

Group Memory  
Transportation Co-op Committee  
November 19, 2020, 9:00am-12:30pm  
Via WebEx

**Next meeting**

January 21, 2021 from 9:00am-3:30 pm

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

**Attendees**

Bob Baca, Nicolas Burton, Patricia Chen, Boris Deunert, Jaime Espinoza, Marina Espinoza, Teresa Favila, Daniel Hawk, Kelly Hobbs, Sujaya Kalainesan, Dee Lam, Mark Lancaster, Tom Mattson, Ross McKeown, Luke McNeil-Caird, Robert Newman, Jason Nutt, Kristy Oneto, April Perez-Hollins, Robert Peterson, Laura Quintana, Miguel Ramos, Mario Rodriguez, Patty Romo, Kamal Sah, Mark Samuelson, Matthew Schmitz, Paul Schneider, Rick Tippet, Maura Twomey, Najee Zarif

Notetaker: Susan Herman

**Agenda Committee**

Dee Lam  
Mark Samuelson  
Patricia Chen  
Robert Newman  
Kristy Oneto  
Rick Tippet

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

See Goals (January 2020)  
Bridge program update (added July 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	Closed	Felicia, Maura	<p>Audits &amp; Investigation will work with Local Assistance to see if there is anything that can be done for Indirect Cost Allocation Plans (ICAP) under the existing contracts local agencies have with the State Controller's Office (SCO). There is confusion over Overhead vs. Direct Charge. Rick will have his contact at SCO try and help. 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> <p>9/24/20: see <a href="https://ig.dot.ca.gov/resources">https://ig.dot.ca.gov/resources</a></p> <p>11/19/20: FHWA will provide virtual training sessions on ICAP to address confusion re: overhead vs. direct charge.</p>	11/1/18	11/21/2020
166	On hold	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, Keaton Browder, 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> <p>7/23/20: See discussion under Agenda Item 8</p> <p>9/24/20: This action now on hold</p> <p>11/19/20: See discussion 7.2; NACE white paper, contacts made and invites extended</p>	01/24/19	2021
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</p>	05/30/19	2021

			<p>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 identify an IT team to conduct demonstrations of Tableau and/or other tools &amp; evaluate usability.</p> <p>On 7/23/20 Mark reported on progress and invited members of the TCC to be part of the subgroup to develop database access procedures.</p> <p>9/24/20: see discussion item 7.1</p> <p>11/19/20: Discussion 7.3; Dashboard template, data queries, and reports are being refined.</p>		
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 "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> <p>7/23/20: See discussion under Agenda Item 8</p> <p>9/24/20: see discussion item 7.2</p> <p>11/19/20: See discussion item 7.4; Value analysis and smart PES form are in progress</p>	09/26/19	2021
183	Open	Felicia	<p>Clarify consultant selection process by comparing Public Contract Code and Government Code citations regarding procurement of architectural and engineering (A &amp; E) services. Are the codes in conflict? Which code do local agencies follow when funds pass through Caltrans for low-cost transportation projects?</p>	01/23/20	2021

			<p>Letter sent to Legal for opinion on May 19, 2020</p> <p>7/23/20: See discussion under Agenda Item 8</p> <p>9/24/20: Dee will advise on any further actions needed; see discussion item 7.6</p> <p>11/19/20: Further report to be provided at January meeting</p>		
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**Agenda Item 1. Introductions**

**Agenda Item 2. Webex Ground Rules**

**Agenda Item 3. Review agenda**

- 3.1. James Herlyck will provide the update on the Federal Lands Access Program

**Agenda Item 4. FHWA Update, Miguel Ramos & Dan Hawk**

- 4.1. Dan reported the current quarter inactive rate is 2.3%, end of quarter rate is 3.6%
- 4.2. Compliance Assessment Program (CAP) reviews are completed. Results show two areas where California falls below national average: FHWA 1273 form, Prime Contractor Verification. He reminded all to ensure firms are not excluded or debarred from federal contracting.
- 4.3. Phil Washington from LA Metro will oversee the Biden-Harris transportation transition team; <https://www.latimes.com/california/story/2020-11-10/phil-washington-l-a-metro-bidens-transition-team-transportation-policy>
- 4.4. FHWA will continue normal operations with FAST Act funding (contract authority only) extended by continuing resolution through Sept. 30, 2021. This avoids government shutdown but limits highway obligation authority to a 72-day, pro-rated share of a full year’s funding.
- 4.5. A disparity study is ongoing; new triennial goal for disadvantaged business enterprise (DBE) utilization on Federal-aid contracts. Agencies are required to help meet DBE goals on Federal-aid projects. California must submit its plan by August 1, 2021.
- 4.6. The commercially useful function (CUF) program review will be complete by end of this calendar year. CUF is used to demonstrate that a DBE firm’s role is not a superfluous step added in an attempt to obtain credit towards the goal.

