

# Agenda

**June 7, 2011**  
**10:30 am – 12:30 pm**

Caltrans  
 1120 N Street, Room 4306 A  
 Sacramento, CA 95814  
 Contact: Dennis Jacobs  
 (916) 654-4447

**Telephone Number: (712) 432-1438**  
**Participant Access Code: 932832#**

**Meeting called by:** Muhaned Aljabiry  
**Facilitator:** Dennis Jacobs  
**Recorder:** Bruce Abanathie

**Agenda Topics**

Item	Description	Time	Presenter
1	Agenda	10:30	Dennis Jacobs
2	Ground Rules	10:35	Dennis Jacobs
3	Approval of 4/26/2011 meeting minutes	10:40	Dennis Jacobs
4	<b>Announcements and updates:</b>	10:45	All
5	<p><b>Follow-Up Items from last meeting:</b></p> <ul style="list-style-type: none"> <li>a. Members desiring to participating in the CMAQ Guidance group e-mail Lima Huy by Friday (April 29) – Item completed (See item # 9)</li> <li>b. Sri Srinivasan to continue gathering data from MPOs on flex fund transfers. MPOs to respond to Sri by May 6.</li> <li>c. Sam Kaur to report on flex fund transfer work with FHWA Finance Office at next meeting.</li> <li>d. Abhijit Bagde will send the updated guidance for Planning on the use of toll credits for planning funds in the OWP – Item completed</li> <li>e. Kang Tang to send out revised financial summary template and it will also be posted on the programming website – Item complete</li> </ul> <p><a href="http://www.dot.ca.gov/hq/transprog/federal/proc_guide.htm">http://www.dot.ca.gov/hq/transprog/federal/proc_guide.htm</a></p> <ul style="list-style-type: none"> <li>f. MPOs need to send CT-DMT an email with the amount of toll credits that will be requested for 5307, 5309 and flex fund transfers.</li> <li>g. Kimberly Gayle will send out an email that states what DMT needs, timelines from each MPO using toll credits – Item completed</li> <li>h. Kimberly will try to schedule a meeting with CT-DLA and will send an update to Abhijit Bagde for group distribution (See Item # 7)</li> <li>i. Members desiring to participate in the FTIP schedule committee needs to e-mail Sri Srinivasan by Friday (April 29) ( See item # 8)</li> </ul>	10:55	Dennis Jacobs
6	Amendments and Administrative Modifications Guidelines - Revision (Handout No. 1)	11:10	Muhaned Aljabiry Jermaine Hannon
7	Division of Mass Transportation (DMT) Update:	11:40	Michael Lange

8	Schedule for the next FTIP/FSTIP - Update	11:55	Sri Srinivasan
9	CMAQ Guidance Task Force - Update	12:05	Lima Huy
10	<ul style="list-style-type: none"> <li>• Follow-Up Items</li> <li>• Open Forum</li> <li>• Future Agenda Items</li> </ul>	12:15	All
11	<p><b>Future meeting dates and locations:</b></p> <ul style="list-style-type: none"> <li>• July 26, 2011 MTC, Oakland (10:30 am – 12:30 pm)</li> <li>• September 6, 2011 SACOG, Sacramento (10:30 am – 12:30 pm)</li> <li>• October 18, 2011 Caltrans, Sacramento (10:30 am – 12:30 pm)</li> <li>• December 13, 2011 MTC, Oakland (10:30 am – 12:30 pm)</li> </ul>	12:25	All

## California Federal Programming Group (CFPG)

Minutes for June 7, 2011:

### 1. Agenda:

Dennis Jacobs (Caltrans HQ Programming) reviewed the agenda and noted that there was a change regarding the handout for item #6 – no handout. The circumstances of the change will be discussed as part of item #6.

Handouts were emailed to the group prior to the meeting and will be addressed during the agenda item that they relate to.

### 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 Dennis.**

### 3. Minutes of the Last Meeting:

The final minutes of the April 26, 2011 meeting were provided via email prior to the meeting and there were no comments or changes requested – approved

### 4. Announcements and Updates:

Unless otherwise noted, Dennis Jacobs (Caltrans HQ Programming) addressed these subjects.

Lima Huy (Caltrans HQ Programming) stated that the safety project lists for the group project listings had been sent to the MPO FTIP Coordinators and asked that

the MPOs submit the required FTIP modifications/amendments to program the projects as necessary.

#### **5. Follow-Up Items from last meeting**

- a. Members desiring to participating in the CMAQ Guidance group e-mail Lima Huy by Friday (April 29) – Item completed (See item # 9)
- b. Sri Srinivasan (MTC) to continue gathering data from MPOs on flex fund transfers. MPOs to respond to Sri by May 6.

Sri stated that she has received some data and will send out the updated information. Sri still needs more information from MPOs that have not responded . *Sri will remind everyone with a follow-up email.*

- c. Sam Kaur (SJCOG) to report on flex fund transfer work with FHWA Finance Office at next meeting.

