

EXECUTIVE MINUTES

TRANSPORTATION TECHNICAL COMMITTEE

Date: Friday, July 8, 2011
Time: 8:30 am

POLICY ADVISORY COMMITTEE

Date: Friday, July 8, 2011
Time: 10:00 a.m.

Place:

COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Transportation Technical Committee

The Transportation Technical Committee (TTC) will consider Items I – V prior to the Policy Advisory Committee (PAC) Meeting. This portion of the meeting is scheduled to begin at 8:30 am

Members Present:

Noe Martinez, City of Reedley
Mike Prandini, Building Industry Association
Nick Paladino, Fresno Cycling Club
Chip Ashley, Sierra Club
Dennis Manning, FARRC
Mohammad Khorsand, Fresno County
David Weisser, City of Fowler
Jeffrey D. Webster, Fresno County Rural
Transit Agency
Janet Dailey, Fresno County

Gary Joseph, FCEOC
Ken Hamm, City of Fresno/FAX
Scott Mozier, City of Fresno
John Mulligan, City of Sanger
Will Washburn, Provost & Pritchard
Debbie Hunsaker, Alert-o-lite (by phone)
Sherri Martin, Fresno County Transportation
Authority

Others Present:

John Downs, Fresno COG/FAX
Jeff Long, Fresno COG/FAX
Walt Plachta, Blackburn Consulting
Gerald Forde, City of Huron
Tony Boren, Fresno COG
Barbara Steck, Fresno COG
Les Beshears, Fresno COG
Clark Thompson, Fresno COG

Lauren Dawson, Fresno COG
Todd Sobrado, Fresno COG
Melissa Garza, Fresno COG
Kristine Cai, Fresno COG
Kai Han, Fresno COG
Lindsey Monge, Fresno COG
Marla Day, Fresno COG

The meeting was called to order by Noe Martinez, Chair.

I. TRANSPORTATION CONSENT ITEMS

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

- | | |
|--|-------------|
| A. TTC/PAC Executive Minutes of June 10, 2011 | Approve |
| B. 2011/12 Measure "C" Claims – Resolution 2011-24 [BESHEARS] | Approve |
| C. MPO Delegation for Revised Administrative Modification Procedures – Resolution 2011-25 [GARZA] | Approve |
| D. Fresno Clovis Metropolitan Area (FCMA) Multi-Modal Corridor Land Use Integration Project Update [SOBRADO] | Information |
| E. State and Local Partnership Competitive Grant Opportunity-Due August 15th [GARZA] | Information |
| F. Poor Delivery of Safety Projects in the 2010/11 Federal Fiscal Year | Information |

[GARZA]
G. Air Quality Updates [DAWSON]

Information

For a complete summary of these items, please see the July 8, 2011 Annotated Agenda.

Janet Dailey (County) asked that Item E be pulled for clarification. A motion was made by Jeffrey Webster (FCRTA) and seconded by Debbie Hunsaker (Alert-o-lite) to approve the Transportation Consent Items with the exception of Item E as presented. A vote was called for and the motion carried.

ITEM E. State and Local Partnership Competitive Grant Opportunity-Due August 15th [GARZA]

Melissa Garza (Fresno COG) explained that there has been some confusion regarding when a project is obligated. New guidelines have been sent by Caltrans. Ms. Garza will rewrite the summary for the Policy Board. Following the clarification, a motion was made by Ms. Dailey (County) and seconded by Nick Paladino (Cycling Club) to approve Item E. A vote was called for and the motion carried.

