

		<p align="center">April 23, 2013 10:30 am – 12:30 pm</p> <p align="center">CALTRANS 1120 N Street, Room 4306A Sacramento, CA 95814</p> <p align="center">Contact: Abhijit Bagde (916) 654-3638</p> <p align="center">Telephone Number: (712) 432-1438 Participant Access Code: 932832#</p>	
		<p>Meeting called by: Muhaned Aljabiry Facilitator: Abhijit Bagde Recorder: Bruce Abanathie</p>	
<p>Agenda Topics</p>			
Item	Description	Time	Presenter
1	Agenda	10:30	Abhijit Bagde
2	Ground Rules	10:35	Abhijit Bagde
3	Approval of 03/12/2013 meeting minutes	10:40	Abhijit Bagde
4	Announcements and updates: <ul style="list-style-type: none"> • CT Federal Programming Staffing – Muhaned Aljabiry 	10:45	All
5	<p>Follow-Up Items from last meeting:</p> <ol style="list-style-type: none"> 1. Rihui Zhang , CT-DLA will contact CT Division of Right of Way Division, and develop information on the implementation of the Buy America requirements – See Item No. 8 below 2. Melissa Garza, FresnoCOG will email the contact information for the Associate Administrator for Policy and Governmental Affairs, FHWA to Abhijit Bagde who will email it to the CFPG - Item completed 3. Bruce Abanathie, KCAG will send list of projects prepared by Jean Mazur, FHWA requesting Buy America waiver to Abhijit Bagde who will send it to the CFPG. The regional agencies will need to populate the list and return it to Abhijit Bagde – Item completed, See Item No. 8 below 4. Brian Travis, CT-DMT will send information out to the large UZA representatives about the pending meetings for FTA 5310 - See item No. 9 below 	10:50	Abhijit Bagde
6	MAP 21 - Update	10:55	Rachel Falsetti, Mitch Weiss
7	CT-Division of Mass Transportation (DMT) – Update	11:25	CT-DMT
8	<p>Buy America Requirements – Update:</p> <ol style="list-style-type: none"> 1. Buy America Waiver Requests 2. Implementation: MAP-21 Requirements for Right of Way 	11:35	Stew Sonnenberg, FHWA, CT
9	Financial Summary Template	12:05	Gwyn Reese
10	<ul style="list-style-type: none"> • Follow-Up Items • Open Forum 	12:15	All

	<ul style="list-style-type: none">• Future Agenda Items		
11	Future meeting dates and locations: <ul style="list-style-type: none">• June 4, 2013, SACOG Sacramento (10:30 am – 12:30 pm)	12:20	All

California Federal Programming Group (CFPG)

Minutes for: April 23, 2013

1. Agenda:

Abhijit Bagde (CT Federal Programming Office) reviewed the agenda and noted the follow-up item attachments that were emailed as well.

2. Ground Rules:

- Since there are phone participants, everyone who speaks should state his/her name and agency.
- Keep comments as brief as possible.
- Stick to the current agenda item. Additional items not in the agenda will be added to the end and will be discussed if time permits.
- Turn off cell phones and limit interruptions.
- This is a forum to hear everyone's concerns, comments and suggestions. Please make sure your voice is heard.
- Facilitator to ask before moving on to the next item if anyone on the phone has any additional comments on the item, then pause for a few seconds.
- Respond to follow-up items and meeting notices by the deadlines.
- Except for follow-up items, the minutes will include discussions that take place during the meeting only. If you do not want what you say during the meeting included in the minutes, state "off the record."
- **When not speaking, phone participants to keep their phones on mute if possible.**
- **Do not place conference call on hold. Please hang up and redial if you must take another call.**
- Meeting minutes to be distributed to the group with 10 days after the meeting.

Bolded items were emphasized by Abhijit.

3. Minutes of the Last Meeting - Abhijit Bagde

The final minutes of the March 12, 2013 meeting were provided via email prior to the meeting.

4. Announcements and Updates:

- a. CT Federal Programming Staffing – Muhaned Aljabiry

Muhaned announced that Dennis Jacobs is on an acting assignment. In the interim his duties have been assigned to various staff.

5. Follow-up Items from Last Meeting – Abhijit Bagde

- a. Rihui Zhang, CT-DLA will contact CT Division of Right of Way Division, and develop information on the implementation of the Buy America requirements – See Item No. 8 below.
- b. Melissa Garza, FresnoCOG will email the contact information for the Associate

Administrator for Policy and Governmental Affairs, FHWA to Abhijit Bagde who will email it to the CFPG - Item completed.

- c. Bruce Abanathie, KCAG will send list of projects prepared by Jean Mazur, FHWA requesting Buy America waiver to Abhijit Bagde who will send it to the CFPG. The regional agencies will need to populate the list and return it to Abhijit Bagde – Item completed - See Item No. 8 below
- d. Brian Travis, CT-DMT will send information out to the large UZA representatives about the pending meetings for FTA 5310 - See item No. 7 below

6. MAP 21 - Update – Rachel Falsetti

Rachel Falsetti, Chief of Division of Transportation programming, provided an update on state activities to implement MAP-21.

