

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 29th, 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)(l) 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)(l) 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 for public review.

In addition, a dedicated website was developed in English and Spanish for access to RTP/SCS information at 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.

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. 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.

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