II. TRANSPORTATION ACTION / DISCUSSION ITEMS

A. Request to Initiate a Measure "C" Expenditure Plan Amendment [BOREN]

Tony Boren, Executive Director presented this item. Mr. Boren explained that Fresno COG received a letter from the "Fresno Works" High Speed Rail Committee (handout) requesting that the COG and the Fresno County Transportation Authority initiate a Measure "C" Plan Amendment to set aside \$1.5 million of Measure "C" funding to purchase real estate "options" on the property that has been identified as the most appropriate Fresno County location for the future High Speed Rail Heavy Maintenance Facility. A map was included in the meeting package. The source of the funding would come from the \$25 million that was previously set aside by the COG/FCTA via Measure "C" Amendment # 1. The funding set aside in Amendment # 1 is limited to issues (land acquisition, infrastructure, planning, design and engineering activities, etc) associated with development of the High Speed Rail Heavy Maintenance Yard.

Mr. Boren pointed out that utilization of the \$25 million was "conditioned" upon Fresno being awarded the Heavy Maintenance Facility, however over the course of the last year, consensus has emerged from the Fresno Works Committee that in order to be truly competitive with the other San Joaquin Valley communities that are also seeking the Heavy Maintenance Facility, it is imperative that we have the real estate for the Heavy Maintenance Facility under our control "prior" to the California High Speed Rail Authority making its decision on the location of the Heavy Maintenance Facility. Specific to that point, the California High Speed Rail Authority is currently on record as stating that they anticipate making the decision on the location of the Heavy Maintenance Facility in early 2012.

Initial questions were centered on the question if there were any known prospects of developers building on the subject property prior to the decision by the Rail Authority. Staff responded that it was unknown at this time regarding developer interest in the property. Mr. Prandini asked for clarification on who would determine the location of the facility. Staff responded that ultimately it would be the California High Speed Rail Authority.

Given that understanding, Mr. Prandini (BIA) voiced his concerns about the amount of uncertainty and risk involved with purchasing the options, given that the Fresno Works Committee had identified which of the 700 acres they deemed suitable for the Maintenance facility rather than the California High Speed Rail Authority. Others felt that purchasing the real estate options made the area more attractive for the Maintenance Facility. Mr. Mozier (Fresno) stated that there is known interest in the land close to where the proposed facility is located.

Following the discussion, a motion was made by Ken Hamm (Fresno) and seconded by Janet Dailey (Fresno County) to recommend that the Policy Board authorize setting aside \$1.5 million of Measure "C" funding to purchase real estate "options" on the property identified. A vote was called for and the motion carried with a "no" vote by Mr. Prandini (BIA).

B. High Speed Rail Update [BOREN]

This item was covered in the previous item.

C. Legislative Platform [GARZA]

Ms. Garza (Fresno COG) reported that last month, COG staff provided a notification that during recent Policy Board meetings, several board members expressed concerns in regards to taking positions on issues or priorities that are non-transportation related. Because the approved Legislative Platform does include non-transportation related priorities, it is necessary to amend and readopt an updated legislative platform to align with the priorities and concerns of the current Policy Board. COG staff is requesting that Policy Advisory Committee members voluntarily participate in a subcommittee to review and update the platform in order to address the concerns of the Policy Board. The subcommittee will meet in July and August and will recommend approval of the updated platform during the Policy Board meeting in September.

The most current adopted 2011 Legislative Platform is a document that includes the advocacy priorities of the Fresno COG in state and federal legislative matters. It represents a unified voice when communicating legislative priorities to our state and federal lawmakers as well as to relevant state and federal agencies. It also provides guidance to the Fresno COG staff and the lobbying partners when advocating on behalf of the Policy Board. The final legislative platform reflects the most current priorities for advocacy during the 2011 state and federal legislative sessions.

This was an information item for TTC. Staff is requesting that the PAC Chair request volunteers to form a Legislative Platform subcommittee.