**Agenda Item 5. CTC Update, Teresa Favila**

- 5.1. CTC staff released recommendations for funding projects in three SB 1 (gas tax) programs for the next three years: Solutions for Congested Corridors Program, Trade Corridor Enhancement Program, and Local Partnership Program. The recommendations will be taken up by the CTC at its December 2 meeting.
- 5.2. Once programs are approved they will schedule workshops for mid-January with all successful agencies. Caltrans Local Assistance will be major player in setting expectations, deadlines, best practices.
- 5.3. CTC meeting will consider extending interim Timely Use of Funds policy through May 2021, to allow flexibility in project delivery due to COVID.
  - 5.3.1. Ross asked whether wildfire impacts would also be considered under the policy, as they impact multiple departments in each jurisdiction. Teresa said the COVID interim policy was unprecedented; unfortunately wildfires are becoming more normal occurrences. They can be managed through normal timely use of funds policy, with extensions granted on a case-by-case basis.

- 5.3.2. Teresa noted that time extensions were granted during the Paradise fire, which provided flexibility for both the town and CTC. Having a specific timeline spelled out in statewide policy can unintentionally “box in” agencies.
- 5.3.3. Other feedback included a recommendation that CTC dedicate some staff and resources specifically to wildfire issues.
- 5.3.4. Teresa committed to taking these comments back to CTC.
- 5.4. Staff recommendations for ATP are due in February once evaluations for Cycle 5 applications are complete. CTC will consider the program in March.
- 5.5. Dawn Cheser has retired; other staff are filling in for now.

#### **Agenda Item 6. RTPA Update, Ross McKeown & Patricia Chen**

- 6.1. Ross reported the Caltrans data access dashboard template exceeded expectations. It will allow regions to assist local jurisdictions in meeting requirements (inactive obligations, award deadlines, etc.) for both federal and state projects.
  - 6.1.1. Still working with DLA on specific data points to capture.
  - 6.1.2. Patricia provided input on queries that can help agencies deal with circumstances such as funding source changes.
- 6.2. On Nov 18 DLA & RTPA reps met regarding OA management, namely, how to ensure best use of all August redistribution. Sujaya commended the group for their excellent work towards stronger policies for capturing all available OA for Local Assistance.
- 6.3. Federal requirements for project delivery are still in place regardless of COVID-related slowdowns.
- 6.4. FHWA does not allow sub-allocation of STP funds. If STP funds are assigned per a population formula in your region, this is against federal rules. Be prepared for changes in how STP funds are distributed in the counties.
- 6.5. MPO note: most TIPs are out for public notice. They are locked; no TIP amendments will proceed. HSIP and HPB projects that have not been submitted will have to wait until middle of April.

#### **Agenda Item 7. Action Item Updates 162, 166, 177, 179, 183**

- 7.1. 162: This item is closed. Sujaya reported that DLA surveyed local agencies in October to determine interest in training on ICAP. 88% of those responding said they wanted the training. FHWA will provide a virtual session.
- 7.2. 166: This item is still on hold.
  - 7.2.1. Tom reported that the National Association of County Engineers (NACE) is preparing a white paper on emergency relief best practices. He will bring back to committee for review and comment once it is done.
  - 7.2.2. Jason has reached out to deputy director of recovery for District 9, he is interested in providing input to the TCC. Jason will invite him to the January TCC meeting.
  - 7.2.3. Rick has talked with FEMA rep for his area and has gotten some helpful contacts. FEMA is more likely to attend if there is a specific action item to comment on.
- 7.3. 177: This item is still in progress. Mark said the data access team shared a mock report based on agencies’ existing reporting to ensure the data and reporting tools are successful in allowing agencies to be proactive while monitoring their project deliveries and progress.
- 7.4. 179: Kelly reported that several process and procedural reviews are ongoing.
  - 7.4.1. Ventura County contacted Kelly’s group with helpful input.
  - 7.4.2. Kelly will initiate a value analysis meeting, either in-house or with a consultant. Hopes to have this in place by the January TCC meeting. He noted design, programming, and other issues aside from environmental can cause delays. Analysis aims to provide shared

outcomes. Working with Phil Stolarski in Div of Environmental Analysis who will ultimately sign off on any proposals.

