

# Appendix E

Orange Cove, California - *Citrus fields*

## Public Review and Adoption Materials

### Contents

Item 1: Responses to Public Comments

Item 2: Public Notices

Item 3: Draft RTP Change Log

Item 4: Resolution of Adoption

## **Appendix E Item 1: Responses to Pubic Comments**

**From:** Bretz, Neil E@DOT [mailto:neil.bretz@dot.ca.gov]  
**Sent:** Friday, May 11, 2018 1:47 PM  
**To:** Kristine Cai  
**Subject:** FW: Federal Programming for South Fresno Interchange Project 06-0H420\_

Hi Kristine,

We don't see the new South Fresno Interchange Project in the new FTIP proposal. This is the project that is combining the Cedar/North, Central/Chestnut and American interchange locations into one project for environmental clearance. What is the COG's plan to incorporate this new project into the FTIP? Also, see Steven's comments below.

Thanks,

Neil Bretz  
Project Manager  
559-243-3465

**From:** Tracey, Stephen R@DOT  
**Sent:** Wednesday, May 09, 2018 3:55 PM  
**To:** Bretz, Neil E@DOT <neil.bretz@dot.ca.gov>  
**Subject:** Federal Programming for South Fresno Interchange Project 06-0H420\_

In my note from April 23 suggesting FTIP programming for the new 3 interchange project, I mentioned the existing, unfunded American Ave. and Cedar/North projects in the current 2017 FTIP (attached).

More pertinent is my note from April 9, where FCOG is proposing their new 2019 FTIP and 2018 RTP. (Also attached.)

In the new 2019 FTIP the existing 2 projects are proposed to be updated with STIP funds on Cedar/North and Measure funds on American.

Is this how you want it?

I don't see either North/Cedar or American in the RTP's Financially constrained list Appendix C, attached (also included with the draft FTIP attachment).

Though I do see them in the Conformity Analysis listing (pg. 73).

Anyway, let FCOG know what you want...

Lead Agency: Caltrans

FRE111355 <sup>(Ver7)</sup>					ADOPTION: 18-00						
Project Title: SR 99 Interchange-North & Cedar										CTIPS_ID:20300000756	
Project Description: North/Cedar/SR 99-Improve Interchange (Measure C Project M in the Urban Regional Program)											
Sys: State Hwy		Rt: 99		Model #: 917		Cl: Y		Exempt Category: Non-Exempt			
Cost Difference: \$-13,867,000						Est Total Cost: \$96,313,000			Open to Traffic: 2029		
	PE	RW	CON	PRIOR	18/19	19/20	20/21	21/22	22/23 BEYOND	TOTAL	
Measure C - Regional	\$8,765,000	\$10,843,000	\$26,430,000	\$265,000				\$19,343,000	\$26,430,000	\$46,038,000	
RIP - State Cash	\$3,000,000	\$23,010,000	\$24,265,000		\$3,000,000			\$23,010,000	\$24,265,000	\$50,275,000	
TOTAL	\$11,765,000	\$33,853,000	\$50,695,000	\$265,000	\$3,000,000			\$42,353,000	\$50,695,000	\$96,313,000	

**Fresno Council of Governments  
2019 Federal Transportation Improvement Program  
Fresno County Region**

Lead Agency: Caltrans

FRE111352 <sup>(Ver6)</sup>					ADOPTION: 18-00																		
Project Title: SR 99 @ American Avenue Interchange										CTIPS_ID:20300000752													
Project Description: American Ave @ SR 99-Interchange Improvements (Measure C Project RK in the Rural Regional Program)																							
Sys: State Hwy		Rt: 99		Model #: 1064		Cl:Y		Exempt Category: Non-Exempt															
					Cost Difference: \$3,318,000		Est Total Cost: \$60,171,000		Open to Traffic: 2027														
		PE		RW		CON		PRIOR		18/19		19/20		20/21		21/22		22/23 BEYOND		TOTAL			
Measure C - Regional		\$8,164,000		\$2,709,000		\$49,298,000		\$350,000		\$3,322,000						\$7,201,000				\$49,298,000		\$60,171,000	
TOTAL		\$8,164,000		\$2,709,000		\$49,298,000		\$350,000		\$3,322,000						\$7,201,000				\$49,298,000		\$60,171,000	

June 30, 2018

Stephen Tracey  
Department of Transportation  
DISTRICT 6  
1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616

Re: Comments for the Draft 2018 RTP/SCS Documents

Dear Mr. Stephen Tracey,

Fresno COG has received and thanks Caltrans for the comments received in the email dated May 11, 2018 addressing the draft 2018 RTP/SCS. Respectfully, Fresno COG offers the following responses to the comments raised in the email.

**Comment:**

I don't see either North/Cedar or American in the RTP's Financially constrained list Appendix C, though I do see them in the Conformity Analysis listing (pg. 73).

**Response:** Comment noted. Due to technical issues with the fiscal constraint process, these 2 projects (and the corresponding revenue associated with these two projects) were inadvertently omitted from the draft 2018 RTP document. Both projects will be included as part of the final version of the 2018 RTP. As these two projects were already modeled and included as part of the Draft 2018 RTP/2019 FTIP Air Quality Conformity determination and the Draft PEIR, the addition of these two projects to the 2018 RTP Constrained Project List does not require a re-determination of air quality conformity analysis or recirculation of the PEIR, and will be added to the listing as a technical correction.

We thank you for your participation in the 2018 RTP/SCS development process and appreciate your on-going support. Please feel free to contact me or my staff Kristine Cai at 559-233-4148 should you have any further questions or comments regarding the 2018 RTP/SCS.

Sincerely,



Tony Boren

Executive Director



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

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May 29, 2018

Via electronic mail to: [kcai@fresnocog.org](mailto:kcai@fresnocog.org)

Kristine Cai, Planning Director  
Fresno Council of Governments  
2035 Tulare Street, Suite 201  
Fresno, CA 93721

Re: Comments on Draft 2018 Fresno County Regional Transportation Plan

Dear Ms. Cai:

California Rural Legal Assistance, Inc. (CRLA) is a non-profit law firm that has served rural communities throughout California for more than fifty years. CRLA's Community Equity Initiative specializes in environmental justice, equitable land use planning, and civil rights law. CRLA served on the Environmental Justice Subcommittee (EJ Subcommittee) for the 2018 Fresno County Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) process.

The draft 2018 RTP/SCS was released on April 5, 2018 for a fifty-five (55) day public comment period. CRLA submits these comments in response to the Notice of Public Hearing and request for public comment. The Fresno Council of Governments (FCOG) staff modified the draft in response to comments on the Environmental Justice element. FCOG however, must include additional information in the draft 2018 RTP/SCS to bring the rest of the document into compliance with the requirements of the California Government Code.

## **I. The RTP Must Identify and Quantify Existing Transportation Needs in Fresno County**

### *a. The RTP must identify and quantify existing transportation needs*

California Government Code §65080(b)(1) mandates that a jurisdiction's RTP "identifies and quantifies regional needs." Cal Gov't Code §65080(b)(1)(A)-(F) provide examples of quantification indicators that include "measures of equity and accessibility, including, but not limited to, percentage of the population served by frequent and reliable public transit, with a breakdown by income bracket, and percentage of all jobs accessible by frequent and reliable public transit service, with a breakdown by income bracket,"<sup>1</sup> and "measures and means of travel, including but not limited to, percentage share of all trips (work and nonwork) made by" single occupant vehicles, carpools, public transit, walking, and cycling.<sup>2</sup>

It is clear from the language of Cal Gov't Code §65080(b)(1)-(F) that the regional transportation needs assessment must address specific, quantifiable, needs of the jurisdiction's residents.

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<sup>1</sup> Cal Gov't Code §65080(b)(1)(E)

<sup>2</sup> Cal Gov't Code §65080(b)(1)(C)

*b. The draft RTP does not specify or quantify transportation needs*

The draft 2018 RTP/SCS fails to include the requisite specificity to meet the requirements of Cal Gov't Code §65080(b)(1). The needs assessments in the Action Element identify very few specific needs in the Fresno County region and do not quantify or measure those identified. The RTP briefly mentions issues in general terms before listing member agency accomplishments and strategies related to the issue. Very few if any specifics, data, or measurements are provided.

The Highways, Streets, and Roads section<sup>33</sup> of the Needs Assessment provides but one example of this inadequacy; the same issue is present in every needs assessment in the RTP. It states:

The regional streets and highways network include multiple issues and needs that require Fresno COG's attention. Among these are financing for maintenance, rehabilitation, reconstruction and construction; travel demand modification; capacity problems; general plan circulation element inconsistencies and transportation corridor needs. The following text analyzes each of these issues in further detail.

The text that follows this section does not analyze these needs or quantify them. Each identified need has a subheading which includes further generic text, objectives, or simply lists previous studies completed on these topics without providing any data, analysis, recommendation or conclusion from the studies or further description of the issues they identified. The further detail section on Transportation Corridor Needs states, in its entirety:

All new regional transportation projects are required to take a "Multimodal Transportation Systems Corridor" planning approach. In keeping with this federal direction, the COG is working in partnership with Caltrans, local jurisdictions and the private sector to identify transportation corridors and projects that will provide a multimodal system for Fresno County Residents.

This contains no information about transportation corridor needs in Fresno County, their significance, effect on transportation access for residents, who they affect, or how to resolve them. Vague references to transportation issues and a list of previous studies is not sufficient to meet the requirements of Cal Gov't Code §65080(b)(1). FCOG must revise each needs assessment in the RTP and conduct a thorough analysis of the transportation needs in the region. The analysis must quantify each need, measure its severity, and address transportation access and ease for county residents.

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<sup>33</sup> §4.3 2018 RTP/SCS Action Element

*c. The RTP fails to identify transportation needs in rural communities*

Fresno County residents are not served, or are underserved, by traditional public transit and face transportation barriers that are not identified in the regional transportation plan. FCOG must include comprehensive identification and quantification of transportation needs within the region and discuss the limits of current transportation services and infrastructure in rural communities.

Traditional transit systems do not meet the transportation needs of small rural communities. Legal restrictions on traditional transit related to farebox return requirements and ridership numbers make the cost of operating a dedicated traditional route to small communities too high for ticket prices to be affordable to residents. FCRTA has attempted numerous traditional demonstration routes in small communities that failed to meet farebox return requirements. Transit systems must be planned and developed that are not restricted by farebox and ridership requirements so that rural communities unable to sustain traditional transit systems can still have access to affordable transportation options.

Every community that was unable to meet farebox requirements to sustain a FCRTA demonstration route presently is unserved by public transit. Transit service has not been attempted in many other small communities for similar reasons. Thousands of residents in Fresno County thus have no access to public transit. The lack of access and challenges posed by farebox and ridership requirements are not identified or discussed in the draft RTP. The RTP should identify how many individuals in the County of Fresno lack access to transit service, experience infrequent service, are without weekend or evening service, and other indicia of access.

Residents in unincorporated areas also lack access to infrastructure for active transportation such as sidewalks, bike paths, street lights, recreational spaces, and experience higher levels of flooding, lower enforcement of traffic safety laws, and greater isolation from services. Obstacles to active transportation should be identified and quantified in the RTP. Safety information for bicyclists and pedestrians in rural areas also should be quantified with information about injuries and fatalities.

A full analysis of the transportation needs for residents in rural areas must be conducted to meet FCOG's legal obligations.

**II. The Urban and Rural Transit Needs Assessments Are Inadequate and FCOG May Not Rely on the Unmet Transit Needs Assessment Process**

The needs assessments for urban and rural transit fail to comply with Cal Gov't Code §65080(b)(1) because they do not identify actual transit needs and rely only on the conclusions from the Unmet Transit Needs Assessment process.



*a. The transit needs assessments fail to identify any transit needs*

The needs assessment for urban transit in the Fresno region consists entirely of a description of the annual Unmet Transit Needs Assessment (UTNA) process followed by the conclusion: “[w]ithin Fresno County, there are no adopted findings of unmet transit needs that are reasonable to meet.”<sup>4</sup> The rural transit needs assessment is four paragraphs long: two paragraphs describe current programming and are irrelevant for a needs assessment, two paragraphs describe the UTNA process.<sup>5</sup> The needs assessment fails to identify a single transit need in urban or rural areas in the Fresno region. The subsequent section of the rural transit component generally describes lack of funding, commuter options, and farmworker transit; this section primarily describes current programming rather than quantifying need.

A description of a process to identify needs is not the same thing as identifying needs. Many communities in Fresno County are without any access to public transit; those served with transit experience limited schedules, long travel times, and lack of weekend transit. The RTP must analyze and quantify these needs.

*b. Conclusions from the Unmet Transit Needs Assessment process do not meet RTP mandates*

The UTNA process occurs annually and allows a jurisdiction to shift funding from transit projects into street and road projects if it finds no unmet transit needs exist within the jurisdiction. This process is distinct from the requirement under Cal Gov’t Code §65080(b)(1) that a region identify and quantify transportation needs in its RTP.

FCOG may not use conclusions from the UTNA process to meet the requirements of Cal Gov’t Code §65080(b)(1) because the UTNA process is flawed, fails to adequately identify the needs of residents<sup>6</sup>, is prohibitively narrow, and only formally acknowledges needs that were both previously identified and included in a former RTP.

The 2017 UTNA process failed to result in meaningful resident involvement or comply with FCOG’s own public participation and civil rights policies. Workshops for the UTNA process were poorly advertised, held in inconvenient locations and times, were very limited in number, and were difficult to reach for individuals without access to public transit. The mailing list for letters announcing the UTNA primarily included government staff and planners and contained very few residents or representatives from local organizations representing the rural poor. The 2017 process failed to garner meaningful public participation. FCOG then erroneously determined that there were no unmet transit needs in the region and adopted a resolution to move money out of transit projects and into projects for streets. The results of this process are not an adequate representation of the transit needs in Fresno County.

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<sup>4</sup> Draft 2018 RTP/SCS Pg 4-27

<sup>5</sup> Draft 2018 RTP/SCS Pg 4-41

The UTNA process also has a definition of unmet transit needs that is too narrow and circular to comport with the mandates of Cal Gov't Code §65080(b)(1). FCOG's definition of unmet transit needs for the UTNA process is "[t]hose public transportation or specialized transportation needs that are identified in the Regional Transportation Plan and that have not been implemented or funded." The draft RTP in turn relies on the inadequate UTNA process and fails to analyze or quantify needs assessment in compliance with Cal Gov't Code §65080(b)(1).

Conclusions from the UTNA process thus may not be used to satisfy the requirement that a jurisdiction identify current transportation needs in the RTP for the region. FCOG instead must conduct an independent analysis of transportation needs for the RTP.

#### **IV. The SCS Scenario Process Did Not Reflect Meaningful Public Participation**

##### *a. MPOs have civil rights obligations related to public participation*

Federal and state civil rights and environmental justice protections prohibit Metropolitan Planning Organizations (MPOs) (FCOG) from enacting policies, practices or activities that will have a differential effect on low-income and minority populations FCOG must ensure meaningful involvement of these populations in RTP policies, programs and activities. State law under SB 375 also includes mandates related to public participation and requires MPOs to include a broad range of stakeholders throughout the RTP/SCS development process. CRLA provided a detailed account of these obligations in letters dated September 5, 2017 and October 31, 2017 which are incorporated here by reference.

##### *b. The SCS Selection Process Failed to Meaningfully Consider Public Opinion*

The SCS scenario was selected before public outreach had concluded and strong public preferences were ignored by the RTP Roundtable, Transportation Technical Committee (TTC), and Policy Advisory Committee (PAC) when they chose the preferred scenario.

Public outreach on the preferred scenarios had not concluded before the RTP Roundtable voted on a recommended scenario on October 25<sup>th</sup>, 2017. These concerns were raised by community-based organizations in the October 25 RTP Roundtable meeting, but were dismissed by RTP Roundtable members.

The RTP Roundtable also ignored strong public preferences and chose the scenario that ranked lowest among residents who had weighed-in. FCOG staff presented the RTP Roundtable with the survey results from the public outreach efforts completed prior to October 25, 2017. The public demonstrated the following preferences for the proposed SCS scenario as of that date: Scenario A received 30.4% of votes. Scenario B received 34.6 % of votes. Scenario C received 19% of votes. Scenario D received 16%

of votes. The majority of respondents were members of environmental justice communities and had a legal right to have their opinions meaningfully considered.<sup>7</sup>

The RTP Roundtable chose Scenario D as their preferred scenario although more than twice as many survey respondents preferred Scenario B. The RTP Roundtable did not address either the public preference for Scenarios A and B nor the fact that they were selecting the scenario least preferred by the public when they made their decision. The Roundtable asserted that the TTC and PAC could overturn their decision and choose a more popular scenario, but questioning by CRLA staff indicated that the TTC/PAC had never failed to adopt RTP Roundtable recommendations. The RTP Roundtable selected the least-popular SCS scenario, and this selection was affirmed by the TTC and PAC.

Civil rights laws require that EJ communities are meaningfully included throughout the RTP/SCS process

*c. FCOG Failed to Include Any Information on Public Preferences in the RTP/SCS*

FCOG does not identify the public preferences for SCS scenarios in the draft 2018 RTP/SCS. It contains information about the number and location of workshops, the types of material presented, the fact that information was presented in multiple languages, and the collaboration between community-based organizations and FCOG for increasing public turnout. It does not include the results of the public participation process. The public demonstrated a clear and strong preference for innovative land use planning that emphasized GHG reduction, high-density development, and transit-oriented growth; this preference was disregarded in favor of the unpopular scenario that placed a higher preference on roadway capacity-increasing projects. The RTP/SCS must include information about the public preferences for Scenarios A and B and the fact that these scenarios were not chosen by FCOG.

**V. The RTP Must Identify Land Uses and Sufficient Areas in the Region to House the Population**

California Government Code §65080(B) mandates that jurisdictions

- (i) identify the general location of uses, residential densities, and building intensities within the region; (ii) identify areas within the region sufficient to house all of the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation, and employment growth, (iii) identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584<sup>8</sup>

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<sup>7</sup> See CRLA Comment Letter dated October 31, 2017 for percentages of minority and low-income respondents

<sup>8</sup> Cal. Govt Code §65080(B)

The draft 2018 RTP/SCS "Checklist for MPOs erroneously states that the mandates of §65080 are met on pg. 1-3. It lists the scope of the RTP and contains a few paragraphs generally describing the location of Fresno county, but there is no information about housing needs identified in this section or anywhere else in the draft RTP. The growth and housing mix assumptions included in the SCS reference materials are not sufficient to meet this legal requirement. The RTP must fully describe the location of land uses throughout Fresno County and identify sufficient areas to house the entire population in the region, including very-low, low, moderate, and above-moderate income individuals. The areas identified must be sufficient to house the population over the current eight-year RHNA period as well as the entire RTP implementation period, and must accommodate anticipated demographic changes.

CRLA appreciates the opportunity for comment and remains available to answer questions.

Sincerely,



Mariah Thompson  
Staff Attorney, Community Equity Initiative  
California Rural Legal Assistance, Inc.  
3747 E. Shields Ave  
Fresno, CA 93726  
(559) 233-6710  
[mthompson@crla.org](mailto:mthompson@crla.org)

cc: Ilene Jacobs, Director of Litigation, Advocacy, and Training, California Rural Legal Assistance, Inc.  
[ijacobs@crla.org](mailto:ijacobs@crla.org)

Marisol Aguilar, Director, Community Equity Initiative, California Rural Legal Assistance, Inc.  
[maguilar@crla.org](mailto:maguilar@crla.org)

June 30, 2018

Mariah C. Thompson, Staff Attorney  
California Rural Legal Assistance, Inc.  
3747 E. Shields Ave.  
Fresno, CA 93726

Dear Ms. Thompson,

Fresno COG has received and thanks California Rural Legal Assistance (CRLA), Inc. for its May 29<sup>th</sup>, 2018 letter addressing the draft 2018 RTP/SCS. Respectfully, Fresno COG offers the following responses to the comments raised in the letter.

**Comment:**

California Rural Legal Assistance, Inc. (CRLA) is a non-profit law firm that has served rural communities throughout California for more than fifty years. CRLA's Community Equity Initiative specializes in environmental justice, equitable land use planning, and civil rights law. CRLA served on the Environmental Justice Subcommittee (EJ Subcommittee) for the 2018 Fresno County Regional Transportation Plan (RTP)/Sustainable Communities Strategy (S C S) process.

The draft 2018 RTP/SCS was released on April 5, 2018 for a fifty-five (55) day public comment period. CRLA submits these comments in response to the Notice of Public Hearing and request for public comment. The Fresno Council of Governments (FCOG) staff modified the draft in response to comments on the Environmental Justice element. FCOG however, must include additional information in the draft 2018 RTP/SCS to bring the rest of the document into compliance with the requirements of the California Government Code.

**Response:** Thank you for your comments. Specific responses about the comment that the draft 2018 RTP/SCS does not comply with the California Government Code are provided below based on the further details provided by the author of the comment letter.

**Comment:**

**I. The RTP Must Identify and Quantify Existing Transportation Needs in Fresno County**

**a. The RTP must identify and quantify existing transportation needs**

California Government Code §65080(b)(l) mandates that a jurisdiction's RTP "identifies and quantifies regional needs." Cal Gov't Code §65080(b)(1)(A)-(F) provide examples of quantification indicators that include "measures of equity and accessibility, including, but not limited to, percentage of the population served by frequent and reliable public transit, with a breakdown by income bracket, and percentage of all jobs accessible by frequent and reliable public transit service, with a breakdown by income bracket, and "measures and means of travel, including but not limited to, percentage share of all trips (work and non-work) made by" single occupant vehicles, carpools, public transit, walking, and cycling.

City of Clovis

City of Coalinga

City of Firebaugh

City of Fowler

City of Fresno

City of Huron

City of Kerman

City of Kingsburg

City of Mendota

City of Orange Cove

City of Parlier

City of Reedley

City of San Joaquin

City of Sanger

City of Selma

County of Fresno

It is clear from the language of Cal Gov't Code §65080(b)(I)-(F) that the regional transportation needs assessment must address specific, quantifiable, needs of the jurisdiction's residents.

b. The draft RTP does not specify or quantify transportation needs

The draft 2018 RTP/SCS fails to include the requisite specificity to meet the requirements of Cal Gov't Code §65080(b)(I). The needs assessments in the Action Element identify very few specific needs in the Fresno County region and do not quantify or measure those identified. The RTP briefly mentions issues in general terms before listing member agency accomplishments and strategies related to the issue. Very few if any specifics, data, or measurements are provided.

The Highways, Streets, and Roads section of the Needs Assessment provides but one example of this inadequacy; the same issue is present in every needs assessment in the RTP. It states:

The regional streets and highways network includes multiple issues and needs that require Fresno COG's attention. Among these are financing for maintenance, rehabilitation, reconstruction and construction; travel demand modification; capacity problems; general plan circulation element inconsistencies and transportation corridor needs. The following text analyzes each of these issues in further detail.

The text that follows this section does not analyze these needs or quantify them. Each identified need has a subheading which includes further generic text, objectives, or simply lists previous studies completed on these topics without providing any data, analysis, recommendation or conclusion from the studies or further description of the issues they identified. The further detail section on Transportation Corridor Needs states, in its entirety:

All new regional transportation projects are required to take a "Multimodal Transportation Systems Corridor" planning approach. In keeping with this federal direction, the COG is working in partnership with Caltrans, local jurisdictions and the private sector to identify transportation corridors and projects that will provide a multimodal system for Fresno County Residents.

This contains no information about transportation corridor needs in Fresno County, their significance, effect on transportation access for residents, who they affect, or how to resolve them. Vague references to transportation issues and a list of previous studies is not sufficient to meet the requirements of Cal Gov't Code §65080(b)(I). FCOG must revise each needs assessment in the RTP and conduct a thorough analysis of the transportation needs in the region. The analysis must quantify each need, measure its severity, and address transportation access and ease for county residents.

**Response:** California Government Code §65080 (b)(1) states that the regional transportation plan shall be an internally consistent document and shall include all of the following: "A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall be consistent with the funding estimates of the financial element. The policy element of transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators including, but not limited to, all of the following:

(A) Measures of mobility and traffic congestion, including, but not limited to, daily vehicle hours of delay per capita and vehicle miles traveled per capita.

(B) Measures of road and bridge maintenance and rehabilitation needs, including, but not limited to, roadway pavement and bridge conditions.

(C) Measures of means of travel, including, but not limited to, percentage share of all trips (work and nonwork) made by all of the following:

(i) Single occupant vehicle.

(ii) Multiple occupant vehicle or carpool.

(iii) Public transit including commuter rail and intercity rail.

(iv) Walking.

(v) Bicycling.

(D) Measures of safety and security, including, but not limited to, total injuries and fatalities assigned to each of the modes set forth in subparagraph (C).

(E) Measures of equity and accessibility, including, but not limited to, percentage of the population served by frequent and reliable public transit, with a breakdown by income bracket, and percentage of all jobs accessible by frequent and reliable public transit service, with a breakdown by income bracket.

(F) The requirements of this section may be met utilizing existing sources of information. No additional traffic counts, household surveys, or other sources of data shall be required. ”

The Regional Transportation Plan is a high-level planning document that provides guidance for a region’s future transportation investment. It is supported by many separate studies, programs or processes.

Fresno COG conducted a Transportation Needs Assessment study in 2016, which is available on the website at: <https://www.fresnocog.org/transportation-needs-assessment/>. The study included a regional gap analysis for bike/trail facilities, and a transportation connectivity/accessibility analysis for major employment centers and regional health facilities. Public health data was collected and mapped with sidewalk, bike/trail and transit stops. Disadvantaged communities were considered in the project rankings. The study was referenced in the Action Element on page 4-69. The recommended project list from the Transportation Needs Assessment study has been forwarded to the local governments and six out of the fifteen recommended projects are included in the 2018 RTP.

The needs assessment for transit is conducted annually through the Unmet Transit Needs process as described on page 4-27 and 4-48.

Page 4-17 to 4-19 describes transportation corridor studies that address the mobility needs in the major transportation corridors in Fresno County: Fresno-Madera East-West Corridor Study looked at the east-west traffic flow between Madera County and Fresno County by locating a potential river crossing over the San Joaquin River; Fresno-Madera Origin-Destination Study analyzed the origin and destination of the trips between Madera and Fresno on SR 41 and SR99, and informed the future investment decisions along the corridors; the Blackstone Corridor Transportation and Housing Study identified opportunities and tools to achieve the goal of transforming the corridor to a multi-modal, mixed-use, transit supportive and livable place; Golden State Corridor Economic Development Infrastructure Improvements study aims to revitalize the Golden State corridor through planning, engineering, and design that leads to infrastructure improvement; State Route 198 Corridor Preservation and improvement Strategic Plan looked at the travel demand on SR 198, a major east-west link among Kings, Tulare and Fresno County; San Joaquin I-5/SR99 Goods Movement Corridor Study identified critical freight improvement projects to improve the goods movement along the corridors; SR 180 Western Extension Corridor Study considered the future route



alignment that would serve the mobility needs for the western County. All the above corridor studies cited in the RTP are still relevant and applicable to the conditions in the region. Reports of all the above studies are available online or by request.

Government Code 65080 (b)(1) states that “transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators”. Fresno COG has implemented many indicator analyses throughout the 2018 RTP/SCS:

- Measure of mobility: Chapter 3 SCS page 3-12: VMT; Appendix F, page 13/14: congestion speed; Appendix I, item 8: Performance Indicators - transportation mobility accessibility and reliability indicators
- Measure of means of travel: Appendix I, item 8: Performance Indicators- active transportation and transit travel indicators, transit productivity, commute travel mode share, non-commute mode share; Chapter 3 SCS page 3-11 Active Transportation and Transit Travel
- Measure of safety and security: Chapter 8 Transportation Performance Management, page 8-5~9: fatalities and serious injuries; Appendix F, page 35, Fresno County Collision Data
- Measure of equity and accessibility: Chapter 3 SCS page 3-12, EJ accessibility indicators; Appendix I, item 8: Performance Indicators- social equity indicators; Chapter 7 Environmental Justice, page 7-14~17; Appendix H Environmental Justice Report, page 17-30, Measuring the Benefits and Burdens

Fresno COG is working with the State and its local government members on the roadway and bridge condition performance measurement as required by MAP 21, which is expected to be included in the 2022 RTP/SCS.

**Comment:**

c. The RTP fails to identify transportation needs in rural communities

Fresno County residents are not served, or are underserved, by traditional public transit and face transportation barriers that are not identified in the regional transportation plan. FCOG must include comprehensive identification and quantification of transportation needs within the region and discuss the limits of current transportation services and infrastructure in rural communities.

Traditional transit systems do not meet the transportation needs of small rural communities. Legal restrictions on traditional transit related to farebox return requirements and ridership numbers make the cost of operating a dedicated traditional route to small communities too high for ticket prices to be affordable to residents. FCRTA has attempted numerous traditional demonstration routes in small communities that failed to meet farebox return requirements. Transit systems must be planned and developed that are not restricted by farebox and ridership requirements so that rural communities unable to sustain traditional transit systems can still have access to affordable transportation options.

Every community that was unable to meet farebox requirements to sustain a FCRTA demonstration route presently is unserved by public transit. Transit service has not been attempted in many other small communities for similar reasons. Thousands of residents in Fresno County thus have no access to public transit. The lack of access and challenges posed by farebox and ridership requirements are not identified or discussed in the draft RTP. The RTP should identify how many individuals in the County of Fresno lack access to transit service, experience infrequent service, are without weekend or evening service, and other indicia of access.



Residents in unincorporated areas also lack access to infrastructure for active transportation such as sidewalks, bike paths, street lights, recreational spaces, and experience higher levels of flooding, lower enforcement of traffic safety laws, and greater isolation from services. Obstacles to active transportation should be identified and quantified in the RTP. Safety information for bicyclists and pedestrians in rural areas also should be quantified with information about injuries and fatalities.

A full analysis of the transportation needs for residents in rural areas must be conducted to meet FCOG's legal obligations.

**Response:**

The limits of current transportation systems and infrastructure are discussed in Section 4.5 of the RTP. Identified needs and issues related to rural services are specifically addressed on pages 4-48 and 4-49. Under California's Mills-Alquist-Deddeh Act (1971) (PUC §99268.3), also known as the Transportation Development Act (TDA), public transit routes are required to meet a farebox recovery ratio of 10 percent in the rural areas and 20 percent in the urban areas to qualify for the operations funding that the law provides. Ridership should at least be commensurate with the farebox recovery requirement so that public transit is not 100 percent subsidized. Although FCRTA makes a good faith effort to meet the needs of the general public in unincorporated and incorporated communities, it is not possible to provide service to 100 percent of the general population in need of public transportation. The operating cost to provide such service is outside the limits of *meeting* the farebox requirement and therefore not reasonable to meet. FCRTA has demonstrated *good* faith efforts on multiple projects without success, as discussed on pages 4-38 through 4-40. The following demonstration projects in the communities of Biola, South Sierra (Pinehurst, Miramonte, Dunlap, Squaw Valley, Fresno), West Park, Lanare and the Juvenile Justice Project located in southwest Fresno County were all projects that did not go past the demonstration period for public transit for farebox and ridership requirements. Public transit systems are tasked with providing safe and efficient service to the general public; however, it is not required that transit operators forego California TDA regulations and requirements to do so. Fresno COG and FCRTA understand there are transportation needs outside of public transit, and FCRTA is in the process of implementing an infrastructure planning grant to study such issues.

The MPO and all transit operators are aware that there are individuals who lack access to transit service, experience infrequent service, are without weekend or evening service or other indicia of access. We have been providing documentation throughout the year to address these issues. These documents include, but are not limited to: the annual productivity evaluation, annual unmet needs hearings, and the operations program & budget for social service transportation. In addition, there is also an urban and rural short-range transit plan that is updated and completed every two years. FCOG is in the process of developing the first Regional Long-Range Transit Plan for both urban and rural areas, and community-based shared mobility service is being explored as a strategy to address transportation needs that can't be met by traditional public transit.

The California Transportation Commission's Regional Transportation Plan Guidelines require MPOs and RTPAs to discuss regional pedestrian and bicycle needs in their RTPs. As mentioned in responses under IA & B, Fresno COG produced an extensive analysis of pedestrian- and bicyclist needs in Fresno County in the Transportation Needs Assessment Study which is discussed in depth on page 4-69 of the 2018 RTP. FCOG also developed a Regional Active Transportation Plan, discussed on pages 4-67 and 4-68, in which obstacles to active transportation in rural areas are discussed. Safety information for bicyclists and pedestrians is

discussed in the 2018 RTP in Chapter 8 - Transportation Performance Management and bike and pedestrian fatalities and serious injuries throughout Fresno County, including rural areas, are depicted in Figure 8-4.

