

Group Memory  
Transportation Co-op Committee  
May 28, 2020  
Via WebEx

**Next meeting**

July 23, 2020

All meetings to be held at Terminal A – 2<sup>nd</sup> Floor, Media Room, Sacramento Airport (unless otherwise noted)

**Attendees**

Heidi Borders, Patricia Chen, Caroline Cirrincione, Shawn Cunningham, Boris Deunert, Arnold Dichosa, Pauline Dixon, Jaime Espinoza, Marina Espinoza, Teresa Favila, Erwin Gojuangco, Felicia Haslem, Dan Hawk, Kelly Hobbs, Richard Ke, Sarkes Khacheck, Victor Koo, Dee Lam, Kris Markarian, Tom Mattson, Ross McKeown, Luke McNeil-Caird, Robert Newman, Linda Newton, Robert Nguyen, Jason Nutt, Kristy Oneto, Miguel Ramos, Mario Rodriguez, Patty Romo, Mark Samuelson, Rick Tippet, Maura Twomey, Hannah Walter, Lamin Williams, Najee Zarif, Haiyan Zhang

Notetaker: Susan Herman

**Agenda Committee**

Dee Lam  
Patricia Chen  
Robert Newman  
Panos Kokkas

**Desired outcome for future meeting(s)**

NONE – (May 2020)

Bridge inspection team representative: discussion and interaction – (Jan 2020)

Discussion/presentation on D-4 and F-3 from doables list – (Jan 2020)

**Charter/Purpose**

California Transportation Coop Committee serves to:

- Address transportation funding, procedural and legislative issues related to project delivery from a local perspective. (reviewed January 2020).
- Enhance the working relationship between cities & counties, COGs and RTPAs, Caltrans, CTC and FHWA. This extends to improving communication with all stakeholders. Collaboration is a key method. (reviewed January 2020)
- Spread information and improve access to all stakeholders through the use of technology. (reviewed January 2020)
- Partner with Caltrans and FHWA to improve efficiency and enhance the ability to meet all stakeholder needs. (reviewed January 2020)

**Ground Rules**

Start on time. End on time or early.

Identify if you have to leave early and have an agenda item.

Consensus decisions. You must be able to live with it.

Keep side conversations silent.

Send alternate if you are not able to attend.

## Upshot

These are the assignments made at the meeting. As new ones are added they will be appended to the list. As assignments are completed or closed, they will be marked as Complete or Closed but left on the list for one meeting. This will provide a running record of assignments made at these meetings.

Item number	Status	Leads	Action	Date created	Target date
162	Open	Felicia, Maura	<p>A&amp;I will work with Local Assistance to see if there is anything that can be done for ICAP under the existing contracts local agencies have with the SCO. Rick will have his contact at SCO try and help. Overhead vs. Direct Charge. Will discuss also with CLC &amp; Counties.</p> <p>On 5/28/20 Felicia Haslem reported that SCO does not have any involvement in local governments' contracts due to conflict of interest. They recommended contracted fiscal services through DGS.</p>	11/1/18	07/23/2020
166	Open	Tom, Miguel	<p>Convene a work group for cities and counties, Caltrans and FHWA regarding emergency relief program. Determine what is working and what is not working. Share best practices.</p> <p>Work with Jason Nutt, Phil Doudar, Robert Newman, Bob Baca, Peter Pangilinan, and Miguel Ramos, Chris Lee and Ron Berdugo</p> <p>On 5/28/20 this item was combined with item 175: Invite FEMA representation at TCC meetings to discuss design build allowability and other emergency relief-related issues.</p>	01/24/19	07/23/20
177	Open	Mark	<p>Provide feedback on the proposal brought by the regional agencies; working with IT to access project funding by locals. ADA remediation in progress; data warehouse being looked at and use of Tableau</p> <p>On 5/28/20 Patricia clarified this item's purpose: Find a way for local and regional agencies to access data (FADS, other sources) that would help them monitor progress toward critical project deadlines and prevent inactive obligations. Now that ADA updates are complete, Mark will review the White paper and share with the group data available in the FADS system.</p>	05/30/19	07/23/2020
179	Open	Rick, Kelly, Tom, Najee	<p>Workgroup – Environmental Review process Challenges; E4/E5 get a better picture of what the actual problems are</p> <p>Kelly's team will follow up with Rick (input from counties) and Jason (input from cities) and lead a</p>	09/26/19	07/23/2020