- 7.4.3. Still working on smart PES form to make it more risk-based, but still maintain consistency with federal law. This is a moving target.
- 7.5 183: Nothing new to report on this item. Mark said more info on the public contracting code will be shared at January meeting.

## **Agenda Item 8. DLA Updates, Office Chiefs**

- 8.1. Dee shared the budget update. Two major proposals affect Caltrans staff: 10% salary reductions, 5% state operations reduction. She thanked the team for not only continuing daily operations but also taking on various workgroups to increase trust-building, partnerships.
- 8.2. Mark reported briefly on DLA management; Sujaya provided details as noted below
  - 8.2.1. Sujaya reported the ROW technical committee kicked off this week. Included DLAEs, HQ, FHWA. Goal is to set and appropriate level of oversight for the ROW process and improve project delivery. She will spearhead separate discussions with each of these 3 groups to get input. Setting goals and objectives will take 6-8 months.
  - 8.2.2. Project delivery status meetings—this is to be a quarterly meeting series with districts to report on lapsed and high-risk projects, other issues to elevate to HQ attention. The data reporting tool will inform discussion/priorities at the meetings.
  - 8.2.3. Best practices for OA management group—the September OA delivery report was out this week. \$5.3M obligated as of Oct 30. Sujaya thanked the RTPA reps who attended.
  - 8.2.4. Project end date lapsing—Working with DLAEs to get updates on lapsed projects. On 9/13/2020 guidelines on closeout reports and liquidated obligations was released. Certain costs incurred between PE and the extension deadline are not reimbursable. Updates will help ensure lapse date does not impact reimbursement.
- 8.3. Environmental Compliance report
  - 8.3.1. Kelly will be reaching out to agency partners to be instructors in the Federal Aid Series virtual classes. The Environmental Requirements training through the LTAP center at CSUS too place Nov 17-18 with 75 in attendance. Good feedback. Additional sessions planned for January 20-21, March 16-17, and May 11-12.
  - 8.3.2. As noted above, Kelly's group is re-working the Preliminary Environmental Studies (PES) form. They received input from IT & Forms today. Incorporating risk-based strategies and automating sections of it. Includes improvements to location hydraulic studies section. Seeking agency partners to pilot the new form. Boris's agency will participate, will need others.
  - 8.3.3. NEPA policy & process review: Kelly submitted proposal to DEA team to negate the need for certain forms to be completed for C-list categorical exclusions.
  - 8.3.4. At the last RTPA meeting, Patricia reported on his group's efforts and sought input on issues with project delivery failures. Please pass such concerns on to Kelly to receive assistance.
- 8.4. Guidance and Oversight
  - 8.4.1. Kamal reported on the January publication of the Local Assistance Procedures Manual (LAPM) and Local Assistance Program Guidelines (LAPG). Process improvements included more local agency participation. For this iteration they had input from SANDAG, San Joaquin Co., Humboldt Co., San Luis Obispo Co., San Diego Public Works, LA County, and LA Metro.
  - 8.4.2. Training team pivoted quickly to virtual environemnt. Offered Federal Aid series trainings in project development, environmental requirements, and right of way. More trainings are on the calendar for next year, including DBE-specific training for local agencies.
  - 8.4.3. As of today there are 42 open audits.