**Comment:**

**II. The Urban and Rural Transit Needs Assessments Are Inadequate and FCOG May Not Rely on the Unmet Transit Needs Assessment Process**

The needs assessments for urban and rural transit fail to comply with Cal Gov't Code §65080(b)(I) because they do not identify actual transit needs and rely only on the conclusions from the Unmet Transit Needs Assessment process.

a. The transit needs assessments fail to identify any transit needs

The needs assessment for urban transit in the Fresno region consists entirely of a description of the annual Unmet Transit Needs Assessment (UTNA) process followed by the conclusion: "(w)ithin Fresno County, there are no adopted findings of unmet transit needs that are reasonable to meet." The rural transit needs assessment is four paragraphs long: two paragraphs describe current programming and are irrelevant for a needs assessment, two paragraphs describe the UTNA process. The needs assessment fails to identify a single transit need in urban or rural areas in the Fresno region. The subsequent section of the rural transit component generally describes lack of funding, commuter options, and farmworker transit; this section primarily describes current programming rather than quantifying need.

A description of a process to identify needs is not the same thing as identifying needs. Many communities in Fresno County are without any access to public transit; those served with transit experience limited schedules, long travel times, and lack of weekend transit. The RTP must analyze and quantify these needs.

b. Conclusions from the Unmet Transit Needs Assessment process do not meet RTP mandates

The UTNA process occurs annually and allows a jurisdiction to shift funding from transit projects into street and road projects if it finds no unmet transit needs exist within the jurisdiction. This process is distinct from the requirement under Cal Gov't Code §65080(b)(1) that a region identify and quantify transportation needs in its RTP.

FCOG may not use conclusions from the UTNA process to meet the requirements of Cal Gov't Code §65080(b)(I) because the UTNA process is flawed, fails to adequately identify the needs of residents, is prohibitively narrow, and only formally acknowledges needs that were both previously identified and included in a former RTP.

The 2017 UTNA process failed to result in meaningful resident involvement or comply with FCOG's own public participation and civil rights policies. Workshops for the UTNA process were poorly advertised, held in inconvenient locations and times, were very limited in number, and were difficult to reach for individuals without access to public transit. The mailing list for letters announcing the UTNA primarily included government staff and planners and contained very few residents or representatives from local organizations representing the rural poor. The 2017 process failed to garner meaningful public participation. FCOG then erroneously determined that there were no unmet transit needs in the region and

adopted a resolution to move money out of transit projects and into projects for streets. The results of this process are not an adequate representation of the transit needs in Fresno County.

The UTNA process also has a definition of unmet transit needs that is too narrow and circular to comport with the mandates of Cal Gov't Code §65080(b)(1). FCOG's definition of unmet transit needs for the UTNA process is "[t]hose public transportation or specialized transportation needs that are identified in the Regional Transportation Plan and that have not been implemented or funded." The draft RTP in turn relies on the inadequate UTNA process and fails to analyze or quantify needs assessment in compliance with Cal Gov't Code §65080(b)(1).

Conclusions from the UTNA process thus may not be used to satisfy the requirement that a jurisdiction identify current transportation needs in the RTP for the region. FCOG instead must conduct an independent analysis of transportation needs for the RTP.

**Response:** Government Code § 65080(b)(1)(F) provides that the requirements of that section can be met by utilizing existing sources of information. No additional traffic counts, household surveys, or other sources of data shall be required. Accordingly, Fresno COG is not required to conduct a new, independent analysis for the RTP. The Unmet Transit Needs (UTN) process is conducted annually to identify public transportation or specialized transportation services that are considered reasonable to meet and/or documented through the Fresno COG's Annual Unmet Transit Needs Public Hearing Process that have not been implemented or funded. As such, the UTN process is one means to assess actual transit needs. During the 2017 UTN process, Fresno COG reached out to more than 400 contacts notifying individuals and agencies about the opportunity to provide input. The contacts included Tribal organizations, community groups such as Building Healthy Communities, Boys and Men of Color, Centro La Familia, Clinica Sierra Vista, Fresno Interdenominational Refugee Ministries, Leadership Counsel for Justice and Accountability, and many others. Outreach also included State and Local service providers that directly serve minority and low-income populations. These include the Fresno County Department of Social Services, Central Valley Regional Center, Fresno-Madera Area Agency on Aging, and Resource for Independence Central Valley. Fresno COG expanded the 2018 UTN process. Beginning in February 2018, the UTN meeting schedule was publicized in two of Fresno COG's "Coming Up at Fresno COG" e-newsletters; via public notices published in the Fresno Bee and Vida En El Valle newspapers; through Fresno Metro Ministries' e-news to 2,000 public and community agencies and; with request-for-comments letters, in English and Spanish, mailed out to 380 contacts. In addition to the mail outs, Fresno COG increased the number of outreach meetings from three in 2017 to eight in 2018, with half of those occurring in the rural areas (two on the west side of Fresno County and two on the east side). Public comments regarding potential transit needs, as well as the operators' responses, were analyzed as part of the UTN process as set forth on pages 30-37 of the 2018 Unmet Needs Report. As a result of the 2018 UTN process and during the RTP public outreach there were 83 comments related to transit needs, however this resulted in no unmet transit needs that are reasonable to meet similar to the 2017 findings.

The UTN process gives the COG an annual look at potential transit needs. During the 2017 UTN, CRLA commented about an unmet need in the community of West Park. As a result of this comment FCRTA was able to adequately address this potential unmet need and worked with the residents of West Park to implement a demonstration project in West Park. The demonstration project did not continue beyond the 6 month demonstration period because it failed to meet the farebox and ridership requirements. In addition to the UTN process, the COG also conducts a productivity evaluation of all the public transit services operating in Fresno County. The productivity evaluation is conducted annually to assess the progress of transit operators who receive State Transportation Development Act funds and to recommend

potential productivity improvements. The California Public Utilities Code 99244 requires that “Each transportation planning agency shall annually identify, analyze and recommend potential productivity improvements which could lower the operating costs of those operators who operate at least 50 percent of their vehicle service miles within the area under its jurisdiction.” The productivity evaluation assesses the following agencies:

1. Fresno Area Express (FAX) and Handy Ride
2. Clovis Stageline and Roundup
3. Fresno County Rural Transit Agency (FCRTA)
4. Consolidated Transportation Services Agencies (CTSA) for the Metropolitan and Rural Areas

This ensures that the Local Transportation funding (LTF) available is being utilized to its fullest extent. The Annual Productivity Evaluation can be viewed on the COG website under Public Transit Planning. The COG also prepares short-range transit plans for both the rural and urban areas. These processes, in partnership with the RTP outreach, are sufficient in identifying and determining transit needs in the Fresno County region.

Unmet needs findings have occasionally resulted in startup demonstrations for new public transit routes. Continuing a new route is determined by the farebox requirement being met, which is beyond the transit operators’ control. The demonstration projects in the communities of Biola, South Sierra (Pinehurst, Miramonte, Dunlap, Squaw Valley, Fresno), West Park, Lanare and the Juvenile Justice Project located in southwest Fresno County were all projects that did not go past the demonstration period because of public transit farebox and ridership requirements. The unmet transit needs assessments have proven to be adequate in determining whether unmet needs can and should be implemented based on farebox and ridership regulations especially when identifying needs and implementing services to those residents in unincorporated communities. Public transit systems are tasked with providing safe and efficient service to the general public; however, it is not required that transit operators forego California TDA regulations and requirements to do so.

As long as public transit operators are mandated to comply with TDA requirements, Article 4 Section 99268.4, to access operational funds, expanding beyond existing lifeline services (Monday through Friday 7 a.m.-6 p.m.) for rural communities to evening and weekend services would jeopardize the existing lifeline services. Costs for such expansion would exceed “reasonable to meet” requirements. There are reports and analysis/documents throughout the year such as the Annual Productivity Evaluation, the Urban and Rural OPB and Triennial Performance Audit that assess and provide the status of existing needs that have been mostly unreasonable to meet. These documents are all available on COG website under Public Transit Planning. As the commenter noted, sometimes “traditional transit systems do not meet the transportation needs of small rural communities” as those needs present specialized, non-public transit challenges. For example, recreational non-lifeline services and evening/ weekend services are costly because of limited ridership and costs associated in providing these services. However, there are efforts under way as mentioned in the responses under I c. to address these general transit needs outside the scope of the farebox regulations and TDA requirements.

#### **Comment:**

#### **IV. The SCS Scenario Process Did Not Reflect Meaningful Public Participation**

- a. MPOs have civil rights obligations related to public participation

Federal and state civil rights and environmental justice protections prohibit Metropolitan Planning Organizations (MPOs) (FCOG) from enacting policies, practices or activities that will have a differential effect on low-income and minority populations. FCOG must ensure meaningful involvement of these populations in RTP policies, programs and activities. State law under SB 375 also includes mandates related to public participation and requires MPOs to include a broad range of stakeholders throughout the RTP/SCS development process. CRLA provided a detailed account of these obligations in letters dated September 5, 2017 and October 31, 2017 which are incorporated here by reference.

**Response:** Title VI of the Civil Rights Act of 1964 prohibits recipients of Federal financial assistance (such as MPOs like Fresno COG) from discriminating on the basis of race, color, or national origin in their programs or activities. Environmental Justice Executive Order 12898 amplifies Title VI by providing that “each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority and low-income populations.” In accordance with Title VI and EO 12898, one of the main principles Fresno COG uses in considering environmental justice is to “avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations.” In achieving that principle, Fresno COG provided for meaningful involvement of low-income and minority populations, effectively engaging environmental justice populations in RTP Public Outreach activities that informed and affected RTP policies, programs, activities and final decisions. These EJ populations and a wide range of stakeholders were actively involved in the RTP/SCS’ development through the following mechanisms:

**The RTP Roundtable** supported Fresno COG staff and its standing committees in preparing the 2018 RTP/SCS. Members considered issues for RTP/SCS development, provided comments and community-based consensus, reviewed and approved several key RTP required elements, procedures and structures. The Roundtable comprised 30 seats – 12 held by member agency staff, 15 seats open to a variety of stakeholder groups and three “at large” seats. The RTP Roundtable members participated in 13 monthly meetings between October 2016 and January 2018, guiding RTP/SCS development and acting in an advisory capacity to Fresno COG’s Policy Board.

**The Environmental Justice Advisory Committee** assisted Fresno COG staff in setting thresholds for environmental justice (EJ) populations for the Environmental Justice Report within the 2018 Regional Transportation Plan. The subcommittee reported all advisory actions to Fresno COG’s Transportation Technical Committee (TTC) through an EJ representative. The TTC’s recommendations are referred to the Policy Advisory Committee and Fresno COG Policy Board as needed. The committee also reported to the RTP Roundtable through the EJ Committee chair, who held a seat on the Roundtable. The subcommittee has 11 positions to provide full, diverse and equitable representation from designated EJ populations

**Community Organization Partnerships implemented RTP Mini Grant** public involvement programs from March - October, 2017. Seven \$5,000 “mini grants” were given to community-based organizations to assist COG staff in soliciting ongoing public input for key activities associated with the 2018 RTP/SCS. This extraordinary effort was developed to ensure that Fresno County residents, regardless of race, income, color or national origin had equal access to the information being developed for the SCS and ample opportunity to understand and provide meaningful input throughout the planning process. Fresno COG staff exerted extra effort to engage underserved communities that are traditionally hard to reach.

Staff held **16 community workshops** involving and engaging 663 workshop attendees and 555 online participants, who submitted 1,218 suggestions for transportation needs within communities across Fresno County. Eighty-four percent of those who participated were non-white. All of the transportation need suggestions were forwarded to the local agencies serving their area (city/county), while all active transportation needs were forwarded to Active Transportation Plan (ATP) staff and consultants developing the ATP, and all transit suggestions were forwarded to transit providers for use in the Unmet Transit Needs process.

In fall 2017 COG staff and mini-grant agencies hosted **20 informational booths** at community events throughout the county, made 11 presentations to community organization members and groups, involving them in the SCS preference process. In total, 78 percent of the community members we spoke with and engaged in the SCS process were non-white, while more than 48 percent of them reported a household income below the countywide median income level of \$45,563. Using bilingual visuals and detailed descriptions of different growth scenarios, staff walked participants through each scenario pointing out differences between them and answering questions about each one. Each outreach strategy provided opportunity for participants to complete a scenario selection card.

Online, interactive surveys, for scenario review and selection in English and Spanish, easily accessible via smart phone or computer were also available to all community members.

With help from Fresno COG's RTP mini-grants, staff collected 1,339 completed scenario preference surveys from outreach events, online participation and staff presentations. Responses were received from residents living in 29 towns and cities, covering 50 zip codes throughout the Fresno County region.

A scenario-preference summary report was presented to the RTP Roundtable, Fresno COG's TTC, PAC and Policy Board prior to preferred-scenario selection. The summary report included scenario selection breakdowns by event type, by city/town, by zip code and a summary of comments supporting why participants preferred scenarios they selected. Staff also posted all results and comments to [www.fresnocog.org](http://www.fresnocog.org) for public review.

In addition, a dedicated website was developed in English and Spanish for access to RTP/SCS information at [www.yourvision2042.com](http://www.yourvision2042.com). Videos in English and Spanish explaining the SCS process were created and posted online. Website links to RTP/SCS information, RTP Roundtable meetings and upcoming agendas were made available through Fresno COG's website and a variety of email communications throughout the process. RTP Fact sheet flyers developed in English and Spanish were handed out at each community event, presentation, standing committee meetings and via all of the mini grant groups.

**Comment:**

**b. The SCS Selection Process Failed to Meaningfully Consider Public Opinion**

The SCS scenario was selected before public outreach had concluded and strong public preferences were ignored by the RTP Roundtable, Transportation Technical Committee (TTC), and Policy Advisory Committee (PAC) when they chose the preferred scenario.



Public outreach on the preferred scenarios had not concluded before the RTP Roundtable voted on a recommended scenario on October 25, 2017. These concerns were raised by community-based organizations in the October 25 RTP Roundtable meeting, but were dismissed by RTP Roundtable members.

The RTP Roundtable also ignored strong public preferences and chose the scenario that ranked lowest among residents who had weighed-in. FCOG staff presented the RTP Roundtable with the survey results from the public outreach efforts completed prior to October 25, 2011. The public demonstrated the following preferences for the proposed SCS scenario as of that date: Scenario A received 30.4 percent of votes. Scenario B received 34.6 % of votes. Scenario C received 19 percent of votes. Scenario D received 16% of votes. The majority of respondents were members of environmental justice communities and had a legal right to have their opinions meaningfully considered.

The RTP Roundtable chose Scenario D as their preferred scenario although more than twice as many survey respondents preferred Scenario B. The RTP Roundtable did not address either the public preference for Scenarios A and B nor the fact that they were selecting the scenario least preferred by the public when they made their decision. The Roundtable asserted that the TTC and PAC could overturn their decision and choose a more popular scenario, but questioning by CRLA staff indicated that the TTC/PAC had never failed to adopt RTP Roundtable recommendations. The RTP Roundtable selected the least-popular SCS scenario, and this selection was affirmed by the TTC and PAC.

Civil rights laws require that EJ communities are meaningfully included throughout the RTP/SCS Process

**Response:** On October 25, 2017 the RTP Roundtable was asked to make an advisory recommendation to the Fresno COG Policy Board on a preferred SCS scenario. At that time, public involvement activities had been actively operating since September 20, 2017, with 27 of the informational booth events and presentations completed, leaving five events at which community members could weigh in on their scenario preference. It was Fresno COG's intention to implement a public involvement program that was as inclusive as possible. Therefore, when community events or presentations were requested for dates after October 25 but well before the Fresno COG Policy Board chose a preferred growth scenario, staff accommodated the requests.

On October 25 when the RTP Roundtable provided its advisory recommendation to Fresno COG's Board and committees, surveys from the online effort and the 27 events had been processed and summarized, with results reported to the RTP Roundtable.

#### **Public Outreach Survey Results**

Fresno COG received 1,339 SCS Survey Preference Surveys from the public during the Fall 2017 public involvement effort. The results are listed by percentage of vote received as follows:

- Scenario A - 28%
- Scenario B - 33.9%
- Scenario C - 17.4%
- Scenario D - 20.6%

Specific details regarding the Fall 2017 outreach efforts, polling results and breakdown of participant demographics is available in RTP Chapter 6 regarding public participation.

The polling data and results were forwarded to the RTP Roundtable, Transportation Technical Committee, Policy Advisory Committee and Policy Board for meaningful consideration prior to their selections of a preferred scenario. The information was also posted to the Fresno COG website and is included in RTP Appendix G. The committees and board considered the public's input as evidenced by open meeting discussions regarding scenario benefits during each of their meetings. But, overall Scenario D was chosen as the Preferred SCS Scenario by each voting body. The reasons cited for this selection include the following:

- Implementation of Scenario B required about 20% of job and housing growth be removed from the small-cities and the County areas and be placed in the Fresno-Clovis Metropolitan area. The implication of Scenario B is that the small cities and the unincorporated communities in the County would have higher unemployment and lose the tax bases from housing development.
- Scenario C took 5% of the Metropolitan area's job and housing growth and placed them in the small cities and the County areas, which would result in more farmland consumption and more long distance traveling thus highest VMT and GHG emission. Scenario C does not meet the greenhouse gas reduction targets.
- Scenario B & C are not consistent with the demographic projections in the local governments' approved General Plans.
- Scenario A & D have the same land use assumptions. However, Scenario D has a couple of capacity-increasing gap projects that close the gap for the people living in the foothill areas when traveling into town. In other words, because of these projects, people living the foothill areas would shorten their travel distance when they come into town. These projects were not included in scenario A. Due to this reason, Scenario D produces slightly less VMT than Scenario A

**Comment:**

c. FCOG Failed to Include Any Information on Public Preferences in the RTP/SCS

FCOG does not identify the public preferences for SCS scenarios in the draft 2018 RTP/SCS. It contains information about the number and location of workshops, the types of material presented, the fact that information was presented in multiple languages, and the collaboration between community-based organizations and FCOG for increasing public turnout. It does not include the results of the public participation process. The public demonstrated a clear and strong preference for innovative land use planning that emphasized GHG reduction, high-density development, and transit-oriented growth; this preference was disregarded in favor of the unpopular scenario that placed a higher preference on roadway capacity-increasing projects. The RTP/SCS must include information about the public preferences for Scenarios A and B and the fact that these scenarios were not chosen by FCOG.

**Response:**

Chapter 6: Public Participation provides a summary of the types of public outreach conducted and the audience it effectively engaged in comparison with outreach goals. The result of the public participation process was added to RTP Chapter 3: Sustainable Communities Strategy as follows:

**Public Outreach Survey Results**



Fresno COG received 1,339 SCS Survey Preference Surveys from the public during the Fall 2017 public involvement effort. The results are listed by percentage of vote received as follows:

- Scenario A - 28%
- Scenario B - 33.9%
- Scenario C - 17.4%
- Scenario D - 20.6%

Specific details regarding the Fall 2017 outreach efforts, polling results and breakdown of participant demographics is available in RTP Chapter 6 regarding public participation.

The polling data and results were forwarded to the RTP Roundtable, Transportation Technical Committee, Policy Advisory Committee and Policy Board for meaningful consideration prior to their selections of a preferred scenario. The information was also posted to the Fresno COG website and is included in RTP Appendix G. The committees and board considered the public's input as evidenced by open meeting discussions regarding scenario benefits during each of their meetings. But, overall Scenario D was chosen as the Preferred SCS Scenario by each voting body. The reasons cited for this selection include the following:

- Implementation of Scenario B required about 20% of job and housing growth be removed from the small-cities and the County areas and be placed in the Fresno-Clovis Metropolitan area. The implication of Scenario B is that the small cities and the unincorporated communities in the County would have higher unemployment and lose the tax bases from housing development.
- Scenario C took 5% of the Metropolitan area's job and housing growth and placed them in the small cities and the County areas, which would result in more farmland consumption and more long distance traveling thus highest VMT and GHG emission. Scenario C does not meet the greenhouse gas reduction targets.
- Scenario B & C are not consistent with the demographic projections in the local governments' approved General Plans.
- Scenario A & D have the same land use assumptions. However, Scenario D has a couple of capacity-increasing gap projects that close the gap for the people living in the foothill areas when traveling into town. In other words, because of these projects, people living the foothill areas would shorten their travel distance when they come into town. These projects were not included in scenario A. Due to this reason, Scenario D produces slightly less VMT than Scenario A

In addition, the 2018 RTP/SCS Scenario Outreach Ballot Results, which indicate the public preference, is included in Appendix G – Public Participation: Reference Materials of the RTP on page 277, and also is available on the Fresno COG website in connection with the RTP at: [https://www.fresnocog.org/wp-content/uploads/publications/RTP/2018\\_RTP/Public\\_Outreach/Fall\\_Outreach\\_files/2018\\_SCS\\_Outreach\\_summary\\_final.pdf](https://www.fresnocog.org/wp-content/uploads/publications/RTP/2018_RTP/Public_Outreach/Fall_Outreach_files/2018_SCS_Outreach_summary_final.pdf).

The Policy Board is the ultimate decision maker at Fresno COG. Chapter 6 presented an extensive and robust public process that provided the Policy Board abundant and meaningful feedback and recommendation from the public, a widely represented RTP Roundtable, and the standing Transportation Technical Committee and the Policy Advisory Committee about the scenarios. The recommendations from the committees and the feedback from the public were all reported to the Policy Board and were meaningfully discussed and considered by the Policy Board as indicated above. Because all the committee

recommendations are advisory, and it is ultimately the Policy Board's sole decision, it is not necessary to exhaustively list the details of how each committee or the public voted for each of the scenarios in the body of the RTP. However the information is available in the staff reports connected with the Policy Board's consideration and adoption of the preferred SCS Scenario.

The public that voted for Scenario B specifically indicated on their survey forms that they supported benefits such as active, healthy communities, improved air quality and the reduction of greenhouse gas emissions; less farmland consumed, connections between transportation options, more trails and driving options, less traffic after work as well as convenience. These preferences are prioritized in all of the scenarios as evidenced by Fresno COG's development of scenarios that provide significant reduction in greenhouse gas emissions, vehicle miles travelled, and important farmland consumed. The SCS scenario demonstrates the region's commitment to transportation and housing options, climate change, healthy community, transit oriented development, improvement of air quality, and other important regional priorities. Evidence of the SCS addressing such priority values can be found on page 3-11 and throughout the entire SCS chapter. Therefore, Fresno COG does not agree with the statement that the public's preferences for innovative land use planning that emphasized GHG reduction, high-density development, and transit-oriented growth were disregarded.

**Comment:**

**V. The RTP Must Identify Land Uses and Sufficient Areas in the Region to House the Population**

California Government Code §65080(B) mandates that jurisdictions

(i) identify the general location of uses, residential densities, and building intensities within the region; (ii) identify areas within the region sufficient to house all of the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation, and employment growth, (iii) identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 655848

The draft 2018 RTP/SCS "Checklist for MPOs" erroneously states that the mandates of §65080 are met on pg. I -3. It lists the scope of the RTP and contains a few paragraphs generally describing the location of Fresno County, but there is no information about housing needs identified in this section or anywhere else in the draft RTP. The growth and housing mix assumptions included in the SCS reference materials are not sufficient to meet this legal requirement. The RTP must fully describe the location of land uses throughout Fresno County and identify sufficient areas to house the entire population in the region, including very-low, low, moderate, and above-moderate income individuals. The areas identified must be sufficient to house the population over the current eight-year RHNA period as well as the entire RTP implementation period, and must accommodate anticipated demographic changes.

**Response:**

The RTP Checklist (Appendix A of the RTP/SCS) refers to the requirements of California Government Code §65080 in multiple locations. California Government Code §65080 (B) is addressed in item No. 4 on the RTP Checklist, whereas the reference to pages 1-3 the comment mentions is under item No. 3 on the RTP

Checklist, which asks, “Does the RTP address issues specified in the policy, action and financial elements identified in California Government Code §65080?” Pages 1-3 are identified in the RTP Checklist for item No. 3 because that is where the RTP provides a summary of the issues identified in the policy, action, and financial elements.

California Government Code §65080 (B) is addressed under item No. 4 of the RTP Checklist, which goes into detail about the housing information that is required in the SCS. The information required by California Government Code §65080 (B) is provided within the SCS, as noted in the RTP Checklist. The SCS provides detail on the SCS land-use pattern, including general location of uses in Figure 3-14: 2035 Land use pattern and employment growth density in Figure 3-16: Employment Growth Density per California Government Code §65080 (B)(i) (item 4a in the RTP Checklist). The SCS also provides residential density and projected housing growth and density that accommodates the eight-year projection of the regional housing needs in Figure 3-15: Housing Growth Density per California Government Code §65080 (B)(ii) and §65080 (B)(iii) (item 4b and 4c in the RTP Checklist). The data and modeling assumptions used to develop these projections takes into account net migration, population growth, and household formation , as required by California Government Code §65080 (B)(i).

We thank you for your involvement in the 2018 RTP/SCS development process, and appreciate your efforts to engage the community residents in the process. Please feel free to contact me or my staff Kristine Cai at 559-233-4148 should you have any further questions or comments regarding the 2018 RTP/SCS.

Sincerely,

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

Tony Boren,

Executive Director



June 1, 2018

Kristine Cai  
Planning Director  
Fresno County Council of Governments  
2035 Tulare Street, Suite 201  
Fresno, CA 93721

**Re: Draft 2018 Regional Transportation Plan**

Dear Ms. Cai,

Thank you for the opportunity to comment on the Draft 2018 Regional Transportation Plan for Fresno County. We commend the Fresno Council of Governments (Fresno COG) for the significant time and resources it has spent to date on the public process for the development the 2018 Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS). Leadership Counsel has been engaged in this process from the beginning and has helped ensure that environmental justice and disadvantaged communities have the opportunity meaningfully engage. Through these comments and our continued participation in this RTP/SCS update process, Leadership Counsel aims to ensure that Fresno COG explicitly considers input received by residents and representatives of disadvantaged communities and that the final RTP/SCS plans for an integrated and comprehensive multi-modal transportation system that affirmatively addresses the disparate adverse conditions impacting disadvantaged communities as required by state and federal law.

Fresno COG has made substantial strides in developing a more inclusive public process, new project evaluation criteria intended to benefit the County's communities most in need of transportation infrastructure, and policies to better suit the needs of environmental justice communities. However, the Draft falls short of legal mandates and guidance that require that Fresno COG "to explicitly consider" the public input, including input provided by residents of

disadvantaged communities, and to advance access to critical infrastructure and services in low-income communities, communities of color, and immigrant communities which have been denied these services in the past. In addition, the Draft fails to incorporate and take advantage of recommendations contained in CalTrans 2017 RTP Guidelines (“Guidelines”) intended to ensure that RTP/SCS fulfills its potential to facilitate sustainable development, advance the state housing goals, promote public health, and address the needs of disadvantaged communities and protected populations.

Fresno COG must revise the Draft to address these shortcomings, including in particular by planning for the transportation needs of disadvantaged communities and environmental justice communities. This letter below provides additional detail about the Draft’s deficiencies and recommendations regarding revisions which would ensure that the final RTP/SCS complies with applicable state and federal mandates and advances transportation access for the communities and populations with the greatest need.

**I. The Draft RTP Fails to Serve as a “Comprehensive” Planning Document That Will Lead to an “Integrated” Transportation Network & Fails to Include Action to Affirmatively Overcome Past & Present Discriminatory Practices As Required by Law**

Federal law requires the metropolitan planning process to be “continuous, cooperative, and comprehensive,” and “include strategies and actions that lead to the development of an integrated multimodal transportation system.” 23 CFR §450.350(b), 23 CFR 450.324(b). However, the Draft RTP fails to address the transportation needs of rural communities as identified during the public process; stipulates unreasonably long timelines for completion of projects benefiting disadvantaged communities; lacks an adequate analysis of the impact of projects on environmental justice communities, and does not include effective planning for transportation that complements availability of affordable housing. By failing to invest in the needs of rural areas and disadvantaged communities in a timely manner that ensures their connection to the regional system and failing to properly analyze the plan’s allocation of benefits to protected classes, inadequately investing in rural areas and not ensuring their connectivity to the rest of the transportation system, the Draft RTP/SCS does not satisfy the requirement that Fresno COG plan for an “integrated” or “comprehensive” multi-modal system.

Furthermore, federal and state civil rights law requires Fresno COG to ensure that it does not discriminate against protected classes, either intentionally or in effect. 42 USC § 2000d, 49 CFR § 21.5(b)(2); Gov. Code §§ 11135. Where present or prior discriminatory practices or patterns result in inferior access to services, MPOs must take action to overcome the persisting effects of those practices or patterns. 49 U.S.C. § 21.5(b)(7). Many disadvantaged communities within Fresno COG’s jurisdiction are disproportionately comprised of people of color and immigrants and also lack access to basic public and private investments, including transportation investments such as sidewalks, streetlights, and stormwater drainage, as a result, at least in part, of discriminatory practices. However, the RTP not only fails to include projects which will

affirmatively address these discriminatory practices but entrenches historic discrimination by failing to include most of the projects identified by residents as critical to addressing the needs of disadvantaged communities.

We recommend the following revisions to the Draft RTP to ensure that the 2018 RTP complies with Fresno COG's obligations to create a "comprehensive" and "integrated" plan that makes strides to reverse existing inequities impacting protected classes and low-income communities of color in Fresno County.

### **1. Fresno COG Must Not Disregard Projects Identified By the Public to Meet the Needs of Disadvantaged Communities**

Fresno COG created a process in which local jurisdictions submit projects for funding through the RTP, and Fresno COG. As a result of this process, almost all projects proposed during the public engagement process by residents, including in particular residents of color and immigrants and members of disadvantaged communities, were excluded from the Draft RTP. For instance, numerous projects proposed by residents of the rural disadvantaged unincorporated communities of Lanare, Cantua Creek, El Porvenir, and Tombstone Territory for essential pedestrian and bicycle infrastructure, public transit and road improvements were excluded. These neighborhoods, which are disproportionately comprised of people of color and which are environmental justice communities, have seen little if any transportation investment in their history.

A recipient of federal funding may not "utilize criteria or *methods of administration* which have the effect of subjecting persons to discrimination because of their race, color, or national origin." 49 CFR § 21.5(b)(2); See also Gov. Code § 11135. Fresno COG's chosen method of selecting projects of allowing local jurisdictions to select which projects are ultimately included in the RTP resulted in the near categorical exclusion of projects proposed by residents to benefit communities disproportionately comprised of protected classes and therefore has an unlawful effect of denying transportation improvements based on residents' inclusion in a protected class.

In addition, by allowing jurisdictions to eliminate projects proposed by residents during the public participation process with no analysis by Fresno COG, Fresno COG effectively ignores that input. Fresno COG's methodology therefore conflicts with the federal requirement that the COG "explicitly consider" input provided by the public and the criteria identified by the Department of Transportation to assess COGs' Title VI compliance. 23 CFR § 450.316(a)(1)(vi); DOT, FHA, Title VI Requirements in Metropolitan and Statewide Planning<sup>1</sup> (providing that DOT will consider the mechanisms in place to ensure that issues and concerns raised by low-income and minority populations are appropriately considered).

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<sup>1</sup> Available at [https://www.fhwa.dot.gov/environment/environmental\\_justice/legislation/ej-10-7.cfm](https://www.fhwa.dot.gov/environment/environmental_justice/legislation/ej-10-7.cfm)



To satisfy the COG's civil rights and public participation obligations, Fresno COG must select an alternative methodology which does not result in the exclusion of projects designed to benefit communities of color and immigrant communities without analysis and revise its project list accordingly.

We recommend that the COG revise its methodology that it uses to determine the RTP/SCS project list to include an independent analysis of each project proposed by the public and to include a set aside requirement. Fresno COG should also add a policy to the Policy Element stating that no public dollars can be used to subsidize new growth at the expense of disadvantaged communities.

## **2. Revise Project Timelines to Eliminate Delay and Frontload Project Benefiting Disadvantaged Communities**

Federal Transportation Administration Circular 4703.1 identifies three guiding environmental justice principles which COG's must incorporate and transportation decision-making process and environmental review documents. The third principles requires COG's and other agencies "prevent the *denial of, reduction in, or significant delay* in the receipt of benefits by minority and low-income populations." Emphasis added.

