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August 1, 2023

Mr. Bob Smith
Chair
Kern Council of Governments
1401 19th Street, Suite 300
Bakersfield, CA 93301

Attention: Mr. Ahron Hakimi, Executive Director

SUBJECT: FISCAL YEAR 2023 KCOG CERTIFICATION REVIEW

Dear Chair Smith:

This letter notifies you that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly certify the planning process for the Kern Council of Governments (KCOG) Transportation Management Area (TMA). This certification is based on the findings from the Federal Certification Review process conducted over the timeframe of March 19 to July 21, 2023.

The overall conclusion of the Certification Review is that the planning process for KCOG complies in the spirit and intent of Federal metropolitan transportation planning laws and regulations under 23 United States Code (USC) 134 and 49 USC 5303. The planning process at KCOG is a continuing, cooperative, and comprehensive process and reflects a significant professional commitment to deliver quality in transportation planning.

We would like to thank Mr. Ahron Hakimi and his staff for their time and assistance in planning and conducting the review. Enclosed is a report that documents the results of this review that includes six recommendations for continuing quality improvements and enhancements to the planning process. This report has been transmitted concurrently to KCOG and the California Department of Transportation (Caltrans).

If you have any questions regarding the Certification Review process and/or the enclosed report, contact Mr. Michael Morris of the FHWA California Division's Cal- South Office at (213) 894-4014, or by email at michael.morris@dot.gov; or Mr. Mervin Acebo of the FTA's Region IX Los Angeles Office at (213) 202-3957 or mervin.acebo@dot.gov.

Sincerely yours,

Elissa K. Konove
Acting Division Administrator
Federal Highway Administration

Sincerely yours,

**AMY M.
CHANGCHIEN**

for Ray Tellis
Regional Administrator
Federal Transit Administration

 Digitally signed by AMY M.
CHANGCHIEN
Date: 2023.07.28 18:04:42 -07'00'

Enclosure: Kern COG August 2023 Summary Report

TO:

Bob Smith, City of Bakersfield
City_Council@bakersfieldcity.us

CC: (via email)

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U.S. Department
of Transportation

Federal Highway
Administration

Federal Transit
Administration

Transportation Management Area Planning Certification Review

Kern Council of Governments



August 2023
Summary Report





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1.0 EXECUTIVE SUMMARY

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) initiated the transportation planning process certification review with a desk audit for the Kern Council of Governments (KCOG) urbanized area (UZA) on February 7, 2023. A hybrid (partial virtual and in-person) site visit was conducted April 11-13, 2023. FHWA and FTA are required to jointly review and evaluate the transportation planning process for each UZA over 200,000 in population at least every four years to determine if the process meets the Federal planning requirements.

1.1 Previous Findings and Disposition

The previous certification review for KCOG's UZA was conducted in 2019. The 2019 review findings and KCOG's disposition summary follows:

Finding	Action	Corrective Actions/ Recommendations	Disposition
Complies with United States Code (USC) and Code of Federal Regulations (CFR)	Recommendation	KCOG should include language notifying the public that they can submit a complaint directly to the California Department of Transportation (Caltrans) and FHWA	KCOG advertised notice to the public for the 2023 federal certification review public listening session 31 days before it occurred (see proof of publication in Appendix B, which allowed for direct submittal of public complaints to the FHWA.
Complies with USC and CFR	Recommendation/ Commendation	Document the freight coordination with Southern California Association of Governments (SCAG)/KCOG's shipping container efforts	KCOG periodically meets with SCAG to discuss freight coordination. A previous joint SCAG/KCOG freight shipping and distribution coordination meeting agenda held 1/14/21 is attached in Appendix D.
Complies with USC and CFR	Recommendation	Incorporate 23 CFR 450.322(d)4, 23 CFR 450.322(d)(5), and 23 CFR 450.322(d)(6)	Documentation of fulfillment of these requirements are found at: https://www.kerncog.org/federal-performance-measures/ KCOG will add the CFR references to its website.



Complies with USC and CFR	Recommendation	Coordinate with Caltrans and add targets to website	Caltrans coordination and targets are documented at this website: https://www.kerncog.org/federal-performance-measures/ KCOG will continue to document coordination with Caltrans for future target reports on its website.
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1.2 Summary of Current Findings

The current review found that the transportation planning process conducted in the Kern County UZA meets Federal planning requirements.

As a result of this review, the FHWA and the FTA jointly certify the transportation planning process conducted by Caltrans, the public transportation operators, and KCOG. There are six recommendations in this report that warrant close attention and follow-up.

Review Area	Finding	Corrective Action/Recommendation/Commendation	Resolution Due Date
Performance-Based Planning and Programming 23 USC 134 23 CFR 450.206 23 CFR 450.216 23 CFR 450.218 23 CFR 450.306 23 CFR 450.314 23 CFR 450.324 23 CFR 450.326 23 CFR 490 (Subpart A-H)	Meets requirements	Recommendation: The last update of the Memorandum of Understanding (MOU) between KCOG and Golden Empire Transit (GET) was on May 18, 2017. The MOU outlines the planning responsibilities between KCOG and GET, specifically short-, long-range planning, and programming. While KCOG has satisfactorily established performance targets documented in its RTP that meet the requirements of 23 CFR 450.306(d)(2)(3), the federal review team recommends that KCOG and GET update the planning and programming sections of its MOU to identify and acknowledge Transit Asset Management (TAM) and Public Transportation Safety performance targets.	April 2027
Air Quality 42 USC 7401 40 CFR Part 93 23 CFR 450.324(m)	Meets requirements	-	-

5



Organizational Structure Policy Board Involvement 23 USC 134(d) 23 CFR 450.310(d)	Meets requirements	Recommendation: KCOG's organizational structure with Policy Board involvement meets applicable 23 CFR 450 requirements. To maintain carrying out a continuing, comprehensive, and cooperative transportation planning process, as required by the federal planning law 23 USC 134, the federal review team recommends that KCOG should consult its Policy Board members to ensure they are regularly refreshed with an equitable knowledge base of the MPO's transportation planning processes.	April 2027
Transit Planning 49 USC 5303 23 USC 134 23 CFR 450.314	Meets requirements	Recommendation: KCOG meets metropolitan planning agreement requirements of 23 CFR 450.314 because it documents mutual responsibilities with its transit operators to carry out the transportation planning process. As stated in section 4.1.3, the federal review team recommends that KCOG and GET update its MOU planning and programming sections to identify and acknowledge TAM and Public Transportation Safety performance targets. Acknowledging these PMs in the MOU will demonstrate that both KCOG and GET continue to identify projects necessary for creating a safe transit system and maintaining assets in a state of good repair.	April 2027

Details of the certification findings for each of the above items are contained in this report.



2.0 INTRODUCTION

2.1 Background

Pursuant to 23 United States Code (USC) 134(k) and 49 USC 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning process in Transportation Management Areas (TMA) at least every four years. A TMA is an urbanized area (UZA), as defined by the U.S. Census Bureau, with a population of over 200,000. After the 2010 Census, the Secretary of Transportation designated 183 TMAs – 179 UZAs over 200,000 in population plus four UZAs that received special designation. In general, the reviews consist of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a Certification Review Report that summarizes the review and offers findings. The review focuses on compliance with Federal regulations, challenges, successes, and experiences of the cooperative relationship between the Kern Council of Governments (KCOG), California Department of Transportation (Caltrans), and public transportation operator(s) in conduct of the transportation planning process. Joint FHWA/FTA certification review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect regional issues and needs; and as consequence, the scope and depth of the certification review reports will vary significantly.

The certification review process is only one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities provide opportunities for this type of review and comment, including Overall Work Program (OWP) approval, the Regional Transportation Plan (RTP), Federal Statewide Transportation Improvement Program (FSTIP) and Federal Transportation Improvement Program (FTIP) findings, air-quality (AQ) conformity determinations (in nonattainment and maintenance areas), as well as a range of other formal and less formal contact to provide both FHWA/FTA an opportunity to comment on the planning process. The results of these other processes are considered in the certification review process. While the certification review report may not fully document those many intermediate and ongoing checkpoints, the “findings” of the certification review are, in fact, based upon the cumulative findings of the entire review effort.

The review process is individually tailored to focus on topics of significance determined as highest risk. Federal reviewers prepare certification reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices, and their content will vary to reflect the planning process reviewed, regardless explicit relation to formal “findings” of the review.

To encourage public understanding and input, FHWA/FTA will continue to improve the clarity of the certification review reports.



2.2 Purpose and Objective

Since the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the FHWA and FTA, are required to jointly review and evaluate the transportation planning process in all UZAs over 200,000 population to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 40 U.S.C. 5303, and 23 Code of Federal Regulations (CFR) 450. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), extended the minimum allowable frequency of certification reviews to at least every four years.

KCOG is the designated Metropolitan Planning Organization (MPO) for the Kern County UZA. Caltrans is the responsible State agency. Several public transit operators provide service throughout the KCOG region. Current membership of KCOG consists of elected officials and citizens from the political jurisdictions in Kern County that includes the incorporated Cities of Arvin, Bakersfield, California City, Delano, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, and Wasco. The planning area encompasses all of Kern County and the City of Bakersfield as the largest population center.

Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in such areas. The certification review is also an opportunity to share assistance on new programs and to enhance the ability of the metropolitan transportation planning process to provide decision makers with the knowledge they need to make well-informed capital and operating investment decisions.