8.4.4. Kamal will share her department's dashboard for DBE utilization.

## **Break from 10:25-10:40**

### **Agenda Item 9. State Funded Programs Chapter/Enhanced Oversight**

- 9.1 April presented on new LAPG Chapter 25: State Programs for Local Agency Projects. It consolidates former Chs 22 and 23 on ATP and STIP guidance. Its rollout will align with ATP Cycle 5. It includes information on the new Enhanced Project Oversight. Other features:
  - 9.1.1. Adds SB1 funded programs guidance; guidance on baseline agreements, scope changes, and reporting; closeout policy requirements for Proposition 1B funded programs.
  - 9.1.2. Consolidates TUF and Allocation forms into one smart form
- 9.2. Jaime reported on Enhanced Project Oversight, whose goal is to improve project delivery partnering with agencies. It complements the Division's risk-based stewardship and oversight (RBSO) efforts. For now it applies to State-only funded projects meeting specific criteria.
  - 9.2.1. Through an analysis of all touchpoints from project programming through closeout, Jaime's group estimate that 20% of the State-only funded projects in ATP and SB-1 programs would benefit from enhanced oversight. He said each districts should expecting at a minimum 1-2 projects will fall under EO. The listing will be rolled out to districts in coming days.
  - 9.2.2. Project complexity is a factor in determining enhanced oversight. Complexity is based on involvement with multiple agencies (railroad, coastal commission, etc.). Projects can also be added to EO list based on recommendation by DLAE.
  - 9.2.3. District staff will engage more with agencies in project development team meetings, in alignment with project delivery status meetings that Sujaya mentioned. This way issues can surface earlier in project delivery process. For example, at the time of construction allocation request, agencies will be asked to provide 11 x 17 plan sheets/layouts for the project. This will be verified internally, compared to program application or any approved scope changes to make sure agency is ready to move forward.
  - 9.2.4. Other enhanced oversight activities are more internal, involving mainly HQ staff, e.g. analysis of compliance and audit history. In the Cycle 5 ATP applications process, PSR equivalency guidelines were provided to make sure scopes, cost estimate, and plans are in congruence from application step. Improvements in deliverability and scheduling should become apparent in the next 1-2 years, meaning that enhanced oversight will mainly be focused on agencies with serious audit and compliance issues.
- 9.3. Dee commented that DLA has 5000+ projects in portfolio in any given year and all groups' common goal is delivering as many projects as possible in the most efficient way. With oversight it's possible to take more of a sampling approach, such that smaller agencies receive additional technical assistance while the more mature agencies are given latitude to deliver their projects without the extra layer of buracracy.

### **Agenda Item 10. Highway Safety Improvement Program/ Highway Bridge Program Updates**

- 10.1 Robert reported that the HSIP received a record 429 applications submitted this year, for a total of nearly \$500M. There is only about \$220M to program. Applications are being reviewed now; target completion end of January 2021.
  - 10.1.1. He attributed the increase in applications to a combination of the LSRP/SSARPs identifying needs and helping refine applications, plus the ability to use State-only funds under the Federal-State funds exchange brokered earlier.
  - 10.1.2. \$393M of the requested total amount is under the competitive (BCR) category, while \$40M was under the set-asides for guardrail upgrades, striping, and pedestrian crossing enhancements.

- 10.2 Robert reported on the Railroad-Highway Crossing program, which recently came under HSIP. Bruce Roberts has brought in some administrative changes in how federal funds are obligated. Transition from Division of Rail and Mass Transportation continues as current projects close out. Projects in the beginning stages were handed over. Robert is working with CPUC to get a suite of projects in the pipeline.
- 10.3 Highway Infrastructure (HIP)—remaining authorized funds that expired in 2017 need to be obligated by September 2021. \$38M is set to lapse. Robert suggested agencies use such funds for bridge projects.
- 10.4 Regarding the HBP policy reforms, there was no new information. Chapter 6 will be part of LAPM rollout, but will not include the reforms. These will be announced via an office bulletin early next year.
  - 10.4.1. The HBP October financial constraint was a painful process, due to high funding demand and cost increases on existing projects. We continue to exceed a 15-year program. Off-system projects that wanted advance construction (AC) pushed out others that were ready for construction to FY 21-22. For On-system projects many even with AC conversions were pushed out. This is the first time we haven't been able to fund construction cost increases in the current fiscal year. MPOs should have received constraint list and will be amending them into the FTIP.
  - 10.4.2. The transportation continuing resolution (i.e., lack of full re-authorization of Federal transportation spending bill) has also impacted what HBP can obligate for ROW. There is a waiting list now. Robert urged those who have funding obligated for this year to submit requests asap.
- 10.5. Bob Baca shared ER program updates.
  - 10.5.1. FHWA is reviewing time extension requests for E-76 authorization deadline submitted in Aug/Sept. These are on track to be released by end November or beginning of December.
  - 10.5.2. Wildfires must meet the \$700K federal funding need threshold to be ER eligible. Each fire listed in a proclamation is treated as its own separate disaster event. August 14 lightning strikes caused a "complex" of fires that are treated all as one. The lightning strikes were designated a CA 2020-2 disaster. LA County/Cal OES are working on a proclamation for the cause-unknown Lake Fire that began on August 12.
  - 10.5.3. Damage Assessment Forms (DAFs) were due end of November; extended deadline for 2020-2 DAFs to end of December. Same deadline for the CA 2020-3 fires that began in September—counties are found on DLA webpage, disaster link. Deadline could change depending on whether it is added to current disaster or gets its own proclamation.
  - 10.5.4. FHWA is asking local agencies to consider submitting DAFs for preventive seeding on slopes to protect roadways.
  - 10.5.5. Over next few months a new ER form will be developed. It will better identify repairs under emergency opening procedures.
  - 10.5.6. When Federal government also declares disaster FEMA gets involved with debris removal. Local roads and minor urban collectors generally not eligible for ER funding; however, CalOES helps FEMA manage debris removal and runs state-funded disaster relief program. When projects final voucher, we send info to CalOES. They reimburse matching funds up to 75%.