Rachel noted that Asset Management activities are forthcoming. Caltrans will work with the regions to compile local roadway data for inclusion in the statewide highway information and additional data will be collected for the bridge, safety, and other programs.

Rachel mentioned that TE projects will be using TAP capacity for the FYs 2012/13 and 2013/14. There will also be a period of adjustment of the program from TE to TAP. It is recommended that any existing projects that are programmed be delivered as soon as possible to avoid any negative effects from the change-over.

Rachel also talked about the proposed Transportation Trailer Bill for the Active Transportation Program (ATP). The ATP would combine the TAP funds with funds from five other programs (SR2S, BTA, EEM, RTP, and HSIP) to establish one fund source. This fund source would be put under the CTC for administration. An update on the Governor's proposal is expected by June. Information on ATP is available at: http://www.dof.ca.gov/budgeting/trailer_bill_language/forecasting_labor_and_transportation/.

The ATP would put the CTC in the position of managing the ATP funds as they do the current STIP-TE and would add the necessity for CTC to do a call-for-projects in a competitive AT Program. There are some clarifications that have yet to be made regarding direct subventions and guaranteed apportionments specified in MAP-21.

Jeanette Fabela (StanCOG) asked about the FY 13-14 funding for BTA. Jeanette noted that there was no call-for-projects for this year and asked what would happen to the funds allocated to the program based on its potential inclusion in the ATP. Rachel stated that if the ATP becomes a reality, the funding would be blended into the ATP first year allocation. Rachel also noted that guidance has yet to be written for these programs.

The group discussed the different population-based subventions and how the call-for-projects would occur. This is still not decided except for the percentage of funding that MAP-21 specifies be directly subvented to the TMA's.

There is also a bill (AB 1194, Ammiano) to set aside funds specifically for SR2S projects. Rachel noted that the stakeholders for the individual programs being rolled into the ATP are seeking special considerations for their priorities and this may have an effect on whether the ATP legislation is even approved.

Rachel also noted AB 466, which memorializes the SAFETEA-LU distribution formulas for CMAQ funds, is also going through the state legislature.

Melissa Garza (FCOG) questioned which program (within the TAP/ATP) was required to be administered by the state. Rachel explained the distribution of the TAP - the differences in

direct subventions and the set asides to be managed by the state.

Ivan Garcia (BCAG) asked if performance measures would be related to the TAP project selection process. Rachel stated that at this time, they are not.

Muhaned asked if this information was essentially the same as the Caltrans Road shows.

Rachel confirmed that the information, other than the new information on the ATP, was the same as in the various MAP-21 Road shows conducted by Caltrans and FHWA.

Information discussed/presented at the road shows is posted at:

<http://www.dot.ca.gov/hq/transprog/map21.htm>.

Additional discussion continued on the call for projects, the distribution of funds, and the projects currently programmed in future years that would be affected by the changes resulting from MAP-21.

7. Division of Mass Transportation (DMT) Update – DMT

Brian Travis (CT - DMT), reported that, for 5310, DMT is moving forward in dialogue with the MPOs for the larger UZA areas (MPOs may include the transit providers for the larger UZAs in their region) regarding recipient status for the program, an option under MAP-21. Mineta Transportation Institute has been conducting data collection and there is some question about the logic of a decentralized administration of the program. Potential changes for the next reauthorization may return administration of the program back to the direction under SAFETEA-LU.

DMT is moving forward with their historic designated recipient status or 5307, 5337, and 5339, programs. This will make adjustments based on the 2010 census. For small UZAs the recipient status has been shifted away from the providers and back to Caltrans.

Sam Kaur (SCVTA) asked if the administration (grant application approvals) of 5339 will be at the state level or with the larger UZA transit providers. Brian stated that they are going through the steps to enact the Governor's action to designate recipients, then to set up an internal program to manage the formula 5339 within Caltrans until they hear back from FTA. The program will look a lot like the 5311 program management. In addition to the formula funds there is about \$1.25 million that can either be added to apportionments of small UZAs or (CTA's recommendation) be used on one or two larger projects as the result of a call-for-projects statewide of the small UZAs.

8. a. Buy America Waiver Requests – Stew Sonnenberg

Abhijit asked that Stew Sonnenberg (FHWA) report on the partial waiver request that was submitted for statewide vehicle purchases.

Stew stated that there has been a long lapse in waiver request activity, but through the coordinated action of the state, regional, and local agencies DOT was actually working on the waiver request. The waiver request was posted on April 12, 2013, and there were about 17 comments on the FHWA website at the time. The request is posted at:

<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm>

The result of the evaluation of the request and comments will be posted in the Federal Register.

Jeanette asked about a CNG fuel station (steel tanks) project that was not included in the list. She also asked about the process for requesting a waiver for this project. Stew stated that it was left off of the current request because it was not a vehicle purchase and that he will

have to check about a separate request.

Muhaned asked Stew if there was going to be a streamlining of this process or if this was the process. Muhaned noted that there has to be a better way of doing this. Stew stated that he would try to follow up on this, however the CA Division was limited in what they can do.