			<p>“forensic analysis” of environmental review-related project delays</p> <p>On 5/28/20 item 172 was folded into this item, shifting focus away from changing the NEPA assignment’s MOU language towards refining NEPA process and procedures based on outreach, “smart” PES forms, and other changes Kelly Hobbs is overseeing.</p> <p>181 and 182 were also folded into this item</p>		
183	Open	Felicia	<p>Clarify consultant selection process by comparing Public Contract Code and Government Code citations regarding procurement of A &amp; E services. Are codes in conflict? Which code do locals follow when project funds pass through Caltrans for low-cost transportation projects?</p> <p>Letter sent to Legal for opinion on May 19</p>	01/23/20	07/23/2020
172	Closed; see 179	Ross	<p><del>Regarding doables list E4, Ross and Rick need to have a phone call with Phil Stolarski to discuss needed changes in the MOU. Report back on the outcome. NEPA Assignment; will work with Kelly Dunlap to receive clarification</del></p>	03/28/19	5/30/2019
175	Closed; see 166	Miguel	<p><del>Design-Build in FEMA—is that allowed? Working to get FEMA attendance at TCC Meeting</del></p>	05/30/19	05/28/2020
181	Closed; see 179	DEA	<p><del>Share draft NEPA Assignment MOU with cities and counties, RTPAs, Rural Counties Taskforce</del></p>	01/23/20	05/28/2020
182	Closed; see 179	DEA	<p><del>Solicit information from cities and counties about belabored environmental review timelines that can be attributed to NEPA assignment to the State</del></p>	01/23/20	05/28/2020
184	Closed	DLA	<p><del>Gauge interest in de-federalizing phases of current cycle projects per SB-137</del></p> <p><del>On 5/28/20 Mark reported that Robert’s office has developed guidelines for use of SB-137 Federal/State funds exchange (\$100M) and CLC and CEAC have provided input; formal approval anticipated soon. This info will become part of regular DLA report out</del></p>	01/23/20	05/28/2020

### Agenda Item 1. Introductions, Personnel Updates, Themes

- 1.1. Dee gave some background about herself: experience in process improvement in various positions in Bay Area; she moved to Sacramento and joined Caltrans in 2009. She was the Planning and Modal Programs Chief of Staff prior to acting as Division Chief of Local Assistance.
- 1.2. Jeanie Ward-Waller is new Deputy Director~~ector~~ of Planning and Modal Programs
- 1.3. Implementation Office Chiefs Winton Emmett and John Hoole are moving on—new chiefs are Robert Nguyen (Implementation North) and Heidi Borders (Implementation South).

- 1.4. Shawn Cunningham is retiring and will be introducing his replacement at next meeting July 23
- 1.5. Themes in preparing for the meeting today: Change, Setting Priorities of the TCC
- 1.6. State Senate confirmed new Caltrans director Adetokunbo "Toks" Omishakin. His priorities are Safety, Modality, Efficiency, Innovation, Engagement. Dee affirmed these as guiding priorities for Local Assistance.

## **Agenda Item 2. Webex Ground Rules**

- 2.1. Kristy gave instruction on muting microphones when not speaking; using the chat and poll functions; stay signed in during 10 minute break; phone-in system in case of technical failure

## **Agenda Item 3. Review agenda**

- 3.1. No items were added to the agenda

## **Agenda Item 4. Division of Local Assistance Update**

- 4.1. Mark Samuelson noted management changes in DLA (Implementation personnel; see above) and the following key items:
- 4.2. At-risk PE. DLA will be working on this in late Winter. Several comments were received on the recent office bulletin about at-risk PE. Final office bulletin and guidance will be out soon.
- 4.3. A checklist of minimum qualifications is being developed to help agencies new to federally-funded projects be more successful
- 4.4. The Highway Bridge Program (HBP) is working with its advisory committee on reforms to address growing demand on the program & increased costs.
- 4.5. Local Assistance recently had an audit of its Civil Rights program and prompt payment. Audit results should be out soon and will be followed by guidance in the fall.
- 4.6. Linda Newton provided updates on HBP
  - 4.6.1. Mandatory seismic projects (Prop 1-B bond funds): New deadline for delivery agreements is August 21. Agencies that do not submit their agreements to DLAEs by the deadline will need to present their case to CTC
  - 4.6.2. Apportionment obligations = \$208M. Many requests are still in the queue but all apportionment will run out soon.
  - 4.6.3. HBP reforms were intended to make it a 15-year program; however, now with cost increases HBP is approaching a 20-years of backlog
  - 4.6.4. Webinars on the HBP reforms for local bridge-owning agencies will take place June 3, 4. 260 are signed up for Day 1, 150 signed up for Day 2
  - 4.6.5. The HBP advisory committee has not made decision on accepting new projects into the program. Continuing to discuss. Details on the specific reforms should be part of the webinar program sent to registrants. If not, please notify Linda and she will have webinar organizers send this out.
- 4.7. Richard Ke provided updates on HSIP
  - 4.7.1. Apportionment obligation to date is \$106M; this reduces the OA backlog significantly.
  - 4.7.2. HSIP Cycle 10 was announced on May 5; last week HSIP hosted a webinar with information about the call for projects and anticipates many applications
  - 4.7.3. Cycle 10 will have two main categories: one (\$178M) competitive based on benefit-cost ratio (BCR; minimum to apply is 3.5). The rest is set-asides for low cost countermeasures.

