

KERN COUNCIL OF GOVERNMENTS
TRANSPORTATION PLANNING POLICY COMMITTEE

Minutes of Meeting of September 17, 2009

KERN COG CONFERENCE ROOM
BAKERSFIELD, CALIFORNIA

SEPTEMBER 17, 2009
7:00 P.M.

Mr. Brummett stated that both the Chair and Vice Chair are not here tonight, so we need to elect a Chair for just tonight's meeting. Motion by Direction Rubio, second by Director Lessenevitch, to appoint Director Wegman as Chair for the night.

The meeting was called to order by Chair Cheryl Wegman at approximately 7:00 p.m.

I. PLEDGE OF ALLEGIANCE:

II. ROLL CALL:

Members Present: Scrivner, Lessenevitch, Mock, Rosson, Wegman, Rubio, Perrault, Warren

Members Absent: Tarver, Ramirez, Morgan, Prout, Linder, Smith, McQuiston, Silver

Alternates: Wiknich, Noerr, Maggard

Others: Approximately 10

Staff: Brummett, Collins, Stramaglia, Ball, Pacheco, Beardslee, Palomo, Snoddy, Heimer, Phipps, and Randolph

PUBLIC COMMENTS: This portion of the meeting is reserved for persons to address the Committee on any matter not on this agenda but under the jurisdiction of the Committee. Committee members may respond briefly to statements made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Committee at a later meeting. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD PRIOR TO MAKING A PRESENTATION.** None heard.

IV. CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: All items on the consent agenda are considered to be routine and non-controversial by Kern 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. **ROLL CALL VOTE.**

- A. Approval of Minutes – July 16, 2009
- B. Response to Public Comments (None)
- C. FY 2009-10 TDA Public Transit Claims – Cities of Bakersfield and California City and Revised TDA Public Transit Claim for Golden Empire Transit District
- D. 30-Day Public Review for 2009 Draft Regional Growth Forecast Report
- E. FTA Sections 5316 and 5317 Projects
- F. Arvin/Lamont/Bakersfield Corridor Transportation Development Plan
- G. Amendment to Design Workshop Contract: Eastern Sierra Highway 395 Corridor Enhancement Program
- H. 2010 Regional Transportation Improvement Program
- I. Progress Report: Projects of Regional Significance
- J. Transportation Enhancement Projects – Draft Timeline
- K. Bi-annual Survey of Transportation Projects on Regionally Significant Routes
- L. Timeline for the 2011 Regional Transportation Plan (RTP), Environmental Impact Report, 2011 Federal Transportation Improvement Program (FTIP) and the Corresponding Federal Air Quality

- Conformity Analysis
- M. 2011 Regional Transportation Plan Programming Overview for Projects of Regional Significance
 - N. Local Project Commentary (RSTP, CMAQ, TE, Transit)
 - O. Congestion Mitigation/Air Quality (CMAQ) Program – Draft Timeline
 - P. Regional Surface Transportation Program (RSTP)- Draft Timeline
 - Q. 2011 Regional Transportation Plan Environmental Impact Report: Contract for Preparation

***** END CONSENT CALENDAR*****

MOTION BY DIRECTOR MAGGARD, second by Director Rubio, TO APPROVE THE CONSENT CALENDAR. Motion carried with a roll call vote.