In conflict with this requirement, the few projects that the RTP does include to address the needs of disadvantaged communities and environmental justice communities are not scheduled for implementation until years and even decades into the planning period. For example, the Draft includes a sidewalk requested by residents of Lanare along Mt. Whitney Avenue -- a road with high velocity traffic that lacks active transportation infrastructure but which pedestrians from the disadvantaged community rely on to travel between homes, the community center, and a small store -- but schedules it for completion only in 2050. Other projects in more affluent areas are scheduled for much earlier completion. This includes a project to install new bike lanes in Clovis as early as 2022 and many road expansion projects.

Fresno COG must revise the timelines for projects identified to meet the needs of people and communities of color and immigrant communities to ensure timely completion early in the planning period. In addition, many of the projects requested by residents in the RTP workshops to address the needs of disadvantaged communities are small and inexpensive, and their impact on public safety is much more critical than other projects slated for more immediate construction. Fresno COG should especially prioritize projects proposed during the public process that would address public health and safety risks associated with absent or deficient infrastructure in DUCs consistent with Fresno COG's duty to not to discriminate in the allocation of transportation benefits and to take affirmative actions to remove disparate adverse conditions impacting protected classes. See e.g., 49 CFR §§ 21.5(b)(1)(ii)&(iv); 21.5(b)(3); 21.5(b)(7); Gov. Code § 11135.

## **3. Conduct a Disadvantaged Communities Needs Assessment**

The Transportation Needs Assessment program incorporated into the 2014 RTP was passed by Fresno COG to analyze transportation needs of disadvantaged communities and rural communities in the County. Instead, it only analyzed the gaps in transportation between cities in the County, leaving out many isolated and disadvantaged rural communities with significant transportation needs. Without an analysis of the needs of unincorporated communities within the county, the Transportation Needs Assessment (“TNA”) did not fulfill its purpose to serve as a tool for evaluating which projects are needed to meet the needs of communities that lack critical transportation infrastructure throughout the region. The Draft 2018 RTP does but not but should include a similar program which would ensure that Fresno COG completes an analysis that includes residents’ transportation needs in unincorporated Fresno County.

Disadvantaged communities of color, particularly in rural areas of Fresno County, suffer from absent and severely inadequate roads, sidewalks, and public transit as compared to more affluent areas of the County with smaller populations of people of color. Thus, the incorporation of a TNA with an explicit focus on disadvantaged unincorporated communities would assist Fresno COG in fulfilling its duty to ensure that the RTP plans for a “comprehensive” and “integrated” regional transportation network, which includes the needs of rural and unincorporated communities, and to identify appropriate actions necessary to overcome the effects of the disproportionate denial of infrastructure and services to communities of color and immigrant communities in the region. See 23 CFR §§ 450.300; 450.305(b); 49 CFR 21.5(b)(7). Its inclusion is also consistent with the CalTrans Guidelines which describes consideration of rural communities a “key element” of the transportation planning process. p. 153.

We recommend that Fresno COG conduct a Disadvantaged Communities Needs Assessment in the next two years by including this in the Environmental Justice policies and adding an action item with funding to the Action Element. The assessment process would include targeted workshops with in disadvantaged communities and regional workshops to identify the transportation projects needed to connect them to critical resources and services, such as health centers, grocery stores, educational centers. The results from this process would form the basis of the needs assessment for future RTP rounds, which would in turn serve as the basis for the Project Evaluation Criteria and the Environmental Justice analysis for the 2022 RTP. The Sustainable Infrastructure Grants Program should be expanded with existing and future funding sources to fund projects identified by the Disadvantaged Communities Needs Assessment.

#### **4. Expand the Sustainable Infrastructure Grant program**

In addition to applying for federal and state funding for the projects that disadvantaged communities identified as necessary for meeting their needs, Fresno COG should also expand the Sustainable Infrastructure Grants program in order to comply with its obligation to “overcome the effect of” disparate impacts on protected groups. Fresno COG created the Sustainable Infrastructure Grants program through the 2014 RTP, shaped the program over the last four years to be a planning grants program using SB 1 planning funds, and this year Fresno COG selected



several rural transit planning projects for funding. This is a successful model of a program that prioritizes dedicating dollars to projects benefiting disadvantaged communities, and should be expanded to incentivize local agencies plan other types of transportation projects that benefit disadvantaged communities, such as active transportation infrastructure and road improvements.

**5. Identify housing for all segments of the population, and ensure that jurisdictions are implementing affordable housing programs before allocating funding to projects**

Fresno COG must include more programs to incentivize local agencies to invest in affordable housing to fulfill their federal affordable housing requirements. Fresno COG's housing obligations in its SCS extend beyond identification of RHNA requirements; as specified in state law, an SCS must "identify areas within the region sufficient to house all the population of the region...including all economic segments of the population, over the course of the planning period of the regional transportation plan," "identify areas within the region sufficient to house an eight-year projection of the regional housing need," and "consider the state housing goals" including a suitable living environment for all economic segments of the population including farmworkers. Gov. Code § 65080(b)(2)(B).

In order to comply with these obligation, Fresno COG must do more thorough planning for how it will meet affordable housing needs in the region. It should also encourage compliance with federal fair housing requirements by ensuring that local agencies are effectively implementing their affordable housing programs before allocating funding to projects proposed by local agencies. We explore additional potential incentivization programs obligations more below.

**6. In the Action Element, Fresno COG should add a commitment to developing a projects map for the 2022 RTP**

We are encouraged to see the addition of a commitment in the Action Element to developing an activity-based model by 2018. This will be crucial for a more accurate model to measure impact of the RTP on environmental justice communities. Existing modeling limitations this round made accurate modeling of impacts on EJ communities incomplete and inaccurate. An activity based model will be able to better predict movement of individuals between areas in the County (not just within TAZs) and how transportation infrastructure will facilitate or impede that movement.

Another tool that will be critical for conducting an effective EJ analysis will be a projects map to superimpose the map of project locations over a map of existing EJ communities. This was asked for in 2014, and advocates were told that such a map would be prepared for this 2018 RTP round. Since this was not finished this round, we ask that Fresno COG include an explicit, funded and prioritized commitment to develop a projects map for the 2022 RTP.

**7. Support rural smart growth throughout the document**

Fresno COG should implement effective policies for rural smart growth to comply with its obligation to address current disparities in transportation investment. DOT Title VI Regulations 49 CFR 21.5(b)(7). Such a policy would also preserve farmland and reduce GHG emissions. In order to comply with law requiring the RTP to be an “internally consistent” document, Fresno COG should integrate rural smart growth throughout the document, including in the Policy Element, Action Element, Growth Scenario, and other chapters. Gov. Code § 65080(b). We would gladly work with Fresno COG to shape this language.

## **II. Recommended Changes to the Policy Element**

### **A. We commend Fresno COG on inclusion of an Environmental Justice policy**

We appreciate Fresno COG staff and stakeholders from the public on the RTP Roundtable working with us and other environmental justice (EJ) advocates to include more commitments to investing in and protecting the health of environmental justice communities in its Policy Element. While we were not able to collectively include an explicit commitment to ensuring equitable investment, this is a step towards that goal.

### **B. The EJ goal in the Policy Element must be accompanied by “pragmatic,” “action-oriented” policies that will effectuate equitable treatment of environmental justice communities in the “short term and long term.”**

State law requires that the RTP be “*action-oriented and pragmatic*, considering both the *short-term and long-term future*, and shall present *clear, concise policy guidance* to local and state officials.” Gov. Code § 65080. Furthermore, the Policy Element must include “*pragmatic objectives and policy statements*.” Gov. Code § 65080(a).

While the new Environmental Justice goal in the Policy Element outlines some general policies for serving the needs of environmental justice groups, several of the policies listed are vague. The wording of these policies should be strengthened so that they constitute “pragmatic,” “action-oriented policies” that serve all segments of the population in both the “short term and long term.” For example, the policy regarding alignment with Title VI and Environmental Justice obligations should be reworded to state: “Ensure equitable distribution of benefits and burdens of transportation projects in alignment with Fresno COG’s Title VI and Environmental Justice obligations through timely implementation of projects identified in needs assessments and requested by disadvantaged communities and environmental justice communities during the public participation process.” Policies under this goal should also include a clear commitment to “Prioritize planning for rural smart growth and projects that benefit disadvantaged communities and Environmental Justice communities via creation of project evaluation criteria and provision of funding to incentivize such projects.” This link to the project evaluation criteria, which did include many points for projects benefiting disadvantaged communities, complies with the requirement that the RTP be an “internally consistent document.” Gov. Code § 65080(b). Currently, the document lacks internal consistency. Such a link to the project evaluation criteria,

along with inclusion of a commitment to provide funding to incentivize such projects in the Action Element, would start to comply with Fresno COG's obligation to create an "internally consistent" document.

**C. Promote integrated land use and transportation planning within the SB 375 goal, particularly the availability of affordable homes near jobs**

We appreciate that the current policy element highlights the importance of partnering with local agencies to promote the integration of land use and transportation. Integrating these can best achieve climate reduction and air quality goals; improve equitable access to jobs, housing, and services; conserve habitat, farmland and other open space; and maximize the benefits of good regional planning. The benefits of this integration are at the heart of Sustainable Communities Strategies and SB 375. We therefore suggest these edits:

- "Goal: A regional transportation and land use network consistent with the intent of SB 375 (Senate Bill 375 also known as the Sustainable Communities Protection Act of 2008)."
- "Objective: Development of a regional transportation network which is environmentally sensitive, fosters sustainable regional growth, and helps reduce greenhouse gas emissions wherever possible."

While we recognize that Fresno COG lacks land use authority and cannot achieve this goal on its own, as this Policy Element notes elsewhere, it can communicate with its member jurisdictions and align the actions that it does take with that purpose.

One key land use issue that Fresno COG and its member jurisdictions will address in the Regional Housing Needs Allocation and associated Housing Elements is the distribution of affordable housing. When jobs and homes are located close to one another, commutes are short. A lack of affordable homes in job-rich locations can spur long commutes. (One study of the Bay Area found that a lack of affordable homes there is *quadrupling* some workers' commutes.) We would encourage that a policy on this topic be added to the SB 375 Goal, such as "Educate member jurisdictions and other stakeholders about the benefits of a good match between the number of jobs, and those jobs' wages, with the availability and affordability of homes ("jobs-housing fit") in reducing commute lengths and saving money for households. Identify areas where the fit is poor, especially job-rich areas that lack affordable homes, and use the Regional Housing Needs Assessment process to prioritize housing growth in those areas."

**D. Recognize that roadway expansion induces more driving demand and prioritize more effective strategies that not only reduce congestion but better meet air quality and climate goals**

Under "Highway, Streets, and Roads Goals," we appreciate that you removed Level of Service, an out-of-date concept. However, this section continues to imply that the goal is to reduce congestion rather than to make it easy and convenient for people to drive less. It also implies that

roadway development can alleviate congestion. However, research has found that expanding roadway capacity expansion is counterproductive. It fails to alleviate congestion and leads to both short- and long-term increases in vehicle miles traveled and associated air pollution. "A capacity expansion of 10% is likely to increase VMT by 3% to 6% in the short-run and 6% to 10% in the long-run."<sup>2</sup> We therefore suggest that you add a policy that reads: "Except where needed to serve existing communities that currently lack paved road networks, limit roadway expansion and instead prioritize alternative solutions to reduce congestion by promoting alternatives to single-occupancy driving, including public transit, telecommuting, car- and van-pooling, a better jobs-housing fit, and cycling or walking."

#### **E. Add a policy that focuses on first mile/last mile solutions**

We applaud the goal to develop "an integrated multimodal transportation system which facilitates the movement of people and goods." We would encourage a policy that focuses attention on "first mile / last mile" solutions. For example, someone might commute from Madera to downtown Fresno via the Amtrak, but they must then travel from downtown Fresno to their job or meeting location. Solutions for this "last mile" might include bikeshare, carshare, enhanced taxi service, employer-run shuttles, or other alternatives.

The policy might read: "Conduct a study that identifies first-mile last-mile linkages near transit stops and stations throughout the county. Work with local jurisdictions to identify solutions and prioritize these for funding, with a priority on high-volume transit and on transit that serves disadvantaged communities or communities of color."

#### **F. Adopt a ten-year target and identify near-term investments to contribute to Caltrans' statewide goal of tripling biking and doubling walking by 2020.**

Related to the active transportation section, Caltrans has set a statewide goal to triple biking and double walking mode shares by 2020 as compared to 2010-2012. We would encourage Fresno COG to adopt the same ten-year target and then identify near-term investments that would achieve this. Given the relatively low rates of walking and biking and plans for infill investment in a number of communities, this target is likely well within reach.

#### **G. Modify active transportation goal to include a commitment to improving pedestrian- and cyclist-safety infrastructure and to bringing pedestrian and cyclist deaths to zero in ten years (Vision Zero).**

We appreciate that Fresno COG wishes to improve bicycle and pedestrian safety, but we would modify that goal as follows: "...through education, enforcement, *and improved infrastructure, with the goal of zero pedestrian and cyclist deaths in ten years ("Vision Zero").*" Policies should

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<sup>2</sup> Handy, Susan. (2015). Increasing Highway Capacity Unlikely to Relieve Traffic Congestion.  
[http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-12-2015-NCST\\_Brief\\_InducedTravel\\_CS6\\_v3.pdf](http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-12-2015-NCST_Brief_InducedTravel_CS6_v3.pdf)

be added to reflect the value of pedestrian- and cyclist-safety infrastructure, such as improved lane striping and protected bike lanes, the installation of stop signs and traffic signals, and traffic calming solutions. Fresno COG could work with local jurisdictions to study and design strategies to improve dangerous streets and intersections. These interventions are particularly important in low-income communities and communities of color, where pedestrian and cyclist injuries are more common.

## **II. Recommended Changes to the Action Element**

Along with the project list, the Action Element is one of the most critical pieces of the RTP, since it outlines the concrete actions that Fresno COG commits to take in order to implement the policies and priorities outlined in the Policy Element and the SCS. According to the 2017 RTP Guidelines, the Action Element must provide “clear direction” to implement the policies in the Policy Element. p. 114. Therefore, it is critical to include clear actions for implementing the Environmental Justice and Title VI goals from the Policy Element.

### **A. Include timelines for proposed actions in Action Element**

We urge Fresno COG to include timelines for all Proposed Actions set out in the proposed section. Without clear timelines, it is not clear when implementation of actions should occur. This lack of “clear direction” could lead to a “significant delay” in benefits from protected groups, amounting to an unlawful disparate impact under federal civil rights law.

### **B. Incorporate EJ and Title VI commitments into Proposed Actions**

Fresno COG has made significant strides towards effective implementation of Title VI and addressing environmental justice issues in the 2014 RTP/SCS process, including inclusion of a set of policies in the Policy Element for protecting environmental justice groups and furthering Title VI.

In order to provide “clear direction” for implementation of these policies, Fresno COG must include a paragraph under “Proposed Actions” of section 5.11 saying that it will consider the following initiatives going forward: implementation of its Title VI and Environmental Justice Plan; a qualitative and quantitative Environmental Justice Needs Assessment; the expansion of the Sustainable Infrastructure Planning Grants Program; and a general commitment to furthering Environmental Justice and Title VI goals.

### **C. Include additional language describing actions that will be taken to ensure that transportation planning supports fair housing goals**

“Clear direction” must also be provided for implementing Fresno COG’s affordable housing obligations.





While Fresno COG does not receive federal funding directly from HUD, it is still subject to the Fair Housing Act (Title VIII of the Civil Rights Act). Under the Fair Housing Act, as recipients of federal funding, Fresno COG and local governments in Fresno County are required by law to act consistently with and further the goals of the Fair Housing Act (“FHA”). They must do so not only in the programs that are federally funded, but in all of their activities. HUD defines jurisdictions’ obligation to affirmatively further fair housing under the FHA to mean: taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

Fresno COG is also subject to requirements under California civil rights laws to avoid any actions or inactions which would contribute to existing patterns of segregation and disparities in access to opportunity based on protected characteristics. These requirements extend to Fresno COG and member jurisdictions’ identification and allocation of RHNA sites, as well as planning and investment actions and inactions that cross housing, land use, transportation, and education lines.

In Fresno County, many areas of racially and ethnically concentrated poverty exist. These areas have also received the least public investment, and few, if any, affordable housing opportunities exist for lower-income families in new development and growth areas. Therefore, Fresno COG’s RTP/SCS growth scenarios, policies, plans, and actions must expand -- and not restrict -- access to opportunity both within and outside of low- income neighborhoods through clearly defined land use, housing, transportation, and public engagement strategies. Such policies would not only avoid further aggravating current disparities but would also help guide local agencies towards meeting their AFFH obligations. Such inter-agency collaboration goes towards the heart of Title VI and the Civil Rights Act by “promot[ing] economic mobility and equal access to the many benefits provided by affordable housing, great schools, and reliable transportation.”

In light of these legal obligations, Fresno COG must provide “clear direction” on how it is going to implement these obligations. We suggest the addition of the following language in the Overview or in the new Transportation Planning to Support Local Housing Needs section:

Fresno COG seeks to address disparities in transportation access, pursuant to its obligation under Title VI, and to support local agencies’ efforts to address housing needs and access to opportunity by coordinating with and providing resources to local agencies conducting land use planning. Fresno COG shall do so by identifying areas of concentrated minority and low-income populations; helping local agencies identify housing needs in the region, particularly in areas of racially and ethnically concentrated poverty and facilitating local governments in developing and implementing strategies to expand affordable housing opportunities outside of lower-income neighborhoods in areas of opportunity and

new development and growth areas; and identifying, planning for, and funding initiatives to address transportation needs in areas of concentrated minority and low-income populations.

Additionally, we recommend that Fresno COG further detail the actions that it has already taken and plans to take in light of its duty to affirmatively further fair housing.

We are glad to see Fresno COG's support for and implementation of the AHSC, Multi-Jurisdictional Housing Element ("MJHE"), and Measure C programs noted in "Accomplishments" as housing-related activities. These programs may be a step towards affirmatively furthering fair housing if done in a manner that alleviates resource deficits and inequities and expands access to opportunity for disadvantaged communities and protected classes.

To facilitate Fresno COG and member jurisdictions' compliance with their obligations under state and federal civil rights laws, we recommend the addition of commitments to the following action under "Proposed Actions" in section 5.11:

- Allow public participation in and provide public notice of the Countywide Housing Element Technical Committee meetings hosted by Fresno COG, post committee meeting minutes to the Fresno COG website, and annually publish a report documenting the outcomes of committee meetings and activities performed pursuant to MJHE Program 1. Fresno COG currently does not allow the public to attend these meetings or provide meeting minutes to the public. Doing so would create greater transparency in and strengthen Fresno COG and member jurisdictions' efforts to implement MJHE Program 1, which contains the Housing Element's only explicit commitments for jurisdictions to work collaboratively to affirmatively further fair housing.
- Similar to the role played by Fresno COG in facilitating the development of the MJHE, Fresno COG could convene local jurisdictions to facilitate the timely development of local and/or regional Assessments of Fair Housing pursuant to HUD's AFFH Rule.
- Convene jurisdictions to provide information regarding the availability of and eligibility requirements to receive funding for community and specific plans and the development and maintenance of affordable housing pursuant to SB 2. Provide technical support for the development of the allocation plan required of local jurisdictions in a manner consistent with the Valley Blueprint, Roadmap, MJHE, RTP/SCS, and jurisdictions' obligations under state and federal civil rights laws.
- Commitment to require that jurisdictions receiving competitive funding allocations from COG must create and implement Displacement Avoidance and AFFH plans.
- To avoid contributing to existing patterns of concentrated poverty and concentrated racial and ethnic groups, Fresno COG could also work with local agencies to identify areas that are not well served by transit, as well as opportunities to align fair housing goals with planned transportation investments.

### **III. Sustainable Communities Scenario**

As mentioned above, the SCS must identify areas to sustain the housing needs of all segments of the population over the course of the planning period. Gov. Code § 65080(b)(2)(B)(ii). It is not clear whether this was done in the formation of the SCS, or in the evaluation of the SCS alternatives. When comparing the scenarios, Fresno COG staff modeled housing type, but not the allocation of affordability of housing in each scenario.

The RTP must be an internally consistent document. Therefore, the priorities in the SCS must correspond with the project evaluation criteria, as well as the priorities identified in the Policy Element and the Action Element. The RTP currently lacks coherence, since it is not clear whether the priorities expressed in the SCS, the Policy Element, the project evaluation criteria and the Action Element align. To ensure internal consistency, Fresno COG must explain how projects were selected to comply with both the SCS and the project evaluation criteria, as well as the values expressed in the Policy Element. Since protection of EJ communities is a priority in the Policy Element, Fresno COG must more clearly explain how the projects list changed between the four proposed SCS, and how the alternative projects list impacted EJ communities.

### **IV. Recommended Changes to the Environmental Justice Report**

Fresno COG staff worked diligently with many stakeholders on developing the Environmental Justice chapter. However, this chapter does not fulfill the requirements of the law because it does not accurately reflect the impact of the RTP on EJ versus non-EJ populations.

According to Executive Order 12898, Fresno COG must “identify and address, as appropriate, disproportionately high and adverse human health or environmental effect of its programs, policies, and activities on minority populations.” FTA Circular 4703.1 further requires MPOs to incorporate EJ principles into its transportation decision-making process and environmental review documents. The Circular states that MPOs must do three key things: (a) “avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;” (b) “ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;” and (c) “prevent the *denial of, reduction in, or significant delay* in the receipt of benefits by minority and low-income populations.” p. 2.

Fresno COG does not accurately “identify...disproportionately high and adverse human health or environmental effect of its programs, policies, and activities on minority populations” because of severe limitations in its methodology for identifying the impact of the RTP projects on EJ communities. While we are glad that COG staff added more indicators to measure housing mix and air quality concerns, the metrics used to measure impact on EJ versus non-EJ communities do not give an accurate picture of actual impacts. Decreased travel time during peak hours, congestion within EJ versus non-EJ TAZs, transit investment effectiveness, and distribution of



transit investments do not successfully show whether the projects in the RTP are meeting the transportation needs of EJ communities. More importantly, since Fresno COG has an obligation to affirmatively overcome prior patterns of disparate impact, Fresno COG must measure whether the RTP projects will put beneficial investments in communities that have not seen meaningful transportation investments for many years. The EJ element must effectively measure whether Fresno COG's RTP will *reverse* prior patterns of lack of investment in EJ communities, based on what the actual needs of EJ communities are. Therefore the EJ analysis must include the following components:

- Information gathered directly from EJ communities on what their actual transportation needs are (these were expressed by many communities in the projects that they proposed in the RTP outreach workshops)
- Fresno COG must develop a project map to show where projects are located in relation to EJ communities
- A new activity-based model must be developed in order to better approximate travel around the region

#### **V. Project Evaluation Criteria Incorporated Important Commitments**

We commend Fresno COG on including effective project evaluation criteria in this RTP process. Much work went into developing project evaluation criteria that prioritized projects that benefit disadvantaged communities, protected the environment, and protected public health.

However, as noted above, Fresno COG must establish a process that ensures that projects submitted by the public, particularly by disadvantaged communities and environmental justice communities, are evaluated for inclusion in the RTP, rather than allowing local agencies to exclude projects submitted by the public. Alternatively, the project evaluation criteria should incentivize inclusion of such projects by adding substantial points to projects that were identified by the Disadvantaged Communities Needs Assessment. Points should also be added for projects submitted by disadvantaged communities as part of the RTP outreach process.

#### **VI. Public Participation Plan Made Progress, but Changes Needed for 2020 Round.**

Fresno COG's 2018 Public Participation Plan was used as a successful model of public participation statewide, due to its inclusion of an outreach mini-grants program, several series of community workshops aimed at a wide variety of stakeholders, and an RTP Roundtable that provided input into decisions about each of the RTP elements. Leadership Counsel appreciates the inclusive process that Fresno COG staff created for vetting many of the decisions regarding the RTP.

However, we recommend several significant changes for the next round. First, in order for the public to meaningfully participate in determining the values expressed in the RTP, the first round of workshops should be dedicated to gathering information about community needs and values. Instead of being shaped by the public, the scenarios for this round were based largely on data



from four years ago and one public workshop in an urban center. This did not allow for many voices in the county to shine through as scenarios were being developed, and restricted all of the county to four scenarios based on outdated information and urban priorities. Next round, we strongly recommend that Fresno COG conduct a complete round of workshops asking for residents' and stakeholders' transportation needs and values before developing the four alternative scenarios. Then, scenarios can be formed based on this information, and a second round of workshops can ask community residents and stakeholders to choose between scenarios.

\* \* \* \* \*

We thank Fresno COG for the opportunity to comment on this proposed new section of the RTP, and hope to meet with staff to discuss these points.

Sincerely,

Amanda Monaco  
Policy Advocate  
Leadership Counsel for Justice and Accountability

With the support of:

Social Justice Ministries of the Catholic Diocese of Fresno

Central California Asthma Collaborative

Safe Routes to School National Partnership



June 30, 2018

**Amanda Monaco, J.D.**  
Policy Advocate  
Leadership Counsel for Justice and Accountability  
764 P St., Suite 012  
Fresno, CA 93721

**Re: Draft 2018 Regional Transportation Plan**

Dear Ms. Monaco,

Fresno COG has received and thanks Leadership Counsel and its partners for the June 1<sup>st</sup>, 2018 letter regarding the draft 2018 RTP/SCS. Respectfully, Fresno COG offers the following responses:

**Comment:**

Thank you for the opportunity to comment on the Draft 2018 Regional Transportation Plan for Fresno County. We commend the Fresno Council of Governments (Fresno COG) for the significant time and resources it has spent to date on the public process for the development the 2018 Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS). Leadership Counsel has been engaged in this process from the beginning and has helped ensure that environmental justice and disadvantaged communities have the opportunity meaningfully engage. Through these comments and our continued participation in this RTP/SCS update process, Leadership Counsel aims to ensure that Fresno COG explicitly considers input received by residents and representatives of disadvantaged communities and that the final RTP/SCS plans for an integrated and comprehensive multi-modal transportation system that affirmatively addresses the disparate adverse conditions impacting disadvantaged communities as required by state and federal law.

Fresno COG has made substantial strides in developing a more inclusive public process, new project evaluation criteria intended to benefit the County's communities most in need of transportation infrastructure, and policies to better suit the needs of environmental justice communities. However, the Draft falls short of legal mandates and guidance that require that Fresno COG "to explicitly consider" the public input, including input provided by residents of disadvantaged communities, and to advance access to critical infrastructure and services in low-income communities, communities of color, and immigrant communities which have been denied these services in the past. In addition, the Draft fails to incorporate and take advantage of

City of Clovis  
City of Coalinga  
City of Firebaugh  
City of Fowler  
City of Fresno  
City of Huron  
City of Kerman  
City of Kingsburg  
City of Mendota  
City of Orange Cove  
City of Parlier  
City of Reedley  
City of San Joaquin  
City of Sanger  
City of Selma  
County of Fresno

recommendations contained in CalTrans 2017 RTP Guidelines (“Guidelines”) intended to ensure that RTP/SCS fulfills its potential to facilitate sustainable development, advance the state housing goals, promote public health, and address the needs of disadvantaged communities and protected populations.

Fresno COG must revise the Draft to address these shortcomings, including in particular by planning for the transportation needs of disadvantaged communities and environmental justice communities. This letter below provides additional detail about the Draft’s deficiencies and recommendations regarding revisions which would ensure that the final RTP/SCS complies with applicable state and federal mandates and advances transportation access for the communities and populations with the greatest need.

**Response:** Thank you for your comments and for recognizing the strides Fresno COG’s 2018 RTP/SCS has made in engaging our most disadvantaged citizens in the transportation planning process. The RTP/SCS addresses the multi-modal transportation needs in the next 25 years in the Fresno region. The Plan has been developed in compliance with all related state and federal regulations. It has met the requirement of 2017 RTP Guidelines and has “facilitated sustainable development, advance the state housing goals, promote public health, and address the needs of disadvantaged communities and protected populations”, which can be demonstrated by the following examples in the 2018 RTP/SCS:

- The 12 Smart Growth Principles adopted as part of the San Joaquin Valley Blueprint process have been applied in the 2018 RTP/SCS to advance the sustainability in the region; (page 3-4)
- Aggressive housing targets for more affordable townhomes and multi-family are included in the housing growth allocation in the SCS; (page 3-11)
- Public health was incorporated throughout the process by the implementation of the Integrated Transport and Health Impact Model (ITHIM) in the SCS scenario process, as well as the inclusion of the Health Priority Index, a health status measure by census tract, in the project ranking criteria; (page 3-12, Appendix C, item 4)
- The needs of disadvantaged communities are addressed through multiple programs and projects, such as the Sustainable Infrastructure Grant Program, the incorporation of disadvantaged communities in the Health Priority Index as part of the project ranking criteria, and through the Transportation Needs Assessment Study and the Regional Active Transportation Plan. (page 5-18, Appendix G, item 4)

In addition, the Policy Element incorporates languages highlighting the rights of the protected population; the Plan’s benefits and burdens on the environmental justice population are fully analyzed in the Environmental Justice Report.

The 2018 RTP process is transparent, inclusive and effective. The RTP Roundtable, which provided guidance and recommendation to the development of the plan, comprised representatives from the local governments, State DOT and other various sectors and interest groups such as public health, air quality and environment, water, education, transit agencies, the building industry, social equity representatives, bicycle and pedestrian advocates, and the general public. A region-wide workshop in April 2017 that was widely advertised through the regional TV network and other media solicited input from residents

during scenario development. That input was incorporated in the SCS scenarios. In June/July 2017, 516 residents participated in the 15 community workshops and provided suggestions for transportation improvements and many more provided input through our online survey. The suggestions were forwarded to the local governments and many of them were submitted as part of the RTP projects. In the fall of 2017, Fresno COG held a month-and-a-half long outreach to hear from the public about the scenarios. 20 informational booths were held at community events throughout the county; 11 presentations were given at the request of community organizations; online & interactive surveys were provided. The survey results from the fall outreach were carefully considered by the Roundtable, TTC/PAC and the Policy Board before Scenario D was selected by all of the four committees as the preferred scenario.

**Comment:**

**I. The Draft RTP Fails to Serve as a “Comprehensive” Planning Document That Will Lead to an “Integrated” Transportation Network & Fails to Include Action to Affirmatively Overcome Past & Present Discriminatory Practices As Required by Law**

Federal law requires the metropolitan planning process to be “continuous, cooperative, and comprehensive,” and “include strategies and actions that lead to the development of an integrated multimodal transportation system.” 23 CFR §450.306(b), 23 CFR 450.324(b). However, the Draft RTP fails to address the transportation needs of rural communities as identified during the public process; stipulates unreasonably long timelines for completion of projects benefiting disadvantaged communities; lacks an adequate analysis of the impact of projects on environmental justice communities, and does not include effective planning for transportation that complements availability of affordable housing. By failing to invest in the needs of rural areas and disadvantaged communities in a timely manner that ensures their connection to the regional system and failing to properly analyze the plan’s allocation of benefits to protected classes, inadequately investing in rural areas and not ensuring their connectivity to the rest of the transportation system, the Draft RTP/SCS does not satisfy the requirement that Fresno COG plan for an “integrated” or “comprehensive” multi-modal system.

Furthermore, federal and state civil rights law requires Fresno COG to ensure that its does not discriminate against protected classes, either intentionally or in effect. 42 USC § 2000d, 49 CFR § 21.5(b)(2); Gov. Code §§ 11135. Where present or prior discriminatory practices or patterns result in inferior access to services, MPOs must take action to overcome the persisting effects of those practices or patterns. 49 U.S.C. § 21.5(b)(7). Many disadvantaged communities within Fresno COG’s jurisdiction are disproportionately comprised of people of color and immigrants and also lack access to basic public and private investments, including transportation investments such as sidewalks, streetlights, and stormwater drainage, as a result, at least in part, of discriminatory practices. However, the RTP not only fails to include projects which will affirmatively address these discriminatory practices but entrenches historic discrimination by failing to include most of the projects identified by residents as critical to addressing the needs of disadvantaged communities.



We recommend the following revisions to the Draft RTP to ensure that the 2018 RTP complies with Fresno COG's obligations to create a "comprehensive" and "integrated" plan that makes strides to reverse existing inequities impacting protected classes and low-income communities of color in Fresno County.