- 4.7.4. All Cycle 10 projects will use State funds instead of Federal, using SB-137
- 4.8. Erwin Gojuangco provided updates on Implementation
  - 4.8.1. Local agency minimum qualifications: purpose is to determining whether a local agency has adequate accounting controls to manage federal funds and delivery systems in place to deliver federally funded projects.
  - 4.8.2. An office bulletin detailing the minimum qualifications has been drafted to set guidelines for agencies that have never used federal funding, so they understand all steps and requirements for doing so. It includes a questionnaire, checklist for pre-award audit, information on how to address findings from pre-award audit, and steps for execution of project.
  - 4.8.3. Erwin will email the draft office bulletin to the group and ask for feedback on policy language, and options for what happens if an agency doesn't meet qualifications. Feedback is also welcome on the tips on how to encouraging partnerships with agencies that do meet qualifications and how to obtain a Master Agreement with Caltrans.
- 4.9. Heidi Borders provided updates on Project Monitoring
  - 4.9.1. At-risk PE. Her group had a follow up meeting to receive comments. Close to getting this rolled out.
  - 4.9.2. Timely Obligations. Her group is working with FHWA on invoicing; specifically, efforts to keep the inactive obligation rate down.
  - 4.9.3. There are clear indicators that agencies are struggling with getting projects through all steps. The main one is whether first invoice is submitted within 9 months of project obligation. In CA our compliance with that metric is about 40%. Goal to get this up to 80%. Her office will work with individual agencies that are coming up on 9-month invoicing deadline.
- 4.10. Jaime Espinoza provided an update on State Programs
  - 4.10.1. Guidance on State Programs is being updated to add a chapter on SB-1; consolidate ATP and STIP chapters. Goal is to get this out in next couple of months.
  - 4.10.2. The office will issue a COIN (Caltrans Oversight Informational Notice) on which ATP projects do and do not need review by the State Architect
  - 4.10.3. Projects impacted by the interim Timely Use of Funds policy recently voted on at CTC have to get a clearance to submit a last-minute cooperative work agreement (CWA) so budget authority for funds won't lapse. Jaime's office acted on behalf of affected agencies to make money available for invoicing, preserving funding for 15 projects.
  - 4.10.4. The allocation form currently in use will be revised to handle allocations for all projects that go before CTC, including Timely Use of Funds requests. It will have "smart" features in addition to the dynamic features it has now. Office is working with a consultant on developing the new form.
  - 4.10.5. Deadline for SB-1 and ATP submittals has been moved to September 15, with the exception of ATP Quick Builds, which remains June 15. Quick Build is way to pilot best options for permanent infrastructure using projects that can be built quickly and have a lifespan of 1-5 years.
- 4.11. Felicia Haslem provided updates on Guidance and Oversight
  - 4.11.1. Felicia clarified that COIN provides information on policy and procedures that are already in place; it functions as clarification and a heads-up
  - 4.11.2. Some in-person trainings have been cancelled; others transitioning to online