V. PUBLIC HEARING – UNMET TRANSIT NEEDS IN KERN COUNTY

Ms. Beardslee stated that the California Public Utilities Code requires that Kern COG annually identify any unmet transit needs and those needs that are reasonable to meet. Kern COG is conducting a public hearing tonight, prior to making a final determination. Prior to making any allocation from TDA funds to uses other than public transportation or pedestrian/bikeway facilities, Kern COG is legally required to determine whether unmet transit needs have been identified within its jurisdiction. Through newspaper advertisement, members of the public were requested to provide their input. Input was also obtained through public notices and meetings by the cities, County of Kern, Golden Empire Transit (GET) and the Social Services Technical Advisory Committee (SSTAC). GET held its unmet transit needs public hearing on March 4th and no unmet transit needs were identified at that hearing. Kern Regional Transit ran display advertisements throughout the County for a period of four weeks during January and February of this year soliciting comments concerning unmet transit needs. Public meetings to discuss unmet transit needs were also held in Lamont. In addition, a public hearing before the Board of Supervisors was held in May of this year. She reported that a few letters were received as well as there are two people here tonight to speak regarding transportation between the Delano campus of Bakersfield college to the Bakersfield's campus. They will speak to you of their interests and concerns, they have done quite a bit of research on this. With the exceptions of Shafter and Delano, city-operated transit systems in Kern County held unmet transit needs' public hearings between February and August of this year. None of these cities reported unmet transit needs that were deemed reasonable to meet. The SSTAC will reconvene in October to consider unmet transit needs findings of both Shafter and Delano, it might be November instead. At the COG Board's November meeting, a public hearing for unmet needs will be held to consider the cities of Shafter and Delano. At its August 28th meeting, the SSTAC reviewed a countywide analysis of unmet transit needs excepting Shafter and Delano provided by Kern COG staff and, after discussion, determined that there are no unmet transit needs that are reasonable to meet exclusive of Shafter and Delano.

Chair opened public hearing.

Dr. Patrice Plummer who teaches at the Delano campus for Bakersfield College talked and said that all students that come from the outside areas to Delano will eventually have to go to the Bakersfield campus to get all of their required classes; this has already been a problem in some of the degrees. Students do not have the money for gas let alone a car to get to and from the classes that they will need to get their certification. There is transportation available now, however it is limited and it is protracted, Lamont has a straight route as well as does Tehachapi to Bakersfield, though Delano does not and that is the campus that is expanding amazingly so. We would like to request that Kern Regional Transit have a straight stop to Bakersfield College and back to Delano. Not only would it benefit the students in Delano, who are missing so much, but often time's students on the main campus get shut out of classes that we still have openings available if they had transportation to get out to the Delano campus, those seats would be filled and they could continue on with their course

work. This is our request and we hope that you will consider it. Thank you very much.

Professor Mary Jo Anhalt from the Delano campus said that as a statistics Professor she had some of her students practice some of their new skills and we surveyed 166 students at the Delano campus and we are in the preliminary stage of analyzing those results, but it does seem that there is a need that the vast majority will plan to come to the main campus to finish their degrees. She has copies of the summary data for your information. Thank you very much.

Pat Ebel from Kern Regional Transit said she wanted to address some of your concerns, the reason that the Tehachapi and Lamont bus go directly to Bakersfield College is because they come from the east, the bus from Delano comes down 99 and would go directly to the GET downtown station that takes the students from there to Bakersfield College so that is why we do it because those two come from the east.

Dennis Fox asked if they meet the FEMA requirements, he knows that some agencies are planning for big events like a flood, and wonder if we have thought about coordinating for that.

Ms. Beardslee stated that Kern Regional Transit, GET, and Kern COG have been meeting with the emergency services and plans are being formalized to respond to any upsets such as Lake Isabella dam or earthquakes to move people out of harm's way and it is ongoing. Mr. Brummett said that this is not really a part of the discussion on unmet needs. All of the public transit operators are required to do contingency plans.

Chair closed the public hearing.

Ms. Beardslee asked that the Board take one of three actions tonight 1) that there are no unmet transit needs; 2) that there are no unmet transit needs that are reasonable to meet; or 3) that there are unmet transit needs, including those that are reasonable to meet. Kern COG staff asks that you find that there are no unmet transit needs that are reasonable to meet at this time, exclusive of Shafter and Delano, and authorize the Chair to sign Resolution No. 09-31.

Motion by Director Rubio, second by Director Maggard, TO FIND THAT THERE ARE NO UNMET TRANSIT NEEDS THAT ARE REASONABLE TO MEET, EXCLUSIVE OF SHAFTER AND DELANO, AND AUTHORIZE THE CHAIR TO SIGN RESOLUTION NO. 09-31. Motion carried with a roll call vote.