D. Use of Toll Credits [GARZA]

Ms. Garza went on to report that ISTEA permitted the use of certain *toll* revenue expenditures as a *credit* toward the non-Federal matching share of all programs. Federal-aid highway projects typically require the project sponsors to provide non-federal funds as match to the federal funds, such as a minimum of 11.47% of non-federal match funds for STP projects. Toll Credits derive from the fact that various states have toll facilities such as bridges or highways that generate a significant amount of local funds. Since federal transportation funds typically require a match, the concept at the macro level, was to allow the state to offset this match with locally generated "toll credits". Though this concept was stipulated in ISTEA, the legislation did not provide implementation guidelines which proved to be problematic since the actual tolls are generated and remain in specific metropolitan areas but the matching toll credits are typically spread throughout the state. Through the use of toll-credits, the non-federal share match requirement can be met by applying an equal amount of toll credit; therefore, allowing a project to be funded with up to 100% federal funds for federally participating costs to the extent that credits are available (this is also considered a soft match). Toll credits can be used in any phase of a federal-aid projects, Preliminary Engineering, Right of Way, or Construction, as long as that phase of work has not been authorized. Caltrans received conditional approval from FHWA for \$5.7 billion of toll credit and has established an interim toll credit policy covering the three-year demonstration period of FY 2009-10 through FY 2011-12. The policy will be evaluated prior to implementation of a final policy for FY 2012-13 and beyond. Some of the issues with using the Toll Credit program are that no new federal apportionments were created and FHWA requires that Toll Credits claimed do not exceed actual Toll Credits generated. The other issue with programming the use of toll credits is that the accounting used to track them is vague enough that it is hard to know if that threshold has been reached, or if FHWA will extend the program when it is. Therefore, there is some risk associated with implementing the program, that risk being that if toll credits run out or the program expires, projects may be required to be hard matched. This concept has been under discussion at the state level over the last year in order to develop a distribution and tracking methodology.

Since Toll Credits do not generate any additional federal funding or financial capacity, it is important to understand that its use is merely to meet the non-federal match requirement of the federal participating cost. As such, when toll credits are used in lieu of the non-federal share cash match, it will help those projects that would otherwise be delayed for the lack of matching funds. The amount of toll credit a state can use each year is limited by the amount of annual Federal Obligation Authority (OA). In order to use toll credits an agency must have additional federal funds and programming capacity in the FTIP to program the additional federal funds. For example a \$100,000 project that has \$88,530 in federal funds and \$11,470 in local matching funds would

need \$11,470 in residual federal funds and programming capacity in order to get 100% reimbursement on the project. An alternative option, of course, is to down scope the project to \$88,530. However, any scope changes must be done on a valid engineering basis and not as a mere "paper" exercise because if the bid comes in at around \$100,000, the sponsor would have to provide the local matching funds to do the project anyway and all of the required programming amendments would essentially have been unnecessary. Another issue that is of concern, is that full implementation of the program will result in less projects programmed as the amount of federal funds will not increase.

Federal Transit Administration and some departments of Caltrans, such as the Highway Bridge Program, have already begun allowing Toll Credit matches for federal projects; however, for our RSTP and CMAQ programs, the concept was problematic because we had just completed a major programming exercise and had already maximized our existing programming capacity using traditional matching formulas. Since no additional Federal funds or programming capacity was given to implement the Toll Credit program, it was determined that we did not have enough residual federal funds to do a full scale implementation of this concept on the existing program. If we would have applied the Toll Credit program after the adoption of the 2011 FTIP, we would have had to redo the entire schedule resulting in a large amount of projects to be removed from the federal financial constraint equal to the amount of Toll Credit match used. Therefore, staff recommendation is that we ease Toll Credits into the existing RSTP & CMAQ programs on a case by case basis depending on availability of residual federal funds and programming capacity, and look to do a full scale integration when the next Call for Projects occur this fall.

This was an information item and required no further action by the Committee.

III. OTHER BUSINESS

A. Items from Staff

Ms. Garza handed out information on the new TIGER program. Please contact Melissa if you have any projects that qualify.

Mr. Boren pointed out that no August meetings are scheduled.

B. Items from Members

None

IV. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for persons wishing to address the TTC on items within its jurisdiction but not on this agenda. **Note: Prior to action by the TTC on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**

None.