3.0 SCOPE AND METHODOLOGY

3.1 Review Process

The previous certification review was conducted in 2019. A summary of the status findings from the last review is provided in Section 1.1. This report details the 2023 certification review. Participants in the review included representatives of FHWA, FTA, Caltrans, and KCOG staff. A full list of participants is included in Appendix A. The review consisted of a formal hybrid (virtual and in-person) site visit conducted April 11 – 13, 2023 that included interviews of selected local elected, transit operator, and Native American Tribal Government Officials. While the federal review team chose interviewees, it shared an invite making itself available to receive input on any topic with all regional local elected, transit operator, and Native American Tribal Government Officials in KCOG's region. Interviews held included:

- Local Elected, Transit Operators, Native American Tribal Governments Officials
 - *City of Delano, Hon. Veronica Vasquez, Board Member*
 - *City of Taft, Hon. Orchel Krier, Board Member*
 - *Golden Empire Transit (GET), Denise Sailes, GET Finance Administrator*
 - *Delano Area Rapid Transit (DART), Viviana Zamora, Manager*
 - *Tejon Indian Tribe, Stephanie Rambo, Environmental Director*

A virtual public listening session was conducted April 11, 2023, and an extended public input opportunity was available through May 12, 2023 (Appendix B). The federal review team received two public comments this cycle. One comment supported KCOG continuing to ensure availability of adequate engagement opportunities for Kern County environmental justice (EJ) communities by telephone for persons that have zero access to high-speed internet, virtual, and in-person. The other comment supported KCOG's working relationship with Caltrans District 6.

A desk audit of current documents and correspondence was completed prior to the hybrid site visit. In addition to the formal review, routine oversight mechanisms provide a major source of information upon which to base the certification findings.

The certification review covers the transportation planning process conducted cooperatively by KCOG, Caltrans, and the public transportation operators. Background information, existing status, key findings, and recommendations are summarized in the body of the report for the following subject areas selected by FHWA and FTA staff for the hybrid site review:

- Performance-based planning and programming
- Air quality
- Consultation and coordination



- Financial planning
- Organizational structure and policy board involvement
- Transit planning

3.2 Documents Reviewed

The following KCOG documents were evaluated as part of this planning process review:

- Federal Performance Measure (PM)3 targets for travel time, delay, and vehicle occupancy
- Federal safety PM1 “Toward Zero” 2023, 2022, 2021, and 2020 target updates
- Federal bridge and pavement conditions PM target requirement
- Federal safety PM1 “Toward Zero” 2019 target
- Federal transportation performance measure (TPM) – first annual report
- 2022 RTP integrated PM analysis EJ & title VI appendix, table 2-1: RTP goals, policies and actions, outreach results appendix, conformity analysis, chapter 2 – transportation planning policies, chapter 3 – planning assumptions, chapter 6 – financing transportation, and chapter 8 – monitoring progress
- PM case study: Balancing an integrated state/federal TPM process with public participation in mid-size metropolitan statistical area
- 2023 FTIP federal performance management appendix, conformity analysis, base document, and amendments 1-5
- 2023 OWP amendment 1: Work element 601.4 – federal PM data and analysis
- Project delivery policies & procedures
- 2017 KCOG/GET memorandum of understanding (MOU)
- 2015 KCOG/City of Delano Transit MOU
- Organizational chart
- 2021 FTIP and 2018 RTP (also 2018 RTP amendment 1) conformity analyses
- KCOG Interagency Consultation (IAC) documentation
- Various KCOG email communications with Tejon Indian Tribe and Tubatulabal Tribe
- 2019 KCOG public information policies and procedures



4.0 PROGRAM REVIEW

4.1 Performance-Based Planning and Programming

4.1.1 Regulatory Basis

The regulations implementing the Moving Ahead for Progress in the 21st Century (MAP-21) and Fixing America's Surface Transportation (FAST) Act (including the requirements for Performance-Based Planning and Programming (PBPP)) were published May 27, 2016; effective on June 27, 2016. The planning rule had a phase-in date of May 27, 2018 (or two years after the publication date). [23CFR 450.340]

Establishing Performance Targets

23 CFR 450.306(d)(2) states that each MPO shall establish performance targets that address the PMs established under 23 CFR 450, where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the MPO. In addition, selection of performance targets by an MPO shall be coordinated with the relevant State and public transportation operators to ensure consistency, to the maximum extent practicable, with the targets those entities establish under 23 CFR 490 and 49 U.S.C 5326(c) and 5329(d), respectively.

23 CFR 450.306(d)(3) states that each MPO shall “establish the performance targets under paragraph (d)(2) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets”.

Integration of Other Performance-Based Plans

23 CFR 450.306(d)(4) states that “an MPO shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, PMs, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C chapter 53 by providers of public transportation, required as part of a performance-based program...”. The regulation lists a series of plans that are among those the MPO must integrate into its planning process (23 CFR 450.306(d)(4)(i)-(viii).

- The State asset management plan for the National Highway System (NHS) and the Transit Asset Management (TAM) Plan
- Applicable portions of the Highway Safety Improvement Program, including the Strategic Highway Safety Plan (SHSP)
- The Public Transportation Agency Safety Plan (PTASP)
- Other safety and security planning and review processes, plans and programs as appropriate
- The Congestion Mitigation and Air Quality (CMAQ) performance plan



- Appropriate (metropolitan) portions of the State Freight Plan
- The congestion management process
- Other State transportation plans and transportation processes required as part of a performance-based program.

Development of Transportation Plan

23 CFR 450.324(f)(3) requires that the RTP shall contain at a minimum a description of the PMs and performance targets used in assessing the performance of the transportation system in accordance with subsection 450.306(d).

23 CFR 450.324(f)(4) requires that the RTP shall contain at a minimum a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection 450.306(d), including progress achieved in meeting the performance targets and, for MPOs that elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

23 CFR 450.324(h)(i) indicates that “an MPO may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the RTP”.

Under 23 CFR 450.324(h)(i)(1), an MPO that chooses to develop multiple scenarios under this paragraph is encouraged to consider potential regional investment strategies for the planning horizon; assumed distribution of population and employment; a scenario that, to the maximum extent practicable, maintains baseline conditions for the PMs identified in subsection 450.306(d) and measures established under 23 CFR 490; a scenario that improves the baseline conditions for as many as possible of the PMs identified in subsection 450.306(d); revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and estimated costs and potential revenues available to support each scenario.

23 CFR 450.324(h)(2) indicates that in addition to the performance areas identified in 23 U.S.C 150(c) and in 49 U.S.C 5326(c) and 5329(d), and the PMs established under 23 CFR 490, MPOs may evaluate scenarios developed under this paragraph using locally developed measures”.

Development of FTIP

Pursuant to 23 CFR 450.326(c), the FTIP shall be designed such that once implemented, it makes progress toward achieving the performance targets established under 23 CFR 450.306(d). Per 23 CFR 450.326(d), the FTIP shall include, to the maximum extent practicable, a description of the anticipated effect of the FTIP toward achieving the performance targets identified in the RTP, linking investment priorities to those performance targets.



4.1.2 Existing Status

Various PM sources of data are very useful to KCOG. On NHS routes, KCOG uses Caltrans data that is available, and the overall PM information gives KCOG member agencies feedback on how they are doing. KCOG regularly is involved with Caltrans to align its RTP and FTIP PBPP investment priorities through quarterly meetings. For higher profile projects KCOG meets with Caltrans more frequently than quarterly. Caltrans Districts 6 and 9 engage on KCOG's Board of Directors to report progress and receive input.

Kern is the largest County in California without a local sales tax for transportation. KCOG manages to meet most of its PMs. The table below shows KCOG PMs analysis summary by RTP goals for system level, smart mobility framework, health equity, EJ, and title VI:

Table No. (Apdx. D)	RTP Goal/Performance Measure (PM) Category	Smart Mobility Geographic Coverage Place type(PT)	Performance Measure Description	Performance Measure Target/Test	Target Met? (Yes/No/Partial)
D-4	Mobility / health equity (transit)	Urban, rural, countywide PT	Average Travel Time – Peak Highway Trips	Improvement over No Project Baseline	Yes
D-5			Average Travel Time – Peak Transit Trips	Improvement over No Project Baseline	Yes
D-6	Accessibility / economic well-being / health equity (transit)	Urban, rural, countywide PT	Average Travel Time to Job Centers – Highway Trips	Improvement over No Project Baseline	Yes
D-7			Average Travel Time to Job Centers – Transit Trips	Improvement over No Project Baseline	Yes
D-8	Efficiency / cost effectiveness / health equity (transit)	Urban, rural, countywide PT	Average Daily Investment per Passenger Mile Traveled – Highways	Improvement over Countywide Average	Yes
D-9			Average Daily Investment per Passenger Mile Traveled – Transit	Improvement over Countywide Average	Partial
D-10	Livability / customer satisfaction	Urban, rural, countywide PT	Average Trip Delay Time in Hours	Improvement over Countywide Average	Yes
D-11	Environment / health equity	3 Air Basins	% Change NOx/PM by air basin	Improvement over Base Year	Yes
D-12		Urban, rural, countywide PT	% Change in Households within 500 feet of Roadway Volumes > 50,000	Improvement over Base Year	Yes
D-13	Sustainability / preservation	Countywide PT	Percentage Change in Maintenance Dollars Per Lane Mile	Improvement over Base Year	Yes
D-14	Equity / health equity (transit)	Urban, rural, countywide PT	% of Expenditures versus Passenger Miles Traveled in 2035 – Highways	Improvement over Countywide Average	Partial
D-15			% of Expenditures versus Passenger Miles Traveled in 2035 – Transit	Improvement over Countywide Average	Yes
D-16	Land Consumption / health equity	Countywide PT	% change in Farmland consumed outside City Spheres of Influence	Improvement over Historic Baseline	Yes
D-17	Health equity	Countywide PT	Health Cost Savings	Improvement over No Project Baseline	Yes
D-18	Reliability / congestion	Urban, countywide PT	Average Level of Congestion in Hours	Improvement over Base Year	Partial
D-19	Reliability / safety / health equity	Urban, rural, countywide PT	Annualized Accident Statistics for Annual Average Daily Traffic	Improvement over Countywide Average	Yes
D-20	Federal PM-1 Safety/health equity	Countywide PT	Forecast of Accidents for Vehicles, Bicycles and Pedestrians	Improvement over 5 year running base	Partial
D-21	Federal PM-2 Sustainability / preservation	Countywide PT	Observed bridge/pavement condition on locally maintained national highway system routes	Improvement over 2-4 year targets	No
D-22	Federal PM-3 mobility/accessibility	Countywide PT	Observed travel time reliability on locally maintained national highway system	Improvement over 4 year targets	Yes