**Response:** Fresno COG's 2018 RTP/SCS is developed in a "continuous, cooperative and comprehensive" manner. It is built upon the 2014 RTP/SCS, and continues to consistently apply the 12 Blueprint smart growth principles throughout the entire document. The 2018 RTP/SCS aims to provide diverse transportation options that foster sustainable growth and a vibrant economy with better air quality and healthy communities through a combination of programs. Fresno COG had a robust and inclusive public process that ensured region-wide participation in the plan development process. (please refer to Chapter 6 of the RTP document for more information about the public outreach process). The 2018 RTP is a product of collaboration among Fresno COG, local governments, LAFCO, transit agencies, State DOT, the San Joaquin Valley Air District, the California Air Resources Board, and representatives from multiple sectors, including: education, water, environmental/air quality, social equity, the building industry, active transportation and agriculture, as well as the general public. The 2018 RTP was developed, thoroughly vetted and reflects many of the suggestions, changes and recommendations from members of the EJ Subcommittee, Policy and Action Element Subcommittee, Project Scoring Criteria Subcommittee and the above listed stakeholders. The impact of the RTP projects on the EJ population is fully analyzed in the EJ report, which is included as an appendix in the RTP document.

The 2018 RTP/SCS is a comprehensive plan that addresses multiple issues, including but not limited to: different transportation modes, air quality, climate change, housing, congestion, goods movement, safety, environmental justice etc. It is also an integrated plan that breaks traditional silos of transportation and land use planning. An example of such integrated planning in the 2018 RTP/SCS is the significant amount of housing and employment allocated along the major transportation corridors, which is reflected by the Transit Oriented Development indicator on page 3-11.

Fresno COG expanded its outreach scope in the 2018 RTP/SCS process to better involve individual residents to provide comments and suggestions for the process. It was well-received and more than a thousand project suggestions were received from the participants. Local government staff was present at the June/July workshops, and discussed the local plans with the residents. Workshop comments that included project suggestions were provided to the local governments for consideration. Among the project suggestions received for the County area and the 12 disadvantaged small cities, close to 2/3 of the feasible RTP projects suggested by the public are included in the RTP. Some project recommendations were clearly infeasible and thus were not included in the RTP. Examples of infeasible project recommendations included, by are not limited to:

- Projects that were located on local streets and, therefore, do not qualify for the federal funding which is the focus of the RTP. Projects need to be located on the federally designated functional classification system in order to qualify for federal funding and be included in the RTP. Here is the link to the functional classification: [http://dot.ca.gov/hq/tsip/hseb/crs\\_maps/index.php](http://dot.ca.gov/hq/tsip/hseb/crs_maps/index.php)



- Suggestions that were not transportation related projects and thus were not appropriate for inclusion in RTP included suggestions for added traffic enforcement, dog catching and parks safety.

Project suggestions that are potentially qualifying RTP projects went through project prioritization process at the local governments and could fall out of the local process. Stakeholders and concerned residents are encouraged to follow up with the local governments on the specific projects that did not get submitted to the RTP process.

The residents were clearly informed at each workshop that their project suggestions would be forwarded to local governments and would be subject to the prioritization process at their local governments. The local governments own and maintain the local streets and roads. Fresno COG does not have authority over local streets and roads and does not have the ability to include projects directly from the workshops without going through the local governments. Leadership Counsel, as well as other interested parties, is strongly encouraged to develop a relationship with the local governments and be involved in the local governments' project selection process to ensure resident project suggestions are appropriately prioritized.

By State definition, 13 of the 15 incorporated cities in the Fresno region, as well as the predominant areas of the unincorporated areas in Fresno County, are identified as disadvantaged communities as defined by SB 535 (de Leon)<sup>1</sup>. Fresno COG received twice as many projects in the 2018 RTP compared to the 2014 Plan in total from all jurisdictions. The rural unincorporated communities are part of the County and projects from such communities are evaluated and ranked by the County based on the needs of all the streets and roads in the rural areas. Projects for the rural communities are spread out throughout different time periods of the entire plan. Contrary to the commenter's claim that the Plan "stipulates unreasonably long timelines for completion of projects benefiting disadvantaged communities", the projects from the disadvantaged communities from the 13 cities and the County are in the FTIP (first 4 years of the Plan), as well as spread throughout in the near term and further out in the Plan. Fresno COG encouraged transportation projects to be delivered as early as possible by giving incentives for projects to be delivered in the early stage of the Plan. (Please refer to the project ranking criteria in Appendix C, item 4 for detailed information on scores awarded by project delivery date). Furthermore, the 2018 RTP/SCS addresses disadvantaged communities' needs through multiple programs and projects. For example, the Sustainable Infrastructure Planning Grant Program was created to help advance transportation planning projects in disadvantaged communities; the RTP project ranking criteria provides extra points to projects located in disadvantaged communities with health burdens, and both the Transportation Needs Assessment study and the Regional Active Transportation Plan incorporated project ranking criteria for disadvantaged communities.

Chapter 6 Public Participation and Chapter 7 Environmental Justice Report show COG's extensive efforts to meaningfully include disadvantaged communities and EJ population in

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<sup>1</sup> <https://oehha.ca.gov/calenviroscreen/sb535>

the process. During the fall 2017 outreach, Fresno COG received 1,218 suggestions for projects, 663 from workshop attendees and 555 from online participants. Fresno COG staff processed all of the workshop and online suggestions and forwarded all of them, regardless of their nature, to local agencies for consideration. As a result, local agencies submitted twice as many projects in response to our RTP Call for Projects than the previous RTP cycle. Among the project suggestions received for the County area and the 12 disadvantaged small cities, close to 2/3 of the feasible RTP projects suggested by the public are included in the RTP. The EJ report also provided full analysis on the impacts of the Plan on the EJ population and the vulnerable communities. The EJ analysis shows that the Plan does not cause any disproportional adverse impacts to the EJ or vulnerable communities.

Contrary to what the commenter claimed that the Plan “does not include effective planning for transportation that complements availability of affordable housing”, affordable housing is addressed in the 2018 RTP in that 39% of the new housing will be multi-family and 6% townhomes compared to 15% multi-family and 7% townhomes in the status quo (2011 RTP). In addition, 24% of the new housing and 36% of the new jobs will be allocated within ½ mile of the BRT corridors, which reflects the effective integrated land use and transportation planning that complements the availability of affordable housing.

#### **Comment:**

##### **1. Fresno COG Must Not Disregard Projects Identified By the Public to Meet the Needs of Disadvantaged Communities**

Fresno COG created a process in which local jurisdictions submit projects for funding through the RTP, and Fresno COG. As a result of this process, almost all projects proposed during the public engagement process by residents, including in particular residents of color and immigrants and members of disadvantaged communities, were excluded from the Draft RTP. For instance, numerous projects proposed by residents of the rural disadvantaged unincorporated communities of Lanare, Cantua Creek, El Porvenir, and Tombstone Territory for essential pedestrian and bicycle infrastructure, public transit and road improvements were excluded. These neighborhoods, which are disproportionately comprised of people of color and which are environmental justice communities, have seen little if any transportation investment in their history.

A recipient of federal funding may not “utilize criteria or *methods of administration* which have *the effect of* subjecting persons to discrimination because of their race, color, or national origin.” 49 CFR § 21.5(b)(2); See also Gov. Code § 11135. Fresno COG’s chosen method of selecting projects of allowing local jurisdictions to select which projects are ultimately included in the RTP resulted in the near categorical exclusion of projects proposed by residents to benefit communities disproportionately comprised of protected classes and therefore has an unlawful effect of denying transportation improvements based on residents’ inclusion in a protected class.

In addition, by allowing jurisdictions to eliminate projects proposed by residents during the public participation process with no analysis by Fresno COG, Fresno COG effectively ignores that input. Fresno COG's methodology therefore conflicts with the federal requirement that the COG "explicitly consider" input provided by the public and the criteria identified by the Department of Transportation to assess COGs' Title VI compliance. 23 CFR § 450.316(a)(1)(vi); DOT, FHA, Title VI Requirements in Metropolitan and Statewide Planning<sup>2</sup> (providing that DOT will consider the mechanisms in place to ensure that issues and concerns raised by low-income and minority populations are appropriately considered).

To satisfy the COG's civil rights and public participation obligations, Fresno COG must select an alternative methodology which does not result in the exclusion of projects designed to benefit communities of color and immigrant communities without analysis and revise its project list accordingly.

We recommend that the COG revise its methodology that it uses to determine the RTP/SCS project list to include an independent analysis of each project proposed by the public and to include a set aside requirement. Fresno COG should also add a policy to the Policy Element stating that no public dollars can be used to subsidize new growth at the expense of disadvantaged communities.

**Response:** Fresno COG staff, working with the seven Regional Transportation Plan Mini-Grant recipient organizations, hosted 15 community workshops throughout the County between June 5 and July 6, 2017. In total, 516 people attended workshops with 413 of them participating in our workshop demographic survey.

Fresno COG also developed an online survey in English and Spanish to provide opportunity for transportation suggestions or needs input from those who could not attend the workshops. The survey was available through July 9, 2017.

This was the first time Fresno COG hosted RTP outreach workshops to assess community transportation needs and suggestions prior to local agencies submitting project lists in response to our call for projects. It was not a required engagement process, however Fresno COG felt strongly that assessing public need was important.

These outreach efforts were focused on providing the public an opportunity to communicate transportation project needs or suggestions through Fresno COG to their local governments and elected officials for consideration and evaluation.. It was expressed to the participants that their project suggestions are subject to local governments' project selection process. During the workshop presentations and online engagement it was made very clear that Fresno COG was collecting project suggestions only (see 3 screen shots below from the PowerPoint slides used at each workshop, available in English and Spanish), and that there was no guarantee the suggestions gathered from participants would become part of the RTP list of projects. They were not at any point asked to submit RTP projects for automatic inclusion in the RTP. Participants were told that Fresno COG would share all the project suggestions with appropriate local agencies, but that Fresno COG was not able to submit

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<sup>2</sup> Available at [https://www.fhwa.dot.gov/environment/environmental\\_justice/legislation/ej-10-7.cfm](https://www.fhwa.dot.gov/environment/environmental_justice/legislation/ej-10-7.cfm)

projects on its own because Fresno COG does not have the authority or financial ability to build and maintain transportation facilities and transit lines. Those facilities and services belong exclusively to responsible local agencies. Therefore, Fresno COG did not "allow(ing) jurisdictions to eliminate projects proposed by residents during the public participation process" as local governments have their own project prioritization process, and Fresno COG staff has no ability or jurisdiction to submit projects themselves or force local agencies to select any particular projects for inclusion.

## How to Suggest a Project

Fill out a comment sheet with details about your project suggestion:

- **Red** sheets are used for road improvements
- **Green** sheets are used for active transportation
- **Blue** sheets are used for transit projects



20

## Today's Activity

- Your table will work together to suggest transportation projects in your community.
- These projects are suggestions only – there is no guarantee that suggested projects will be included in the plan.
- There are three types of transportation projects: **roadway improvements**, **active transportation**, and **transit**



16

# What happens next?



- Fresno COG will gather and forward your suggestions to the local agencies
- The local agencies (Cities & County) will evaluate your suggestions based on:
  - The General Plan & Circulation Element
  - Cost of project and available funding
  - Farebox requirements (transit)
  - Facility & safety requirements
  - Other factors



24

During the workshops and through the online portal Fresno COG received 1,218 suggestions for projects, 663 from workshop attendees and 555 from online participants.

Fresno COG staff processed all of the workshop and online suggestions and forwarded all of them, regardless of their nature, to local agencies for consideration, following the procedures communicated to all COG committees and participants in verbal and written form. As a result, local agencies submitted twice as many projects in response to our RTP Call for Projects than the previous RTP cycle. Among the project suggestions received for the County area and the 12 disadvantaged small cities, close to 2/3 of the feasible RTP projects suggested by the public are included in the RTP. Some project recommendations were clearly infeasible and thus were not included in the RTP. Examples of infeasible project recommendations included, by are not limited to:

- Projects that were located on local streets and, therefore, do not qualify for the federal funding which is the focus of the RTP. Projects need to be located on the federally designated functional classification system in order to qualify for federal funding and be included in the RTP. Here is the link to the functional classification: [http://dot.ca.gov/hq/tsip/hseb/crs\\_maps/index.php](http://dot.ca.gov/hq/tsip/hseb/crs_maps/index.php)
- Suggestions that were not transportation related projects and thus were not appropriate for inclusion in RTP included suggestions for added traffic enforcement, dog catching and parks safety..

Project suggestions that are potentially qualifying RTP projects went through project prioritization process at the local governments before they were submitted to the RTP and could fall out of the local process. Stakeholders and concerned residents are encouraged to follow up with the local governments on the specific projects that did not get submitted to the RTP process.



Fresno COG and local jurisdictions did consider the project suggestions from the residents, including those in EJ communities and disadvantaged communities, and address their needs through the project list. Project suggestions that are located on local streets can't be included in the RTP, but were forwarded to the local governments for consideration in the local process. Accordingly, Fresno COG's method of selecting projects did not have the effect of subjecting persons to discrimination due to their race, color, or national origin, as the majority of eligible projects from the EJ and disadvantaged communities were selected for inclusion in the RTP. Fresno COG's methodology thus does not conflict with 49 CFR § 21.5(b)(2) or Gov. Code § 11135.

Specific to areas of the County your letter referenced, instead of "numerous projects proposed by residents of the rural disadvantaged unincorporated communities of Lanare, Cantua Creek, El Porvenir, and Tombstone Territory for essential pedestrian and bicycle infrastructure, public transit and road improvements were excluded" as claimed by the commenter, many of the project suggestions from these communities were not eligible RTP projects. The results of the projects suggested by the residents from Lanare, Cantua Creek, El Porvenir, and Tombstone were as follows:

- Residents from Lanare submitted 11 feasible RTP project suggestions, and 8 of them are included in the RTP
- Residents from Cantua Creek submitted 5 feasible RTP project suggestions, and none is included in the RTP
- Residents from El Porvenir submitted zero feasible RTP project suggestions. All the project suggestions were local non-eligible projects
- Resident from Tombstone submitted 4 feasible RTP project suggestions and all 4 of them are included in the RTP

The rural unincorporated communities are part of the County and projects from such communities are evaluated and ranked by the County based on the needs of all the streets and roads in the rural areas. Fresno COG would like to reiterate that Leadership Counsel and its partners are strongly encouraged to develop a relationship with local governments, and be involved in the project prioritization process at the local level. .

Fresno COG has explicitly considered public input throughout the planning and development of the RTP. Participant input was communicated through the forwarding and verbal reporting of all outreach results and input/suggestions to the RTP Roundtable, Transportation Technical Committee, Policy Advisory Committee and Policy Board. See agendas and minutes for each of those bodies at this link: <http://agendas.fresnocog.org/>. Summaries of this information have also been available online at <https://www.fresnocog.org/2018-regional-transportation-plan-public-outreach/>

The public weighed in on crafting the RTP project scoring criteria, they were represented and deeply involved in the 30 member RTP Roundtable responsible for overseeing development of the entire RTP, and they sat on our 11 member Environmental Justice (EJ) Task Force assisting staff to set thresholds for EJ populations.

Meaningful consideration was given to all public input prior to committee and board selections of a preferred scenario as evidenced by open meeting discussions. Committees



and the Policy Board discussed issues surrounding RTP and SCS Scenario development from early in the planning process through the receipt of public input and culminating in selection of the preferred SCS scenario.

In conclusion, Fresno COG complied with the FTA approved Title VI Plan and LEP plan for public participation and inclusion in the transportation decision making process.

### **Comment:**

## **2. Revise Project Timelines to Eliminate Delay and Frontload Project Benefiting Disadvantaged Communities**

Federal Transportation Administration Circular 4703.1 identifies three guiding environmental justice principles which COG's must incorporate and transportation decision-making process and environmental review documents. The third principles requires COG's and other agencies "prevent the *denial of, reduction in, or significant delay* in the receipt of benefits by minority and low-income populations." Emphasis added.

In conflict with this requirement, the few projects that the RTP does include to address the needs of disadvantaged communities and environmental justice communities are not scheduled for implementation until years and even decades into the planning period. For example, the Draft includes a sidewalk requested by residents of Lanare along Mt. Whitney Avenue -- a road with high velocity traffic that lacks active transportation infrastructure but which pedestrians from the disadvantaged community rely on to travel between homes, the community center, and a small store -- but schedules it for completion only in 2050. Other projects in more affluent areas are scheduled for much earlier completion. This includes a project to install new bike lanes in Clovis as early as 2022 and many road expansion projects.

Fresno COG must revise the timelines for projects identified to meet the needs of people and communities of color and immigrant communities to ensure timely completion early in the planning period. In addition, many of the projects requested by residents in the RTP workshops to address the needs of disadvantaged communities are small and inexpensive, and their impact on public safety is much more critical than other projects slated for more immediate construction. Fresno COG should especially prioritize projects proposed during the public process that would address public health and safety risks associated with absent or deficient infrastructure in DUCs consistent with Fresno COG's duty to not to discriminate in the allocation of transportation benefits and to take affirmative actions to remove disparate adverse conditions impacting protected classes. See e.g., 49 CFR §§ 21.5(b)(1)(ii)&(iv); 21.5(b)(3); 21.5(b)(7); Gov. Code § 11135.

**Response:** 13 of the 15 incorporated cities in the Fresno region, as well as the majority of the unincorporated areas in Fresno County, are identified as disadvantaged communities. Fresno COG received twice as many projects in the 2018 RTP compared to the 2014 Plan in total from all jurisdictions. Projects from the disadvantaged and non-disadvantaged

communities are spread out throughout different time periods of the entire plan. Some are in the FTIP (first 4 years of the Plan), some are in the near term and some are further out in the Plan. Project timelines were submitted by local governments and were part of the local governments' project prioritization process. Fresno COG encouraged transportation projects to be delivered as early as possible by giving incentives for projects to be delivered in the early stage of the Plan. (Please refer to the project ranking criteria included in the Appendix C for detailed information on scores awarded by project delivery date). Projects submitted through the public participation process were forwarded to the local governments, and were subject to their funding eligibility and the project prioritization process at the local level. The project ranking criteria in the RTP process included additional points in the project scoring criteria for projects that addressed issues of public health and safety and were located in the disadvantaged communities. The EJ report provides a full analysis on the impact of the RTP program, and has found no disparate adverse impacts on the EJ population from the Plan. By providing such incentives and extra points for projects located in disadvantaged communities, Fresno COG did take affirmative steps to remove any disparate adverse conditions impacting protected classes based on the prioritization process.

A clarification point of note, the above referenced sidewalk project along Mt. Whitney Ave (Project Number FRE501436) was submitted with an open to traffic date of 2042 not 2050 as stated above and is consistent with the plan horizon. As stated previously, the implementation agency, in this case was Fresno County, determines the priority and timing of each project submitted to the RTP. Due to the incentives in the scoring criteria to award additional points for projects benefiting disadvantaged communities, the Mt. Whitney sidewalk scored high enough to be included in the RTP Constrained Project List. Again, since projects are proposed by local jurisdictions, Fresno COG would like to reiterate that Leadership Counsel and its partners are strongly encouraged to develop a relationship with local governments, and be involved in the local governments' project prioritization process.

#### **Comment:**

### **3. Conduct a Disadvantaged Communities Needs Assessment**

The Transportation Needs Assessment program incorporated into the 2014 RTP was passed by Fresno COG to analyze transportation needs of disadvantaged communities and rural communities in the County. Instead, it only analyzed the gaps in transportation between cities in the County, leaving out many isolated and disadvantaged rural communities with significant transportation needs. Without an analysis of the needs of unincorporated communities within the county, the Transportation Needs Assessment ("TNA") did not fulfill its purpose to serve as a tool for evaluating which projects are needed to meet the needs of communities that lack critical transportation infrastructure throughout the region. The Draft 2018 RTP does but not but should include a similar program which would ensure that Fresno COG completes an analysis that includes residents' transportation needs in unincorporated Fresno County.

Disadvantaged communities of color, particularly in rural areas of Fresno County, suffer from absent and severely inadequate roads, sidewalks, and public transit as compared to more affluent areas of the County with smaller populations of people of color. Thus, the incorporation of a TNA with an explicit focus on disadvantaged unincorporated communities would assist Fresno COG in fulfilling its duty to ensure that the RTP plans for a “comprehensive” and “integrated” regional transportation network, which includes the needs of rural and unincorporated communities, and to identify appropriate actions necessary to overcome the effects of the disproportionate denial of infrastructure and services to communities of color and immigrant communities in the region. See 23 CFR §§ 450.300; 450.305(b); 49 CFR 21.5(b)(7). Its inclusion is also consistent with the CalTrans Guidelines which describes consideration of rural communities a “key element” of the transportation planning process. p. 153.

We recommend that Fresno COG conduct a Disadvantaged Communities Needs Assessment in the next two years by including this in the Environmental Justice policies and adding an action item with funding to the Action Element. The assessment process would include targeted workshops with in disadvantaged communities and regional workshops to identify the transportation projects needed to connect them to critical resources and services, such as health centers, grocery stores, educational centers. The results from this process would form the basis of the needs assessment for future RTP rounds, which would in turn serve as the basis for the Project Evaluation Criteria and the Environmental Justice analysis for the 2022 RTP. The Sustainable Infrastructure Grants Program should be expanded with existing and future funding sources to fund projects identified by the Disadvantaged Communities Needs Assessment.

**Response:** All the 13 incorporated cities in Fresno County and the unincorporated rural areas in the County that were identified as disadvantaged communities were fully considered in the Transportation Needs Assessment study that was completed in 2016. The report is available at: <https://www.fresnocog.org/transportation-needs-assessment/>. The study went an extra step and expanded the coverage of disadvantaged communities by including both the CalEnviroscreen definition and the Water Code 79505.5 definition in the study. Rural unincorporated communities in the County such as Lanare, Riverdale, Caruthers, etc. were also included in the study. The study mainly focused on the gap between the communities/cities because the Steering Committee, which Leadership Counsel was part of, decided that the areas within the cities/communities are under the planning jurisdiction of each local government, and local governments are responsible for assessing such needs. The study *also* conducted connectivity and accessibility analysis for ten regional and sub-regional facilities, the majority of which are located in the disadvantaged communities. The study was referenced in the Action Element on page 4-69. The recommended project list from the Transportation Needs Assessment study has been forwarded to the local governments and six out of the 15 recommended projects are included in the 2018 RTP.

**Comment:**

#### **4. Expand the Sustainable Infrastructure Grant program**

In addition to applying for federal and state funding for the projects that disadvantaged communities identified as necessary for meeting their needs, Fresno COG should also expand the Sustainable Infrastructure Grants program in order to comply with its obligation to “overcome the effect of” disparate impacts on protected groups. Fresno COG created the Sustainable Infrastructure Grants program through the 2014 RTP, shaped the program over the last four years to be a planning grants program using SB 1 planning funds, and this year Fresno COG selected several rural transit planning projects for funding. This is a successful model of a program that prioritizes dedicating dollars to projects benefiting disadvantaged communities, and should be expanded to incentivize local agencies plan other types of transportation projects that benefit disadvantaged communities, such as active transportation infrastructure and road improvements.

**Response:** The Sustainable Infrastructure Planning Grant Program’s specific objectives are to encourage local and regional multimodal transportation and land use planning that furthers the region’s RTP/SCS and contributes to the State’s GHG reduction targets. Fresno COG collaborated with stakeholders, local member agencies, and project sponsors to establish an equitable program for the first two cycles (FY 17-18 and FY 18-19) that included scoring criteria that was weighted heavily towards projects that benefited disadvantaged communities. In the first two cycles we received a total of seven applications from one local agency and one transit agency and we were able to award three of seven projects (43%). The recent passing of SB 1 in 2017 allowed Fresno COG to identify funding for this program. Fresno COG will continue to welcome local agencies to submit transportation planning projects under this program should the SB 1 be supported by the voters in November 2018. .

**Comment:**

**5. Identify housing for all segments of the population, and ensure that jurisdictions are implementing affordable housing programs before allocating funding to projects**

Fresno COG must include more programs to incentivize local agencies to invest in affordable housing to fulfill their federal affordable housing requirements. Fresno COG’s housing obligations in its SCS extend beyond identification of RHNA requirements; as specified in state law, an SCS must “identify areas within the region sufficient to house all the population of the region...including all economic segments of the population, over the course of the planning period of the regional transportation plan,” “identify areas within the region sufficient to house an eight-year projection of the regional housing need,” and “consider the state housing goals” including a suitable living environment for all economic segments of the population including farmworkers. Gov. Code § 65080(b)(2)(B).

In order to comply with these obligation, Fresno COG must do more thorough planning for how it will meet affordable housing needs in the region. It should also encourage compliance with federal fair housing requirements by ensuring that local agencies are effectively implementing their affordable housing programs before allocating funding to

projects proposed by local agencies. We explore additional potential incentivization programs obligations more below.

**Response:** Fresno COG is committed to its obligations relating to regional housing under California Government Code §65080 (B). The SCS provides all of the information required by California Government Code §65080 (B), such as details on the SCS land use pattern, including general location of uses, residential density, projected housing growth and density that accommodates the eight-year projection of the regional housing needs for all economic segments of the population, and employment growth density.

Fresno COG is dedicated in taking positive actions towards contributing to providing a range of housing opportunities in the region. As indicated in the Action Element Section 4.11, our programs such as the Blueprint, Regional Housing Needs Allocation Plan, Circuit Planner and Circuit Engineer Programs, and Measure C TOD program are examples of such efforts. In addition, Fresno COG also actively participated in other state and regional programs such as the Affordable Housing Sustainable Communities program and Fresno County Multi-Jurisdiction Housing Element. Fresno COG is happy to provide any assistance needed to the member agencies and other entities when resources and expertise are available. However, Fresno COG lacks general land-use authority and respects the authority of the other government entities (including cities and the county). Therefore, Fresno COG would like to encourage Leadership Counsel and other signatories of the letter to be engaged with the respective local governments for direct dialogue regarding their programs and land-use planning efforts such as the Housing Element, Assessment of Fair Housing, SB 2 housing program implementation etc.

The requirements and objectives of the many different funding programs vary widely and are not all within Fresno COG's purview, and transportation infrastructure funding is essential to local agencies ability to attract future development, including affordable housing. Due to the high costs of construction in California, any additional incentives that local agencies can provide to affordable housing developers, such as providing transportation infrastructure instead of requiring it as an additional cost to the developer, will help agencies attract more housing development. Penalizing local agencies by withholding transportation funding would ultimately hinder local agencies' ability to attract affordable housing development.

**Comment:**

**6. In the Action Element, Fresno COG should add a commitment to developing a projects map for the 2022 RTP**

We are encouraged to see the addition of a commitment in the Action Element to developing an activity-based model by 2018. This will be crucial for a more accurate model to measure impact of the RTP on environmental justice communities. Existing modeling limitations this round made accurate modeling of impacts on EJ communities incomplete and inaccurate. An activity based model will be able to better predict movement of

individuals between areas in the County (not just within TAZs) and how transportation infrastructure will facilitate or impede that movement.

Another tool that will be critical for conducting an effective EJ analysis will be a projects map to superimpose the map of project locations over a map of existing EJ communities. This was asked for in 2014, and advocates were told that such a map would be prepared for this 2018 RTP round. Since this was not finished this round, we ask that Fresno COG include an explicit, funded and prioritized commitment to develop a projects map for the 2022 RTP.

**Response:** For the 2018 RTP, all capacity increasing projects were mapped. Although non-capacity projects were not mapped due to the limited resources at Fresno COG for processing thousands of such projects, they are available in spreadsheet format and can be easily sorted by jurisdiction, or project type. Fresno COG has budgeted for a project mapping tool to map all projects in the 2022 RTP. The budget for this tool can be viewed in the 2018-19 Overall Work Program. Fresno COG's activity-based model development will be wrapped up by June 2018, and is expected to be applied in the 2022 RTP.

**Comment:**

## **7. Support rural smart growth throughout the document**

Fresno COG should implement effective policies for rural smart growth to comply with its obligation to address current disparities in transportation investment. DOT Title VI Regulations 49 CFR 21.5(b)(7). Such a policy would also preserve farmland and reduce GHG emissions. In order to comply with law requiring the RTP to be an "internally consistent" document, Fresno COG should integrate rural smart growth throughout the document, including in the Policy Element, Action Element, Growth Scenario, and other chapters. Gov. Code § 65080(b). We would gladly work with Fresno COG to shape this language.

**Response:** Fresno COG has adopted the 12 Smart Growth Principles as part of the San Joaquin Valley Blueprint process, which support rural smart growth. These principles have been integrated throughout the RTP/SCS. The 12 Smart Growth Principles are:

1. Create a range of housing opportunities and choices
2. Create walkable neighborhoods
3. Encourage community and stakeholder collaboration
4. Foster distinctive, attractive communities with a strong sense of place
5. Make development decisions predictable, fair, and cost-effective
6. Mix land uses
7. Preserve open space, farmland, natural beauty, and critical environmental areas
8. Provide a variety of transportation choices
9. Strengthen and direct development towards existing communities
10. Take advantage of compact building design
11. Enhance the economic vitality of the region
12. Support actions that encourage environmental resource management



Fresno COG participates in a variety of programs that further the implementation of smart growth principles in rural communities, such as the Measure C Transit-Oriented Development (TOD) program, which has scoring specific to the small rural cities, and the Affordable Housing and Sustainable Communities Program, which has a funding set aside for rural communities. Fresno COG is committed to furthering the 12 Smart Growth Principles in both its rural and urban communities.

## **II. Recommended Changes to the Policy Element**

### **Comment:**

#### **A. We commend Fresno COG on inclusion of an Environmental Justice policy**

We appreciate Fresno COG staff and stakeholders from the public on the RTP Roundtable working with us and other environmental justice (EJ) advocates to include more commitments to investing in and protecting the health of environmental justice communities in its Policy Element. While we were not able to collectively include an explicit commitment to ensuring equitable investment, this is a step towards that goal.

**Response:** Thank you for acknowledging the steps taken to strengthen the environmental justice policies. The EJ analysis included a map of the approved EJ TAZ's in comparison to Cal EnviroScreen 3.0 and SB 535 designated disadvantaged communities. The map further emphasizes that transportation investments focused in these areas are in line with the States priorities for mitigating neighborhoods that have the highest health and economic burdens and confirms that the designated EJ TAZs in the 2018 RTP are appropriately captured. FCOG's Goal in Table 2-1C is committed to improving mobility and accessibility for all, including the protected populations in accordance with federal and state statutes.

### **Comment:**

#### **B. The EJ goal in the Policy Element must be accompanied by “pragmatic,” “action-oriented” policies that will effectuate equitable treatment of environmental justice communities in the “short term and long term.”**

State law requires that the RTP be “*action-oriented and pragmatic*, considering both the *short-term and long-term future*, and shall present *clear, concise policy guidance* to local and state officials.” Gov. Code § 65080. Furthermore, the Policy Element must include “*pragmatic objectives and policy statements.*” Gov. Code § 65080(a).

While the new Environmental Justice goal in the Policy Element outlines some general policies for serving the needs of environmental justice groups, several of the policies listed are vague. The wording of these policies should be strengthened so that they constitute “pragmatic,” “action-oriented policies” that serve all segments of the population in both the “short term and long term.” For example, the policy regarding alignment with Title VI and Environmental Justice obligations should be reworded to state: “Ensure equitable

distribution of benefits and burdens of transportation projects in alignment with Fresno COG's Title VI and Environmental Justice obligations through timely implementation of projects identified in needs assessments and requested by disadvantaged communities and environmental justice communities during the public participation process." Policies under this goal should also include a clear commitment to "Prioritize planning for rural smart growth and projects that benefit disadvantaged communities and Environmental Justice communities via creation of project evaluation criteria and provision of funding to incentivize such projects." This link to the project evaluation criteria, which did include many points for projects benefiting disadvantaged communities, complies with the requirement that the RTP be an "internally consistent document." Gov. Code § 65080(b). Currently, the document lacks internal consistency. Such a link to the project evaluation criteria, along with inclusion of a commitment to provide funding to incentivize such projects in the Action Element, would start to comply with Fresno COG's obligation to create an "internally consistent" document.

**Response:** Thank you for your comments. The current Environmental Justice goal is to improve mobility and accessibility for all, in accordance with federal and state statutes, which includes Title VI and EJ obligations through policies that seeks to ensure fair distribution of the benefits and burdens of transportation projects, and to ensure the 2018 RTP/SCS has no disproportional negative impacts on minority and/or low-income populations. The EJ analysis concluded that disadvantage communities did not bear a disproportional share of burdens due to the proposed RTP/SCS policies and projects. Therefore the current goals are sufficient in achieving an equitable and fair distribution of benefits and burdens of transportation projects.