There being no further business, the meeting was adjourned.

Respectfully Submitted,



Tony Boren, Executive Director

JOINT Transportation Technical Committee / Policy Advisory Committee

The TTC and the PAC will meet as a joint Committee to consider scheduled public presentations brought before the Committees. This portion of the meeting is scheduled to begin at 10:00 a.m.

V. PRESENTATIONS

1. Caltrans Report [CALTRANS]

Mr. Navarro, Caltrans provided an update. A copy of the Quarterly Caltrans Update was included in the meeting package.

2. Model Farmland Conservation Study Survey Results [BOREN/MANROSS]

Dr. Manross, Strategy Research Institute, presented a powerpoint presentation explaining the survey and its results. A copy of the handouts and presentation are available on the website at www.fresnocog.org.

Policy Advisory Committee

The Policy Advisory Committee will consider all Transportation and Administrative Items on the Agenda

Members Present:

Don Pauley, City of Kingsburg
Krystal Chojnacki, City of Mendota
Lou Martinez, City of Parlier
D B Heusser, City of Selma
Gerald Forde, City of Huron
Jose Ramirez, City of Firebaugh

Rob Woolley, City of Clovis
Lynn Gorman, Fresno County
Ron Manfredi, City of Kerman
Cruz Ramos, City of San Joaquin

Others Present:

Dr. Gary Manross, Strategy Research Institute
Michael Navarro, Caltrans
Debbie Hunsaker, Alert-o-lite (by phone)
Sherri Martin, Fresno County Transportation Authority
Jeffrey D. Webster, FCRTA
Walt Plachta, Blackburn Consulting
John Downs, Fresno COG/FAX
Jeff Long, Fresno COG/FAX
Walt Plachta, Blackburn Consulting
Tony Boren, Fresno COG

Barbara Steck, Fresno COG
Les Beshears, Fresno COG
Clark Thompson, Fresno COG
Lauren Dawson, Fresno COG
Todd Sobrado, Fresno COG
Melissa Garza, Fresno COG
Kristine Cai, Fresno COG
Kai Han, Fresno COG
Lindsey Monge, Fresno COG
Marla Day, Fresno COG

VI. TRANSPORTATION CONSENT ITEMS

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| F. Poor Delivery of Safety Projects in the 2010/11 Federal Fiscal Year [GARZA] | Information |
| G. Air Quality Updates [DAWSON] | Information |

For a complete summary of these items, please see the July 8, 2011 Annotated Agenda.

A motion was made by Jose Ramirez (Firebaugh) and seconded by Cruz Ramos (San Joaquin) to approve the Transportation Consent Items as presented. A vote was called for and the motion carried.

VII. TRANSPORTATION ACTION / DISCUSSION ITEMS

A. Request to Initiate a Measure "C" Expenditure Plan Amendment [BOREN]

Tony Boren, Executive Director reported that Fresno COG received a letter from the "Fresno Works" High Speed Rail Committee requesting that the COG and the Fresno County Transportation Authority initiate a Measure "C" Plan Amendment to set aside \$1.5 million of Measure "C" funding to purchase real estate "options" on the property that has been identified as the most appropriate Fresno County location for the future High Speed Rail Heavy Maintenance Facility (see attached map). The source of the funding would come from the \$25 million that was previously set aside by the COG/FCTA via Measure "C" Amendment # 1 (enclosure). The funding set aside in Amendment # 1 is limited to issues (land acquisition, infrastructure, planning, design and engineering activities, etc) associated with development of the High Speed Rail Heavy Maintenance Yard.

Mr. Boren went on to remind the Committee that utilization of the \$25 million was "conditioned" upon Fresno being awarded the Heavy Maintenance Facility, however over the course of the last year, consensus has emerged from the Fresno Works Committee that in order to be truly competitive with the other San Joaquin Valley communities that are also seeking the Heavy Maintenance Facility, it is imperative that we have the real estate for the Heavy Maintenance Facility under our control *"prior"* to the California High Speed Rail Authority making its decision on the location of the Heavy Maintenance Facility. Specific to that point, the California High Speed Rail Authority is currently on record as stating that they anticipate making the decision on the location of the Heavy Maintenance Facility in early 2012.

