Conformity Analysis for the 2022 RTP/SCS and the 2023 FTIP
2. Certify the Program Environmental Impact Report for the 2022 RTP/SCS by adoption of Resolution 2022-30 as attached
3. Approve the 2023 Federal Transportation Improvement Program
4. Approve the 2022 Regional Transportation Plan/Sustainable Communities Strategy by adoption of Resolution 2022-29 as attached, which also includes the aforementioned FTIP and Air Quality Conformity Analysis.

B. Access For All Program - Contract Award (Suzanne Martinez) [ACTION]

Summary: The California Public Utilities Commission (CPUC) created the transportation network company (TNC) Access for All (AFA) Program following Senate Bill (SB) 1376 (Hill: 2018), which directed CPUC to address TNC accessibility services for people with disabilities, including wheelchair users who need a wheelchair-accessible vehicle (WAV). A \$.10 fee collected from every TNC trip is redistributed to each MPO region to develop programs that incentivize on-demand transportation services for people with disabilities, including wheelchair accessible vehicles/rides.

In June 2021, Fresno COG became a local access fund administrator for the Fresno County AFA program, and subsequently received the FY 2021-2022 LAFA allocation totaling \$222,436.80.

Staff released a call for projects on April 21 and received two proposals by the May, 23 deadline:

- Fresno County Rural Transit Agency (FCRTA)
- Inspiration Transportation (IT)

A three-person panel comprising staff from Fresno COG, FAX and Clovis Transit scored both proposals. All three panelists ranked the Fresno County Rural Transit Agency's proposal (FCRTA) as the highest scoring, and unanimously recommended award of the contract to FCRTA. In its proposal, FCRTA seeks to expand its Rural Transit Dial-a-Ride WAV service to allow for a rural WAV transportation option beyond a "lifeline services only" model (medical appointments, etc.) by allowing *all* quality-of-life trips in unincorporated communities.

FCRTA proposes to use \$189,072 in AFA funds to purchase three, ramp-equipped WAVs to support the Rural Transit Dial-a-Ride expansion. One of the three vehicles would be used as a substitute to the other two vehicles operating in the unincorporated areas in Fresno County -- one on the west side and the other on the east side -- with SR-99 as the dividing line.

The proposed contract is for FY2022-23 for an amount not to exceed \$189,072. There is an option to extend the contract annually until June 30, 2028.

Action: Staff, TTC and PAC recommend the Policy Board authorize Fresno COG's executive director to enter into a one-year extendable contract with Fresno County Rural Transit Agency (FCRTA) to provide Access for All WAV services as outlined for an amount not to exceed \$189,072.

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

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

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 29 and ending on Sept. 12.

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.

D. **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**

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A. Regional Clearinghouse (Robert Phipps) [ACTION]

Summary: The Regional Clearinghouse calendar contains “project notification and review reports” for grant proposals.

I. USDA, Rural Housing Services for Housing Preservation Grant (HPG) program funds.

	Project	Application
1.	Owner-occupant housing rehabilitation project in rural unincorporated Fresno County.	County of Fresno

Action: Per Board procedure, unless an item is pulled from the Consent Calendar, tacit authorization is given for staff to forward any comment(s) received, or any Committee/Board comment(s) generated as a result of this informational item, to the appropriate agency.

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 three 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 Aug. 25.

3) Establish Aug. 25 and Sept. 8 as special meeting dates to extend AB 361 provisions through the regular Sept. 29 meeting.

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.**