*Note: Due to data limitations Environmental Justice/Title VI areas were not able to be broken out for performance measures D-11, D-13, D-16, D-17, D-20, D-21, D-22 however, they are still included in these analyses.

Source KCOG 2022 RTP



While the Kern County region could improve safety for bikes and pedestrians on highways, in 2022 KCOG completed a joint update of safety plans for nine jurisdictions to ensure eligibility for Highway Safety Improvement Program (HSIP) funds. The safety plans systematically identify and analyze safety problems and recommend safety improvements that seek to enhance safety for all modes of transportation and for all ages and abilities. To assist safety while promoting active transportation goals, complete streets are addressed in KCOG's PBPP process and is an integral element in its OWP.

Since many areas in the KCOG region are smaller cities that experience a higher turnover of staff, they have fewer resources available to focus on complete streets and other priorities of federal and state agencies. In response, KCOG offers as much help as possible to these jurisdictions e.g., it partnered with Caltrans to host a local assistance workshop. During the hybrid site visit KCOG reported that 48 persons were planning to attend the workshop that was scheduled for April 17, 2023. In supporting its member affiliations KCOG also ensures it makes regional investment decisions. In specific for the CMAQ, that includes the Carbon Reduction Program (CRP), and Regional Surface Transportation Block (RSTB) programs the MPO implements a competitive call for projects process to its member jurisdictions. KCOG requires its cities to complete and submit applications. Application package information is available of KCOG's website at: www.kerncog.org/call-for-projects/.

**Caltrans
Local Assistance
Workshop**

Meet and Greet

- Caltrans Local Assistance Engineers
- Caltrans Environmental Staff
- Caltrans Right of Way Staff
- Local Agency Staff
- Kern Council of Governments Staff


Roles and Responsibilities

- Kern Council of Governments
- Local Agency
- Caltrans Local Assistance
- Caltrans Environmental
- Caltrans Right of Way

Open Forum

- Items not on agenda
- Concerns, comments, suggestions for future workshops

1-on-1 Small Breakout Groups
(project specific issues)



RSVP by April 10th

**Monday,
April 17, 2023
10:00 AM - 1:00 PM**

Workshop Location
Kern COG Board Room
1401 19th Street, Suite 300,
Bakersfield CA 93301

**Questions,
please contact:**

Raquel Pacheco
rpacheco@kerncog.org
661-635-2907

KCOG uses criteria to establish regional priorities and make its investment decisions toward achieving PMs. The FTIP describes the criteria for analysis of a proposed project's expected performance and impact as follows:

SCREENING CRITERIA – YES or NO

- Safety – will the project improve the fatalities and injuries index rate?
- Sustainability – will the project improve the average trip time or on-time performance?
- System reliability – will the project improve the highway buffer index (delay trip time)?

GENERAL CRITERIA - MAXIMUM OF 100 POINTS

- Congestion relief – vehicle miles traveled (VMT) reduction (10 points)



- Congestion relief – percent of VMT 35 miles per hour or less (10 points)
- Congestion Relief – percent mode share - work or school (10 points)
- Safety – fatalities and injuries per person (15 points)
- Safety – fatalities and injuries per VMT (15 points)
- System reliability – travel time savings (10 points)
- Cost-effectiveness – benefit cost analysis (15 points)
- Sustainability – emissions reductions (15 points)

On February 17, 2022, KCOG approved its “Toward Zero” safety targets. The methodology is consistent with federal procedures and directs KCOG staff to work with its member agencies and stakeholders to develop projects that will accelerate attainment of safety targets. California Highway Patrol historical accident data for Kern County is extrapolated using a five-year running average to forecast future accidents and fatalities. The travel model data also is used to tie the forecast to local assumed growth and safety targets and are set to show improvement over the previous five-year accident data. As accidents decrease the targets will improve automatically with each annual update on a trajectory “Toward Zero”.

KCOG coordinates with transit operators on transit specific PMs throughout the planning process. This coordination is documented in MOUs with transit operators that operate in KCOG’s area. Planning topics and programming criteria are broad in scope, which allows for flexibility when identifying priorities and selecting projects.

4.1.3 Findings

KCOG’s PBPP meets the requirements contained in 23 CFR 450 and 23 CFR 490.

Recommendation:

The last update of the MOU between KCOG and GET was on May 18, 2017. The MOU outlines the planning responsibilities between KCOG and GET, specifically short-, long-range planning, and programming. While KCOG has satisfactorily established performance targets documented in its RTP that meet the requirements of 23 CFR 450.306(d)(2)(3), the federal review team recommends that KCOG and GET update the planning and programming sections of its MOU to identify and acknowledge TAM and Public Transportation Safety performance targets.

Schedule for Process Improvement:

Address as soon as practicable before the next federal certification review (April 2027).



4.2 Air Quality

4.2.1 Regulatory Basis

Section 176 (c)(1) of the Clean Air Act Amendments of 1990 (CAAA) states: “*No metropolitan planning organization designated under section 134 of title 23, USC, shall give its approval to any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110.*” The ISTEA of 1991 subsequently included provisions responsive to the mandates of the CAAA. Implementing regulations have maintained this strong connection.

Provisions governing air-quality-related transportation planning are incorporated in several metropolitan planning regulations rather than being the primary focus of one or several regulations. For MPOs that are designated as air quality nonattainment or maintenance areas, basic metropolitan planning process transportation conformity requirements include formal agreements to address air-quality-planning requirements, requirements for setting Metropolitan Planning Area (MPA) boundaries, interagency coordination, RTP content and updates, requirements for the congestion management process (CMP), public meeting requirements, and conformity findings on RTPs and FTIPs. Sections of the metropolitan planning regulations governing air quality are summarized below:

- An agreement is required between the MPO and the designated agency responsible for air quality planning describing their respective roles and responsibilities (see *Metropolitan Planning Agreements* topic area). [23 CFR 450.314(c)]
- In a metropolitan area that does not include the entire nonattainment or maintenance area, an agreement is required among the State Department of Transportation (DOT), State air-quality agency, affected local agencies, and the MPO providing for cooperative planning in the area outside the MPA but within the nonattainment or maintenance area. [23 CFR 450.314(c)] In metropolitan areas with more than one MPO, an agreement is required among the State and the MPO describing how they will coordinate to develop *an overall RTP for the metropolitan area*; in nonattainment and maintenance areas, the agreement is required to include State and local air-quality agencies. [23 CFR 450.314(e)]
- The MPO is required to coordinate development of the RTP with the state implementation plan (SIP) development process, including the development of Transportation Control Measures (TCM) (see *RTP* topic area). [23 CFR 450.324(d)]
- In TMAs designated as nonattainment areas, Federal funds may not be programmed for any project that will result in a significant increase in carrying capacity for single occupancy vehicles (SOV), unless the project results from a CMP meeting the requirements of 23 CFR 450.322(d) and (e)