There was general discussion regarding the amendment request and the risks involved. It was pointed out that sometimes risks need to be taken for the good of the region. Other questions regarding the construction funding for the Maintenance Facility were raised, as well as questions as to what other areas are still in the running for the Maintenance Facility..

Rob Woolley (Clovis) stated that while he is in full support of the Maintenance Facility, he felt that he could not support jeopardizing taxpayer money. Others felt that it was an opportunity that should not be passed up. Ron Manfredi (Kerman) pointed to the UC Merced campus as a project where Fresno was passed by because of not being prepared.

Following the discussion, a motion was made by Ron Manfredi (Kerman) to recommend that the Policy Board authorize setting aside \$1.5 million of the Measure "C" funding to purchase real estate "options" on the property that has been identified. The motion was seconded by Jose Ramirez (Firebaugh). A vote was called for and the motion carried with eight members in favor, a "no" vote by Clovis and abstention by Kingsburg.

B. High Speed Rail Update [BOREN]

This item was covered under Item A.

C. Legislative Platform [GARZA]

Melissa Garza (Fresno COG) reported that last month, COG staff provided a notification that during recent Policy Board meetings, several board members expressed concerns in regards to taking positions on issues or priorities that are non-transportation related. Because the approved Legislative Platform does include non-transportation related priorities, it is necessary to amend and readopt an updated legislative platform to align with the priorities and concerns of the policy board members. COG staff is requesting that Policy Advisory Committee members voluntarily participate in a subcommittee to review and update the platform in order to address the concerns of the Policy Board. The subcommittee will meet in July and August and will recommend approval of the updated platform during the Policy Board meeting in September.

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Volunteers are Lynn Gorman (County), Cruz Ramos (San Joaquin) and Lou Martinez (Parlier). Ms. Garza will contact the volunteers to set up meetings and report back to the Committee and Policy Board in September.

D. Use of Toll Credits [GARZA]

Ms. Garza addressed this item. ISTEA permitted the use of certain *toll* revenue expenditures as a *credit* toward the non-Federal matching share of all programs. Federal-aid highway projects typically require the project sponsors to provide non-federal funds as match to the federal funds, such as a minimum of 11.47% of non-federal match funds for STP projects. Through the use of toll-credits, the non-federal share match requirement can be met by applying an equal amount of toll credit; therefore, allowing a project to be funded with up to 100% federal funds for federally participating costs to the extent that credits are available.

Caltrans received conditional approval from FHWA for \$5.7 billion of toll credit and has established an interim toll credit policy covering the three-year demonstration period of FY 2009-10 through FY 2011-12. The policy will be evaluated prior to implementation of a final policy for FY 2012-13 and beyond. The use of toll credits for STP/CMAQ and FTA Formula FG funds is at the discretion of the RTPA/designated recipient. Currently, toll credits can be used on all federal-aid highway funding programs, except Emergency Relief (ER) Program, Local Safety Programs, and Local On-system Highway Bridge Program (HBP) projects. The limit of toll credit use on Safety program projects and On-system HBP projects is due to the fact that all available funds have been fully programmed. FTA transfers are also eligible to use toll credits. Though toll credits can be used for CMAQ funds, agencies should use the CMAQ 100% Energy Act Extension funds.

Caltrans' Division of Mass Transportation (DMT) and MPOs/RTPAs have been working with the Federal Transit Administration (FTA) to develop a toll credit tracking system and to secure FTA's approval for the use of toll credit on transit projects funded by FTA grants and FTA transfers funded by transferred RSTP funds. CMAQ funded FTA transfers are currently excluded because they already qualify for 100% federal reimbursement under the Energy Act. With the recent approval of Caltrans Division of Mass Transportation's (DMT) use of toll credit on Section 5310, 5311, and 5316 grants by the FTA, Caltrans is one step closer to implementing the toll credit use for all transit projects, including the FTA transfers. In general, in order for FTA transfers to be able to use toll credit, they need to follow the same requirements as other transit projects, such as FTIP programming and MPO/RTPA concurrence, etc.