The 2018 RTP/SCS addresses disadvantaged communities' needs through multiple programs and projects. For example, the Sustainable Infrastructure Planning Grant Program was created to help advance transportation planning projects in disadvantaged communities; the RTP project ranking criteria provides extra points to projects located in disadvantaged communities with health burdens, and both the Transportation Needs Assessment study and the Regional Active Transportation Plan incorporated project ranking criteria for disadvantaged communities. As pointed out previously in the letter, project suggestions from the residents (including those from disadvantaged and EJ communities) who participated in the public workshops were forwarded to local governments and were subject to their funding eligibility and local governments' project prioritization process. Fresno COG does not have authority over local streets and roads and it is not appropriate to include in the Policy Element a goal to accept projects directly from public process without going through the local jurisdictions.

Under Table 2-1C of the Policy Element, there is a policy to "support transportation projects that benefit disadvantaged communities through public engagement." Fresno COG conducted extensive outreach to solicit project suggestions from disadvantaged communities, and such project suggestions were forwarded to local governments for consideration in the RTP project submittal. When such projects in the disadvantaged communities were submitted to the RTP by the local governments, Fresno COG has developed scoring criteria that made such projects more competitive. Fresno COG is consistent in its efforts to support the disadvantaged communities in that a policy was

developed to support disadvantaged communities; extensive efforts were made to reach out to such communities; when projects from such communities were submitted through the local governments, a process was in place to help such projects to be more competitive; and the Sustainable Infrastructure Planning Grant program was set up to benefit the disadvantaged communities.

Please refer to Chapter 5 Financial Element, Section 5.3 Project Evaluation Criteria and Appendix C, item 4 for additional details on the project scoring criteria and process.

**Comment:**

**C. Promote integrated land use and transportation planning within the SB 375 goal, particularly the availability of affordable homes near jobs**

We appreciate that the current policy element highlights the importance of partnering with local agencies to promote the integration of land use and transportation. Integrating these can best achieve climate reduction and air quality goals; improve equitable access to jobs, housing, and services; conserve habitat, farmland and other open space; and maximize the benefits of good regional planning. The benefits of this integration are at the heart of Sustainable Communities Strategies and SB 375. We therefore suggest these edits:

- "Goal: A regional transportation and land use network consistent with the intent of SB 375 (Senate Bill 375 also known as the Sustainable Communities Protection Act of 2008)."
- "Objective: Development of a regional transportation network which is environmentally sensitive, fosters sustainable regional growth, and helps reduce greenhouse gas emissions wherever possible."

While we recognize that Fresno COG lacks land use authority and cannot achieve this goal on its own, as this Policy Element notes elsewhere, it can communicate with its member jurisdictions and align the actions that it does take with that purpose.

One key land use issue that Fresno COG and its member jurisdictions will address in the Regional Housing Needs Allocation and associated Housing Elements is the distribution of affordable housing. When jobs and homes are located close to one another, commutes are short. A lack of affordable homes in job-rich locations can spur long commutes. (One study of the Bay Area found that a lack of affordable homes there is *quadrupling* some workers' commutes.) We would encourage that a policy on this topic be added to the SB 375 Goal, such as "Educate member jurisdictions and other stakeholders about the benefits of a good match between the number of jobs, and those jobs' wages, with the availability and affordability of homes ("jobs-housing fit") in reducing commute lengths and saving money for households. Identify areas where the fit is poor, especially job-rich areas that lack affordable homes, and use the Regional Housing Needs Assessment process to prioritize housing growth in those areas."

**Response:** Thank you for your comments relating to regional housing and for your extensive involvement in the RTP/SCS development, particularly with the Policy Element

Subcommittee, RTP Roundtable, and for your previous comment letters and discussions relating to housing.

The Goal and Objective listed above are from the 2014 RTP/SCS and have since been updated, per the Leadership Counsel's recommendation in your comment letter on the Draft Policy Element received on June 26, 2017. After discussion with the Policy Element Subcommittee and RTP Roundtable during the summer of 2017, Leadership Counsel's recommendations were incorporated into the updated goal and objective as follows:

- Goal: A multimodal regional transportation network compatible with adopted land use plans and consistent with the intent of SB375 (Senate Bill 375 also known as the Sustainable Communities Protection Act of 2008).
- Objective: Development of a regional transportation network which is environmentally sensitive, fosters sustainable regional growth, and helps reduce greenhouse gas emissions wherever possible.

Per Leadership Counsels' recommendation to incorporate a policy relating to educating member jurisdictions about the benefits of a good "jobs-housing fit," which was also included in your June 26, 2017 comment letter, Fresno COG also had discussions with member agencies, the Policy Element Subcommittee, and RTP Roundtable regarding this suggestion during the development of the Draft Policy Element in 2017. Member agencies did not feel that jobs-housing ratios in their communities were as disproportionate as other regions in the State and concluded that they did not see a need for this at the time. According to data from the 2015 American Community Survey and 2016 Labor Market Information from the California Employment Development Department, each agency in the region has a jobs-housing ratio between 1 and 2, which means there is enough housing for 1-2 workers per household. If member agencies later decide this is an apparent issue that they would like assistance with, Fresno COG is open to discussion.

#### **Comment:**

#### **D. Recognize that roadway expansion induces more driving demand and prioritize more effective strategies that not only reduce congestion but better meet air quality and climate goals**

Under "Highway, Streets, and Roads Goals," we appreciate that you removed Level of Service, an out-of-date concept. However, this section continues to imply that the goal is to reduce congestion rather than to make it easy and convenient for people to drive less. It also implies that roadway development can alleviate congestion. However, research has found that expanding roadway capacity expansion is counterproductive. It fails to alleviate congestion and leads to both short- and long-term increases in vehicle miles traveled and associated air pollution. "A capacity expansion of 10% is likely to increase VMT by 3% to

6% in the short-run and 6% to 10% in the long-run."<sup>3</sup> We therefore suggest that you add a policy that reads: "Except where needed to serve existing communities that currently lack paved road networks, limit roadway expansion and instead prioritize alternative solutions to reduce congestion by promoting alternatives to single-occupancy driving, including public transit, telecommuting, car- and van-pooling, a better jobs-housing fit, and cycling or walking."

**Response:** Under the same "Highway, Streets and Roads" goal, in Table 2-2A, there are policies to "Preserve and promote the use of existing transportation facilities where feasible"; "Encourage alternative transportation solutions over roadway expansion to reduce congestion". We believe these two policies in the RTP are sufficient to address the commenter's objective of "prioritize alternative solutions to reduce congestion by promoting alternatives to single-occupancy driving, including public transit, telecommuting, car- and van-pooling, a better jobs-housing fit, and cycling or walking". Roadway capacity is needed when goods produced in the region needs to be transported; when the region has grown to an extent that alternative strategies would not meet the needs of the growth. It is not appropriate to limit roadway expansion as proposed by the commenter because of the reasons stated above.

**Comment:**

**E. Add a policy that focuses on first mile/last mile solutions**

We applaud the goal to develop "an integrated multimodal transportation system which facilitates the movement of people and goods." We would encourage a policy that focuses attention on "first mile / last mile" solutions. For example, someone might commute from Madera to downtown Fresno via the Amtrak, but they must then travel from downtown Fresno to their job or meeting location. Solutions for this "last mile" might include bikeshare, carshare, enhanced taxi service, employer-run shuttles, or other alternatives.

The policy might read: "Conduct a study that identifies first-mile last-mile linkages near transit stops and stations throughout the county. Work with local jurisdictions to identify solutions and prioritize these for funding, with a priority on high-volume transit and on transit that serves disadvantaged communities or communities of color."

**Response:** This suggestion was included in Leadership Counsel's June 26, 2017 comment letter regarding the Draft Policy Element. After discussion with the Policy Element Subcommittee and RTP Roundtable, it was decided that Fresno COG will not include this additional policy in the 2018 RTP/SCS but will revisit the idea of conducting a study on first mile/last mile solutions at a later date when the HSR and/or BRT are fully operating. Fresno COG encourages and supports alternative transportation and shared mobility options for first mile/last mile solutions, which have been incorporated into the Policy Element. The

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<sup>3</sup> Handy, Susan. (2015). Increasing Highway Capacity Unlikely to Relieve Traffic Congestion. [http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-12-2015-NCST\\_Brief\\_InducedTravel\\_CS6\\_v3.pdf](http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-12-2015-NCST_Brief_InducedTravel_CS6_v3.pdf)

first mile/last mile strategy is incorporated in the Fresno County Regional Long Range Transit Plan study, which will be completed in 2019. Fresno COG is actively seeking to integrate alternative rural transit services with pilot projects such as Green Raiteros and FCRTA's feasibility study of an electric shared mobility or shuttle service to close the first/last mile gap and support existing routes.

**Comment:**

**F. Adopt a ten-year target and identify near-term investments to contribute to Caltrans' statewide goal of tripling biking and doubling walking by 2020.**

Related to the active transportation section, Caltrans has set a statewide goal to triple biking and double walking mode shares by 2020 as compared to 2010-2012. We would encourage Fresno COG to adopt the same ten-year target and then identify near-term investments that would achieve this. Given the relatively low rates of walking and biking and plans for infill investment in a number of communities, this target is likely well within reach.

**Response:** Fresno COG is dedicated to active transportation. The 2018 RTP is investing about 8% of its total revenue in bike and pedestrian projects compared to 3% in the 2014 RTP and 2% in the 2011 RTP; over 500 bike and pedestrian projects are funded in the 2018 RTP and more than 280 bike lane miles and 500 miles of sidewalks are to be added to the system by 2042 due to the investment projected in the 2018 RTP. Based on the modeling, the region is expected to more than double its walking trips by 2042 compared to 2014 RTP; biking trips will increase by about 40% compared to the 2014 RTP.

Due to its rural nature, Fresno region's land use is more spread out than the other urban areas such as the Bay Area; in addition, the weather is extremely hot in the summer. As compared to more urbanized counties with moderate temperatures, these facts impact the ability of residents in Fresno County to utilize biking and walking as transportation alternatives. Despite of such obstacles to active transportation, which contributes to the relatively low rate of walking and biking trips, we are optimistic that biking and walking will become an increasingly popular transportation option in the region.

**Comment:**

**G. Modify active transportation goal to include a commitment to improving pedestrian- and cyclist-safety infrastructure and to bringing pedestrian and cyclist deaths to zero in ten years (Vision Zero).**

We appreciate that Fresno COG wishes to improve bicycle and pedestrian safety, but we would modify that goal as follows: "...through education, enforcement, *and improved infrastructure, with the goal of zero pedestrian and cyclist deaths in ten years ("Vision Zero")*." Policies should be added to reflect the value of pedestrian- and cyclist-safety infrastructure, such as improved lane striping and protected bike lanes, the installation of stop signs and traffic signals, and traffic calming solutions. Fresno COG could work with local jurisdictions to study and design strategies to improve dangerous streets and



intersections. These interventions are particularly important in low-income communities and communities of color, where pedestrian and cyclist injuries are more common.

**Response:** Fresno COG is committed to bicycle and pedestrian safety. The 2018 RTP/SCS seeks to make the street network safer for pedestrians and bicyclists as well as transit users and auto drivers. Fresno COG staff believes the Policy Element contains a sufficient number of goals, with supporting objectives and policies, relating directly to walking and bicycling as written. These goals include:

- an efficient, safe, integrated, multimodal transportation system;
- maximize bicycling and walking through their recognition and integration as valid and healthy transportation modes in transportation planning activities;
- safe, convenient, and continuous routes for bicyclists and pedestrians of all types which interface with and complement a multimodal transportation system;
- improved bicycle and pedestrian safety through education, engineering and enforcement; and
- increase development of the regional bikeways system, related facilities, and pedestrian facilities by maximizing funding opportunities.

During the RTP project scoring process, safety projects were advanced by receiving extra points. Fatality and serious injuries including bike and pedestrian crashes were analyzed in Chapter 8, which sets safety targets for five performance measures required by MAP 21 and the FAST Act. Fresno COG analyzed the historical crash statistics/trend, and the Policy Board adopted safety targets that are reflective of the conditions in Fresno region. Although Fresno COG did not expressly adopt the “zero-death” vision, we will continue to monitor and assess the safety issues on the streets and roads in the region, and work with the local governments to fund safety projects that will reduce fatality and serious injuries.

Fresno COG Policy Board approved the Fresno County Regional Active Transportation Plan in February 2018. By implementing this plan, pedestrian and bicyclist safety will also be improved and the number of collisions involving pedestrians and bicyclists will also be reduced. A 50% or greater reduction in injuries and fatalities is a reasonable expectation if all aspects of this plan, including supporting programs, are implemented.

## **II. Recommended Changes to the Action Element**

### **Comment:**

Along with the project list, the Action Element is one of the most critical pieces of the RTP, since it outlines the concrete actions that Fresno COG commits to take in order to implement the policies and priorities outlined in the Policy Element and the SCS. According to the 2017 RTP Guidelines, the Action Element must provide “clear direction” to implement the policies in the Policy Element. p. 114. Therefore, it is critical to include clear actions for implementing the Environmental Justice and Title VI goals from the Policy Element.

**Response:** Thank you for your comment. Specific responses about the comment that “it is critical to include clear actions for implementing the Environmental Justice and Title VI goals from the Policy Element” are provided below based on the further details provided by the author of the comment letter.

**Comment:**

**A. Include timelines for proposed actions in Action Element**

We urge Fresno COG to include timelines for all Proposed Actions set out in the proposed section. Without clear timelines, it is not clear when implementation of actions should occur. This lack of “clear direction” could lead to a “significant delay” in benefits from protected groups, amounting to an unlawful disparate impact under federal civil rights law.

**Response:** The Action Element describes transportation programs and projects that would be undertaken during the 2018 RTP plan timeframe. The Action Element provides direction about the MPO’s and other agencies’ roles and responsibilities as RTP projects and policies are established. It consists of short- and long-term activities that address regional transportation issues and needs. Each mode or transportation strategy includes an inventory of the existing system, an assessment of needs, and proposed actions. The latter is divided into short-range (0-4 years) and long-range (5-26 years) actions. Accordingly, the RP already provides the anticipated timelines requested by the commenter. The precise timing of proposed actions, of course, will be based on projected travel demand, funding availability, appropriate policy, and other feasibility issues. The short-range measures will then form the basis for the Regional Transportation Improvement Program (RTIP) (state funding) and the Federal Transportation Improvement Program (FTIP) (federal funding). The RTIP and FTIP are updated individually every 2 years and both programs include project delivery timelines based on individual program approved project awards. The RTP is updated every 4 years, and the programs and projects under the Action Element will be updated as appropriate.

Fresno COG considers the current format for the “Accomplishments” and “Proposed Actions” sections sufficient and effective in describing the efforts COG has been and will be involved with.

**Comment:**

**B. Incorporate EJ and Title VI commitments into Proposed Actions**

Fresno COG has made significant strides towards effective implementation of Title VI and addressing environmental justice issues in the 2014 RTP/SCS process, including inclusion of a set of policies in the Policy Element for protecting environmental justice groups and furthering Title VI.

In order to provide “clear direction” for implementation of these policies, Fresno COG must include a paragraph under “Proposed Actions” of section 5.11 saying that it will consider

the following initiatives going forward: implementation of its Title VI and Environmental Justice Plan; a qualitative and quantitative Environmental Justice Needs Assessment; the expansion of the Sustainable Infrastructure Planning Grants Program; and a general commitment to furthering Environmental Justice and Title VI goals.

**Response:** As provided in Chapter 7 of the RTP, the Environmental Justice Report, Fresno COG has adopted environmental justice principles and objectives that promote equity throughout the agency's regional planning efforts. (See detailed goals and strategies in Chapter 2: Policy Elements and Chapter 4: Action Element), demonstrating a general commitment to furthering Environmental Justice and Title VI goals.

Fresno COG continues to implement the FTA approved 2016 Title VI Plan. Although Environmental Justice (EJ) and Title VI are distinct elements, collectively they can contribute to the development of an equitable transportation system. These elements are regularly mistaken and used interchangeably, thus, making it essential to understand their differences. Title VI is a separate process from the EJ analysis and encompasses criteria extending beyond the RTP. Update to the 2016 Title VI plan will begin in early 2019.

Future mapping tools that illustrate the proposed RTP projects and investment will contribute to improving the quantitative analysis; FCOG is committed to developing this tool as stated in Section 7.10 of the RTP. As stated in the EJ Appendix D and the tool has been funded in the FY 1819 OWP Budget.

Please refer to response in question I4 related to the Sustainable Infrastructure Planning Grant program.

**Comment:**

**C. Include additional language describing actions that will be taken to ensure that transportation planning supports fair housing goals**

“Clear direction” must also be provided for implementing Fresno COG’s affordable housing obligations.

While Fresno COG does not receive federal funding directly from HUD, it is still subject to the Fair Housing Act (Title VIII of the Civil Rights Act). Under the Fair Housing Act, as recipients of federal funding, Fresno COG and local governments in Fresno County are required by law to act consistently with and further the goals of the Fair Housing Act (“FHA”). They must do so not only in the programs that are federally funded, but in all of their activities. HUD defines jurisdictions’ obligation to affirmatively further fair housing under the FHA to mean:

taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

Fresno COG is also subject to requirements under California civil rights laws to avoid any actions or inactions which would contribute to existing patterns of segregation and disparities in access to opportunity based on protected characteristics. These requirements extend to Fresno COG and member jurisdictions' identification and allocation of RHNA sites, as well as planning and investment actions and inactions that cross housing, land use, transportation, and education lines.

In Fresno County, many areas of racially and ethnically concentrated poverty exist. These areas have also received the least public investment, and few, if any, affordable housing opportunities exist for lower-income families in new development and growth areas. Therefore, Fresno COG's RTP/SCS growth scenarios, policies, plans, and actions must expand -- and not restrict -- access to opportunity both within and outside of low-income neighborhoods through clearly defined land use, housing, transportation, and public engagement strategies. Such policies would not only avoid further aggravating current disparities but would also help guide local agencies towards meeting their AFFH obligations. Such inter-agency collaboration goes towards the heart of Title VI and the Civil Rights Act by "promot[ing] economic mobility and equal access to the many benefits provided by affordable housing, great schools, and reliable transportation."

In light of these legal obligations, Fresno COG must provide "clear direction" on how it is going to implement these obligations. We suggest the addition of the following language in the Overview or in the new Transportation Planning to Support Local Housing Needs section:

Fresno COG seeks to address disparities in transportation access, pursuant to its obligation under Title VI, and to support local agencies' efforts to address housing needs and access to opportunity by coordinating with and providing resources to local agencies conducting land use planning. Fresno COG shall do so by identifying areas of concentrated minority and low-income populations; helping local agencies identify housing needs in the region, particularly in areas of racially and ethnically concentrated poverty and facilitating local governments in developing and implementing strategies to expand affordable housing opportunities outside of lower-income neighborhoods in areas of opportunity and new development and growth areas; and identifying, planning for, and funding initiatives to address transportation needs in areas of concentrated minority and low-income populations.

Additionally, we recommend that Fresno COG further detail the actions that it has already taken and plans to take in light of its duty to affirmatively further fair housing.

We are glad to see Fresno COG's support for and implementation of the AHSC, Multi-Jurisdictional Housing Element ("MJHE"), and Measure C programs noted in "Accomplishments" as housing-related activities. These programs may be a step towards affirmatively furthering fair housing if done in a manner that alleviates resource deficits and inequities and expands access to opportunity for disadvantaged communities and protected classes.

To facilitate Fresno COG and member jurisdictions' compliance with their obligations under state and federal civil rights laws, we recommend the addition of commitments to the following action under "Proposed Actions" in section 5.11:

- Allow public participation in and provide public notice of the Countywide Housing Element Technical Committee meetings hosted by Fresno COG, post committee meeting minutes to the Fresno COG website, and annually publish a report documenting the outcomes of committee meetings and activities performed pursuant to MJHE Program 1. Fresno COG currently does not allow the public to attend these meetings or provide meeting minutes to the public. Doing so would create greater transparency in and strengthen Fresno COG and member jurisdictions' efforts to implement MJHE Program 1, which contains the Housing Element's only explicit commitments for jurisdictions to work collaboratively to affirmatively further fair housing.
- Similar to the role played by Fresno COG in facilitating the development of the MJHE, Fresno COG could convene local jurisdictions to facilitate the timely development of local and/or regional Assessments of Fair Housing pursuant to HUD's AFFH Rule.
- Convene jurisdictions to provide information regarding the availability of and eligibility requirements to receive funding for community and specific plans and the development and maintenance of affordable housing pursuant to SB 2. Provide technical support for the development of the allocation plan required of local jurisdictions in a manner consistent with the Valley Blueprint, Roadmap, MJHE, RTP/SCS, and jurisdictions' obligations under state and federal civil rights laws.
- Commitment to require that jurisdictions receiving competitive funding allocations from COG must create and implement Displacement Avoidance and AFFH plans.
- To avoid contributing to existing patterns of concentrated poverty and concentrated racial and ethnic groups, Fresno COG could also work with local agencies to identify areas that are not well served by transit, as well as opportunities to align fair housing goals with planned transportation investments.

**Response:** Thank you for your comments relating to Fresno COG's federal and state obligations relating to housing, which were also included in Leadership Counsel's comment letter on the Draft Action Element received on December 1<sup>st</sup>, 2017.

Per our response to the December 1<sup>st</sup>, 2017 comment letter, Fresno COG has been taking positive efforts to contribute to providing a range of housing opportunity for people regardless of their income, race, national origin, religion, sex, disability or familial status. The EJ chapter and the EJ report address EJ principles, policies and regulations, including Title VI in terms of impacts from the 2018 RTP/SCS. The Regional Context chapter provides mappings of concentrated minority and low-income population.

As indicated in the Action Element Section 4.11, Fresno COG's compliance efforts with the Fair Housing Act include COG's own programs such as the Blueprint, Regional Housing Needs Allocation Plan, Circuit Planner and Circuit Engineer Programs, and Measure C TOD program. Our efforts can also be demonstrated through our active participation in other state and regional programs such as the Affordable Housing Sustainable Communities program and Fresno County Multi-Jurisdiction Housing Element.

Fresno COG is dedicated to working with our member agencies and other government entities in implementing the Fair Housing Act, and will be happy to provide any assistance needed to other entities when resources and expertise are available. However, Fresno COG respects the authority of the other government entities and would like to encourage Leadership Counsel and other signatories of the letter to be engaged with the respective local governments for direct dialogue regarding their programs such as the Housing Element, Assessment of Fair Housing, SB 2 housing program implementation, etc.

Below is a response to each of the bullet recommendations provided above.

- Similar to the role played by Fresno COG in facilitating the development of the MJHE, Fresno COG could convene local jurisdictions to facilitate the timely development of local and/or regional Assessments of Fair Housing pursuant to HUD's AFFH Rule.

*Response: HUD published a notice in the Federal Register on January 5 suspending most local governments' obligation under the Affirmatively Furthering Fair Housing (AFFH) rule to submit an Assessment of Fair Housing (AFH) until after October 31, 2020, and in many cases after 2025. However, in the future, if member agencies are interested in developing a regional Assessment of Fair Housing, Fresno COG would be happy to help facilitate the project if requested to do so by the member agencies. Fresno COG's role in the Multi-Jurisdictional Housing Element was to assist the County with coordination of the project.*

- Convene jurisdictions to provide information regarding the availability of and eligibility requirements to receive funding for community and specific plans and the development and maintenance of affordable housing pursuant to SB 2. Provide technical support for the development of the allocation plan required of local jurisdictions in a manner consistent with the Valley Blueprint, Roadmap, MJHE, RTP/SCS, and jurisdictions' obligations under state and federal civil rights laws.

*Response: Fresno COG is following the development of the SB 2 funding guidelines and technical assistance available to local agencies, and will relay information to member agencies as it becomes available.*

- Commitment to require that jurisdictions receiving competitive funding allocations from COG must create and implement Displacement Avoidance and AFFH plans.

*Response: Similar to the issue with withholding funding from agencies that are not "effectively implementing" their affordable housing programs, as mentioned in your comment #5 above, the requirements and objectives of the many different funding programs vary widely and are not all within Fresno COG's purview, and Fresno COG does not have authority over local governments' displacement avoidance policies and AFFH plans.*



- To avoid contributing to existing patterns of concentrated poverty and concentrated racial and ethnic groups, Fresno COG could also work with local agencies to identify areas that are not well served by transit, as well as opportunities to align fair housing goals with planned transportation investments.

*Response: Fresno COG, in conjunction with local public transit agencies, participates in the Unmet Transit Needs process, which identifies needs of communities that are not well served by transit. Fresno COG will be happy to provide any assistance needed to other entities in the area of housing when resources and expertise are available.*

#### **Comment:**

### **III. Sustainable Communities Scenario**

As mentioned above, the SCS must identify areas to sustain the housing needs of all segments of the population over the course of the planning period. Gov. Code § 65080(b)(2)(B)(ii). It is not clear whether this was done in the formation of the SCS, or in the evaluation of the SCS alternatives. When comparing the scenarios, Fresno COG staff modeled housing type, but not the allocation of affordability of housing in each scenario.

The RTP must be an internally consistent document. Therefore, the priorities in the SCS must correspond with the project evaluation criteria, as well as the priorities identified in the Policy Element and the Action Element. The RTP currently lacks coherence, since it is not clear whether the priorities expressed in the SCS, the Policy Element, the project evaluation criteria and the Action Element align. To ensure internal consistency, Fresno COG must explain how projects were selected to comply with both the SCS and the project evaluation criteria, as well as the values expressed in the Policy Element. Since protection of EJ communities is a priority in the Policy Element, Fresno COG must more clearly explain how the projects list changed between the four proposed SCS, and how the alternative projects list impacted EJ communities.

**Response:** Fresno COG is committed to its obligations relating to regional housing under California Government Code §65080 (B). The SCS provides all of the information required by California Government Code §65080 (B), such as detail on the SCS land use pattern, including general location of uses, residential density, projected housing growth and density that accommodates the eight-year projection of the regional housing needs for all economic segments of the population, and employment growth density. Pursuant to Government Code § 65080(b)(2)(B)(ii), the SCS identifies areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth. Specifically, as stated in the Environmental Justice Report, page 25, the 2018 RTP assumes 47,484 new single family, 32,391 new multifamily units and 5,137 new townhomes over the

next 20 years to accommodate a countywide population that is anticipated to grow to an estimated 1,347,000 persons by 2042. Table 3-2 on page 3-6 of the RTP provides forecasts for the preferred scenario, including household population, number of housing units, and employment. 2018 RTP/SCS plans additional, new housing developments with a greater emphasis on increasing the amount of multifamily housing options in the EJ communities compared to non-EJ areas. The 2042 Total Multifamily and Townhome units account for more than 50 percent of the new housing products mix in EJ+VC areas compared to 27 percent in Non EJ, Non VC communities. In the modeling, availability of various housing types is used as the proxy for affordability, which is reflected by the availability of townhomes and multi-family housing.

The 2018 RTP/SCS was created with the vision - “A region of diverse transportation options that foster sustainable growth and a vibrant economy, and contribute to improved air quality and healthy communities.” The SCS, the Policy Element, the project ranking criteria in the Financial Element and the Action Element were all developed with the same consistent overarching theme that was expressed in the vision statement. The project evaluation criteria developed and approved by a Project Evaluation Subcommittee, which Leadership Counsel was actively involved in, looked at a combination of factors such as sustainability, public health, air quality, accessibility, safety, congestion, disadvantaged communities, etc. The project scores resulted from the project evaluation criteria was combined with the priorities in the SCS scenarios, which led to the creation of project lists for each of the SCS scenarios. Both the project evaluation criteria and the SCS project scenario tool were approved by the Roundtable, TTC/PAC and the Policy Board and are available on COG website and in the RTP document in Appendix C.

#### **Comment:**

#### **IV. Recommended Changes to the Environmental Justice Report**

Fresno COG staff worked diligently with many stakeholders on developing the Environmental Justice chapter. However, this chapter does not fulfill the requirements of the law because it does not accurately reflect the impact of the RTP on EJ versus non-EJ populations.

According to Executive Order 12898, Fresno COG must “identify and address, as appropriate, disproportionately high and adverse human health or environmental effect of its programs, policies, and activities on minority populations.” FTA Circular 4703.1 further requires MPOs to incorporate EJ principles into its transportation decision-making process and environmental review documents. The Circular states that MPOs must do three key things: (a) “avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;” (b) “ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;” and (c) “prevent the *denial of, reduction in, or significant delay* in the receipt of benefits by minority and low-income populations.” p. 2.

Fresno COG does not accurately “identify...disproportionately high and adverse human health or environmental effect of its programs, policies, and activities on minority populations” because of severe limitations in its methodology for identifying the impact of the RTP projects on EJ communities. While we are glad that COG staff added more indicators to measure housing mix and air quality concerns, the metrics used to measure impact on EJ versus non-EJ communities do not give an accurate picture of actual impacts. Decreased travel time during peak hours, congestion within EJ versus non-EJ TAZs, transit investment effectiveness, and distribution of transit investments do not successfully show whether the projects in the RTP are meeting the transportation needs of EJ communities. More importantly, since Fresno COG has an obligation to affirmatively overcome prior patterns of disparate impact, Fresno COG must measure whether the RTP projects will put beneficial investments in communities that have not seen meaningful transportation investments for many years. The EJ element must effectively measure whether Fresno COG’s RTP will *reverse* prior patterns of lack of investment in EJ communities, based on what the actual needs of EJ communities are. Therefore the EJ analysis must include the following components:

- Information gathered directly from EJ communities on what their actual transportation needs are (these were expressed by many communities in the projects that they proposed in the RTP outreach workshops)
- Fresno COG must develop a project map to show where projects are located in relation to EJ communities
- A new activity-based model must be developed in order to better approximate travel around the region

**Response:** The EJ performance indicators, definition of EJ population, low income threshold, expanded definition of Vulnerable Communities and the draft analysis were developed through a collaborative process with the EJ taskforce and approved by both the EJ taskforce and the RTP Roundtable.

Fresno COG has satisfied the requirements of 49 CFR § 21.5(b)(7). As stated before, 14 of the 16 jurisdictions in County of Fresno are designated by the State as a Disadvantaged Community. The EJ analysis included a comparison of EJ communities to Non EJ communities regionally and sub-regionally. Additionally, the analysis included an examination of an expanded definition for Vulnerable Communities in comparison to EJ and Non EJ communities. All performance indicators analyzed with the EJ Chapter indicate that in terms of overall equity, the 2018 RTP’s projects appear to distribute benefits and impacts equitably over Fresno County. In most cases, EJ communities fared better than non-EJ communities. Fresno COG is therefore taking affirmative action to overcome effects of any prior discriminatory practice or usage.

Below is a response to each of the bullet recommendations provided above.

- Information gathered directly from EJ communities on what their actual transportation needs are (these were expressed by many communities in the projects that they proposed in the RTP outreach workshops)

*Response: Fresno COG also is taking affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin. FCOG made an extraordinary effort to gather information on the transportation needs of EJ communities through the public outreach process as stated in earlier sections. All proposed projects and outreach comments received are available at the RTP website. For projects suggested in the 12 disadvantaged smaller cities and Fresno County (project suggestions excepting those from Kingsburg, Clovis and the City of Fresno), about 2/3 of the feasible project suggestions are included in the RTP. Local projects, which are not eligible for federal funding and thus can't be included in the RTP, were all forwarded to local governments for consideration under other funding programs.*

- Fresno COG must develop a project map to show where projects are located in relation to EJ communities

*Response; Again, future mapping tool that illustrate the location of proposed RTP projects and investment will contribute to improving the quantitative analysis, FCOG is committed to developing this tool as stated in the EJ Appendix D and has funded the tool in the FY 18-19 OWP budget.*

- A new activity-based model must be developed in order to better approximate travel around the region.

*Response: As stated in the RTP Chapter 7: EJ Analysis and EJ Appendix D, Fresno COG is committed to and has already begun developing an activity-based model to improve the modeling capabilities. The activity-based model development will be wrapped up by June 2018.*

## **Comment:**

### **V. Project Evaluation Criteria Incorporated Important Commitments**

We commend Fresno COG on including effective project evaluation criteria in this RTP process. Much work went into developing project evaluation criteria that prioritized projects that benefit disadvantaged communities, protected the environment, and protected public health.

However, as noted above, Fresno COG must establish a process that ensures that projects submitted by the public, particularly by disadvantaged communities and environmental justice communities, are evaluated for inclusion in the RTP, rather than allowing local agencies to exclude projects submitted by the public. Alternatively, the project evaluation criteria should incentivize inclusion of such projects by adding substantial points to projects that were identified by the Disadvantaged Communities Needs Assessment. Points should

also be added for projects submitted by disadvantaged communities as part of the RTP outreach process.