8. b. Implementation: MAP-21 Requirements for Right of Way – Caltrans Division of ROW and DLA

Suzette Shellooe, (CT - Office Chief for ROW Utilities Relocations and Organizational Development), stated that they are working with the utility companies that have refused to enter into contracts for utility relocations that include the Buy America clauses. The companies are refusing due to existing contracts, materials stock, vendor agreements, etc that functionally preclude them from meeting the requirements. Suzette explained the requirements as they are included in MAP-21. The change is significant in that, even if there is no federal money in the ROW phase or in the actual relocation, Buy America applies to every federalized project. One of the additional problems in MAP-21 is that it provided no grandfathering or implementation grace period to deplete existing materials stock. One of the efforts that Caltrans is considering is trying to get a grace period amended into or a temporary waiver from the MAP-21 requirements for utility relocations.

ROW has in place interim guidelines for ROW certifications for state projects. This allows them to continue certifications through the pipeline so that state projects are considered delivered (but not allocated) for funding purposes. Another office is working on language for local agency projects.

Bruce Abanathie (KCAG) noted that this does not work the same with local agency projects, as they are managed through the federal process rather than the state process. If the projects cannot have their construction funds obligated, they will not go forward and the funds programmed for those projects will lapse at the end of the fiscal year. Bruce asked if franchise agreements offer any help with this process. Rihui Zhang (DLA), answered that the interim guidance will not address the local assistance projects.

Muhaned asked if there were projects currently in process that are not able to go forward. Several people in the room stated that they had projects that could not advance past ROW and Suzette added that there are projects already in construction that have been stopped. Some of the projects in construction were stopped because another part of the MAP-21 requirements were that the utility relocation agreements had to be executed at the same time as the Buy America was certified. In these cases the agreements were signed after the project was obligated.

Suzette stated that we should be gathering information on all of the projects that are affected by these issues. Caltrans is gathering the information for projects on the state system, but is not sure about how this will be done for projects off the state system.

Suzette Musetti (Chief, ROW Office of Appraisals and Local Programs), stated that her office is working on two versions of interim certification documents until the utility issue can be resolved and an interim process executed. Suzette presented a decision making flow chart that identified the processes that would lead to a non-compliant certification. It was also noted that this does not allow the project to receive an E-76 for construction. Again, this process will work for state projects, but not for local federal-aid projects.

Suzette talked about the FHWA requirements for cert only upon notification and executed agreement, rather than notification alone, and adding two clauses to the ROW documents. Look for notification in the LAPM.

Suzette noted that the Buy America requirements do not apply to utility relocations under franchise agreements – when the utility company is not reimbursed for relocating the utility. Suzette recommended that we see the FAQs on the FHWA website:
http://www.fhwa.dot.gov/construction/contracts/buyam_qa.cfm

Sam asked if the interim guidance process was an effort to measure the impact of this issue across the state. Following this question was a lengthy discussion on the magnitude of the issue in relation to federal funding in CA.

Suzette then discussed “early acquisition”. ROW has been working with environmental to develop some interim guidance for the MAP-21 expanded early acquisition provisions. Chapter 7 of current ROW manual, has a good background (although not the expanded provisions) on the acquisition of ROW prior to final environmental approval. There are five options provided.

1. Prior approval of Protection Appraisals
2. Use non-federal funds for appraisal and acquisition
3. Soft Match
4. Reimbursement option (revised)
5. Create stand-alone project for acquisition only (new), problem with CEQA for full implementation

These programs and their guidelines are pending.

9. Financial Summary Template – Gwyn Reese

Gwyn Reese (CT Federal Programming Office) reported that they have amended the template by adding in the most likely used MAP-21 financial programs, but the SAFETEA-LU programs will remain until the funds expire. If there are MAP-21 fund streams that are not in this template, please use the Appendix pages to document the funding/programming. The form completion instructions imbedded in the template have been updated to reflect the changes.

The revised template was emailed by the Programming Office and is also available on their webpage. The Programming Office requests that we use this template for our next formal amendment. If you have an amendment currently out for public comment or approval processing, you can continue to use the prior template.

Abhijit added that they have also added some of the MAP-21 fund types in CTIPS. If anyone wants to see a fund type added, contact Abhijit Bagde.

Jose Luis Caceres (SACOG) noted that there will be several fund types to report in one program if the ATP is adopted. Abhijit stated that the different funding streams in the ATP may be handled like the different funding streams that support programs such as the Highway Bridge Program – although there are several fund types, there is one funding program.

10a. Follow up Items

6. Rachel will provide the link to the ATP Trailer Bill to Abhijit to distribute to the CFPG. Email the link to the state PPP and FSTIP and MPOs to email new weblinks to FTIP amendments if they have changed, and notify the Programming Office of any staff changes related to programming.

10b. Open Forum

No items

10c. Future Agenda Items

Abhijit noted that he is always accepting subject matter for future meetings.

Abhijit recommended that any MPO that had a program that may benefit this subject could bring the information to future CFPG meetings.

14. Next Meetings:

June 4, 2013, SACOG Sacramento (10:30 am – 12:30 pm)

July 16, 2013, TBD