PLEASE NOTE: Toll credits **do not generate any additional federal funding or financial capacity**. Its use is merely to meet the non-federal match requirement of the federal participating cost. As such, when toll credit is used in lieu of the non-federal share cash match, it will help those projects that would otherwise be delayed for the lack of matching funds. **The amount of toll credit a state can use each year is limited by the amount of annual Federal Obligation Authority (OA).**

Toll credits can be used in any phase of a federal-aid projects, Preliminary Engineering, Right of Way, or Construction, as long as that phase of work has not been authorized.

Fresno COG is exploring the use of Toll Credits for projects programmed in 11/12 FFY of the Federal Transportation Improvement Program (FTIP) as deemed necessary and as long as obligational authority and financial capacity is available. COG staff will work with the respective member agencies to ensure the use of toll credit is appropriate and that such use is properly programmed in the FTIP, and subsequently in the FSTIP. If proposed by any member agency, toll credits may be used on a case-by-case basis for specific projects that have phases programmed in 10/11 in order to maximize the OA delivery.

This was an information item and required no further action by the Committee.

VIII. ADMINISTRATIVE CONSENT ITEMS

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

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| A. | Monthly Legislative Update [GARZA] | Information |
| B. | California Consulting LLC Report [SAMUELIAN] | Information |

For a complete summary of these items, please see the July 8, 2011 Annotated Agenda.

A motion was made Gerald Forde (Huron) and seconded by Krystal Chojnacki (Mendota) to approve the Administrative Consent Items as presented. A vote was called for and the motion carried.

IX. ADMINISTRATIVE ACTION / DISCUSSION ITEMS

A. Abandoned Vehicle Abatement – FY 2010/11 Second Quarter Summary Status Report [THOMPSON]

Clark Thompson (Fresno COG) reported that Status reports are typically submitted quarterly to ensure proper distribution of funding to the member agencies. This status report contains the following information:

- The gross amount of money received by the Authority from the Abandoned Vehicle Trust Fund during the quarter.
- An itemized statement of the Abandoned Vehicle Trust Fund monies expended by the Authority during the quarter.
- An accounting of money expended for major purchases, if any.
- An accounting of unexpended revenues from the Abandoned Vehicle Trust Fund.
- An accounting of the total number of vehicles and parts thereof abated by the Authority during the quarter.

The enclosure for this item indicates the level of activity and distribution of funding to the member agencies. During the quarter, member agencies expended \$176,420.77 conducting AVA activities. A total of 936 vehicles were abated this quarter, compared to 983 vehicles abated during the same quarter of the previous fiscal year.

A motion was made by Ron Manfredi (Kerman) and seconded by D B Heusser (Selma) to recommend acceptance of the Abandoned Vehicle Abatement FY 2010/11 Second Quarter Summary Status Report. A vote was called for and the motion carried.

X. OTHER BUSINESS

A. Items from Staff

Melissa Garza (Fresno COG) handed out information regarding the TIGER program.

Mr. Boren pointed out that there are no August meetings scheduled.

B. Items from Members

Jose Antonio Ramirez (Firebaugh) announced that he has taken the position of City Manager in Livingston. Mr. Ramirez thanked the Committee and Fresno COG staff.

XI. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for persons wishing to address the PAC on items within its jurisdiction but not on this agenda. **Note: Prior to action by the PAC on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**

None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink that reads "Tony Boren". The signature is written in a cursive, flowing style.

Tony Boren, Executive Director

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****All enclosures are available on our website at www.fresnocog.org – Committees and Agendas**