**Response:** As discussed previously in this letter, Fresno COG does not have the authority over local streets and roads, and RTP projects are submitted by local governments who have ownership of the streets and roads. Local governments went through their individual project prioritization process before projects were submitted to the RTP based on factors such as funding availability, the needs of their communities, project cost-effectiveness, etc.

Fresno COG clearly indicated to workshop and online participants that their project suggestions would be forwarded to their local governments for consideration. In good faith, Fresno COG met its self-imposed commitment to gather transportation needs/suggestions and convey them to our member agencies, transit agencies and active transportation planners, going above and beyond all mandates. When projects from disadvantaged communities were submitted to Fresno COG by the local governments, COG's project ranking criteria gives such projects extra point(s) to help them advance in the regional process. As stated in the previous sections, about 2/3 of feasible project suggestions from the 12 disadvantaged small cities and the Fresno County were included in the RTP.

Again, Fresno COG would like to reiterate that Leadership Counsel and its partners are strongly encouraged to develop a relationship with local governments, and work with the local governments on advancing the projects that concern them.

**Comment:**

**VI. Public Participation Plan Made Progress, but Changes Needed for 2020 Round.**

Fresno COG's 2018 Public Participation Plan was used as a successful model of public participation statewide, due to its inclusion of an outreach mini-grants program, several series of community workshops aimed at a wide variety of stakeholders, and an RTP Roundtable that provided input into decisions about each of the RTP elements. Leadership Counsel appreciates the inclusive process that Fresno COG staff created for vetting many of the decisions regarding the RTP.

However, we recommend several significant changes for the next round. First, in order for the public to meaningfully participate in determining the values expressed in the RTP, the first round of workshops should be dedicated to gathering information about community needs and values. Instead of being shaped by the public, the scenarios for this round were based largely on data from four years ago and one public workshop in an urban center. This did not allow for many voices in the county to shine through as scenarios were being developed, and restricted all of the county to four scenarios based on outdated information and urban priorities. Next round, we strongly recommend that Fresno COG conduct a complete round of workshops asking for residents' and stakeholders' transportation needs and values before developing the four alternative scenarios. Then, scenarios can be formed based on this information, and a second round of workshops can ask community residents and stakeholders to choose between scenarios.

**Response:** As discussed at the SCS Public Hearing on May 16, 2018, staff is seriously considering extensive community outreach on values and needs for the next RTP cycle. We appreciate the Leadership Counsel's recommendations in that regard and will consider them moving forward.

We thank you for your involvement in the 2018 RTP/SCS development process, and appreciate your efforts to engage the community residents in the process. Please feel free to contact me or my staff Kristine Cai at 559-233-4148 should you have any further questions or comments regarding the 2018 RTP/SCS.

Sincerely,

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

Tony Boren,  
Executive Director



**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5421  
FAX (559) 445-5875  
TTY 711  
www.dot.ca.gov



*Making Conservation a  
California way of life*

June 4, 2018

Mr. Tony Boren  
Executive Director  
Fresno Council of Governments  
2035 Tulare Street, Suite 201  
Fresno, CA 93721

Dear Mr. Boren:

Thank you for the opportunity to review the Fresno Council of Governments (FCOG) Draft 2018-2042 Regional Transportation Plan (RTP). Caltrans, at District 6 and various divisions within our Department have reviewed the Draft RTP and collectively offers the following comments.

**TRANSPORTATION PLANNING-DISTRICT 6**

FCOG has demonstrated a strong commitment to support their 20-year planning horizon with focus on the region's transportation options, sustainable growth, economy, improving air quality and building healthier communities. With the distribution of their Public Outreach Strategy helped provide a detailed approach to enlist public participation during each step of the RTP process.

FCOG addresses the four main required elements: Policy Element, Sustainable Communities Strategy (SCS), Action Element and Financial Element which conforms to the RTP Guidelines adopted by the California Transportation Commission (CTC) pursuant to Government Code 65080(d). This plan assesses all forms of transportation available in the County of Fresno as well as travel and goods movement needs through 2042.

FCOG is commended for their efforts in adopting their proposed scenarios and outcomes for their SCS. The Fresno COG Policy Board adopted Scenario D as the Preferred SCS scenario in November 2017. This scenario meets the 2035 GHG reduction target, high investment in road maintenance, assumes balanced growth patterns, land use strategies, and improvements in farmland conservation. Caltrans encourages FCOG to continue to apply for funding resources to further study climate resilience issues in the Fresno region.

FCOG has established an on-going partnership with federal, state, local partners, and stakeholders to consult and cooperate with the public to assist in understanding issues, options, and solutions. FCOG's Public Participation Plan was adopted on July 28, 2016, and has provided direction, participation requirements, strategies and techniques to improve public

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

contribution in this RTP process. The creation of an Environmental Justice Subcommittee provided a full, diverse and equitable representation of Disadvantaged Communities and Environmental Justice groups working together to discuss options and solutions to shape the development of the RTP.

The RTP is consistent in demonstrating programming and operations in the development of Intelligent Transportation Systems, identifying methods for measuring its transportation performance and listing constrained and un-constrained projects. Through the Financial element, funding of revenue sources is outlined for the regions planned transportation investments. Ongoing operations and maintenance through resources from MAP-21, FAST Act, Measure C, CMAQ and the new Senate Bill 1 (SB1) (The Road Repair and Accountability Act of 2017) have provided additional funding for transportation projects.

FCOG is commended for their efforts in applying for SB1 - Caltrans Sustainable Transportation Planning Grants and being successful in receiving several awards in Sustainable Transportation Planning, Strategic Partnership and Adaptation grants.

FCOG in partnership with Fresno County Rural Transit Agency (FCRTA) are commended for their continued transit efforts for the County of Fresno. FCRTA continues to be in the forefront of establishing public transit service to rural communities throughout the County of Fresno. FCRTA has enhanced mobility for many of whom lack transportation and need access to jobs, education, and medical services outside their primary area of residence. In continuing their support for sustainable transportation FCRTA, California Energy Commission, CALSTART, Valley Air District and Caltrans celebrated the completion of 13 electric vehicle charging stations that are now open to the public to charge their electric vehicles. It also includes back up energy storage for emergency services. FCRTA selected Envision Solar's EVARC product, which provides EV charging that is solar powered. Furthermore, these stations are located in all 13 of Fresno County's rural, and often disadvantaged communities. FCRTA continues to find ways to help the transit rider where the agency also installed solar-powered bus shelters to existing benches that lack shade and are also located in rural and disadvantaged areas.

## **ENVIRONMENTAL ANALYSIS BRANCH-DISTRICT 6**

All instances of "can" and "should" where the avoidance, mitigation, or minimization measures are required should be replaced with "shall." For example: HW 3.11.3 – The language in the mitigation section stating the project sponsor "can and should obtain all necessary regulatory permits" should be changed to "the project sponsor shall obtain all necessary regulatory permits..."

### **Draft Program Environmental Impact Report, Page 3-121:**

Clarify where in the Migratory Bird Treaty Act does it states that it requires project-related activities be reduced or eliminated at active nesting territories. Also, define what is considered an "active nesting territory."

Additional guidance was provided by the Department of the Interior regarding the Migratory Bird Treaty Act in December 2017. The subject of the memorandum is “The Migratory Bird Treaty Act Does Not Prohibit Incidental Take” in which you will find very specific detail regarding what the Migratory Bird Treaty Act covers.

**Draft Program Environmental Impact Report, Page 3-145:**

The Valley elderberry longhorn beetle does not occur in Fresno county.

**Draft Program Environmental Impact Report, Page 3-148:**

BR 3.5.1-3 – Biological study areas should not be limited in scope to the project impact area but should be broad enough to survey for all species that have the potential to traverse the project limits.

BR 3.5.1-5 – Should be clarified to include sensitive habitat.

**Draft Program Environmental Impact Report, Page 3-149:**

BR 3.5.1-9 - This measure should be revised to account for the possibility that nesting or attempted nesting can be reasonably anticipated to occur between February 1<sup>st</sup> and September 30<sup>th</sup>.

BR 3.5.1-13 – Mitigation should be determined in consultation with the regulatory agencies.

**Draft Program Environmental Impact Report, Page 3-150:**

BR 3.5.1-17 – Additional clarification is requested to explain how road noise minimization with brush and tree planting can effectively mitigate habitat modifications. Furthermore, there are many studies that indicate that vegetative barriers do not significantly reduce road noise. A study supported by the Federal Highway Administration concluded that highway traffic noise was effectively reduced between 3 to 5 dBA by typical belt forests 10 to 30 meters in width. Given the current drought conditions in California, the limited right of way and the minor reduction in noise levels is the planting of up to 30 meters of vegetation a reasonable and effective mitigation measure for noise impacts to threatened and endangered species.

**Draft Program Environmental Impact Report, Page 3-229:**

CTR 3.7.2-5 - The statement does not appear to accurately reflect the Cultural Resources Management process under CEQA.

**Draft Program Environmental Impact Report, Page 3-230:**

CTR 3.7.2-6 - The statement does not appear to accurately reflect the Cultural Resources Management process under CEQA.

CTR 3.7.3 – Does not address mitigation for paleontological resources or unique geological features, nor does it address the significance of those impacts.

**Draft Program Environmental Impact Report, Page 3-322:**

HW 3.11.3 – The California Coastal Commission is listed as a regulatory agency in this section. Fresno County does not fall within the jurisdiction of the California Coastal Commission.

**Draft Program Environmental Impact Report, Page 3-151:**

Other birds of prey occur within Fresno County including the red tailed and red shouldered hawks. Hawks nests are not limited to the foothills, as known nests occur along State Route 99 in the large eucalyptus trees in the southern part of the county and all throughout the county for that matter.

The following figures of version 2-2, 2-3, 2-7, 2-8, 2-10, 2-20, 2-21, 3-15, 4-12 were not legible due to figure being too small to read.

Unable to read the electronic version of Tables 4-1 and 4-3,

**OFFICE OF TRAFFIC OPERATIONS-DISTRICT 6**

**Draft Policies: Policies of the Plan, Page 2-5:**

In Tables 2-1A and 2-1B, there does not appear to be any mention of private developments mitigating their impacts on the transportation network. If private developments do not mitigate their direct impacts or their cumulative impacts, then the operation of the transportation network could degrade. This, in turn, would lead to an increase of greenhouse gas emissions. Government agencies usually lack funding to mitigate such traffic impacts, so it becomes important that private development mitigate their impacts.

**Draft Policies: Policies of the Plan, Page 2-8:**

In Tables 2-1E and 2-1F, under policies, there does not appear to be any mention of access management. With proper access management, the operation of a roadway segment could be optimized. Poor access management could contribute to the poor flow of traffic through a segment. This, in turn, could lead to an increase of greenhouse gas emissions.

**Draft Policies: Policies of the Plan, Page 2-9:**

In Table 2-1G, under policies, there does not appear to be a mention of encouraging companies that maintain large fleets of vehicles to convert to zero emission vehicles. This could also be expanded to include the installation of solar panels for charging the fleet vehicles.

**Draft Policies: Policies of the Plan, Page 2-11:**

In Tables 2-2A and 2-2B, under policies, there does not appear to be any mention of the use of new traffic stripe specifications and new traffic markers that are specifically designed to assist autonomous driving vehicles. As technology improves, autonomous driving vehicles should improve the safety and operation of the transportation network. This would thus lead to fewer accidents and less congestion.

**Draft Policies: Policies of the Plan, Page 2-11:**

In Table 2-2D, under policies, it is recommended that there should be a specific mention of the *California Department of Transportation Highway Design Manual*. There should also be specific mention of the *California Manual on Uniform Traffic Control Devices*, *AASHTO Roadside Design Guide*, and *TRB Access Management*.

**OFFICE OF REGIONAL PLANNING–HEADQUARTERS**

The Office of Regional Planning, Regional Coordination Branch has reviewed the FCOG’s Draft 2018 Regional Transportation Plan (RTP) and Environmental Impact Document (EIR). We offer the following comments:

FCOG is commended for:

- Developing a 2018 RTP that is very clear, interesting to read, well supported with a documented public involvement process, and rich with graphics and illustrations;
- Providing an in-depth look at the *Policies: Foundations of the Plan* which clearly lays out the Goals, Objectives and Policies of the 2018 RTP
- Executing a robust public participation plan with many nodes of access for input throughout the development of the plan.

**Multimodal Discussion:**

**#10, Goods Movement, Page 4-2:**

This could be expanded on to include more *Overview, Accomplishments and Needs Assessment* to better inform the public and better address future needs within the region.

**Financial:**

**#9 Specific Financial Strategies, Page 4-81:**

This section lists TCMs and technology-based measures but does not “address the specific financial strategies required to ensure the identified TCMs from the SIP can be implemented.” Please insert more precise financial strategies that could be implemented.

**Minor Edits:**

Page 4-64 – typo in the first “the” under Overview  
Page 4-81 – typo in first sentence “tdesignated”  
Page 4-81 – typo in (vi) “frfringe”



## **OFFICE OF SMART MOBILITY AND CLIMATE CHANGE-HEADQUARTERS**

The Smart Mobility and Active Transportation Branch champions smart mobility, complete streets, and the state's first bicycle and pedestrian plan, Toward an Active California. We are supportive of community design that is regionally accessible, equitable, and environmentally friendly. We therefore promote active transportation, public transportation, urban-infill development, and urban form. The comments below are made with this ethic in mind.

### **General Comments:**

FCOG should coordinate with Caltrans' Division of Rail and Mass Transportation and the CA High Speed Rail Authority regarding the buildout of the high-speed rail Phase 1, including the integration of housing, transportation, jobs, and services around high speed rail stations. We encourage the development of urban, location-efficient, mixed-use communities with high population and job density centered around all high-speed rail stations.

### **Chapter 2 Comments:**

The Vision for 2042 should include the word "equitable" to address the findings in Chapter 1 related to the County's unemployment rate, educational attainment, and median household income.

Referring to Page 2-4, Active Transportation Goals: Improved bicycle and pedestrian safety through education and enforcement- the language should include the word 'engineering', as roadway design to encourage walking and bicycling will improve the safety of vulnerable road users.

### **Table 2-1B: General Transportation Multimodal System - Future Travel Demands &**

**Financial:** No direct objectives for active transportation except inferred in SB375 related Goal. Two policies call out active transportation and complete streets. In general, it appears more emphasis could be placed on active transportation and complete streets in this section; referring to Table 2-1B: General Transportation Multimodal System - Future Travel Demands & Financial, there appears to be no direct objectives for active transportation except inferred in SB375 related goals. Two policies call out active transportation and complete streets.

### **Chapter 3 Comments:**

We are supportive of the 12 adopted Smart Growth principles listed and encourage FCOG to be a leader in Fresno County for the development of these sustainability solutions.

Referring to Figure 3-22, it appears FCOG's proposed investments prioritize increasing automobile capacity, as this is the highest-expenditure item. We would encourage FCOG to re-allocate more funds toward transportation modes that will integrate with the state's investment in high speed rail- including active transportation (bicycle and pedestrian) and public transit projects and programs.

We are supportive of the regional Bus Rapid Transit network proposal and proposed Active Transportation investments; and as such, would encourage more spending in these categories, especially as they relate to future high-speed rail stations and transit-oriented developments.

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*



The Transportation Demand Management Strategies neglect to include walking, bicycling and transit strategies. We encourage including concepts including bicycle end-of-trip facilities in office buildings; public transit subsidies for employees; walking and bicycling commuter benefits; and other strategies to improve the Transportation Demand Management strategies listed.

We are supportive of the development of the regional active transportation network, including the proposed 280 bike lane miles and 500 miles of sidewalk to be added by the end of 2042. We would encourage consideration of regional Class IV separated bikeways, per the Fresno and Clovis Class IV Bikeway Feasibility Study findings. We would also support prioritizing the construction of active transportation facilities sooner than 2042.

### **OFFICE OF STATE PLANNING (OSP)-HEADQUARTERS**

We appreciate the opportunity to review and provide comments on the 2018 FCOG's RTP. OSP would like to provide the following comments for you to take into consideration.

#### **Chapter 1, page 1-2:**

Change 'comuter' to 'computer'.

Under computer modeling, it may be profitable to allude to where in the RTP modeling will more extensively be discussed.

#### **Environmental Setting and Existing Air Quality Conditions page 128:**

This information could also be moved to the Regional Setting section.

#### **Page 1-4:**

The word 'nation' is found capitalized and not capitalized on this page.

It is recommended to add at the end of each these comparisons. For example, the county's unemployment rate was x in contrast to y for the state and z for the nation, respectively.

#### **Figure 1-4, page 1-5:**

Reorient the pie chart or use white text on some of the darker sections so that it is easier to read.

#### **Page 1-8:**

Please explain what is the Planning center?

#### **Employment Forecast, fourth paragraph, page 1-9:**

Please add a space between 'acre' and 'Employment' was forecast...

The second sentence should be cited when explaining forecast by ADE. Being used by State of California Employment Development Department, Wood and Poole, and Caltrans.

**Chapter 2 page 2-5:**

Goals, objectives and policies align beautifully with CTP 2040.

**Chapter 3 page 3-3:**

Top of page, 'timeline' is cut off.

Paragraphs under SCS Co-benefits are outlined beautifully, outlining ways to increase livability and how comprehensively designed and managed spaces can help achieve these objectives

**Chapter 3 page 3-5:**

Providing detailed methods on how FCOG will address these GHG targets will be instrumental for urban areas throughout the state struggling to meet their GHG/VMT reduction targets.

**Chapter 3 page 3-6:**

How was ADE selected? What criteria was used?

**Chapter 3 page 3-20:**

It is recommended to use a better layout for the pie graph so that it is easier to read.

**Chapter 3 page 3-24:**

Great call outs to local and regional partners doing innovative work. Provides best practices or 'what is in it for me' for local partners.

**Chapter 3 page 3-25:**

Under Public Outreach, using the language like 'assist', 'inform', or 'obtain' promotes top-down planning approaches. Presenting does not entail innovative outreach. Please indicate in these paragraphs if the public had an active say on the development of the SCS?

Thank you for considering our comments for inclusion of the Final FCOG 2018 Regional Transportation Plan. FCOG is praised for their continued partnership with Caltrans and for their public and stakeholder involvement by demonstrating their strategy in emission-reduction targets, analyzing projected growth, housing needs, and improving transportation in their region. If you have any questions, please contact me at (559) 445-5421.

Sincerely,



LORENA MENDIBLES  
Associate Transportation Planner  
Transportation Planning-North

c: Gail Miller, Michael Navarro, Shane Gunn, David Garza, Albert Lee, Caltrans-D6  
Erin Thompson, Caleb Brock, Ann Mahaney, Dustin Foster, Brian Bulaya,  
Caltrans-HQ's



June 30, 2018

Lorena Mendibles  
Department of Transportation  
DISTRICT 6  
1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616

Re: Comments for the Draft 2018 RTP/SCS Documents

Dear Ms. Mendibles,

Fresno COG has received and thanks Caltrans for the June 4<sup>th</sup> letter addressing the draft 2018 RTP/SCS. Respectfully, Fresno COG offers the following responses to the comments raised in the letter.

**Comment:**

**TRANSPORTATION PLANNING-DISTRICT 6**

FCOG has demonstrated a strong commitment to support their 20-year planning horizon with focus on the region's transportation options, sustainable growth, economy, improving air quality and building healthier communities. With the distribution of their Public Outreach Strategy helped provide a detailed approach to enlist public participation during each step of the RTP process.

FCOG addresses the four main required elements: Policy Element, Sustainable Communities Strategy (SCS), Action Element and Financial Element which conforms to the RTP Guidelines adopted by the California Transportation Commission (CTC) pursuant to Government Code 65080(d). This plan assesses all forms of transportation available in the County of Fresno as well as travel and goods movement needs through 2042.

FCOG is commended for their efforts in adopting their proposed scenarios and outcomes for their SCS. The Fresno COG Policy Board adopted Scenario D as the Preferred SCS scenario in November 2017. This scenario meets the 2035 GHG reduction target, high investment in road maintenance, assumes balanced growth patterns, land use strategies, and improvements in farmland conservation. Caltrans encourages FCOG to continue to apply for funding resources to further study climate resilience issues in the Fresno region.

FCOG has established an on-going partnership with federal, state, local partners, and stakeholders to consult and cooperate with the public to assist in understanding issues, options, and solutions. FCOG's Public Participation Plan was adopted on July 28, 2016, and has

provided direction, participation requirements, strategies and techniques to improve public contribution in this RTP process. The creation of an Environmental Justice Subcommittee provided a full, diverse and equitable representation of Disadvantaged Communities and Environmental Justice groups working together to discuss options and solutions to shape the development of the RTP.

The RTP is consistent in demonstrating programming and operations in the development of Intelligent Transportation Systems, identifying methods for measuring its transportation performance and listing constrained and un-constrained projects. Through the Financial element, funding of revenue sources is outlined for the regions planned transportation investments. Ongoing operations and maintenance through resources from MAP-21, FAST Act, Measure C, CMAQ and the new Senate Bill I (SBI) (The Road Repair and Accountability Act of 2017) have provided additional funding for transportation projects.

FCOG is commended for their efforts in applying for SB 1 - Caltrans Sustainable Transportation Planning Grants and being successful in receiving several awards in Sustainable Transportation Planning, Strategic Partnership and Adaptation grants.

FCOG in partnership with Fresno County Rural Transit Agency (FCRTA) are commended for their continued transit efforts for the County of Fresno. FCRTA continues to be in the forefront of establishing public transit service to rural communities throughout the County of Fresno. FCRTA has enhanced mobility for many of whom lack transportation and need access to jobs, education, and medical services outside their primary area of residence. In continuing their support for sustainable transportation FCRTA, California Energy Commission, CALSTART, Valley Air District and Caltrans celebrated the completion of 13 electric vehicle charging stations that are now open to the public to charge their electric vehicles. It also includes back up energy storage for emergency services. FCRTA selected Envision Solar's EVARC product, which provides EV charging that is solar powered. Furthermore, these stations are located in all 13 of Fresno County's rural, and often disadvantaged communities. FCRTA continues to find ways to help the transit rider where the agency also installed solar-powered bus shelters to existing benches that lack shade and are also located in rural and disadvantaged areas.

**Response:** Comment noted. Thank you for your support. As the comments do not raise any adverse environmental issues, no further response is required pursuant to State CEQA Guidelines § 15088(a).

**Comment:**

## **ENVIRONMENTAL ANALYSIS BRANCH-DISTRICT 6**

All instances of "can" and "should" where the avoidance, mitigation, or minimization measures are required should be replaced with "shall." For example: HW 3.11.3 - The language in the mitigation section stating the project sponsor "can and should obtain all necessary regulatory permits" should be changed to "the project sponsor shall obtain all necessary regulatory permits ... "

**Response:** Fresno COG does not have the legal authority to force implementing agencies to adopt and implement mitigation measures listed in Chapters 3 and 5 of the Draft PEIR. Fresno COG has specific responsibilities as stated in the Fresno COG Joint Powers Agreement approved originally on March 25, 1976 and limits Fresno COG's authority. The JPA specifically states that "planning concerns in the County of Fresno, and the solution to such concerns often transcend municipal



boundaries, making it desirable to regularly bring together representatives of the various governments to discuss common problems, develop consensus of policy questions of mutual interest in order to pursue a coordinated course of action without infringing on the political traditions and powers of the individual governments.” It is because Fresno COG lacks legal authority to guarantee enforcement of mitigation measures by the separate public agencies that may implement future projects, that Fresno COG took the conservative approach in its Program EIR and concluded that the implementation of the RTP *may* result in potentially significant impacts to a variety of resource areas.

Although, Fresno COG cannot guarantee that local agencies will comply with the mitigation measures, Fresno COG has proposed a suite of mitigation measures that encourage local agencies and Caltrans or other affected and responsible agencies to design and construct transportation improvement projects and future land use developments included in the RTP/SCS in a manner that minimizes potential environmental impacts to the fullest extent feasible.

**Comment:**

**Draft Program Environmental Impact Report, Page 3-121:**

Clarify where in the Migratory Bird Treaty Act does it states that it requires project-related activities be reduced or eliminated at active nesting territories. Also, define what is considered an "active nesting territory."

Additional guidance was provided by the Department of the Interior regarding the Migratory Bird Treaty Act in December 2017. The subject of the memorandum is "The Migratory Bird Treaty Act Does Not Prohibit Incidental Take" in which you will find very specific detail regarding what the Migratory Bird Treaty Act covers.

**Response:** Fresno COG acknowledges that the description on Page 3-121 can be amended to better reflect requirements of the Migratory Bird Treaty Act (MBTA) of 1917 and considering the December 2017 Guidance referenced in your comment letter. The Draft EIR contains mitigation measures that will ensure biological resources are protected including preconstruction surveys conducted by qualified biologists.

The following paragraph will replace the current description:

*The MBTA (16 U.S. Code, § 703 et seq.) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union (now Russia) and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (50 Code, Fed. Regs., § 10 & § 21). Most actions that result in taking or in permanent or temporary possession of a protected species constitute violations of the MBTA. Examples of permitted actions that do not violate the MBTA are the possession of a hunting license to pursue specific game birds, legitimate research activities, display in zoological gardens, bird-banding, and other similar activities. The USFWS is responsible for overseeing compliance with the MBTA, and the U.S. Department of Agriculture’s Animal Damage Control Officer makes recommendations on related animal protection issues.*

According to the CDFW, a nest is a structure or site under construction or preparation, constructed or prepared, or being used by a bird for the purpose of incubating eggs or rearing young. Perching sites and screening vegetation are not part of the nest. An Active Nest is a nest, as defined in 681.2(a), once birds begin constructing, preparing or using a nest for egg-laying. A nest is no longer an “active nest” if abandoned by the adult birds or once nestlings or fledglings are no longer dependent on the nest.

**Comment:**

**Draft Program Environmental Impact Report, Page 3-145:**

The Valley elderberry longhorn beetle does not occur in Fresno county.

**Response:** Comment acknowledged. The Valley Elderberry Longhorn Beatle will be removed from Table 3-53.

**Comment:**

**Draft Program Environmental Impact Report, Page 3-148:**

BR 3.5.1-3 - Biological study areas should not be limited in scope to the project impact area but should be broad enough to survey for all species that have the potential to traverse the project limits.

**Response:** Comment acknowledged. For clarification, the following Mitigation Measure BR 3.5.1-3 will be revised to address the concern about off-site species crossing over into project areas.

- ✓ ***BR 3.5.1-3** Focused sensitive plant and wildlife species and non-native habitat surveys will be conducted within suitable habitat to determine the distribution of sensitive species in an area broad enough to survey for all species that have the potential to traverse the project limits of each transportation improvement project and future land use development. Sensitive plant and non-native habitat surveys will be conducted during the appropriate flowering season for sensitive plant species. In all cases, impacts on special-status species and/or their habitat shall be avoided during construction to the extent feasible.*

**Comment:**

BR 3.5 .1-5 - Should be clarified to include sensitive habitat.

**Response:** Comment acknowledged. Mitigation Measure BR 3.5.1-5 will be revised as follows:

- ✓ ***BR 3.5.1-5** Individual transportation improvement projects and future land use developments shall include offsite sensitive habitat enhancement or restoration to compensate for unavoidable sensitive habitat losses from the project site.*

**Comment:**

**Draft Program Environmental Impact Report, Page 3-149:**



BR 3.5.1-9 - This measure should be revised to account for the possibility that nesting or attempted nesting can be reasonably anticipated to occur between February 1<sup>st</sup> and September 30<sup>th</sup>

**Response:** Comment acknowledged. Mitigation Measure BR 3.5.1-9 will be revised as follows:

- ✓ **BR 3.5.1-9** *Construction activities will be scheduled, as appropriate and feasible, to avoid sensitive times that have a greater likelihood to affect significant resources such as spawning periods for fish, nesting season for birds and/or the rainy season for riparian habitat and sediment/erosion control. Nesting or attempted nesting can be reasonably anticipated to occur between February 1<sup>st</sup> and September 30<sup>th</sup> of each year.*

*Project implementation is encouraged to occur during the bird non-nesting season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the project applicant is responsible for ensuring that implementation of the project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.*

*To evaluate project-related impacts on nesting birds, a qualified wildlife biologist should conduct pre-activity surveys for active nests no more than ten (10) days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys should cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by a project.*

*In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, a qualified biologist should conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, the qualified biologist should continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, the work causing that change shall cease and CDFW consulted for additional avoidance and minimization measures.*

*If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250-feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors should be established. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. A qualified wildlife biologist should advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.*

**Comment:**

BR 3.5.1-13 - Mitigation should be determined in consultation with the regulatory agencies.

**Response:** Comment acknowledged. Mitigation Measure BR 3.5.1-13 will be revised as follows:

- ✓ **BR 3.5.1-13** *Sensitive habitats (native vegetative communities identified as rare and/or sensitive by the CDFW) and special-status plant species (including vernal pools) impacted by projects shall be restored and augmented, if impacts are temporary, at a 1.1:1 ratio (compensation acres to impacted acres). Permanent impacts shall be compensated for by creating or restoring habitats at a 3:1 ratio as close as possible to the site of the impact, or as determined through consultation with the applicable regulatory agencies.*

**Comment:**

**Draft Program Environmental Impact Report, Page 3-150:**

BR 3.5.1-17 - Additional clarification is requested to explain how road noise minimization with brush and tree planting can effectively mitigate habitat modifications. Furthermore, there are many studies that indicate that vegetative barriers do not significantly reduce road noise. A study supported by the Federal Highway Administration concluded that highway traffic noise was effectively reduced between 3 to 5 dBA by typical belt forests 10 to 30 meters in width. Given the current drought conditions in California, the limited right of way and the minor reduction in noise levels is the planting of up to 30 meters of vegetation a reasonable and effective mitigation measure for noise impacts to threatened and endangered species.

**Response:** Comment acknowledged. Mitigation Measure BR 3.5.1-17 will be revised as follows:

**BR 3.5.1-17** *The height, spacing, number and type of light fixtures will be selected and installed to minimize intrusive light escaping from the physical boundaries of the site. In addition, road noise minimization using appropriate and effective noise reduction strategies or noise abatement applications shall be applied by implementing agencies as required to minimize highway noise.*

**Response:** Mitigation Measure BR 3.5.1-17 noted above will be revised to address the comment.

**Comment:**

**Draft Program Environmental Impact Report, Page 3-229:**

CTR 3.7.2-5 - The statement does not appear to accurately reflect the Cultural Resources Management process under CEQA.

**Response:** Comment acknowledged. The following revised mitigation measure has been revised to reflect the Cultural Resources Management process. Mitigation Measure CTR 3.7.2-5 will be revised as follows:

- ✓ **CTR 3.7.2-5** *In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e.,*

*because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the project sponsor to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.*

**Comment:**

**Draft Program Environmental Impact Report, Page 3-230:**

CTR 3.7.2-6 - The statement does not appear to accurately reflect the Cultural Resources Management process under CEQA.

**Response:** Comment acknowledged. The following revised mitigation measure has been revised to reflect the Cultural Resources Management process. Mitigation Measure CTR 3.7.2-6 will be revised as follows:

- ✓ **CTR 3.7.2-6** *If, during the course of construction cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) are discovered work should be halted immediately within 50 meters (165 feet) of the discovery, implementing and local agencies should be notified, and a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology should be retained to determine the significance of the discovery.*

**Comment:**

CTR 3.7.3 - Does not address mitigation for paleontological resources or unique geological features, nor does it address the significance of those impacts.