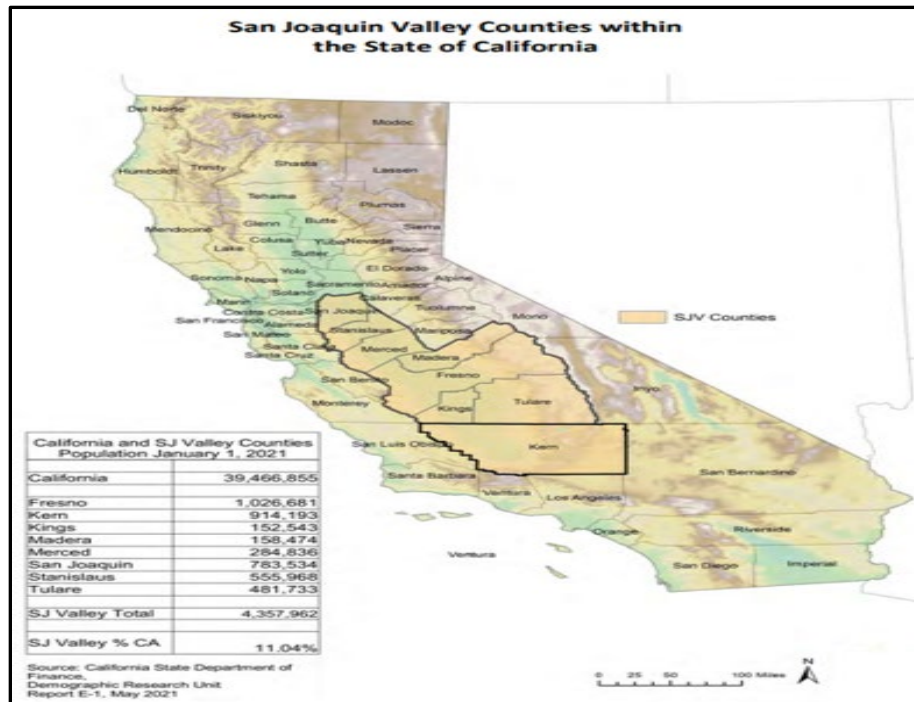
- The RTP shall identify SOV projects resulting from a CMP that meets Federal requirements, [23 CFR 450.324(f)(6)] and shall include design-concept and scope descriptions of all existing and future transportation facilities to permit conformity determinations. [23 CFR 450.324(f)(9)] FHWA, FTA, and the MPO must make a conformity determination on any new or revised RTP in nonattainment and maintenance areas (see RTP topic area). [23 CFR 450.324(m)]
- In nonattainment and maintenance areas, FHWA, FTA and the MPO must make a conformity determination on any new or amended FTIP. [23 CFR 450.326(a), 450.328(a), and 450.330(b)]
- In nonattainment TMAs, there must be an opportunity for at least one formal public meeting during the FTIP development process. [23 CFR 450.326(b)]
- In nonattainment and maintenance areas, the FTIP shall identify projects designated as TCMs in the applicable SIP. [23 CFR 450.326(g)(5)]
- In nonattainment and maintenance areas, the FTIP shall include all regionally significant transportation projects proposed to be funded with Federal and non-Federal funds [23 CFR 450.326(f)] as well as projects identified as TCMs in the SIP. [23 CFR 450.326(g)(5)] Projects shall be specified in sufficient detail to permit air-quality analysis in accordance with Environmental Protection Agency (EPA) conformity requirements. [23 CFR 450.326(g)(6)]
- In nonattainment and maintenance areas, the FTIP shall describe the progress in implementing required TCMs [23 CFR 450.326(n)(3)] and shall include a list of all projects found to conform in a previous FTIP that are now part of the base case used in the air-quality conformity analysis. [23 CFR 450.326(n)(2)]
- In nonattainment or maintenance areas, if the FTIP is amended by adding or deleting projects that affect transportation-related emissions, a new conformity determination will be required. [23 CFR 450.328(a)]
- In TMAs that are nonattainment or maintenance areas, FHWA and FTA will review and evaluate the transportation planning process to determine that it is adequate to ensure conformity of plans and programs in accordance with procedures contained in 40 CFR part 93. [23 CFR 450.336(b)]

4.2.2 Existing Status

Kern County is the third largest county in California, encompassing approximately 8,172 square miles, and is comprised of 11 incorporated cities. It contains a federally recognized UZA known as the Bakersfield Metropolitan Area that has a population over 547,900. The San Joaquin Valley (SJV) is the central valley area in California lying south of the Sacramento–San Joaquin River Delta and is drained by the San Joaquin River that includes the western two thirds of Kern



County along with seven other counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, and Kings.



KCOG conducts its air quality responsibilities through participating in the SJV IAC process that meets quarterly and includes as many staff as possible to be aware of CAAA requirements. The eight SJV area MPOs hired a consultant over ten years ago to run SJV IAC, in which the San Joaquin Council of Governments led establishment of the group's MOU. The consultant develops and models mobile sources, tracks project level conformity, and puts together transportation conformity documents. The SJV (or portions thereof) currently is designated as nonattainment with respect to federal air quality standards for ozone and particulate matter under 2.5 microns in diameter ($PM_{2.5}$) with a maintenance plan in place for particulate matter under 10 microns in diameter (PM_{10}). As a result, KCOG's RTP and FTIP have associated federally approved air quality conformity analyses that satisfy the transportation conformity regulatory requirements. SJV highway sanctions, however, could take effect on December 27, 2023, impacting KCOG's ability to update or amend projects in its RTP and FTIP. Highway sanctions are provided in the federal CAAA for failure to properly carry out state air quality responsibilities for SIP development and implementation. KCOG indicated its awareness of the possible highway sanctions during the site visit and intends keeping informed with the SJV IAC group to mitigate consequences.

KCOG's RTP and FTIP transportation conformity processes provide a proactive public involvement, review, and comment opportunity. The MPO has an adopted conformity analysis consultation process and policy that includes a 30-day public notice and comment period followed by a public hearing. The public meeting is conducted prior to adoption of air quality transportation conformity documentation and all public comments are responded to in writing.



Over half of transportation related emissions in Kern County are from trucks. There are several strategies KCOG is using to improve air quality conditions in its region e.g., telework is growing and vehicle fleets are being converted to zero-emission. The RTP also highlights a success story on KCOG's Rideshare Program – Commute Kern that provides customer service upon request from the public, employers, colleges, vanpool operators, other agencies, and the media regarding ridesharing opportunities. Commute Kern (www.commutekern.org) is an on-line transportation demand management program that serves as a resource for carpooling, vanpooling, public transit, park-and-ride facility use, telework, walking, and bicycling for commutes to work and school to help improve regional air quality. The program provides benefits such as flexible scheduling, daily tracking, vanpool management, outreach to employers, resources to commuters such as concierge services, and a forum for discussion.

4.2.3 Findings

KCOG's air quality program complies with provisions of the CAAA (42 USC 7401) and the MPO provisions of Titles 23 and 49.

4.3 Consultation and Coordination

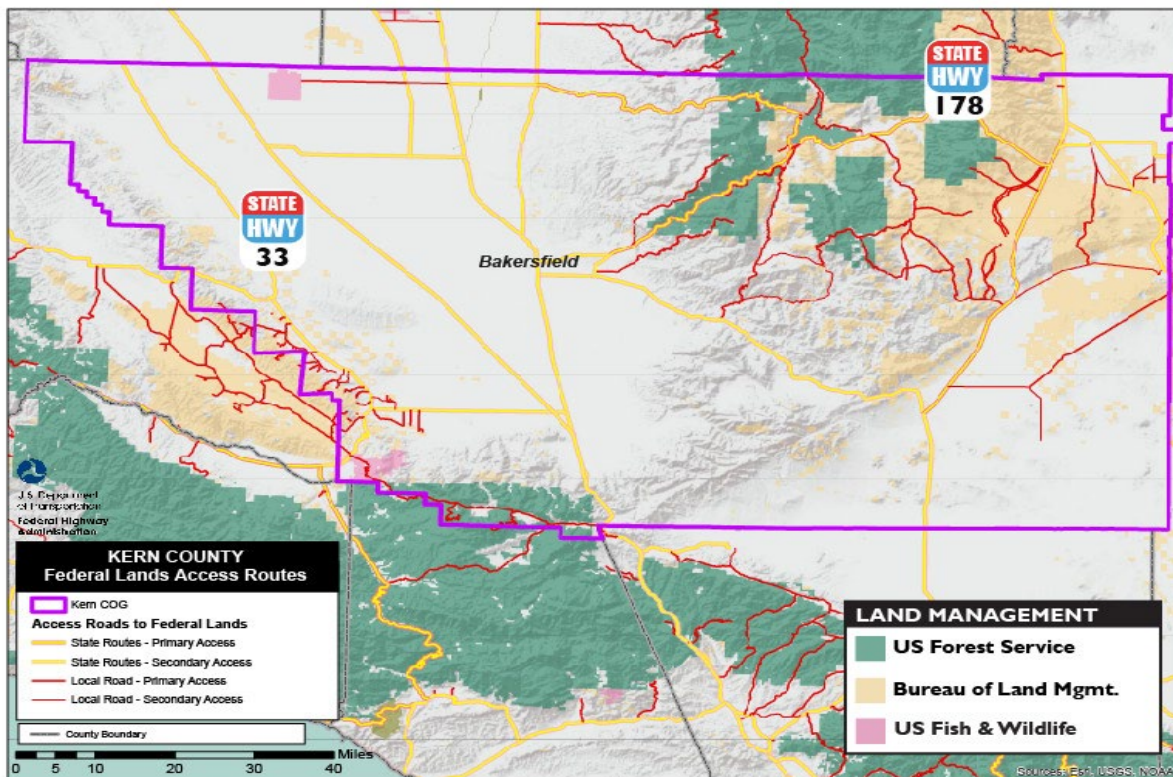
4.3.1 Regulatory Basis

Consultation requirements are set forth primarily in 23 CFR 450.316(b-e) and 23 USC 134 & 450, which call for consultation in developing the RTP and FTIP. In developing RTPs and FTIPs, the MPOs shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies as described below:

- Agencies and officials responsible for other planning activities (State, local, economic development, environmental protection, airport operations, or freight)
- Other providers of transportation services
- Native American Indian Tribal Governments
- Federal Land Management Agencies (FLMA)
- Should to the maximum extent possible, consult with agencies and officials responsible

4.3.2 Existing Status

KCOG's jurisdictional boundary contains numerous FLMA units, including lands with the United States (US) Fish and Wildlife Service, US Forest Service, and the Bureau of Land Management. Primary FLMA access routes (state routes in gold, local routes in red) are identified in the map on the following page:



Some reference is made to these agencies regarding specific and discrete projects, namely:

- Leasing of US Forest Service lands in reference to the Kern Valley Airport: (RTP Chapter 5, p. 81)
- Environmental review of the Bakersfield Habitat Conservation Plan by the US Fish and Wildlife Service: (RTP Chapter 4, p. 42)

The Bureau of Land Management is also listed as a “partner” with whom regular contact is maintained (RTP Appendix B, p. 4); however, no specific process or projects is mentioned. Understanding the overlap in needs across government levels, jurisdictions, and programs would increase awareness with the Federal Lands Access Program (FLAP), for non-federally owned or maintained assets. This program was created to fund projects on state and local highways (and other transportation facilities, like trails, trailheads, and bicycle lanes) that provide access to federal lands that are economic generators or that receive high-use recreational visitation. Increased awareness of the FLAP will provide opportunities for aligning priorities and collaborating on projects of mutual interest. Through improved FLMA coordination and alignment of priorities across jurisdictions (federal, state, and local), projects of mutual interest can be moved forward along the project development process and opportunities to share cost and better leverage existing programs to enhance access to federal lands throughout the region.