VI. AIR QUALITY CONFORMITY ANALYSIS FOR THE 2009 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM (FTIP) AMENDMENT NO. 8 AND THE 2007 REGIONAL TRANSPORTION PLAN (RTP) AMENDMENT NO. 2

Mr. Ball stated that this is the first of three related items and we are asking that you continue consideration of the first two items and then perform the action on all three of them at the end of the third item and that action would be a request to approve a resolution to adopt all three documents. This is the first of three projects and we are not going to consider them until we get to the third one. This conformity analysis is required by the Federal Clean Air Act which has the ability to stop or halt our transportation funding if we don't make a demonstration of analysis that the expenditures that we are making are not going to make the air any worse or delay the Air District's Attainment Plan for the Federal Clean Air Act attainment standards. This Analysis demonstrates that our region's proposed amendments to the near and long term transportation plans, the FTIP and the RTP will not delay our efforts to improve the air. We have concluded a 45 day public review period on August 21st and in the review period there were also concurrent public review periods held by each of the seven counties within the San Joaquin Valley as part of consideration of the amendments being considered. No

comments were received during that review period. On September 2nd the TTAC recommended to this body that they approve this analysis. Again continue consideration of this item to later in this agenda as part of a combined Resolution for the Conformity Analysis for the 2009 FTIP Amendment No. 8 and the 2007 Destination 2030 RTP Amendment No. 2 and its Draft Environmental Impact Report Addendum.

VII. AMENDMENT NO. 2 TO THE 2007 DESTINATION 2030 REGIONAL TRANSPORTATION PLAN AND DRAFT ADDENDUM ENVIRONMENTAL IMPACT REPORT

Ms. Beardslee stated that the 2007 Destination 2030 Regional Transportation Plan adopted in May of 2007 and amended in January of 2009 is being amended to incorporate project updates from outlying areas, updates to the Metropolitan Bakersfield Impact Fee program list and the Thomas Road Improvement Program, as well as the latest planning assumptions to measure air quality. The Amendment necessitated an Addendum to the programmatic Environmental Impact Report prepared for the 2007 Destination 2030 RTP. These documents were released for a 45-day public review. The RTP is Kern COG's major policy document that represents the vision of the region's transportation system through 2030. It is required under state and federal planning regulations; projects cannot be programmed for funding, nor implemented, unless identified in this document. The scope of the proposed RTP Amendment No. 2 is narrow and targeted toward incorporating those projects identified in the financially constrained Capital Improvement Program of the Plan's Action Element. Public review of the RTP Amendment and its Addendum EIR follow the same timeline as the Air Quality Conformity Analysis and the FTIP Amendment No. 8; that is, the review period for all documents began July 8th and ended August 21st of this year. Staff received no comments regarding the RTP Amendment or its Addendum EIR from any responding agency or from any member of the public. As stated previously the action for this item is that you continue consideration of this item until the end of the next item as part of a combined resolution for the Conformity Analysis and the FTIP Amendment No. 8.

VIII. 2009 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT NO. 8

Ms. Pacheco stated that the 2009 Federal Transportation Improvement Program Amendment No. 8 includes changes to the State Highway Regional Choice Program, Local Projects of Regional Significance, Regional Surface Transportation Program, Congestion Mitigation Air Quality Program, and Non-motorized Program. Amendment highlights include: 1) Adjustments to the Thomas Roads Improvement Program for a total of about \$221 million; 2) Adds a total of about \$14 million of "American Recovery and Reinvestment Act" programming for fiscal year 09/10 approved by the Kern COG Board May 21, 2009. This programming is for road and transportation enhancement projects; and 3) other local project revisions. No comments were received during the 45-day review period, public hearing, or workshop. The Conformity Analysis and the Regional Transportation Plan amendment preceded this agenda item. As such, Kern COG staff recommends approval of all of these documents and the 2009 Federal Transportation Improvement Program Amendment No. 8 as specified in the action. This request is made in accordance with interagency consultation instructions. The Transportation Technical Advisory Committee has reviewed these documents and recommends approval. Once regionally approved tonight, the documentation will be sent to state and federal agencies for their approval. The action requested tonight is the adoption of the Conformity Analysis, the 2007 Destination 2030 Regional Transportation Plan Amendment No. 2 and Addendum Environmental Impact Report, and 2009 Federal Transportation Improvement Program Amendment

No. 8 and authorize Chair to sign Resolution No. 09-30. ROLL CALL VOTE

Mr. Brummett stated that for those of you that are new tonight, he understands that this is a complicated process but this is the federal process we are required to go through in the San Joaquin Valley because all eight of the Valley COG's are tied together in our transportation planning because we are in one air basin. We would appreciate an affirmative vote tonight.