**Response:** Comment acknowledged. The following revised mitigation measures reflect paleo or unique features and the significance of those impacts. Impact CTR 3.7.3 on Page 3-230 addresses paleo and unique feature impacts and is revised as noted below to provide for further clarification and Mitigation Measures will be replaced as follows:

**Impact CTR 3.7.3** *Land use or transportation improvement operations from implementation of the proposed RTP/SCS would not cause any ground-disturbing activities or destruction of paleontological resources. Direct permanent impacts to paleontological resources from land use and transportation changes as a result of the proposed RTP/SCS may result from ground disturbance associated with construction. Ground-disturbing activities such as excavation for building foundations and bridges, trenching for utility lines, tunneling, and grading, could damage or destroy sensitive paleontological resources on or near the surface or at depth. Construction in previously undisturbed areas and deep excavation activities would have the greatest probability to impact intact buried paleo resources. The potential for direct impacts to paleo resources may be comparatively less for improvements to existing facilities and modifications to existing rights-of-way since these areas have been previously disturbed. However, any construction in geologic units sensitive for*

*paleontological resources could result in potentially significant damage to or destruction of unique paleontological resources.*

Mitigation Measures CTR 3.7.3-1 through CTR 3.7.3-3 will be replaced with the following mitigation measure:

- ✓ **CTR 3.7.3-1** *The project sponsor of a 2018 RTP/SCS project involving ground disturbing activities (including grading, trenching, foundation work, and other excavations) shall retain a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for Qualified Professional Paleontologist (SVP 2010), to conduct a Paleontological Resources Assessment (PRA). The PRA shall determine the age and paleontological sensitivity of geologic formations underlying the proposed disturbance area, consistent with SVP Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP 2010) guidelines for categorizing paleontological sensitivity of geologic units within a project area. If underlying formations are found to have a high potential (sensitivity) for paleontological resources, the following measures shall apply:*
  - *Paleontological Mitigation and Monitoring Program. A qualified paleontologist shall prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground disturbance activity. This program shall outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration (i.e., in what locations and at what depths paleontological monitoring shall be required), salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.*
  - *Paleontological Worker Environmental Awareness Program (WEAP). Prior to the start of ground disturbance activity greater than two feet below existing grade, construction personnel shall be informed on the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.*
  - *Paleontological Monitoring. Ground disturbing activity with the potential to disturbed geologic units with high paleontological sensitivity shall be monitored on a full-time basis by a qualified paleontological monitor. Should no fossils be observed during the first 50 percent of such excavations, paleontological monitoring could be reduced to weekly spot-checking under the discretion of the qualified paleontologist. Monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources.*
  - *Salvage of Fossils. If fossils are discovered, the implementing agency shall be notified immediately, and the qualified paleontologist (or paleontological monitor) shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Preparation and Curation of Recovered Fossils. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.*
  - *Final Paleontological Mitigation and Monitoring Report. Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring. The report shall include discussion of the location, duration and methods of the*

*monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.*

**Comment:**

**Draft Program Environmental Impact Report, Page 3-322:**

HW 3.11 .3 - The California Coastal Commission is listed as a regulatory agency in this section. Fresno County does not fall within the jurisdiction of the California Coastal Commission.

**Response:** Comment acknowledged. The California Coastal Commission will be removed from Mitigation Measure HW 3.11.3-1 in the Draft PEIR.

**Comment:**

**Draft Program Environmental Impact Report, Page 3-151:**

Other birds of prey occur within Fresno County including the red tailed and red shouldered hawks . Hawks nests are not limited to the foothills, as known nests occur along State Route 99 in the large eucalyptus trees in the southern part of the county and all throughout the county for that matter.

**Response:** Comment acknowledged. Potential impact and appropriate mitigation measures are included in the Draft PEIR that address impacts to raptors beginning on page 3-147, Impact 3.5.1 and associated mitigation measures and significance finding, Page 3-151, Impact 3.5.2 and associated mitigation measures and significance finding, and Page 3-154, Impact 3.5.4 and associated mitigation measures and significance finding. As a result, the Red Tailed Hawk and the Red Shouldered Hawk will be added to Table 3-53 in the Draft PEIR.

**Comment:**

The following figures of version 2-2, 2-3, 2-7, 2-8, 2-10, 2-20, 2-21, 3-15, 4-1 2 were not legible due to figure being too small to read.

Unable to read the electronic version of Tables 4-1 and 4-3,

**Response:** Comment acknowledged. Most of the tables and figures are also provided in the 2018 RTP/SCS, which is incorporated by reference in the Draft PEIR. The tables and figures replaced are provided in the Draft PEIR as additional reference. The clarity of affected tables and figures not affect the technical outcome of the analysis. Draft PEIR figures (Figures 2-2, 2-3, 2-7, 2-8, 2-10, 2-20, 2-21, 3-15, and 4-12) and tables (Tables 4-2 and 4-3) were checked for clarity. Figures 2-2, 2-3, 2-7, 2-8, 2-10, 3-15, and 4-12 will be replaced to provide for better clarity Figures 2-20 and 2-21 are clear and readable. Tables 4-2 and 4-3 in the Draft PEIR are configured for print on 11X17 format and are clear and readable once printed.

**OFFICE OF TRAFFIC OPERATIONS-DISTRICT 6**

**Comment:**



### **Draft Policies: Policies of the Plan, Page 2-5:**

In Tables 2-IA and 2-IB, there does not appear to be any mention of private developments mitigating their impacts on the transportation network. If private developments do not mitigate their direct impacts or their cumulative impacts, then the operation of the transportation network could degrade. This, in turn, would lead to an increase of greenhouse gas emissions. Government agencies usually lack funding to mitigate such traffic impacts, so it becomes important that private development mitigate their impacts.

**Response:** Thank you for your comment. Fresno COG respects the local agencies' individual policies regarding transportation mitigation from new development, and believes the existing policy in Table 2-1F is sufficient to address this issue: "Work closely with local land use agencies to ensure that land use planning is coordinated with transportation planning to mitigate the traffic impacts of new development to the greatest degree feasible." Fresno COG also administers the Regional Transportation Mitigation Fee (RTMF) program, which is an important part of the Measure "C" Extension approved by Fresno County voters in 2006. The RTMF is intended to ensure that future development contributes to its fair share towards the cost of infrastructure to mitigate the cumulative, indirect regional transportation impacts of new growth in a manner consistent with the provisions of the State of California Mitigation Fee Act. The fees will help fund improvements needed to maintain the target level of service in the face of higher traffic volumes brought on by new developments.

Finally, it would be speculative at this time for Fresno COG to predict which developments may be proposed at future dates or what densities/uses/traffic generation those projects may involve. Therefore, any further analysis of this issue is not required. (State CEQA Guidelines § 15145.)

### **Comment:**

### **Draft Policies: Policies of the Plan, Page 2-8:**

In Tables 2-1 E and 2-1 F, under policies, there does not appear to be any mention of access management. With proper access management, the operation of a roadway segment could be optimized. Poor access management could contribute to the poor flow of traffic through a segment. This, in turn, could lead to an increase of greenhouse gas emissions.

**Response:** Fresno COG will add the following policy to Table 2-1 F: "Encourage jurisdictions to incorporate access management principles into transportation and land use planning."

### **Comment:**

### **Draft Policies: Policies of the Plan, Page 2-9:**

In Table 2-1 G, under policies, there does not appear to be a mention of encouraging companies that maintain large fleets of vehicles to convert to zero emission vehicles. This could also be expanded to include the installation of solar panels for charging the fleet vehicles.

**Response:** The existing policies in Table 2-1 G support zero emission vehicles. Specifically existing policies include "Encourage non-single occupancy and lower/zero emission vehicle as preferred alternatives," and "Support the development of infrastructure required for alternative fueled vehicles



as well as zero emission vehicles.” Regarding large fleets specifically, Fresno COG will add the following policy to Table 2-1 G: “Encourage companies that maintain large fleets of vehicles to convert to zero emission vehicles and consider installation of solar panels for charging the fleet vehicles.”

**Comment:**

**Draft Policies: Policies of the Plan, Page 2-11:**

In Tables 2-2A and 2-2B, under policies, there does not appear to be any mention of the use of new traffic stripe specifications and new traffic markers that are specifically designed to assist autonomous driving vehicles. As technology improves, autonomous driving vehicles should improve the safety and operation of the transportation network. This would thus lead to fewer accidents and less congestion.

**Response:** Fresno COG will add the following policy to Table 2-2A, under the Objective to maintain an efficient highway, street and road network that will allow for effective movement of people and goods: “Encourage jurisdictions to consider implementation of new traffic stripe specifications and markers designed to assist autonomous driving vehicles.”

**Comment:**

**Draft Policies: Policies of the Plan, Page 2-11:**

In Table 2-2D, under policies, it is recommended that there should be a specific mention of the *California Department of Transportation Highway Design Manual*. There should also be specific mention of the *California Manual on Uniform Traffic Control Devices*, *AASHTO Roadside Design Guide*, and *TRB Access Management*.

**Response:** The existing policies in Table 2-2D include “Support and encourage member agencies to implement their Best Management Practices (BPM) for maintaining local streets and roads.” Fresno COG will also add the following policy to Table 2-2D: “Encourage jurisdictions to utilize design and operation guides, such as the California Department of Transportation Highway Design Manual, the California Manual on Uniform Traffic Control Devices, the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide, and the Transportation Research Board (TRB) Access Management Manual.”

**OFFICE OF REGIONAL PLANNING-HEADQUARTERS**

**Comment:**

The Office of Regional Planning, Regional Coordination Branch has reviewed the FCOG's Draft 2018 Regional Transportation Plan (RTP) and Environmental Impact Document (EIR). We offer the following comments:

FCOG is commended for:

- Developing a 2018 RTP that is very clear, interesting to read, well supported with a documented public involvement process, and rich with graphics and illustrations;
- Providing an in-depth look at the *Policies: Foundations of the Plan* which clearly lays out the

Goals, Objectives and Policies of the 2018 RTP

- Executing a robust public participation plan with many nodes of access for input throughout the development of the plan.

**Response:** Comment noted. Thank you. As the comments do not raise any adverse environmental issues, no further response is required pursuant to State CEQA Guidelines § 15088(a).

### **Multimodal Discussion:**

#### **Comment:**

#### **#10, Goods Movement, Page 4-2:**

This could be expanded on to include more *Overview, Accomplishments and Needs Assessment* to better inform the public and better address future needs within the region.

**Response:** Moving People and Goods provides an introduction to the Action Element of the RTP. As stated on page 4-2, “the Action Element provides direction about the MPO’s and other agencies’ roles and responsibilities as RTP projects and policies are established. It consists of short- and long-term activities that address regional transportation issues and needs. The first section demonstrates the relationship between transportation modes.” Each mode is then addressed along with other transportation and air quality strategies, as listed below: Introduction: Moving People and Goods: Section 4.1; Multimodal: Section 4.2; Highways, Streets, and Roads: Section 4.3; Urban Mass Transportation: Section 4.4; Rural Area Public Transportation & Social Service Transportation: Section 4.5; Aviation: Section 4.6; Active Transportation: Section 4.7; Rail: Section 4.8; Specific Transportation Strategies and Management Systems: Section 4.9; Air Quality: Section 4.10; and Integrated Land Use-Transportation Planning 4.11.” Each mode or transportation strategy includes an inventory of the existing system, an assessment of needs, and proposed actions.

The comment states that this could be expanded to include more Overview, Accomplishments and Needs Assessment, however, the comment does not provide suggestions as to how the discussion of each mode could be expanded and what additional information should be included. The comment thus does not provide the factual support for the conclusion. Under CEQA, the lead agency is obligated to respond to timely comments with “good faith, reasoned analysis” (CEQA Guidelines § 15088(c)). These responses “shall describe the disposition of the significant environmental issues raised...[and] giv[e] reasons why specific comments and suggestions were not accepted” (CEQA Guidelines § 15088(c)). To the extent that specific comments and suggestions are not made, specific responses cannot be provided and, indeed, are not required (*Browning-Ferris Industries of California, Inc. v. City Council of the City of San Jose* [1986] 181 Cal.App.3d 852 [Where a general comment is made, a general response is sufficient]).

Specific to Goods Movement in the Multimodal discussion, the Goods Movement is addressed in more detail in various sections throughout the Action Element. The Multimodal section 4.2 addresses an overview, accomplishments and needs assessment of the Goods Movement on pages 4-3 through 4-7. The overview outlines Fresno County’s specific characteristics which may affect travel demands, as well as outlines the types of changes necessary to implement a “seamless” multimodal system. The Accomplishments section discusses the 20 year extension of Measure C, the Regional Active Transportation Plan, as well as improvements to the transit system, including airport and rail services. Goods Movement is discussed in detail on pages 4-6 and 4-7, including a citation to the

San Joaquin Valley I-5/SR 99 Goods Movement Study, which identifies shovel-ready projects and connector projects. The Goods Movement is also addressed in section 4.3 as it relates to Highways, Streets and Roads on page 4-10 and 4-17 through 4-19.

**Financial:**

**Comment:**

**#9 Specific Financial Strategies, Page 4-81:**

This section lists TCMs and technology-based measures but does not "address the specific financial strategies required to ensure the identified TCMs from the SIP can be implemented." Please insert more precise financial strategies that could be implemented.

**Response:** As stated on page 4-82, TCMs from applicable SIPs for the San Joaquin Valley region are updated during each Transportation Conformity Analysis. Since the San Joaquin Valley is a multi-pollutant, non-attainment area, a number of SIPs govern TCMs. The applicable SIPs for Carbon Monoxide, Ozone, and PM2.5 do not contain TCMs for the San Joaquin Valley. Commitments to reduce ozone-related emission are included by reference in the Amended 2003 PM10 plan and are approved as TCMs. (RTP/SCS p. 4-82.)

Financial strategies are set forth in Chapter 5 Financing Mobility of the RTP/SCS, which details funding programs considered to be the principal sources available for funding RTP projects. The financial strategy for ensuring implementation of TCMs is administered through the Congestion Mitigation & Air Quality Improvement (CMAQ) program where at least 25% of CMAQ funds must be used on projects that have PM2.5 emission reductions, and the rest of the CMAQ funding must be used on projects with other emission reductions (NOx, VOC, or CO). The federal requirements on emission reductions for CMAQ will be added to the Financial Element under the CMAQ section on page 5-3. Participation in the CMAQ program will help ensure applicable TCMs are implemented. The Financial Element also lists transportation enhancement activities and control measures as eligible projects under the Surface Transportation Block Grant Program (STBG) section on page 5-6.

**Comment:**

**Minor Edits:**

Page 4-64 - typo in the first "the" under Overview

Page 4-81 - typo in first sentence "tdesignated"

Page 4-81 - typo in (vi) "frfringe"

**Response:** These typos have been corrected.

**OFFICE OF SMART MOBILITY AND CLIMATE CHANGE-HEADQUARTERS**

**Comment:**

The Smart Mobility and Active Transportation Branch champions smart mobility, complete streets, and the state's first bicycle and pedestrian plan, Toward an Active California. We are supportive of community design that is regionally accessible, equitable, and environmentally friendly. We therefore promote active transportation, public transportation, urban-infill development, and urban

form. The comments below are made with this ethic in mind.

**Response:** Comment noted. Thank you. As the comments do not raise any adverse environmental issues, no further response is required pursuant to State CEQA Guidelines § 15088(a).

**Comment:**

**General Comments:**

FCOG should coordinate with Caltrans' Division of Rail and Mass Transportation and the CA High Speed Rail Authority regarding the buildout of the high-speed rail Phase 1, including the integration of housing, transportation, jobs, and services around high speed rail stations. We encourage the development of urban, location-efficient, mixed-use communities with high population and job density centered around all high-speed rail stations.

**Response:** Thank you for your comment. Fresno COG is working with local and State agencies regarding the buildout of the High-Speed Rail Phase 1. As outlined in Chapter 4.8, Fresno COG is part of a local coalition called Fresno Works, which is working together with the education, labor and business communities to ensure the success of the California High-Speed Rail initiative and its heavy maintenance facility in Fresno County. Fresno COG has also participated in State funded programs to help bring mixed-use development and multimodal improvements to downtown Fresno, such as the Transformative Climate Communities Program and the Affordable Housing and Sustainable Communities Program. City of Fresno has been working on the HSR station plan, which includes land use and transportation planning around the station areas. As described on page 4-31, the RTP also supports further transit investments as the High-Speed Rail project becomes operational and policy decisions are implemented to support higher-density development, housing and mixed-use projects in downtown .

**Comment:**

**Chapter 2 Comments:**

The Vision for 2042 should include the word "equitable" to address the findings in Chapter I related to the County's unemployment rate, educational attainment, and median household income.

**Response:** Thank you for the suggestion. The Vision for 2042 was a collective effort developed by the RTP Roundtable and Policy Element Subcommittee in 2017. Staff will bring this suggestion back to those committees for consideration for the 2022 RTP/SCS update, but feel that the Environmental Justice goal, objective, and policies in Table 2-1C address equity sufficiently for the 2018 RTP/SCS.

**Comment:**

Referring to Page 2-4, Active Transportation Goals: Improved bicycle and pedestrian safety through education and enforcement- the language should include the word 'engineering', as roadway design to encourage walking and bicycling will improve the safety of vulnerable road users.

**Response:** Fresno COG will add “engineering” to the policy to read “Improved bicycle and pedestrian safety through education, engineering and enforcement.”

**Comment:**

**Table 2-1B: General Transportation Multimodal System - Future Travel Demands & Financial:**

No direct objectives for active transportation except inferred in SB375 related Goal. Two policies call out active transportation and complete streets. In general, it appears more emphasis could be placed on active transportation and complete streets in this section; referring to Table 2-1 B: General Transportation Multimodal System - Future Travel Demands & Financial, there appears to be no direct objectives for active transportation except inferred in SB375 related goals. Two policies call out active transportation and complete streets.

**Response:** Thank you for your comment. The Policy Element addresses complete streets in the following sections:

- Table 2-1D: General Transportation Planning Outcomes includes the following policy regarding complete streets: During planning processes, seek to ensure that planning efforts are consistent and feasible with planning efforts such as: the Blueprint Planning Principles, Health in All Policies, the Senate Bill 375 (also known as the Sustainable Communities Protection Act of 2008), Caltrans' Complete Streets Program, performance-based planning initiated by MAP-21, California Transportation Plan 2040, and statewide and federal air quality goals, etc.”
- Table 2-1E: General Transportation Regional Transportation Network: “Support and encourage local jurisdictions to adopt Complete Street Policies where feasible.”
- Table 2-1E: General Transportation Regional Transportation Network: “Encourage active transportation projects and public transit that will provide other transportation options than private autos and advance public health.”
- Table 2-5B: Active Transportation Multimodal Continued: “Assist member agencies to implement the Complete Streets Act by incorporating complete street considerations in the Valley-wide Blueprint Implementation Roadmap.”

The Policy Element has several sections dedicated to active transportation goals, objectives, and policies on pages 2-13 through 2-15, with Active Transportation Multimodal found in Table 2-5B. We feel these goals, objectives, and policies are sufficient for active transportation.

**Comment:**

**Chapter 3 Comments:**

We are supportive of the **12** adopted Smart Growth principles listed and encourage FCOG to be a leader in Fresno County for the development of these sustainability solutions.

Referring to Figure 3-22, it appears FCOG's proposed investments prioritize increasing automobile capacity, as this is the highest-expenditure item. We would encourage FCOG to re-allocate more funds toward transportation modes that will integrate with the state's investment in high speed rail including active transportation (bicycle and pedestrian) and public transit projects and programs.

We are supportive of the regional Bus Rapid Transit network proposal and proposed Active Transportation investments; and as such, would encourage more spending in these categories, especially as they relate to future high-speed rail stations and transit-oriented developments.

**Response:** Active transportation projects have received over 400% greater investment in the 2018 RTP compared to the 2011 RTP (Status Quo), illustrating Fresno COG's commitment to investing in active transportation programs. The planning around the High Speed Rail station is conducted by City of Fresno. Active transportation projects in the HSR station area have been included in the City's Active Transportation Plan, and have been submitted to and included in the 2018 RTP/SCS; similarly, transit

planning around the HSR station has been conducted by City of Fresno, and such transit service is included in the constrained project list in the 2018 RTP/SCS. Together, active transportation and transit account for approximately 26 percent of the proposed investments in the revenue constrained transportation network in the SCS; as shown in the revised Figure 3-23 on page 3-20, maintenance and operation projects have the highest expenditure (39.9%); capacity increasing projects receive 34.2% of total proposed investment.

**Comment:**

The Transportation Demand Management Strategies neglect to include walking, bicycling and transit strategies. We encourage including concepts including bicycle end-of-trip facilities in office buildings; public transit subsidies for employees; walking and bicycling commuter benefits; and other strategies to improve the Transportation Demand Management strategies listed.

**Response:** Active transportation and public transit are included as separate transportation strategies in the same section of Chapter 3 as the Transportation Demand Management (TDM). They are highlighted as individual strategies and not included under the TDM because of the significance of their role in reducing GHG, and the amount of investment such projects have received.

**Comment:**

We are supportive of the development of the regional active transportation network, including the proposed 280 bike lane miles and 500 miles of sidewalk to be added by the end of 2042. We would encourage consideration of regional Class IV separated bikeways, per the Fresno and Clovis Class IV Bikeway Feasibility Study findings. We would also support prioritizing the construction of active transportation facilities sooner than 2042.

**Response:** Thank you for your comments and support. Several Class IV bikeway projects are included in the 2018 RTP/SCS. The City of Fresno has a 4 mile Class IV project along Maroa Avenue that should be completed in 2022. Many more Class IV projects are being planned by the local governments, but are not included in the 2018 RTP. Fresno COG is committed to working with our member agencies to advance active transportation projects including Class IV bikeways in our region.

**OFFICE OF STATE PLANNING (OSP)-HEADQUARTERS**

We appreciate the opportunity to review and provide comments on the 2018 FCOG's RTP. OSP would like to provide the following comments for you to take into consideration.

**Comment:**

**Chapter 1, page 1-2:**

Change 'comuter' to 'computer'.

Under computer modeling, it may be profitable to allude to where in the RTP modeling will more extensively be discussed.



**Response:** This typo has been corrected. A sentence has been added to explain that the computer modeling is discussed in more detail in the SCS.

**Comment:**

**Environmental Setting and Existing Air Quality Conditions page 128:**

This information could also be moved to the Regional Setting section.

**Response:** Comment noted. Thank you.

**Page 1-4:**

**Comment:**

The word 'nation' is found capitalized and not capitalized on this page. It is recommended to add at the end of each these comparisons. For example, the county's unemployment rate was x in contrast to y for the state and z for the nation, respectively.

**Response:** This typo has been corrected. The County's unemployment rate is compared to the State and Nation's on page 1-4 and in Figure 1-5 on page 1-5.

**Comment:**

**Figure 1-4, page 1-5:**

Reorient the pie chart or use white text on some of the darker sections so that it is easier to read.

**Response:** The font in the pie chart has been updated so that it is easier to read.

**Comment:**

**Page 1-8:**

Please explain what is the Planning center?

**Response:** The Planning Center was the consulting firm that conducted the demographic forecast for the 8 COGs in the Valley in 2012. The firm merged with DC&E and its current name is PlaceWorks.

**Comment:**

**Employment Forecast, fourth paragraph, page 1-9:**

Please add a space between 'acre' and 'Employment' was forecast. . .

The second sentence should be cited when explaining forecast by ADE. Being used by State of California Employment Development Department, Wood and Poole, and Caltrans.

**Response:** This typo has been corrected. The citation for the work referenced has been added.

**Chapter 2 page 2-5:**

Goals, objectives and policies align beautifully with CTP 2040.

**Comment:**

**Chapter 3 page 3-3:**

Top of page, 'timeline' is cut off.

Paragraphs under SCS Co-benefits are outlined beautifully, outlining ways to increase livability and how comprehensively designed and managed spaces can help achieve these objectives

**Response:** Thank you. This word “timeline” has been fixed.

**Comment:**

**Chapter 3 page 3-5:**

Providing detailed methods on how FCOG will address these GHG targets will be instrumental for urban areas throughout the state struggling to meet their GHG/VMT reduction targets.

**Response:** Sections 3.9 & 3.12 in Chapter 3 provide details on the land use and transportation strategies that Fresno region applies to achieve the GHG/VMT reduction targets.

**Comment:**

**Chapter 3 page 3-6:**

How was ADE selected? What criteria was used?

**Response:** Fresno COG went through a standard RFP process and selected ADE to perform the demographic forecast for us. A selection committee that consisted of representatives from COG and local governments scored the proposals and interviewed the consultant teams. Scoring criteria included comprehension of the project, thoroughness of the proposal, consultant qualification & experience, cost, etc.

**Comment:**

**Chapter 3 page 3-20:**

It is recommended to use a better layout for the pie graph so that it is easier to read.

**Response:** The font in the pie chart has been updated so that it is easier to read.

**Comment:**

**Chapter 3 page 3-24:**

Great call outs to local and regional partners doing innovative work. Provides best practices or 'what is in it for me' for local partners.

**Response:** Comment noted. Thank you. As the comments do not raise any adverse environmental issues, no further response is required pursuant to State CEQA Guidelines § 15088(a).

**Comment:**

**Chapter 3 page 3-25:**

Under Public Outreach, using the language like 'assist', 'inform', or 'obtain' promotes top-down planning approaches. Presenting does not entail innovative outreach. Please indicate in these paragraphs if the public had an active say on the development of the SCS?

**Response:** Thank you for your comment. The public was actively involved in the development of the SCS throughout the process. Staff reviewed the public outreach language in Chapter 3 and edited the language on pages 3-25 and 3-26 accordingly as shown in the final document. Additionally, complete details about Fresno COG's outreach are summarized in RTP Chapter 6: Public Participation, which illustrates the active role the public plays in the development of the SCS.

We thank you for your participation in the 2018 RTP/SCS development process and appreciate your on-going support. Please feel free to contact me or my staff Kristine Cai at 559-233-4148 should you have any further questions or comments regarding the 2018 RTP/SCS.

Sincerely,

A handwritten signature in blue ink that reads "Tony Boren". The signature is fluid and cursive, with the first name "Tony" and last name "Boren" clearly distinguishable.

Tony Boren

Executive Director



# CALIFORNIA High-Speed Rail Authority

Central Valley Regional Office

June 26, 2018

## BOARD MEMBERS

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GOVERNOR



Mr. Tony Boren  
Executive Director  
Fresno County of Governments  
2035 Tulare Street, Suite 201  
Fresno, CA 93721

Subject: 2018 Draft Regional Transportation Plan/Sustainable Communities Strategy for Fresno County

Dear Mr. Boren:

Thank you for the opportunity to comment on the 2018 Draft Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS).

I would like to compliment Fresno Council of Governments for including the following policies:

- 1) Continue to support coordinated transportation planning efforts between and among the eight Valley Metropolitan Planning Organizations located in the San Joaquin Valley nonattainment air basin.
- 2) Support the planning and construction of a High-Speed Rail System in the San Joaquin Valley, which directly connects the major population centers within the Valley.

The Draft RTP/SCS references the 2016 Authority Business Plan and the Cross Valley Corridor Plan. We request your consideration of the following updates into the Draft RTP/SCS:

- 1) The Authority released its 2018 Business Plan this May. Please reference this plan for Section 4.6 Rail, Recent Accomplishments, and Proposed Actions, Future Planning Activities, Long Range Improvement Plan, High-Speed Rail.
- 2) The Tulare County Association of Government completed its Cross Valley Corridor Plan this June. Please see their [www.tularecog.org](http://www.tularecog.org) for more information.

Thank you for considering these updates. The intent of these updates is to ensure consistency between Fresno Council of Government's 2018 RTP/SCS and the Authority's Business Plan and station area plans in the Central Valley. We look forward to working with you in the future.

Sincerely,

  
Diana Gomez  
Central Valley Regional Director  
(559) 445-5172  
[diana.gomez@hsr.ca.gov](mailto:diana.gomez@hsr.ca.gov)

page 2

cc: Kristine Cai, Planning Director, Fresno Council of Governments  
Meg Prince, Associate Regional Planner, Fresno Council of Governments  
Ted Smalley, Executive Director, Tulare County Association of Governments  
Caitlin Miller, Air Pollution Specialist, Air Resources Board  
Bonique Emerson, Principal Planner, City of Fresno  
Ken Zatarain, Access Planner, California High-Speed Rail Authority  
Ben Lichty, Supervising Transportation Planner, California High-Speed Rail Authority  
Stuart Mori, Senior Transportation Planner, California High-Speed Rail Authority

June 30, 2018

Dana Gomez  
Central Valley Regional Director  
California High-Speed Rail Authority  
1111 H Street  
Fresno, CA 93721

Re: Comments for the Draft 2018 RTP/SCS Documents

Dear Ms. Gomez,

Fresno COG has received and thanks Caltrans for the June 26<sup>th</sup> letter addressing the draft 2018 RTP/SCS. Respectfully, Fresno COG offers the following responses to the comments raised in the letter.

**Comment:**

Thank you for the opportunity to comment on the 2018 Draft Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS).

I would like to compliment Fresno Council of Governments for including the following policies:

1. Continue to support coordinated transportation planning efforts between and among the eight Valley Metropolitan Planning Organizations located in the San Joaquin Valley nonattainment air basin.
2. Support the planning and construction of a High-Speed Rail System in the San Joaquin Valley, which directly connects the major population centers within the Valley.

**Response:** Comment noted. Thank you for your support.

**Comment:**

The Draft RTP/SCS references the 2016 Authority Business Plan and the Cross Valley Corridor Plan. We request your consideration of the following updates into the Draft RTP/SCS:

1. The Authority released its 2018 Business Plan this May. Please reference this plan for Section 4.6 Rail, Recent Accomplishments, and Proposed Actions, Future Planning Activities, Long Range Improvement Plan, High-Speed Rail.
2. The Tulare County Association of Government completed its Cross Valley Corridor Plan this June. Please see their [www.tularecog.org](http://www.tularecog.org) for more information.

**Response:** Thank you for your comments relating to rail in the Fresno region. At the time the Draft 2018 RTP/SCS was released for public review and comment in April, the 2018 Business Plan had not



been adopted. Fresno COG will update the California High-Speed Rail Authority paragraph in Section 4.6 of the Action Element to include the 2018 Business Plan.

The Cross Valley Corridor Plan was also not completed at the time the Draft 2018 RTP/SCS was released. We have since updated section 4.6 of the Action Element to include a separate paragraph about the Cross Valley Corridor Plan.

We thank you for your participation in the 2018 RTP/SCS development process and appreciate your on-going support. Please feel free to contact me or my staff Kristine Cai at 559-233-4148 should you have any further questions or comments regarding the 2018 RTP/SCS.

Sincerely,

A handwritten signature in dark ink, reading "Tony Boren", is positioned above the printed name. The signature is fluid and cursive.

Tony Boren

Executive Director

## PUBLIC HEARING COMMENTS

Commenter		Comment	Response
May 15, 2018 Public Hearing at Selma City Hall 6:00pm			
1	Amanda Monaco, Leadership Counsel for Justice and Accountability	I will be submitting written comments regarding the Draft RTP and Draft PEIR. The SCS public participation process was robust, but we are disappointed that the public opinion wasn't taken into account into the final decision making as much as think it should have been.	Comment noted.

## **Appendix E Item 2: Public Notices**

MAY 14 2018

BY: \_\_\_\_\_  
FRESNO COG

# PROOF OF PUBLICATION

## COUNTY OF FRESNO STATE OF CALIFORNIA

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee. The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 28, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

April 01, 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated May 01, 2018

*Miracle L. Sherman*

### PUBLIC NOTICE

#3593091

#### NOTICE OF PUBLIC HEARING ON THE DRAFT 2019 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM, THE DRAFT 2018 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITY STRATEGY; CORRESPONDING DRAFT CONFORMITY ANALYSIS, AND NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT (SCH # 2017041008)

NOTICE IS HEREBY GIVEN that the Fresno Council of Governments (Fresno COG) will hold a public hearing on April 26, 2018 at 5:30 P.M. during the Fresno COG Policy Board Meeting at the Fresno COG office building at 2035 Tulare Street, Suite 201, Fresno, CA 93721 regarding the Draft 2019 Federal Transportation Improvement Program (2019 FTIP), the Draft 2018 Regional Transportation Plan/Sustainable Community Strategy (2018 RTP/SCS), the corresponding Draft Air Quality Conformity Analysis for the 2019 FTIP and 2018 RTP/SCS and the Draft Environmental Impact Report (EIR). The purpose of the public hearing is to receive public comments on these documents.

- The 2019 FTIP is a near-term listing of capital improvement and operational expenditures utilizing federal and state monies for transportation projects in Fresno County during the next four years.
- The 2018 RTP/SCS is a long-term coordinated transportation/land use strategy to meet Fresno County transportation needs out to the year 2042.
- The Draft EIR document provides an analysis of potential environmental impacts related to the implementation of the RTP/SCS as required by the California Environmental Quality Act.
- The corresponding Conformity Analysis contains the documentation to support a finding that the 2019 FTIP and 2018 RTP/SCS meet the air quality conformity requirements for ozone and particulate matter.

Individuals with disabilities may call Fresno COG (with 3-working-day advance notice) to request auxiliary aids necessary to participate in the public hearing. Translation services are also available (with 3-working-day advance notice) to participants speaking any language, by available professional translation services.

An additional public hearing will be held by Fresno COG staff, specifically Planning Director Kristine Cai, to receive public comments on the Draft 2018 Sustainable Communities Strategy (SCS) on May 15, 2018 at 6:00 P.M. at Selma City Hall, 1710 Tucker St, Selma, CA 93662.