Sam reported that she is still working on the subject with FHWA Financial Office. *Further report next CFPG meeting.*

- d. Abhijit Bagde will send the updated guidance for Planning on the use of toll credits for planning funds in the OWP – Item completed
- e. Kang Tang to send out revised financial summary template and it will also be posted on the programming website – Item complete
- f. MPOs need to send CT-DMT an email with the amount of toll credits that will be requested for 5307, 5309 and flex fund transfers.

Michael Lange (DMT) reported that this item was complete and that he is working with the MPOs that have submitted information.

- g. Kimberly Gayle will send out an email that states what DMT needs, timelines from each MPO using toll credits – Item completed
- h. Kimberly will try to schedule a meeting with CT-DLA and will send an update to Abhijit Bagde for group distribution (See Item # 7)

Michael Lange (DMT) reported that Kimberly stated that this item was complete.

- i. Members desiring to participate in the FTIP schedule committee needs to e-mail Sri Srinivasan by Friday (April 29) ( See item # 8)

#### **6. Amendments and Administrative Modifications Guidelines - Revision (Handout No. 1)**

Muhaned Aljabiry (Caltrans HQ Programming) reported on the work that Caltrans, FTA, and the CA Division of FHWA had done to revise the FTIP Administrative Modifications procedures. The draft has been completed, but FTA needs time to review the draft for final approval of the revisions. Pending the final approval of the draft, Muhaned discussed some of the details with which they have a confident level of agreement with FHWA.

One of the significant changes is the ability of MPOs to request delegation of approval authority for administrative modifications. This would grant the current

Caltrans approval authority to the MPO. Note that if an MPO accepts this delegation they are approving changes to the statewide document (the FSTIP), not just their region's FTIP.

The process will be to take the request through the MPO governing board for an action of acceptance of delegation and potentially further delegate the authority to the MPO director. Initially Caltrans will review the modifications to be sure that the modifications meet the requirements and that they are consistent with the guidelines. After a period of review, Caltrans will occasional reviews of the modifications as a quality control mechanism. Caltrans is also available to review modifications prior to approval if the MPO has any questions about the appropriateness of the modification.

If an MPO fails to comply with the guidelines, the delegation can be rescinded by Caltrans. Muhaned emphasized the importance of effective modifications as they affect the statewide program, not just the regional program.

Sue Kiser (FHWA) commented on the importance of submitting the completed modifications to Caltrans, FTA, and FHWA because the changes still have to be included in the FSTIP in order to obligate the projects included in the modification.

Muhaned also discussed the changes in the threshold limits for cost increases (from \$5 to \$10 million) and percentage of change (from 25% to 40%). Another important change is the ability to add a PE phase to a project which has a R/W or CON phase already programmed. This is particularly helpful in the change of FTIP years (e.g. from 2008 FTIP to 2010 FTIP). Sue and Wade Hobbs (FHWA) also noted that the addition of the PE phase through a modification would not adversely affect the financial constraint. The revision also allows for the conversion of a project's programming to advanced construction.

Another change is the ability to program an emergency repair projects on the state highway system. This is for air quality exempt – safety related projects that result in damage from undeclared natural disasters or other emergencies. This is different than an Emergency Relief Program project, which requires a Governor or Presidential declaration of emergency/disaster. An example would be a bridge with a significant scour problem.

The final significant change is the opportunity for project specific consultation with the MPO-Caltrans-FHWA/FTA for exceptions to the modification procedures on a case by case basis.

Sue mentioned that the FTA was also involved in the negotiations of this revisions and she does not anticipate any problems with their buy-in. Wade asked if Caltrans would still post the modifications on their programming website. Muhaned stated that they would.

Sam Kaur (SJCOG) asked about any changes to the transit related project change agreements that have been negotiated between the MPOs, programming, and the Division of Mass Transit for certain changes to projects such as 25% scope and bus purchases. Muhaned stated that these agreements are not changing. Sam further inquired about the cost and percent change revisions as they apply to these

agreements. Muhaned stated that the cost of the increase applies to all projects as long as the scope is not changed. For the transit scope changes, the prior agreements have not been changed. Sue cautioned that a change, such as the number of buses, may be seen by FTA as a scope change and should be addressed with FTA prior to completing the modification.

Sam further inquired about existing resolutions approving director delegation for administrative modifications. Sue recommended that the MPO seek a resolution with the higher limits and add the delegation as part of the same resolution. Muhaned also addressed the idea that this delegation will be for the FSTIP not the FTIP (a broader, higher authority). Muhaned also emphasized that Caltrans is not specifying a resolution because some MPOs may not use resolutions in this manner, but they are asking for a “board action”. Bruce Abanathie (KCAG) noted that if an MPO does not use resolutions, a board action on a staff report with the minutes of the action forwarded to Caltrans would constitute a “board action”.

Several MPO representatives expressed the appreciation to the state and federal agencies for the work on this item. And SRI Srinivasan (MTC) asked when the procedures would be in effect. Muhaned stated that the procedures will be in place as soon as the MPOs receive a letter from the state and the delegations will be in effect when Caltrans receives the board action and sends a confirmation letter to the MPO.