Below is the breakdown of the federal agencies that manage lands in KCOG's planning boundary and the names of the local land units that should be included in transportation planning processes:

- **US Forest Service**
 - Sequoia National Forest, Forest Supervisor's Office: 220 E. Morton Ave., Porterville, CA 93257
 - Los Padres National Forest, Forest Supervisor's Office: 1980 Old Mission Dr., Solvang, CA 93464
- **US Fish & Wildlife Service**
 - Kern National Wildlife Refuge, Refuge Unit: 10811 Corcoran Rd., Wasco, CA 93280
 - Bitter Creek National Wildlife Refuge, Refuge Unit: California 166 & Cerro Noroeste Rd, Maricopa, CA 93252
- **Bureau of Land Management**
 - Various Units managed out of the Bakersfield Field Office (Central California District), Bakersfield Office: 35126 McMurtrey Ave. Bakersfield, CA 93308

In addition to the local FLMA contacts, regional and national contacts are also needed because funding decisions for the Federal Lands Transportation Program (FLTP) are made regional or nationally depending on the agency.

The KCOG region has only one federally recognized tribe within its MPA – the Tejon Indian Tribe of California. The MPO's public information policies and procedures discusses that KCOG involves the Tribe in development of transportation plans and programs. Moreover, KCOG:

- Encourages public participation of the Tribe and acknowledges the value of its input
- Provides complete and easily understood information and summaries to the Tribe with planning issues and alternatives addressed in a realistic manner
- Publishes comments received by the Tribe in a newsletter or report with responses

KCOG's RTP Appendix C discusses the MPO's outreach effort to involve the Tribe in development of the RTP and facilitation of interaction between the two government entities. The Tejon Tribe is a voting member of KCOG's Regional Planning Advisory Committee (RPAC), which is a committee of local agency planning representatives that provide technical review and recommendation to the KCOG Policy Board.

KCOG indicated that following the 2019 federal certification review it pursued efforts to further document consultation and coordination with the Tejon Indian Tribe of California. While this effort appears to have been on hold due to the widescale changes of 2020, KCOG continues to correspond with the Tribe electronically and in-person where opportunities arise.



4.3.3 Findings

KCOG's procedures meet the consultation and coordination requirements, including for Native American Tribal Governments, contained in 23 CFR 450.

Recommendation:

KCOG meets FLMA consultation and coordination requirements of 23 CFR 450.316(d) as documented in Appendix B (public information policies and procedures) of its RTP, which describes that the MPO maintains FLMA partnerships. To improve FLMA consultation and coordination the federal review team recommends KCOG:

1. Consult with Caltrans to ensure its FLMA contact list is current and once the list is updated, KCOG should cultivate communications as appropriate.
2. Work with the Central Federal Lands Highway Division (CFLHD), supported by the FHWA California Division Planning and Air Quality Team, and Caltrans Division of Transportation Planning to develop FLMA coordination guidance for increased KCOG/FLMA partnership opportunities on projects of mutual interest. Begin with State Highways 178 and 33, which provide direct and indirect access to various federal lands.
3. Incorporate KCOG/FLMA projects of mutual interest into planning and programming documents at state and MPO levels.

Recommendation:

KCOG meets Native American Tribal Government consultation and coordination requirements of 23 CFR 450.316(c) as documented in Appendix B (public information policies and procedures) of its RTP. To expand Native American Tribal Government consultation and coordination and improve transparency, the federal review team recommends KCOG consult with the Tejon Indian Tribe of California to refine the Native American Tribal Government consultation and coordination procedures to ensure the Tribe's needs are met and to improve tribal engagement in MPO transportation planning processes.

Recommendation:

KCOG documents its public involvement procedures and policies, which meet interested parties, participation, and consultation requirements (23 CFR 450.316). KCOG's public involvement procedures and policies are available online yet when conducting a public participation plan (PPP) search the website returns zero results. To help the PPP be more available (23 CFR 450.316(a)(1)(iv)) the federal review team recommends KCOG update its website to return results when PPP is searched.



Schedule for Process Improvement:

Develop FLMA coordination guidance, incorporate KCOG/FLMA projects of mutual interest into planning and programming documents, consult with the Tejon Indian Tribe of California to refine consultation and coordination procedures, and update the KCOG website to return results when PPP is searched by the next federal certification review (April 2027). Additionally, the United States Department of Transportation (USDOT) will follow-up at KCOG'S 2024 OWP meeting, and ensuing yearly OWP meetings, on its progress to consider implementation of this section's (4.3.3) recommendations.

Proposed FHWA/FTA Technical Assistance:

The CFLHD, supported by the FHWA California Division Planning and Air Quality Team, is available to assist the following:

- Introductions to local, regional, and national FLMA representative
- Information related to projects of mutual interest

The following website is a resource available to help KCOG expand and refine its Native American Tribal Government consultation and coordination for further engaging the Tejon Indian Tribe of California in MPO transportation planning processes: [Case Studies - Tribal Transportation - Processes - Planning - FHWA \(dot.gov\)](https://www.fhwa.dot.gov/planning/processes/tribal/case_studies/) – https://www.fhwa.dot.gov/planning/processes/tribal/case_studies/

4.4 Financial Planning

4.4.1 Regulatory Basis

The requirements for financial plans are contained in 23 CFR 450.324(f)(11) for the RTP and 23 CFR 450.326(e–k), for the FTIP. Separate financial plans demonstrate how the adopted RTP and FTIP can be implemented.

The requirements related to the RTP include the following:

- Revenue estimates are cooperatively developed by the State, the MPO, and public transportation operators. (Note: The procedures for this must be spelled-out in the MPO Agreement)
- Revenue estimates include public and private sources that are committed, available, or reasonably expected to be available within the timeframe anticipated for implementation of the project
- Revenue estimates may include recommendations for new funding sources, which should be supported by identified strategies for securing their availability



- System-level estimates of operation and maintenance costs for Federally supported facilities and services are considered to determine resources remaining available for capital expenditure
- Cost and revenue estimates incorporate inflation rates reflecting year of expenditure (YOE) dollars. See https://www.fhwa.dot.gov/planning/guidfinconstr_qa.cfm for more information on YOE
- The quality of cost estimates is important in the RTP (and FTIP). Cost estimates should be reviewed and the process and methods (and any assumptions) for determining costs should be documented
- Cost estimates in the RTP should be reviewed and periodically updated, at least as frequently as each RTP update
- In air quality areas, include specific financial strategies to ensure the implementation of required air-quality projects like TCMs
- Cost estimates for the period beyond the first four years can be expressed in terms of ranges or “bands,” so long that sufficient future funding sources are reasonably expected to be available. See https://www.fhwa.dot.gov/planning/guidefinconstr_qa.cfm for more information on cost banding
- If a revenue source included in an RTP is determined to be fiscally constrained and is subsequently removed or reduced, FHWA and FTA will not approve future updates or amendments of the RTP that do not reflect the change in revenues.