A concurrent 55-day public review and comment period on the Draft EIR and related documents will commence on April 5, 2018 and conclude on June 1, 2018. The draft documents are available for review at the Fresno COG office, located at 2035 Tulare Street, Suite 201, Fresno, CA 93721 and on Fresno COG website at [www.fresnocog.org](http://www.fresnocog.org).

Based on the analysis presented in the Draft EIR, potentially significant and unavoidable direct and cumulative environmental impacts may occur to the following resources areas: Aesthetics, Agricultural & Forestry Resources, Air Quality, Biotic Resources, Climate Change/Greenhouse Gases, Cultural Resources & Tribal Cultural Resources, Energy & Energy Conservation, Geology/Soils/Minerals, Hazardous Materials, Hydrology & Water Resources, Land Use & Planning, Noise, Population, Housing & Employment, Public Utilities, Other Utilities, & Services, and Transportation/Traffic.

Public comments are welcomed at the hearing, or may be submitted in writing by 5:00 P.M. on June 1, 2018 to Kristine Cai at the address below.

After considering the comments, the documents will be considered for adoption, by resolution, by the Fresno COG at a regularly scheduled meeting to be held on July 26, 2018. The documents will then be submitted to state and federal agencies for consideration and potential approval.

Contact Person: Kristine Cai, Planning Director  
2035 Tulare Street, Suite 201, Fresno, CA 93721  
559-233-4148  
[kcai@fresnocog.org](mailto:kcai@fresnocog.org)

**AVISO DE AUDIENCIA PÚBLICA SOBRE EL PLAN PRELIMINAR 2019  
DEL PROGRAMA FEDERAL DE MEJORAMIENTO DEL  
TRANSPORTE,  
EL PLAN PRELIMINAR 2018 DEL PLAN DE TRANSPORTE  
REGIONAL/ ESTRATEGIA COMUNITARIA SOSTENIBLE,  
PLAN PRELIMINAR CORRESPONDIENTE DEL ANÁLISIS DE  
CONFORMIDAD,  
Y  
AVISO DE DISPONIBILIDAD DEL PLAN PRELIMINAR DEL  
INFORME DE IMPACTO AMBIENTAL  
(SCH # 2017041008)**

POR LA PRESENTE SE NOTIFICA que el Consejo de Gobiernos de Fresno (Fresno COG) llevará a cabo una audiencia pública el 26 de Abril de 2018 a las 5:30 P.M. durante la reunión de la Junta de Políticas de Fresno COG en el edificio de las oficinas de Fresno COG en 2035 Tulare Street, Suite 201, Fresno, CA 93721 sobre el Plan Preliminar 2019 del Programa Federal de Mejoramiento del Transporte (2019 FTIP), el Plan Preliminar 2018 del Plan de Transporte Regional/Estrategia Comunitaria Sostenible (2018 RTP/SCS), el Plan Preliminar correspondiente del Análisis de la Conformidad de la Calidad del Aire para el FTIP 2019 y el RTP/SCS 2018 y el Informe Preliminar de Impacto Ambiental, (EIR). El objetivo de la audiencia pública es de recibir comentarios públicos sobre estos documentos.

- El FTIP 2019 es una lista a corto plazo de mejoras capitales y gastos operacionales utilizando fondos federales y estatales para proyectos de transporte en el Condado de Fresno durante los próximos cuatro años.
- El 2018 RTP/SCS es una estrategia de transporte/uso de la tierra coordinada a largo plazo para satisfacer las necesidades de transporte del Condado de Fresno hasta el año 2042.
- El documento del Plan Preliminar EIR proporciona un análisis de los impactos ambientales potenciales relacionados con la implementación del RTP/SCS según lo exige la Ley de Calidad Ambiental de California.
- El Análisis de Conformidad correspondiente contiene la documentación para respaldar un fallo de que el FTIP 2019 y el RTP/SCS 2018 cumplen con los requisitos de conformidad de la calidad del aire para el ozono y materia de partículas.

Las personas con discapacidades pueden llamar a Fresno COG (con un preaviso de 3 días laborales) para solicitar las ayudas auxiliares necesarias para participar en la audiencia pública. Los servicios de traducción también están disponibles (con un preaviso de 3 días laborales) para los participantes que hablan cualquier idioma, por medio de servicios disponibles de traducción profesional.

Se realizará una audiencia pública adicional para recibir comentarios públicos sobre el Plan Preliminar 2018 de la Estrategia de Comunidades Sostenibles (SCS) el 15 de Mayo de 2018 a las 6:00 P.M. en el Ayuntamiento de Selma, 1710 Tucker St., Selma, CA 93662.

Un período concurrente de revisión y comentarios públicos de 55 días sobre el Plan Preliminar del EIR y los documentos relacionados comenzará el 5 de Abril, 2018 y concluirá el 1 de Junio, 2018. Los planes preliminares están disponibles para su revisión en la oficina de Fresno COG, ubicada en 2035 Tulare Street, Suite 201, Fresno, CA 93721 y en el sitio de internet de Fresno COG en [www.fresnocog.org](http://www.fresnocog.org).

Con base en el análisis presentado en el Plan Preliminar del EIR, impactos ambientales directos y acumulativos potencialmente significativos e inevitables pueden ocurrir en las siguientes áreas de recursos: Estética, Recursos Agrícolas y Forestales, Calidad del Aire, Recursos Bióticos, Cambios Climáticos/Gases de Efecto Invernadero, Recursos Culturales y Recursos Culturales Tribales, Energía y Conservación de Energía, Geología/Suelos/Minerales, Materiales Peligrosos, Hidrología y Recursos Hídricos, Uso de la Tierra y Planificación, Ruido, Población, Vivienda y Empleos, Servicios Públicos, Otros Servicios Públicos, y Transporte/Tráfico.

Los comentarios públicos son bienvenidos en la audiencia o pueden enviarse por escrito antes de las 5:00 P.M. el 1 de Junio, 2018 a Kristine Cai en la dirección que se encuentra abajo.

Después de considerar los comentarios, los documentos serán considerados para adopción, por resolución, por Fresno COG en una junta programada regularmente que se celebrará el 26 de Julio, 2018. Los documentos serán luego presentados a las agencias estatales y federales para su consideración y potencial aprobación.

Persona de Contacto: Kristine Cai, Planning Director  
2035 Tulare Street, Suite 201, Fresno, CA 93721  
559-233-4148  
[kcai@fresnocog.org](mailto:kcai@fresnocog.org)

FRESNO COUNCIL OF GOVERNMENTS  
2035 TULARE ST, STE 201  
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## PROOF OF PUBLICATION

### COUNTY OF FRESNO STATE OF CALIFORNIA

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee. The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 28, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

May 18, 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated May 22, 2018

Allen Kasparian

### Exhibit A

#### PUBLIC NOTICE

#3650370

#### NOTICE OF PUBLIC HEARING ON THE REVISIONS TO THE DRAFT CONFORMITY ANALYSIS FOR THE DRAFT 2019 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AND DRAFT 2018 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITY STRATEGY

NOTICE IS HEREBY GIVEN that the Fresno Council of Governments (Fresno COG) will hold a public hearing on May 31st, 2018 at 5:30 P.M. during the Fresno COG Policy Board Meeting at the Fresno COG office building at 2035 Tulare Street, Suite 201, Fresno, CA 93721 regarding the revisions to the Draft Air Quality Conformity Analysis for the 2019 FTIP and 2018 Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS). The purpose of the public hearing is to receive public comments on the following document:

- The Draft Conformity Analysis for the 2019 FTIP and 2018 RTP/SCS is being revised to incorporate 1997 ozone conformity due to uncertainty associated with ongoing litigation related to the EPA's 2015 Ozone Implementation Rule dealing with the revocation of the 1997 ozone standard and the relevant "anti-backsliding" requirements.
- The Draft Conformity Analysis contains the documentation to support a finding that the 2019 FTIP and 2018 RTP/SCS meet the air quality conformity requirements for ozone and particulate matter.

The Draft Conformity Analysis, hereby noticed, supersedes the version released for public review and comment on April 5, 2018.

Individuals with disabilities may call Fresno COG (with 3-working-day advance notice) to request auxiliary aids necessary to participate in the public hearing. Translation services are also available (with 3-working-day advanced notice) to participants speaking any language, by available professional translation services.

A 30-day public review and comment period on the Draft Conformity Analysis will commence on May 18, 2018 and conclude on June 18, 2018. The draft document is available for review at the Fresno COG office, located at 2035 Tulare Street, Suite 201, Fresno, CA 93721 and on Fresno COG website at [www.fresnocog.org](http://www.fresnocog.org).

Public comments are welcomed at the hearing, or may be submitted in writing by 5:00 P.M. on June 18, 2018 to Kristine Cai at the address below.

After considering the comments, the documents will be considered for adoption, by resolution, by the Fresno COG at a regularly scheduled meeting to be held on July 26, 2018. The documents will then be submitted to state and federal agencies for consideration and potential approval.

Contact Person: Kristine Cai, Planning Director  
2035 Tulare Street, Suite 201, Fresno, CA 93721  
559-233-4148  
[kcai@fresnocog.org](mailto:kcai@fresnocog.org)



**AVISO DE AUDIENCIA PÚBLICA SOBRE LAS REVISIONES AL  
PLAN PRELIMINAR DEL ANÁLISIS DE CONFORMIDAD PARA EL PLAN  
PRELIMINAR 2019 DEL PROGRAMA FEDERAL DE MEJORAS DEL  
TRANSPORTE Y EL PLAN PRELIMINAR 2018 DEL PLAN DE TRANSPORTE  
REGIONAL / ESTRATEGIA DE LA COMUNIDAD SOSTENIBLE**

POR LA PRESENTE SE NOTIFICA que el Consejo de Gobiernos de Fresno (Fresno COG) llevará a cabo una audiencia pública el 31 de Mayo de 2018 a las 5:30 P.M. durante la reunión de la Junta de Políticas de Fresno COG en el edificio de las oficinas de Fresno COG en 2035 Tulare Street, Suite 201, Fresno, CA 93721 sobre las revisiones al Plan Preliminar del Análisis de Conformidad de la Calidad del Aire para el FTIP 2019 y el Plan 2018 del Transporte Regional/Estrategia de la Comunidad Sostenible (RTP/SCS). El objetivo de la audiencia pública es de recibir comentarios públicos sobre el siguiente documento:

- El Plan Preliminar del Análisis de Conformidad para el FTIP 2019 y el RTP/SCS 2018 se está revisando para incorporar la conformidad del ozono de 1997 debido a la incertidumbre asociada con el litigio en curso relacionado con el acuerdo de la Regla de Implementación del Ozono de la EPA de 2015 con la revocación del estándar de ozono de 1997 y los requisitos pertinentes de "anti-reincidencia."
- El Plan Preliminar del Análisis de Conformidad correspondiente contiene la documentación para respaldar un fallo de que el FTIP 2019 y el RTP/SCS 2018 cumplen con los requisitos de conformidad de la calidad del aire para el ozono y materia de partículas.

El Plan Preliminar del Analisis de Conformidad, observado aquí, reemplaza la version publicada para revisión pública y comentarios el 5 de Abril de 2018.

Las personas con discapacidades pueden llamar a Fresno COG (con un preaviso de 3 días laborales) para solicitar las ayudas auxiliares necesarias para participar en la audiencia pública. Los servicios de traducción también están disponibles (con un preaviso de 3 días laborales) para los participantes que hablan cualquier idioma, por medio de servicios disponibles de traducción profesional.

Un período de revisión y comentarios públicos de 30 días sobre el Plan Preliminar del EIR y los documentos relacionados comenzará el 18 de Mayo, 2018 y concluirá el 18 de Junio, 2018. Los planes preliminares están disponibles para su revisión en la oficina de Fresno COG, ubicada en 2035 Tulare Street, Suite 201, Fresno, CA 93721 y en el sitio de internet de Fresno COG en [www.fresnocog.org](http://www.fresnocog.org).

Los comentarios públicos son bienvenidos en la audiencia o pueden enviarse por escrito antes de las 5:00 P.M. el 18 de Junio, 2018 a Kristine Cai en la dirección que se encuentra abajo.

Después de considerar los comentarios, los documentos serán considerados para adopción, por resolución, por Fresno COG en una junta programada regularmente que se celebrará el 26 de Julio, 2018. Los documentos serán luego presentados a las agencias estatales y federales para su consideración y potencial aprobación.

Persona de Contacto: Kristine Cai, Planning Director  
2035 Tulare Street, Suite 201, Fresno, CA 93721  
559-233-4148 [kcai@fresnocog.org](mailto:kcai@fresnocog.org)

## **Appendix E Item 3: Draft RTP Change Log**

## RTP CHANGE LOG

Location (Page # or Appendix Details)	Change Made
Cover	Removed “Draft” from cover page.
Table of Contents and List of Figures	Updated based on edits made below.
Page 1-2	Changed “comuter” to “computer.”
Page 1-3	A sentence has been added to explain that the computer modeling is discussed in more detail in Chapter 3 and Appendix I, per suggestion from Caltrans.
Page 1-3	Updated “Appendix C” to orange font.
Page 1-5	Updated font in Figure 1-4 so it is easier to read.
Page 1-8	Updated “Appendix I” to orange font.
Page 1-9	Added space between “acre” and “Employment.”
Page 1-9	Added citation for the referenced work.
Chapter 1	Capitalized Nation, State, and County, as appropriate, throughout the chapter.
Page 2-8	Added policy “Encourage jurisdictions to incorporate access management principles into transportation and land use planning” to Table 2-1E per suggestion from Caltrans.
Page 2-9	Added policy “Encourage companies that maintain large fleets of vehicles to convert to zero emission vehicles and consider installation of solar panels for charging the fleet vehicles” to Table 2-1G per suggestion from Caltrans.
Page 2-11	Added policy “Encourage jurisdictions to consider implementation of new traffic stripe specifications and markers designed to assist autonomous driving vehicles” to Table 2-2A per suggestion from Caltrans.
Page 2-11	Added policy “Encourage jurisdictions to utilize design and operation guides, such as the California Department of Transportation Highway Design Manual, the California Manual on Uniform Traffic Control Devices, the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide, and the Transportation Research Board (TRB) Access Management Manual” to Table 2-2D per suggestion from Caltrans.
Page 2-4 and 2-15	Added “engineering” to the Active Transportation Goal to read “Improved bicycle and pedestrian safety through education, engineering and enforcement” per suggestion from Caltrans.
Page 3-3	Adjusted the formatting of the Figure 3-1 title so that “timeline” is no longer cut off.
Page 3-10	Added a section titled Public Outreach Survey Results.
Page 3-11	Added legend to Figure 3-6 and definition of Transit Oriented Development.
Page 3-20	Updated Figure 3-22 to include current FTIP revenues and revenues. The font was also updated so that the chart is easier to read.
Page 3-20	Updated Figure 3-23 to include current FTIP revenues and comparison of 2011 RTP investment.
Page 3-20	In the paragraph describing Figure 3-23, the following sentences were updated: “Figure 3-23 shows the difference in projects programmed by mode between the <del>previous</del> <i>status quo</i> and current RTP/SCS.” “...which received over <del>5400%</del> greater investment in the 2018 RTP compared to <del>2014</del> <i>the status quo (2011 RTP)</i> .” “Additionally, the maintenance of Fresno County’s streets and roads continues to

## RTP CHANGE LOG

	be a priority for the region, <del>with investment in applicable modes over the scope of the plan more than doubling compared to the 2014 RTP with investments in maintenance and operations projects increasing by 35% compared to the status quo (2011 RTP).</del> "
Chapter 3	Staff reviewed the Public Outreach portion of the chapter, updating descriptions of public involvement to indicate the active say participants had on the development of the SCS. Pages 3-9, 3-25, and 3-26.
Page 4-3	Added "s" to "Sequoia National Forest."
Page 4-34	Updated table 4-1: Fresno Area Express (FAX) Performance History.
Page 4-64	Corrected typo in the first "the" under Overview to remove the extra "t."
Page 4-74	Updated the High-Speed Rail Authority paragraph to include the 2018 Business Plan since it was adopted after the release of the draft.
Page 4-76 to 4-78	Updated information on the Cross Valley Corridor Plan since the draft plan has been completed.
Page 4-81	Corrected typo in first sentence, "tdesignated" under TCMs Corrected typo in (vi) "frfinge."
Page 5-3	Corrected acronym from "HSPI" to "HSIP."
Page 5-3	Added sentence to second paragraph under the CMAQ program: "At least 25% of CMAQ funds must be used on projects that have PM2.5 emission reductions, and the rest of the CMAQ funding must be used on projects with other emission reductions (NOx, VOC, or CO)."
Page 5-6	Added a paragraph on the Nationally Significant Federal Lands and Tribal Projects (NSFLTP).
Page 5-6	Changed title from "Nationally Significant Federal Lands and Tribal Projects (NSFLTP)" to "Nationally Significant Freight and Highway Projects (NSFHP)."
Page 5-6	Under the NSFHP paragraph, add ", known as FASTLANE grants," after the word "grants."
Page 5-6	Removed image to make room for new text.
Pages 5-9 to 5-10	Added indentations to paragraphs on LPP, TCEP, and SCCP programs to show that they are a component of the Senate Bill 1 section.
Page 5-11	Updated Figure 5-2: Transportation Funding Flow Chart and moved it from the end of the chapter to before Section 5.3 Project Evaluation Criteria. Changed the figure numbers so that Figure 5-1 is now the Transportation Funding Flow Chart and 5-2 is the Scenario Funding Priorities.
Page 5-13	Updated Table 5-1 to include current FTIP revenues and current FTIP projects.
Page 5-13	Updated total project amount in paragraph from \$6,019,455,990 to \$6,945,236,300. Updated the number of bike and pedestrian projects in paragraph from 154 to 151, and capacity increasing projects from 33% to 34%.
Chapter 5	Updated "Appendix C" to orange font throughout chapter.
Page 6-12	Updated first paragraph to add a reference to RTP Chapter 3 and the preferred SCS scenario survey results/committee and board selection
Page 7-3	Updated the following sentence as follows: "...transportation investments included in the 2018 Regional Transportation Plan, and to <del>make sure</del> <u>ensure</u> that the environmental justice communities..."
Page 7-10	Updated the following paragraph as follows: "The EJ Subcommittee <u>expanded the EJ analysis to identify census tracts that were most vulnerable to becoming "EJ TAZs"</u> <del>then defined</del> . "Vulnerable Communities" (VC) are defined as low-income

## RTP CHANGE LOG

	TAZs that were not included in the EJ TAZs <u>and had</u> the highest concentration...”
Page 7-14	Added the following sentence under Accessibility and Mobility: “Desired destinations were defined as major job centers, medical facilities, parks and schools.”
Page 7-16	Removed “since” from the following sentence: “ <del>Since</del> Transit functions as a system where the main transit investments connects to the surrounding communities...”
Page 7-16	Removed “distributed by population” from the following sentence: It is worth noting that not all rural transit funds (such as LTF formula funds <del>distributed by population</del> ) are administered...”
Page 7-18	Updated first sentence under Section 7.10: “Fresno COG is committed to improving <del>its analyses</del> the EJ Analysis...”
Appendix C, Item 1	Constrained List was updated to add the FTIP projects at the end of the list.
Appendix C, Item 3	The Future Revenue Projection was updated to round the final tally to the nearest hundred. Two files were also added to this section, one for Current Revenue and for Total RTP Revenue.
Appendix C, Item 5	Project Scenario Tool was added as Item 5.
Appendix D	Added link to the Final Program Environmental Impact Report.
Appendix D	Added final Resolution for PEIR Certification.
Appendix E	Added comments received at public hearings.
Appendix E	Added comment letters received during public comment period and responses.
Appendix E	Added public notice for the Conformity document, since it was revised and recirculated.
Appendix E	Added Draft RTP Change Log.
Appendix E	Added final Resolution for RTP-SCS-FTIP-Conformity adoption.
Appendix H, Page 9	Title for Figure 2: Distribution of Minority is corrected to Concentration of Low Income.
Appendix H, Page 12	Clarified “The EJ Subcommittee expanded the EJ analysis to identify census tracts that were most vulnerable to becoming “EJ TAZs.” “Vulnerable Communities” (VC) are defined as <i>low-income</i> TAZs that were not included in the EJ TAZs, and had...”
Appendix H, Page 17	Correction under Air Quality bullet point: “Air contaminant exposure, which is measured by the number of households within the impacted area of 150 meters or approximately 500 feet from major highways (Class 1) or as other freeways and expressways (Class 2).”
Appendix H, Page 18	Under Accessibility and Mobility, clarification is added to include “Desired destinations were defined as major job centers, medical facilities, parks and schools.”

## **Appendix E Item 4: Resolution of Adoption**



BEFORE THE  
**FRESNO COUNCIL OF GOVERNMENTS**  
**RESOLUTION NO. 2018-26**

IN THE MATTER OF:  
2018 RTP/SCS, 2019 FTIP, and  
Corresponding Transportation  
Conformity Analysis

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RESOLUTION ADOPTING  
2018 RTP/SCS, 2019 FTIP,  
and Corresponding Transportation  
Conformity Analysis

**RESOLUTION**  
**Fresno Council of Governments**

**R-2018-26**

**RESOLUTION ADOPTING THE**  
**FRESNO COUNCIL OF GOVERNMENTS**  
**2019 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM, THE 2018 REGIONAL**  
**TRANSPORTATION PLAN/SUSTAINABLE COMMUNITY STRATEGY, AND THE CORRESPONDING**  
**CONFORMITY ANALYSIS**

WHEREAS, the Fresno Council of Governments is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long range Regional Transportation Plan (RTP) for their region; and

WHEREAS, Senate Bill (SB) 375 (Steinberg, 2008) requires that Metropolitan Planning Organizations prepare a Sustainable Communities Strategy (SCS) as part of the 2018 RTP that demonstrates how the region will reduce the greenhouse gas emissions (GHG) from automobiles and light trucks to achieve, if there is a feasible way to do so, the applicable greenhouse gas emission reduction targets approved by the California Air Resources Board (ARB), and

WHEREAS, pursuant to SB 375, the applicable ARB per capita GHG emission reduction targets for the San Joaquin Valley region are 5% below 2005 per capita emissions levels by 2020 and 10% below 2005 per capita emissions levels by 2035; and

WHEREAS, the state law requires that the RTP/SCS land-use development pattern is consistent with the Regional Housing Needs Assessment (RHNA); and

WHEREAS, the RTP addresses the issues specified in the Sustainable Communities Strategy (SCS) component as identified in Government Code Sections 65080(b)(2)(B) and 65584.04(i)(1) in that it (1) Identifies the general location of uses, residential densities, and building intensities within the region; (2) Identifies areas within the region sufficient to house all the population of the region, including all economic segments of the population over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth; (3) Identifies areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Government Code Section 65584; (4) Identifies a transportation network to service the transportation needs of the region; (5) Gathers and considers the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Government Code Section 65080.01; (6) Considers the state housing goals specified in Sections 65580 and 65581; (7) Sets forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other

transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the ARB; (8) Allows the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Section 7506); and (9) Provides consistency between the development pattern and allocation of housing units within the region (Government Code 65584.04(i)(1); and

WHEREAS, the 2018 RTP/SCS addresses no less than a 20-year planning horizon and sets forth both long-range and short-range policies, strategies and actions; and

WHEREAS, the 2018 RTP/SCS includes a regional growth forecast that was developed by working with local jurisdictions using the most recent land use plans and policies and planning assumptions; and

WHEREAS, the 2018 RTP/SCS includes a financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues and contains recommendations for allocation of funds; and

WHEREAS, Fresno Council of Governments prepared the RTP/SCS in consultation with the appropriate State and local representatives including representatives from environmental and economic communities, airport, transit, and freight; federal land management agencies; State and local agencies responsible for land use, natural resources, environmental protection, conservation and historic preservation; and federally recognized Native American Tribal Governments; and

WHEREAS, Fresno Council of Governments prepared an Environmental Justice Analysis for the 2018 RTP/SCS demonstrating Fresno COG's compliance as a MPO with federal requirements related to Title VI and Environmental Justice in the RTP development process; and

WHEREAS, the 2018 RTP/SCS has been prepared in accordance with state guidelines adopted by the California Transportation Commission and;

WHEREAS, a 2018 RTP/SCS has been prepared in full compliance with federal guidance; and

WHEREAS, federal planning regulations require that Metropolitan Planning Organizations prepare and adopt a short range Federal Transportation Improvement Program (FTIP) for their region; and

WHEREAS, projects submitted in the 2019 FTIP must be financially constrained and the financial plan affirms that funding is available; and

WHEREAS, the 2019 FTIP has been prepared to comply with Federal and State requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staffs, and public owner operators of mass transportation services acting through the Fresno Council of Governments forum and general public involvement; and

WHEREAS, the 2019 FTIP program listing is consistent with: 1) the 2018 RTP/SCS; 2) the 2018 State Transportation Improvement Program; and 3) the Corresponding Conformity Analysis; and

WHEREAS, the 2019 FTIP contains the MPO's certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

WHEREAS, the 2019 FTIP meets all applicable transportation planning requirements per 23 Code of Federal Regulations (CFR) Part 450; and

WHEREAS, Fresno Council of Governments has established performance targets that address the performance standards per 23 CFR Part 490 , 49 United States Code (U.S.C.) 5326(c), and 49 U.S.C. 5329(d) to use in tracking progress toward attainment of critical outcomes for the region of the MPO; and

WHEREAS, Fresno Council of Governments has integrated into its metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, 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; and

WHEREAS, in non-attainment and maintenance areas for transportation-related criteria pollutants, the MPO, as well as the Federal Highways Administration (FHWA) and Federal Transit Administration (FTA), must make a conformity determination on any updated or amended RTP in accordance with the federal Clean Air Act to ensure that federally supported highway and transit project activities conform to the purpose of the State Implementation Plan (SIP); and

WHEREAS, the MPO must demonstrate conformity per 40 CFR Part 93 for the 2018 RTP/SCS and 2019 FTIP; and

WHEREAS, Fresno Council of Governments has conducted interagency consultation through the San Joaquin Valley Interagency Consultation Group, which includes the 8 Valley MPOs, the Air District, the FHWA, FTA, EPA, CARB and Caltrans representatives; and

WHEREAS, the 2018 RTP/SCS and 2019 FTIP includes a new Conformity Analysis, which makes a positive transportation conformity determination; and

WHEREAS, the 2018 RTP/SCS and 2019 FTIP conforms to the applicable SIPs; and

WHEREAS, the 2018 RTP/SCS and 2019 FTIP do not interfere with the timely implementation of the Transportation Control Measures; and

WHEREAS, pursuant to Government Code §65080(b)(2)(F) and federal public participation requirements, including 23 C.F.R. §450.316(a)(1)(iv), Fresno Council of Governments must prepare the RTP/SCS by providing adequate public notice of public involvement activities and time for public review. On July 28, 2016, Fresno Council of Governments approved and adopted a Public Participation Plan, to serve as a guide for Fresno Council of Government's public involvement process, including the public involvement process to be used for the 2018 RTP/SCS, and included an enhanced outreach program that incorporates the public participation requirements of SB 375 and adds strategies to better serve the underrepresented segments of the region; and

WHEREAS, Fresno COG conducted a proactive public involvement process, consistent with Title 23, CFR §450.316(a) that provided complete information, timely public notice, full public access to key decisions and early and continuing involvement of the public in developing the RTP and associated plans. 16 community workshops were held in the summer of 2017 with 663 attendees and 555 online participants, who submitted 1,218 suggestions for transportation needs within communities across Fresno County. To further engage the public in the SCS scenario preference process, 20 informational booths were hosted in the fall of 2017 at community events throughout the county, and 11 presentations were made to community organization members and groups, involving them in the. Online interactive surveys in English and Spanish were also available to all community members. 1,339 completed scenario preference surveys from outreach events, online participation

and staff presentations were collected. In addition, a dedicated website was developed in English and Spanish for access to RTP/SCS information at [www.yourvision2042.com](http://www.yourvision2042.com); and

WHEREAS, pursuant to Government Code §65080(b)(2)(F)(iii), Fresno Council of Governments held a series of RTP/SCS public workshops throughout the region, including residents, elected officials, representatives of public agencies, community organizations, and environmental, housing and business stakeholders; and

WHEREAS, the FTIP was concurrently posted and released for public review and available for public comment as part of the RTP/SCS outreach process; and

WHEREAS, the Fresno Council of Governments developed and evaluated several possible RTP/SCS scenarios in response to community feedback, agency consultation, transportation and other needs, and other information, and proposed to adopt Scenario "D" as the preferred scenario; and

WHEREAS, the documents have been widely circulated and reviewed by the Fresno Council of Governments advisory committees representing the technical and management staffs of the member agencies; representatives of other governmental agencies, including State and Federal; representatives of special interest groups; representatives of the private business sector; and residents of Fresno County consistent with the public participation process adopted by the Fresno Council of Governments; and

WHEREAS, public hearings were conducted on April 26, 2018 to hear and consider comments on the 2018 RTP/SCS and the 2019 FTIP, on May 15, 2018 to hear and consider comments on the 2018 RTP/SCS, and on May 31, 2018 to hear and consider comments on the Corresponding Conformity Analysis for the 2018 RTP/SCS and the 2019 FTIP; and

WHEREAS, the Fresno Council of Governments also released the Draft 2018 RTP/SCS Programmatic Environmental Impact Report (PEIR) pursuant to the California Environmental Quality Act concurrently with the release of the Draft 2018 RTP/SCS, and issued a Notice of Availability for the same 55-day public review and comment period of April 5, 2018 to June 1, 2018; and

WHEREAS, the Fresno Council of Governments' PEIR fully evaluated the potential environmental impacts of RTP/SCS Scenario "D" and also presented an evaluation of potentially feasible; and

WHEREAS, during the public review and comment period, Fresno Council of Governments received one verbal and six written comment submissions on the Draft 2018 RTP/SCS and Draft 2018 RTP/SCS PEIR; and

WHEREAS, comment letters and Fresno Council of Governments staff responses on the Draft 2018 RTP/SCS and Draft 2018 RTP/SCS PEIR as well as the proposed Final 2018 RTP/SCS and proposed Final 2018 RTP/SCS PEIR were posted on the Fresno Council of Governments web page and circulated to commenting public agencies at least ten (10) days prior to the certification of the PEIR; and

WHEREAS, on July 13, 2018, Fresno Council of Government's Policy Advisory Committee and Transportation Technical Committee held a public, joint meeting to consider a recommendation to the Policy Board to approve and adopt the proposed Final 2018 RTP/SCS and certify the proposed Final 2018 RTP/SCS PEIR at the July 26, 2018 Policy Board meeting; and

WHEREAS, prior to the adoption of this resolution, the Policy Board certified the Final 2018 RTP/SCS PEIR prepared for the 2018 RTP/SCS to be in compliance with CEQA; and

WHEREAS, the Policy Board has had the opportunity to review the Final 2018 RTP/SCS and its related appendices as well as the staff report related to the Final 2018 RTP/SCS, and consideration of the Final 2018 RTP/SCS was made by the Policy Board as part of a public meeting held on July 26, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, that the foregoing recitals are true and correct and are incorporated herein by reference as an operative portion of this Resolution.

**BE IT FURTHER RESOLVED**, that the Fresno Council of Governments finds that the 2018 RTP/SCS and 2019 FTIP are in conformity with the requirements of the Federal Clean Air Act Amendments and applicable State Implementation Plans for air quality.

**BE IT FURTHER RESOLVED**, that the Fresno Council of Governments also finds that the 2018 RTP/SCS meets the SB 375 GHG reduction targets of 5% below 2005 per capita emissions levels by 2020 and 10% below 2005 per capita emissions levels by 2035.

**BE IT FURTHER RESOLVED**, that the Fresno Council of Governments adopts the 2018 RTP/SCS (specifically, Scenario D), the 2019 FTIP, and the corresponding Conformity Analysis.

**BE IT FURTHER RESOLVED**, that the documents and materials that constitute the record of proceedings on which this Resolution is based are located at Fresno COG, 2035 Tulare Street, Suite 201, Fresno, CA 93721. The Custodian of Record is Tony Boren, Executive Director.

**BE IT FURTHER RESOLVED**, that Fresno COG staff is directed to file a CEQA Notice of Determination with the California State Clearinghouse and with the Fresno County Clerk within five (5) working days of the adoption of this Resolution.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 26th day of July 2018.

AYES:

NOES:

ABSENT:

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Amarpreet Dhaliwal  
Chair

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments duly adopted at a regular meeting thereof held on the 26th day of July, 2018.

Signed: \_\_\_\_\_  
Tony Boren  
Executive Director