- 4.11.3. The disadvantaged business enterprise (DBE) program underwent a big process reiew; compliance report is posted here: <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/procrev/pr20-01.pdf>
- 4.11.4. Office is looking to automate all forms
- 4.11.5. LAPM/LAPG updates will begin in July, rewriting Chapter 19, 20
- 4.11.6. The Prompt Payment audit ic now complete; exit interviews with auditors will take place next week. Office is prepared to implement actions.
- 4.12. Robert Nguyen provided updates on Obligation Authority
  - 4.12.1. Caltrans has \$1.2B in federal OA funds, current balance \$365M at beginning of May; we have delivered 75% of OA as of May 1
  - 4.12.2. If we deliver everything in the Caltrans headquarters queue today, balance will come down to \$120M OA available. It is critical for Agencies to continue to submit their projects.
  - 4.12.3. August re-distribution amounts will be known by end of August.
- 4.13. Kelly Hobbs provided updates on NEPA policy and process
  - 4.13.1. The NEPA assignment MOU expires at the end of 2021; the dept will invite TCC to review the renewal MOU once drafted.
  - 4.13.2. The department has set four Statewide initiatives: a) Improve CE process by eliminating redundant documentation; b) Update Local Streets & Roads annotated outlines; c) Streamline QA/QC process so that headquarters and district reviews occur at the same time, d) Reduce reviews needed for risk based stewardship and oversight by allowing documentation of findings on the PES form itself for low-level or no-impact studies, e.g. Location Hydraulic Studies with projects in floodplains.
  - 4.13.3. Office will ask local agencies to pilot smart PES form alongside usual process, to troubleshoot issues before broad adoption
  - 4.13.4. Office was formerly called NEPA Assignment and Environmental Compliance; now called Office of Environmental Compliance and Outreach. Emphasizing outreach—staff have done presentations with LA Metro, MTC in Bay Area, and elsewhere. They are working with emergency relief staff on targeted training for partners. Goal is to do more explanation about why a given environmental study is needed.

## **Agenda Item 5. RTPA Updates**

- 5.1. Patricia Chen presented updates relevant to RTPAs from the May 13 CTC meeting: a) Ivan Garcia of Butte County was elected regional agencies moderator, b) the SAFE Vehicles Rule part 2 will go into effect June 29, c) Department of Finance delivered a report on State Programs, d) the Interim Timely Use of Funds policy was well-received. It covers seemingly every scenario of what could happen to a project.

## **Agenda Item 6. CTC Updates**

- 6.1. Teresa Favila presented CTC management updates—Tanisha Taylor is new chief deputy director as of May 1; new ATP staff person is Beverley Newman-Burckhard—and the following program updates:
- 6.2. For projects with time extensions that expire Jan or Feb 2021, not necessary to ask for an extension now. Wait a little longer to see what the impacts are.
- 6.3. Short line railroad workshops: May 28, June 5

- 6.4. SHOPP workshop today 1pm to discuss updates to SHOPP guidelines as well as Complete Streets.
- 6.5. The next Commission meeting is on June 24, virtual. Will develop draft allocation capacity, to be finalized at the August meeting.
- 6.6. It is not yet clear whether a new allocation plan will be needed; if so, agencies will be able to provide feedback on their priorities (PPM would likely remain a top priority). Business will proceed as usual for the time being, so project sponsors should keep requesting their allocations.
- 6.7. Allocations may be delayed for the programs that are most dependent on fuel taxes, e.g. STIP and Freight. CTC is delaying program adoption until December.

### **Agenda Item 7. FHWA updates**

- 7.1. Dan Hawk and Miguel Ramos of FHWA reminded members that the rate of inactive obligations is 4.79%, so local agencies should send invoices in a timely manner. They also provided the following updates:
- 7.2. Guidance for approving earmarks was provided last week. Repurposed funds may be used within 25 miles of original-purpose area. This will be posted soon so RTPAs can act on it.
- 7.3. Local agencies applying for HSIP funding should consider completing Local Road Safety Plans, as these will be required to apply for HSIP beginning in 2022.
- 7.4. The latest Federal economic stimulus bill—HEROES Act—in its current form cancels August redistribution for FY 2020. It has passed the House but not the Senate, so FHWA is moving ahead as though August redistribution will happen. Erwin urged all local agencies and partners to continue submitting projects to be positioned for August redistribution, should it continue to be available.