The requirements related to the FTIP include the following:

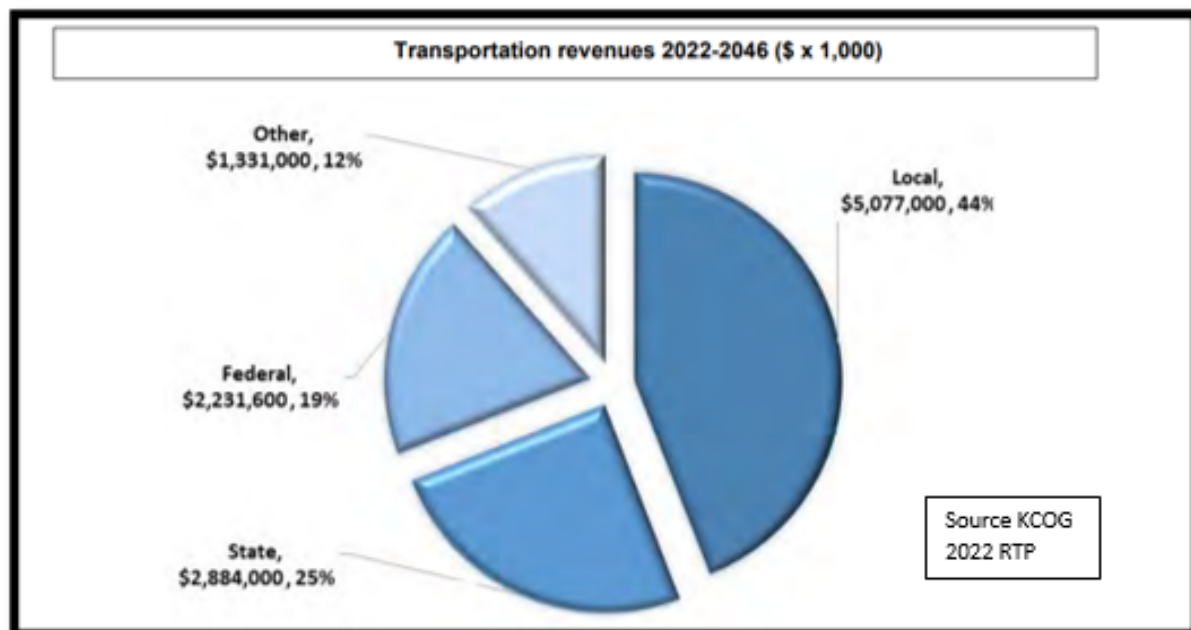
- Demonstrate and maintain financial constraint by year
- Identify projects to be funded with current and available revenues
- Identify estimated total project cost, which may extend beyond the four years of the FTIP
- System-level estimates of operation and maintenance costs for Federally supported facilities and services are considered when estimating resources remaining available for capital expenditure
- Cost and revenue estimates incorporate inflation rates to reflect YOE dollars
- The quality of cost estimates is important in the FTIP (and RTP). Cost estimates should be reviewed and the process and methods (and any assumptions) for determining costs should be documented
- Cost estimates in the FTIP should be reviewed and periodically updated, at least as frequently as each FTIP update
- Only projects or phases of projects if full funding can reasonably be expected to be available for the project within the time anticipated for completion of the project
- Only projects for which construction or operating funds can reasonably be expected to be available
- In air quality areas, projects included in the first two years of the FTIP shall be limited to those for which funds are available or committed



- Eligible TCMs identified in the SIP have priority in the FTIP, which shall provide for their timely implementation
- Revenue estimates are cooperatively developed by the State, the MPO, and public transportation operators, as set forth in the MPO Agreement
- Revenue estimates include public and private sources that are committed, available, or reasonably expected to be available
- Revenue estimates may include recommendations for new funding sources and strategies for securing their availability
- The amount and category of Federal funds proposed to be obligated during each program year for each project
- Includes all projects receiving Federal funding and all regionally significant projects that are not Federally funded.

4.4.2 Existing Status

KCOG's RTP includes estimated revenues reasonably expected to be available from known federal, state, local, and private sources of transportation funding to implement the proposed projects. KCOG serves its responsibility to select and prioritize transportation projects that involves the programming of federal, state, and local transportation funds. The KCOG RTP financial analysis relies partly on historical funding patterns from state and federal sources and the YOE is considered when estimates for capital projects are developed. A comprehensive inventory of projected transportation revenue programs currently in use by all governmental entities (federal, state, and local) based on historical averages over the life of the RTP is available. Financial revenue projections are based on the best available data from existing sources i.e., the FHWA, Caltrans, KCOG historical programming data, and member agency information. A chart that depicts KCOG revenue levels expected to be reasonably available follows:





KCOG manages fiscal constraint of its planning and programming documents by coordinating with Caltrans. Local sources also are coordinated with local jurisdictions. The KCOG FTIP financial plan demonstrates how projects in the document can be implemented and only projects that construction and operation funds can reasonably be expected to be available are included.

4.4.3 Findings

Financial planning processes at KCOG meet the requirements contained in 23 CFR 450.

4.5 Organizational Structure and Policy Board Involvement

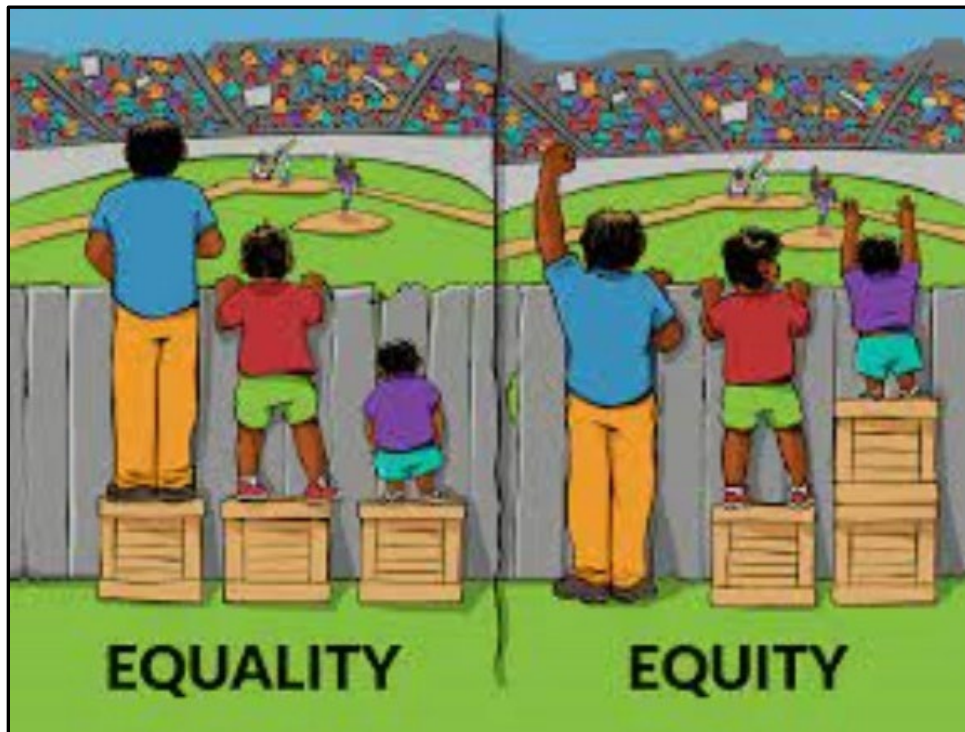
4.5.1 Regulatory Basis

Federal legislation (23 U.S.C. 134(d)) requires the designation of an MPO for each urbanized area with a population of more than 50,000 individuals. When an MPO representing all or part of a TMA is initially designated or redesignated, the Policy Board of the MPO shall consist of (a) local elected officials; (b) officials of public agencies that administer or operate major modes of transportation within the metropolitan area, including representation by providers of public transportation; and (c) appropriate State transportation officials, according to 23 CFR 450.310(d). The voting membership of an MPO that was designated or redesignated previously, will remain valid until a new MPO is redesignated. Redesignation is required whenever the existing MPO seeks to substantially change the proportion of voting members, or the decision-making authority or procedures established under the MPO's bylaws. Any one of the MPO members can assert that a change in Policy Board structure is substantial and requires formal redesignation. The addition of jurisdictional or political bodies into the MPO or of members to the Policy Board generally does not require a redesignation of the MPO.

4.5.2 Existing Status

KCOG's Policy Board is comprised of one elected official from each of the 11 incorporated cities in Kern County, two Kern County supervisors, and ex-officio members representing Caltrans and GET. Monthly board meetings are held on the third Thursday of each month and provide the public forum for discussion and collaborative decision-making on significant issues of regional transportation and mobility.

In evaluation of KCOG's structure the federal review team noticed several Policy Board members have been reelected. At some point in the future after an election there could be Policy Board turnover that creates an inequitable understanding of KCOG's transportation planning processes. If any Policy Board member has less than an equitable understanding of KCOG's transportation planning processes this could then reduce the ability of the MPO to deliver on its responsibilities.



4.5.3 Findings

KCOG's organizational structure and Policy Board involvement meet the requirements of 23 CFR 450.

Recommendation:

KCOG's organizational structure with Policy Board involvement meets applicable 23 CFR 450 requirements. To maintain carrying out a continuing, comprehensive, and cooperative transportation planning process, as required by the federal planning law 23 USC 134, the federal review team recommends that KCOG should consult its Policy Board members to ensure they are regularly refreshed with an equitable knowledge base of the MPO's transportation planning processes.

Schedule for Process Improvement:

Address as soon as practicable before the next federal certification review (April 2027).

Proposed FHWA/FTA Technical Assistance:

Transportation planning process resources available are as follows:



- Briefing Book - Publications - Planning - FHWA (dot.gov) – https://www.fhwa.dot.gov/planning/publications/briefing_book/index.cfm
- Federal Transportation Planning Process - YouTube – <https://www.youtube.com/watch?v=T2BCt39Ub1k>
- Contents - Air Quality Planning - Publications - Air Quality - Environment - FHWA (dot.gov) – https://www.fhwa.dot.gov/environment/air_quality/publications/air_quality_planning/agplan00.cfm
- About - Federal-aid Essentials for Local Public Agencies (dot.gov) – <https://www.fhwa.dot.gov/federal-aidessentials/essentials.cfm>

4.6 Transit Planning

4.6.1 Regulatory Basis

49 U.S.C. 5303 and 23 U.S.C. 134 require the transportation planning process in metropolitan areas to consider all modes of travel in the development of their plans and programs. Federal regulations cited in 23 CFR 450.314 state that the MPO in cooperation with the State and operators of publicly owned transit services shall be responsible for carrying out the transportation planning process.