MOTION BY DIRECTOR MAGGARD, second by Director Lessenevitch, TO ADOPT THE CONFORMITY ANALYSIS, THE 2007 DESTINATION 2030 REGIONAL TRANSPORTATION PLAN AMENDMENT NO. 2 AND ADDENDUM ENVIRONMENTAL IMPACT REPORT AND THE 2009 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AMEDNMENT NO 8 AND AUTHORIZE CHAIR TO SIGN RESOLUTION NO. 09-30. Motion carried with a roll call vote.

IX. MEETING REPORTS (None)

X. CALTRANS' REPORT: (Report on Projects in Progress)

Mr. Perrault stated that he wanted to bring to everybody's attention that the Governor announced Mr. Darius Assemi from Fresno as the new representative to the California Transportation Commission. He is a civil engineer and the current President of Grandville Homes and he will be sitting on the Board representing the Valley. With him we have a good Partner for the Valley. He also wanted to highlight that the staff at Caltrans has been working very diligently with your staff and with Kern COG in processing the stimulus funding for local projects. About \$60 million has been made available and will be moving to construction shortly. The last item is a funding program that is sponsored through Caltrans for local agencies and is called the Highway Safety and Improvement Program, there is currently a call out for projects and these are projects where there is an opportunity to fix any safety deficiencies, there are \$50 million available and the deadline is October 8th. In Kern County in the last call, Bakersfield, Delano, the County and Wasco were successful and we encourage agencies to work towards that, these dollars are earmarked towards projects that are safety related.

XI. EXECUTIVE DIRECTOR'S REPORT:

Mr. Brummett stated that as Caltrans mentioned we have \$17 million that we are trying to get programmed, and we have about \$16 million of it already programmed, we have three projects in three of our jurisdictions that have not received their final federal approval to move ahead but we are working on those. Of the \$30 million that we allocated, we have an additional \$13 million that will come on next year. We are over our 50% for our region, which is one of the bench marks that the federal government has.

On September 23rd there is a meeting on High Speed Rail (HSR) Authority issues in Sacramento on Federal Stimulus funding for HSR. The state will be applying for about \$4.5 billion to go along with the \$9 billion that we approved as Prop 1B. There is big discussion on where that needs to be expended, whether it is Southern California, how much in San Joaquin Valley and how much in the Bay Area. Last Monday we met and developed a strategy in which they will be carrying out next week in Sacramento, the final vote is next Wednesday. There are a couple of committees working on alignment issues, there's the Bakersfield to Fresno alignment group then there is the Bakersfield to Palmdale group. One of the workshops was earlier this week here in Bakersfield on the Bakersfield to Palmdale segment. They are moving forward and finishing the environmental documents, they are getting ready to spend those billions of dollars to start acquiring the right-of-way and constructing the high-speed rail facilities.

We have spent during the SAFETY-LU, which is the last 5½ years, a 140% of our CMAQ allocation and basically anything over a 100% means we are spending somebody else's money here, so that is good and we still have a couple of months to go. Those are projects out in your community that have been constructed using the congestion mitigation air quality funds.

The California Transportation Commission will be meeting in San Diego October 14 and 15th.

XII. MEMBER STATEMENTS:

On their own initiative, Council members may make a brief announcement or a brief report on their own activities. In addition, Council members may ask a question of staff or the public for clarification on any matter, provide a reference to staff or other resources for factual information, or request staff to report back to the Council at a later meeting concerning any matter. Furthermore, the Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.

Director Rubio said that the City Clerk's of each of your cities has received a copy of a resolution that is being circulated throughout the San Joaquin Valley to be passed in support of the two projects that are being recommended by high speed rail staff and we are urging you to get them put on your agenda and passed so we can show that the entire Valley is unified in advocating for the dollars to stay here.

XIII. ADJOURNMENT: There being no further business the meeting adjourned at approximately 7:35 p.m.

Respectfully submitted,

Ronald E. Brummett, Executive Director

ATTEST:

Steven P. Morgan, Chair

DATE: _____