## **Agenda Item 11. Federal Lands Access Program (FLAP)**

- 11.1. James Herlyck presented from Central Federal Lands. CFL is part of FHWA; Western office based in Denver covers 14 states. CLF designs and constructs projects that access Federal lands. California FLAP receives \$30M/year and is fully programmed out through FFY 2025.
- 11.2. FLAP will issue a call for projects in next few weeks; call will remain open until April or May 2021 to allow for travel restrictions and staff shortages, snow, disaster recovery. This will be for



projects to be built in 2026-28. FLAP will have \$90M federal funds to program over those 3 fiscal years.

- 11.3 Rick commented on importance of working with Federal lands management agencies—important to foster these relationships for successful projects. James provided an example of this: town in Colorado applied for multiuse path to access Rocky Mountain National Park. The park superintendent signed form for application; however, the regional park staffer said the NP was not realistically ready for bike infrastructure. That project was not selected. Close coordination between different levels of government helps project succeed.
- 11.4. Application, info, and contacts: <https://highways.dot.gov/federal-lands/programs-access/ca>  
James shared his contact info: 720-963-3698 or james.herlyck@dot.gov

## Agenda Item 12. Roundtable

- 12.1. Climate Planning may be a topic for the January meeting. Patricia started a high level discussion that generated topics the group could drill down on over 2021. She asked what city and county reps are doing for climate planning.
  - 12.1.1. Patricia noted saturation rate of electric vehicles for private users in California is only around 5%, even lower for goods-movement vehicles.
  - 12.1.2. Trinity County is looking to modernize its fleet. LA Metro is also transitioning its fleet, moving to 100% electric buses by 2030. This will impact length of routes and where charging stations are, and will involve some clean diesel as part of changeover. Agency has \$50M seed money as incentives for truck owners-operators to upgrade.
  - 12.1.3. CEAC has discussed the Governor Newsom's recent climate proclamation and 2035 goal in terms of what this will mean for the ability of the State to harden its infrastructure against bigger, more destructive storms, not to mention sea level rise. Design standards will need to be updated.
  - 12.1.4. Meanwhile, how will gas tax be collected if county fleets, trucking, and individuals adopt electric vehicles and less gas is used? Gas tax funds our infrastructure. Where will Federal government go in terms of raising federal gas tax?
  - 12.1.5. Other revenue approaches could include road user charge. This is tricky for counties with low population and many miles of curving roads. Funding formula such as 75% registered vehicles + 25% centerline miles for allocation still falls short but does allow some work to be done.
  - 12.1.6. SACOG and PCTPA are looking at regional road charge to group urban, suburban, rural areas.
  - 12.1.7. Humboldt has longest coastline of any other county—sea level rise is already being incorporated into their plans. They also are working on electric vehicles, where to place charging stations. Already looking at alternative sources of revenue.
  - 12.1.8. San Joaquin's Council of Governments is developing a local climate resiliency plan. It is in the 2<sup>nd</sup> phase, COG working with OES and other strategic partners. They have found that a road charge is indeed complex. Moving from gas to electric, VMT-based charges makes sense. But SB473 mandates reducing VMT. This is another revenue source we are also actively trying to eliminate.
  - 12.1.9. The pandemic has highlighted ecommerce. Warehousing, larger industrial projects with truck traffic in jurisdictions is hard on roadways, increases need for maintenance.
- 12.2. Rick proposed additional topics for January meeting: How to achieve higher level of coordination between FEMA and State ER program. Ways to blend programs together to respond effectively to disasters.
- 12.3. Rick will also work with Mark to implement a survey of city and county transportation leaders to learn where TCC can help. They will go through CEAC and League of Cities.
- 12.4. 2021 proposed TCC meeting dates are listed on agenda. Dee asked for input on frequency and format of meetings.

Responses:

- In person is best, too many distractions otherwise, but maybe we could do 4 in person and 2 virtual
- Stay at 6 meeting w/Hybrid. Meet half on line and half in person. We always seem to fill the schedule.
- There is also value in networking in person before and after meetings
- Six seems appropriate, with half in person and half virtual.
- I would like to keep more meetings so we don't lose momentum. Any reduction of in-person meetings would be good. Maybe every other meeting in person.