4.6.2 Existing Status

KCOG and its transit operators, GET and DART, have documented provisions on the planning and programming roles and responsibilities of each agency. MOU were established with GET in May 2017 and with DART in January 2015. The MOUs provide a basic structure for cooperative planning and decision-making for transit planning and programming. The MOUs inform the working relationship between KCOG and the transit operators. This includes participation in the various technical and policy committees.

In addition, the MOUs document the development of short-range and long-range transit plans for the transit operators and outlines the areas covered under these efforts. The MOUs state that these plans are essential for the development of sound financial and operational decisions. The transit plans are ultimately incorporated into the RTP and include financial data that assists in determining financial constraint.

Coordination on programming is also included in the MOUs and provide criteria on establishing priorities. The criteria listed present a good understanding of both KCOG and transit operator priorities.



4.6.3 Findings

KCOG transit planning processes comply with 49 USC 5303, 23 USC 134, and 23 CFR 450.314.

Recommendation:

KCOG meets metropolitan planning agreement requirements of 23 CFR 450.314 because it documents mutual responsibilities with its transit operators to carry out the transportation planning process. As stated in section 4.1.3, the federal review team recommends that KCOG and GET update its MOU planning and programming sections to identify and acknowledge TAM and Public Transportation Safety performance targets. Acknowledging these PMs in the MOU will demonstrate that both KCOG and GET continue to identify projects necessary for creating a safe transit system and maintaining assets in a state of good repair.

Schedule for Process Improvement:

Address as soon as practicable before the next federal certification review (April 2027).



5.0 CONCLUSION AND RECOMMENDATIONS

The FHWA and the FTA review found that the metropolitan transportation planning process conducted in the Kern County UZA meets federal planning requirements as follows.

5.1 Recommendations

The following are recommendations that would improve KCOG's transportation planning process:

- The last update of the MOU between KCOG and GET was on May 18, 2017. The MOU outlines the planning responsibilities between KCOG and GET, specifically short-, long-range planning, and programming. While KCOG has satisfactorily established performance targets documented in its RTP that meet the requirements of 23 CFR 450.306(d)(2)(3), the federal review team recommends that KCOG and GET update the planning and programming sections of its MOU to identify and acknowledge TAM and Public Transportation Safety performance targets.
- KCOG meets FLMA consultation and coordination requirements of 23 CFR 450.316(d) as documented in Appendix B (public information policies and procedures) of its RTP, which describes that the MPO maintains FLMA partnerships. To improve FLMA consultation and coordination the federal review team recommends KCOG:
 1. Consult with Caltrans to ensure its FLMA contact list is current and once the list is updated, KCOG should cultivate communications as appropriate.
 2. Work with the CFLHD, supported by the FHWA California Division Planning and Air Quality Team, and Caltrans Division of Transportation Planning to develop FLMA coordination guidance for increased KCOG/FLMA partnership opportunities on projects of mutual interest. Begin with State Highways 178 and 33, which provide direct and indirect access to various federal lands.
 3. Incorporate KCOG/FLMA projects of mutual interest into planning and programming documents at state and MPO levels.
- KCOG meets Native American Tribal Government consultation and coordination requirements of 23 CFR 450.316(c) as documented in Appendix B (public information policies and procedures) of its RTP. To expand Native American Tribal Government consultation and coordination and improve transparency, the federal review team recommends KCOG consult with the Tejon Indian Tribe of California to refine Native American Tribal Government consultation and coordination procedures to ensure the Tribe's needs are met and to improve tribal engagement in MPO transportation planning processes.



- KCOG documents its public involvement procedures and policies, which meet interested parties, participation, and consultation requirements (23 CFR 450.316). KCOG's public involvement procedures and policies are available online. However, when using KCOG's search tool located on the KCOG website to search for the PPP, the website returns zero results. To help the PPP be more available (23 CFR 450.316(a)(1)(iv)), the federal review team recommends KCOG update its website to return results when PPP is searched.
- KCOG's organizational structure with Policy Board involvement meets applicable 23 CFR 450 requirements. To maintain carrying out a continuing, comprehensive, and cooperative transportation planning process, as required by the federal planning law 23 USC 134, the federal review team recommends that KCOG should consult its Policy Board members to ensure they are regularly refreshed with an equitable knowledge base of the MPO's transportation planning processes.
- KCOG meets metropolitan planning agreement requirements of 23 CFR 450.314 because it documents mutual responsibilities with its transit operators to carry out the transportation planning process. As stated in section 4.1.3, the federal review team recommends that KCOG and GET update its MOU planning and programming sections to identify and acknowledge TAM and Public Transportation Safety performance targets. Acknowledging these PMs in the MOU will demonstrate that both KCOG and GET continue to identify projects necessary for creating a safe transit system and maintaining assets in a state of good repair.

5.2 Training/Technical Assistance

The following training and technical assistance possibly would assist KCOG with delivery of its transportation planning process:

- The CFLHD, supported by the FHWA California Division Planning and Air Quality Team, is available to assist the following:
 - Introductions to local, regional, and national FLMA representative
 - Information related to projects of mutual interest

The following website is a resource available to help KCOG expand and refine its Native American Tribal Government consultation and coordination for further engaging the Tejon Indian Tribe of California in MPO transportation planning processes: [Case Studies - Tribal Transportation - Processes - Planning - FHWA \(dot.gov\)](https://www.fhwa.dot.gov/planning/processes/tribal/case_studies/) – https://www.fhwa.dot.gov/planning/processes/tribal/case_studies/

- Transportation planning process resources available are as follows:



- [Briefing Book - Publications - Planning - FHWA \(dot.gov\)](https://www.fhwa.dot.gov/planning/publications/briefing_book/index.cfm) –
https://www.fhwa.dot.gov/planning/publications/briefing_book/index.cfm
- [Federal Transportation Planning Process - YouTube](https://www.youtube.com/watch?v=T2Bct39Ub1k) –
<https://www.youtube.com/watch?v=T2Bct39Ub1k>
- [Contents - Air Quality Planning - Publications - Air Quality - Environment - FHWA \(dot.gov\)](https://www.fhwa.dot.gov/environment/air_quality/publications/air_quality_planning/aqplan00.cfm) –
https://www.fhwa.dot.gov/environment/air_quality/publications/air_quality_planning/aqplan00.cfm
- [About - Federal-aid Essentials for Local Public Agencies \(dot.gov\)](https://www.fhwa.dot.gov/federal-aidessentials/essentials.cfm) –
<https://www.fhwa.dot.gov/federal-aidessentials/essentials.cfm>



APPENDIX A - PARTICIPANTS

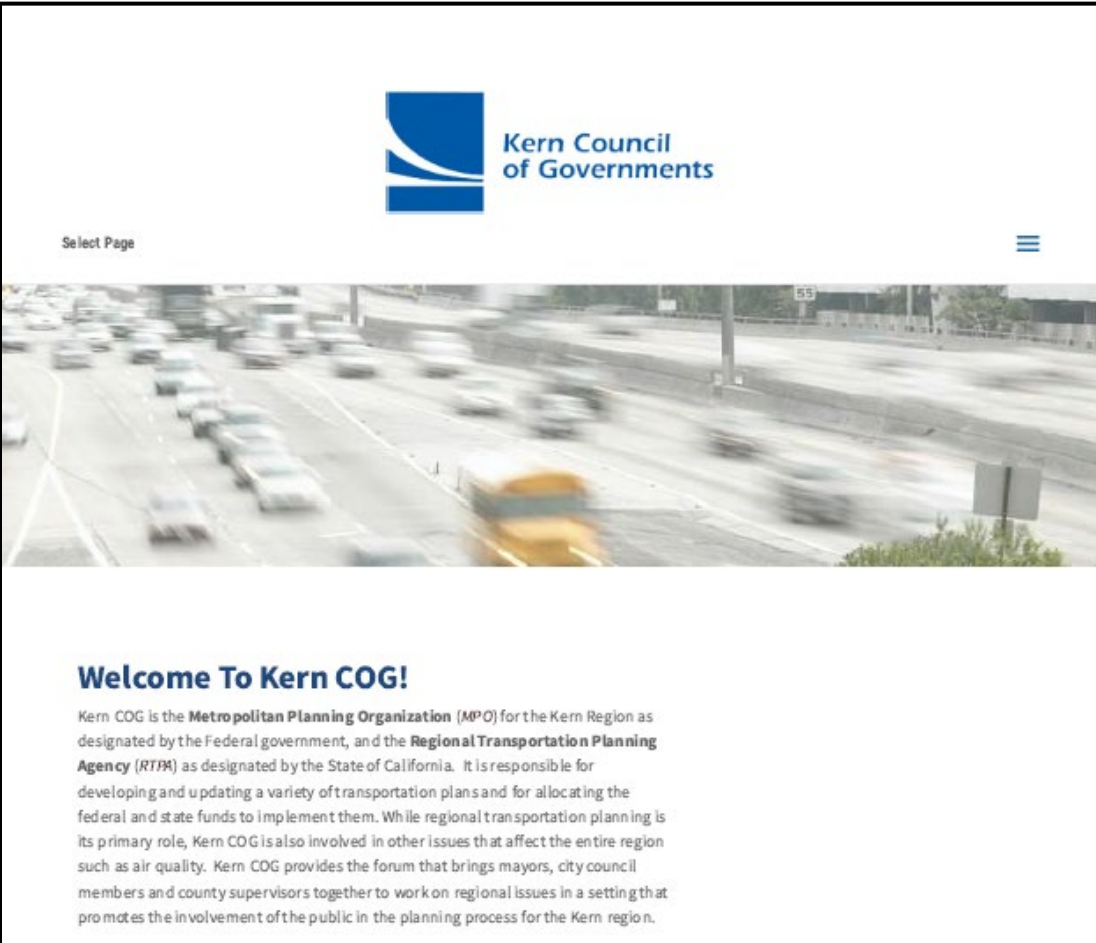
The following individuals were involved in the KCOG UZA site review:

Michael Morris	FHWA, California Division
Mervin Acebo	FTA, Region 9
Charlene Lee Lorenzo	FTA, Region 9
Jasmine Amanin	FHWA, California Division
Adekemi Ademuyewo	FHWA, California Division
Elijah Henley	Central Federal Lands Highway Division
Andrew Valdez	Central Federal Lands Highway Division
Michael Navarro	Caltrans District 6
Lorena Mendibles	Caltrans District 6
Kirsten Helton	Caltrans District 6
Andrea Nason	Caltrans District 6
Kiranjit Parmar	Caltrans District 9
Erin Thompson	Caltrans Headquarters Planning
Jennifer Duran	Caltrans Headquarters Planning
Jacqueline Kahrs	Caltrans Federal Programming & Data Mgt
Antonio Cano	Caltrans Federal Programming & Data Mgt
Peter Kang	Caltrans Federal Programming & Data Mgt
Rodney Tavitaz	Caltrans Air Quality and Climate Change
Ahron Hakimi	KCOG
Rob Ball	KCOG
Becky Napier	KCOG
Raquel Pacheco	KCOG



APPENDIX B – PUBLIC LISTENING SESSION NOTICE

Notices of USDOT’s public listening session were posted on KCOG’s website, by email-blast to regional stakeholders, and in the Bakersfield California newspaper publication:



Welcome To Kern COG!

Kern COG is the **Metropolitan Planning Organization (MPO)** for the Kern Region as designated by the Federal government, and the **Regional Transportation Planning Agency (RTPA)** as designated by the State of California. It is responsible for developing and updating a variety of transportation plans and for allocating the federal and state funds to implement them. While regional transportation planning is its primary role, Kern COG is also involved in other issues that affect the entire region such as air quality. Kern COG provides the forum that brings mayors, city council members and county supervisors together to work on regional issues in a setting that promotes the involvement of the public in the planning process for the Kern region.

Notice of Virtual-Public Listening Session for KCOG Federal Certification Review

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) will conduct the 2023 Kern Council of Governments (KCOG) certification review to evaluate the regional transportation planning process carried out by KCOG and its partners. Every four years the FHWA and the FTA jointly complete this type review and we invite the public to share its comments with us.

A Virtual-Public listening session is scheduled for Tuesday, April 11, 2023, to receive input on how to improve the Kern County regional transportation planning process.

[Virtual-Public listening session connection information](#)



Notice of Virtual-Public Listening Session for KCOG Federal Certification Review

A **Virtual**-Public listening session is scheduled for Tuesday, April 11, 2023, to receive input on how to improve the Kern County regional transportation planning process.

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) will conduct the 2023 Kern Council of Governments (KCOG) certification review to evaluate the regional transportation planning process carried out by KCOG and its partners. Every four years the FHWA and the FTA jointly complete this type review and we invite the public to share its comments with us. Connection information to join our **Virtual**-Public listening session follows:

Microsoft Teams meeting, Tues., April 11, 5:00PM – 6:00PM

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 296 840 802 160

Passcode: br4mUf

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 323-813-7062 385029923#](#) United States, Los Angeles

Phone Conference ID: 385 029 923#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

For Assistance, please contact KCOG IT: (Michael Heimer, 661-635-2909)

Oral and written comments entered in the Microsoft Teams meeting chat may be presented at our **Virtual**-Public listening session. Written comments also can be accepted through Friday, May 12, 2023 by email sent to cert.review@dot.gov. For additional information about the KCOG federal certification process or the April 11, 2023 **Virtual**-Public listening session, please call 213-894-4014.



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Total Cost \$ 120.30 Account 90455
Billing KERN COUNCIL OF GOVERNMENT
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US

STATE OF CALIFORNIA
COUNTY OF KERN

Solicitor I.D.: 0

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT
OF THE COUNTY AFORESAID: I AM OVER THE AGE OF
EIGHTEEN YEARS, AND NOT A PARTY OR INTERESTED
IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT
PRINCIPAL CLERK OF THE PRINTER OF THE
BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF
GENERAL CIRCULATION, PRINTED AND PUBLISHED
DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

First Text
NOTICE OF VIRTUAL-PUBLIC

Ad Number 172148

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A
NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR
COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA,
UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610;
THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED
COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND
ENTIRE ISSUE OF SAID NEWSPAPER
AND NOT IN ANY SUPPLEMENT THEREOF ON THE
FOLLOWING DATES, TO WIT:

03/11/2023

ALL IN YEAR 2023

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY
THAT THE FOREGOING IS TRUE AND CORRECT.



DATED AT BAKERSFIELD CALIFORNIA

3/13/23

Notice of Virtual-Public Listening Session for KCOG Federal Certification Review

A Virtual-Public listening session is scheduled for Tuesday, April 11, 2023, to receive input on how to improve the Kern County regional transportation planning process.

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) will conduct the 2023 Kern County Association of Governments (KCOG) certification review to evaluate the regional transportation planning process carried out by KCOG and its partners. Every four years the FHWA and the FTA jointly complete this type review and we invite the public to share its comments with us. Connection information to join our Virtual-Public listening session follows:

April 11, 2023
5:00 to 6:00 p.m.

(TBE)

Microsoft Teams meeting

Join on your computer, mobile app, or phone

Enter link & MS Teams call-in number(s)

Oral and written comments entered in the Microsoft Teams meeting chat may be presented at our Virtual-Public listening session. Written comments also can be accepted through Friday, May 12, 2023 by email sent to cert.review@dot.gov. For additional information about the KCOG federal certification process or the April 11, 2023 Virtual-Public listening session, please call 213-894-4014.

March 11, 2023
172148



APPENDIX C – LIST OF ACRONYMS

AQ: Air Quality
CAAA: Clean Air Act Amendments
Caltrans: California Department of Transportation
CRP: Carbon Reduction Program
CFLHD: Central Federal Lands Highway Division
CFR: Code of Federal Regulations
CMP: Congestion Management Process
CMAQ: Congestion Mitigation and Air Quality
DART: Delano Area Rapid Transit
DOT: Department of Transportation
EJ: Environmental Justice
FAST: Fixing America's Surface Transportation Act
FHWA: Federal Highway Administration
FLAP: Federal Lands Access Program
FLMA: Federal Lands Management Agency
FLTP: Federal Lands Transportation Program
FSTIP: Federal State Transportation Improvement Program
FTA: Federal Transit Administration
FTIP: Federal Transportation Improvement Program
GET: Golden Empire Transit
HSIP: Highway Safety Improvement Program
IAC: Interagency Consultation
ISTEA: Intermodal Surface Transportation Efficiency Act
KCOG: Kern Council of Governments
MAP-21: Moving Ahead for Progress in the 21st Century
MOU: Memorandum of Understanding
MPA: Metropolitan Planning Area
MPO: Metropolitan Planning Organization
NHS: National Highway System
OWP: Overall Work Program
PBPP: Performance Based Planning and Programming
PM₁₀ and PM_{2.5}: Particulate Matter 10 and Particulate Matter 2.5
PM: Performance Measure
PPP: Public Participation Plan
PTASP: Public Transportation Agency Safety Plan
RPAC: Regional Planning Advisory Committee
RSTB: Regional Surface Transportation Block
RTP: Regional Transportation Plan
SAFETEA-LU: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SCAG: Southern California Association of Governments



SHSP: Strategic Highway Safety Plan

SIP: State Implementation Plan

SJV: San Joaquin Valley

SOV: Single Occupancy Vehicle

TAM: Transit Asset Management

TCM: Transportation Control Measure

TMA: Transportation Management Area

TPM: Transportation Performance Measure

US: United States

USC: United States Code

USDOT: United States Department of Transportation

UZA: Urbanized Area

VMT: Vehicle Miles Traveled

YOE: Year of Expenditure



APPENDIX D – JOINT SCAG & KCOG MEETING AGENDA



Joint SCAG & Kern COG Meeting Agenda
Friday, January 14, 2021
10:00 am – 12:00 pm



Join Zoom Meeting:
<https://scag.zoom.us/j/89376543101>

Meeting ID: 893 7654 3101

- I. **Call to Order**
- II. **Introductions**
- III. **Agency Updates**
 - i) Freight & Global Gateways/Goods Movement
 - ii) Distribution Centers (Kern COG)
 - iii) Equity
 - iv) RTP/SCS Development and Implementation
 - v) Housing
 - (i) Regional Housing Needs Allocation (RHNA)
 - (ii) Regional Early Action Planning (REAP 1 & 2)
 - vi) Legislative Advocacy
- IV. **Adjournment**





Report prepared by:

**Michael Morris
FHWA California Division
and**

**Mervin Acebo
FTA Region 9, Los Angeles Office**

**888 S Figueroa Street, Suite 440
Los Angeles, CA 90017
(213) 894-4500**