### **Break from 10:40-10:50**

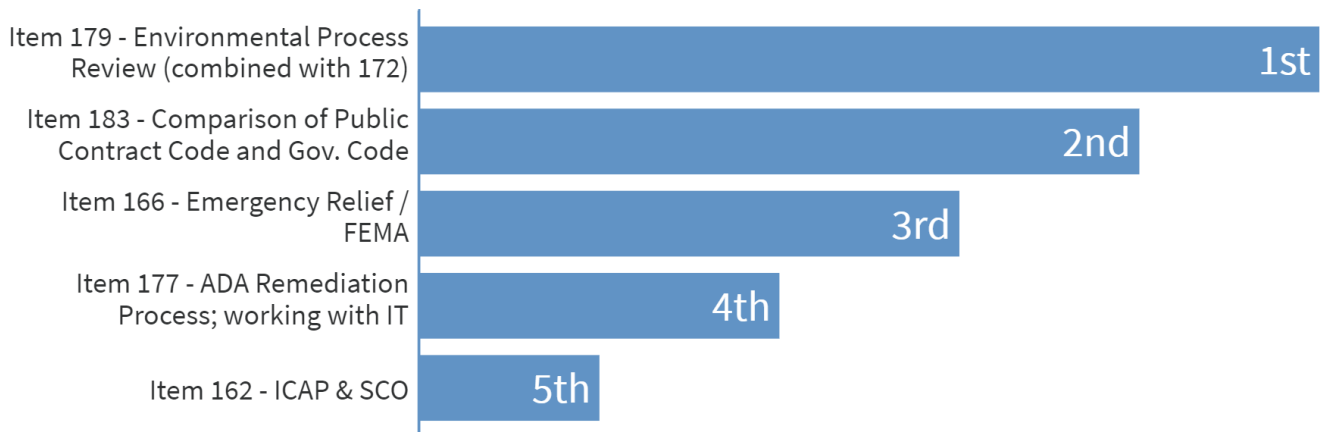
### **Agenda Item 8. Visioning Session to revisit TCC Purpose and Prioritize Action List**

- 8.1. Dee noted many items on the action list with crossed-out dates and asked the committee to consider whether all items are still relevant and equally worth spending time on. She urged the group to “look again at the why” and determine the right people to move each item forward, before moving on with the actual steps.
  - 8.1.1. Committee members reviewed action list and updated the descriptions of actions that are still needed, combining a few of them together to shorten the overall list, as shown above in Upshot section.
  - 8.1.2. Kristy launched a poll for members to rank the five remaining action items in order of importance. Results: Most important (#1) Item 179—Environmental Process, (#2) Item 183—Comparison of public contract code and government code, (#3) Item 166—Emergency Relief/FEMA, (#4) Item 177—Data access for project monitors, (#5) Item 162, helping local agencies with ICAP
- 8.2. Dee then asked the group to review purpose statement (shown on first page) and give their feedback about reasons TCC exists and its key functions
  - 8.2.1. Patty Romo: purpose of the group is to improve any processes that cause local agencies to get stuck in a quagmire. Caltrans and FHWA need to hear from cities, counties, RTPAs and their actual experiences so that their process changes are practical.
  - 8.2.2. Perhaps TCC can be survey its various constituencies for suggestions on process improvement.

- 8.2.3. Shawn Cunningham: When he started on committee 12 years ago he was a deputy director in charge of capital improvement program, project delivery, construction. He was close to the day-to-day work and had more direct knowledge of delivery issues. It may be a good idea to pick an item for each meeting and invite local agency-level subject matter experts who can help drill down into specific items. This might allow us to move the needle more on our action items.
- 8.2.4. Rick Tippet: When FAST Act and other laws affecting transportation get implemented, this group can address the quirks of such legislation. This group can disseminate useful answers from federal and state agencies back to local and regional bodies.
- 8.2.5. Mario Rodriguez: Most important function of TCC is improving efficiencies for local agencies to deliver federally funded projects
- 8.2.6. Najee Zarif: Smaller agencies need more resources to be able to move items forward. TCC should find ways to keep hearing from counties and cities. Processes we have through Caltrans are one size fits all; however, agencies all have different structures and amount of available resources. We need to keep hearing about specific pain points to build the process improvements.
- 8.2.7. Ross: Value this group provides to RTPAs is to provide a forum to hear from counties/jurisdictions and determine whether issues are isolated cases vs. statewide, and whether they need to be addressed with processes. It's also great to have FHWA here as they develop guidance. They've been very responsive. We can step up as regions to address issues such as inactive obligations without depending on state/federal govt to provide guidance on all challenges. Sharing of ideas is of great value.
- 8.2.8. Robert Newman: Input is from a small sampling of cities. Items on the action list are more representative of counties' concerns. There are many smaller cities/other jurisdictions that are not able to provide input because they don't deal with federal funding.
- 8.2.9. Dee will look at ways to survey the group on some meatier issues such as STIP/Allocation,

Respond at [PollEv.com/kristyoneto892](https://www.poll Everywhere.com/kristyoneto892)

## Action Items Ranking



Poll Everywhere