Rosemary Ayala (SCAG) asked about the process for the agencies that do not use CTIPS for their direct programming. When will those MPOs upload their modification information into CTIPS? Muhaned stated that the information can be uploaded as soon as the MPO approves it.

Jermaine Hannon (FHWA) complimented Muhaned and Staff for the cooperative effort that lead to these changes. Jermaine also complimented the FHWA and FTA staffs for their participation.

John Ascuncion (SCAG) asked for clarification about the consultation opportunity and what type of projects that can be the subject of consultation. Muhaned stated that any project is open to consultation.

*Muhaned will send out the final revision after FHWA and FTA have signed off on the program.*

## **7. Division of Mass Transportation (DMT) Update**

Michael Lange (DMT) reported that, for the MPOs that have submitted their toll credit use requests, he is working on the agreements with FTA.

Kimberly Gayle (DMT) reported that she Abhijit (representing the Caltrans) and Sam and Jim (SACOG) (representing the MPOs) had a meeting with Fahrdad about the use of toll credits for urban transit projects. They were able to assure Caltrans Budgets that the tracking of the toll credits by the MPOs could be effectively done. Kimberly anticipates the process moving forward, but she still has some work to do with Division of Local Assistance. Kimberly is suggesting an internal Caltrans meeting to bring DLA up to the same understanding as the MT, Programming, and budgets divisions have.

Sri asked what MTC or the MPOs could do to complete this program. Kimberly recommended that this subject be elevated to the RTPA agenda as a policy issue. Sam agreed that the problem is greater than just a programming issue. She stated that the problem was with the lack of a Caltrans database for tracking the transfers to FTA. Sam stated that it is going to be necessary to get DLA to join the MT, budgets, and programming divisions to complete the process.

#### **8. Schedule for the next FTIP/FSTIP - Update**

Sri stated that everyone who requested to participate in the task force will receive an email with a request for availability for the first meeting.

#### **9. CMAQ Guidance Task Force – Update**

Lima stated that she received a good response from people interested in participating. The task force is a good representation for geographical distribution and agency size, as well as Caltrans Local Assistance and FHWA. Lima reviewed the discussions held by the team, including the team charter, the direction for the team, etc. Lima also gave a little background on why the team was being established. Lima noted that the document that the team would be working toward would be more of a toolbox or resource document rather than additional restrictions added to the federal guidance.

Lima described the discussion of the team about whether or not to proceed based on the situation we are in relating to the end of SAFETEA-LU and the pending new transportation bill. Some of the team felt that it was not a good idea to proceed without knowing what the parameters of CMAQ would be in the new bill; others felt that the program had not changed much in the last two bills.

The result of the discussion was that there was value in some work that could be done now and the team agreed to proceed on a limited basis addressing the items that would be beneficial in any federal program, e.g. roles and responsibilities as it relates to eligibility. The first task will be to develop those roles and responsibilities for the different levels of agencies in the program.

Sue mentioned that she agreed with the idea of moving forward with this project. She noted that CMAQ does not necessarily end with the passage of new legislation because the program funds are still active for up to four years after the end of SAFETEA-LU.

Jose Luis Caceras (SACOG) asked for clarification of the four year timeframe that Sue mentioned. Sue stated that the apportionment is good for the apportionment year plus three. They discussed the process of changing funds from the current (e.g. CMAQ) program to a new program (e.g. Livable Communities). Sue explained how the process worked at the implementation of ISTEA (from the FAU-FAS programs to ISTEA). Sue also noted that how these options will work will be part of the development of implementation guidelines for the new legislation. Sue also noted that some state statutes will have to change.

#### **10.a. Follow-Up Items**

Sri to send email to MPOs for data on flex fund transfers

Sam will continue to work with FHWA Finance on flex fund transfers  
Muhaned will send revised Administrative Modification procedures to MPOs  
Sri will send an email for availability to FSTIP Schedule team meeting  
Kimberly to send an email regarding cost savings on transit (grants) projects.

#### **10.b. Open Forum**

Muhaned recommended that the MPOs that will be requesting delegation under the revised modification procedures begin preparing their board actions.

Kimberly stated that transit agencies with savings in their grant projects go directly to DMT with changes. She requested that the guidelines include how to manage cost savings in the programming process. Sri noted that the transit agencies are going to DMT to find out if there are actual savings, then come to the MPO to provide the amendment. This is the necessary process. Kimberly was concerned about the differentiation between a modification and an amendment. Muhaned stated that the evaluation of a cost savings is a DMT decision, but the level of modification to the FTIP is an MPO decision.

*Kimberly will send an email to clarify this issue.*

#### **10.c. Future Agenda Items**

Send any requests to Abhijit.

#### **Next Meetings:**

- July 26, 2011 MTC, Oakland (10:30 am – 12:30 pm)
- September 6, 2011 SACOG, Sacramento (10:30 am – 12:30 pm)
- October 18, 2011 Caltrans, Sacramento (10:30 am – 12:30 pm)
- December 13, 2011 MTC, Oakland (10:30 am – 12:30 pm)