



## CEAC Transportation Policy Committee

CSAC 124th Annual Meeting

Wednesday, November 28, 2018 | 1:00 pm - 2:30 pm

Marriott Marquis San Diego Marina

333 West Harbor Drive, San Diego

Marina D Room



### AGENDA

Chair, David Fleisch, Ventura County  
Vice Chair, Scott DeLeon, Lake County  
Vice Chair, Panos Kokkas, Yolo County  
Vice Chair, Steve Kowalewski, Contra Costa County

- 1:00 pm I. **Welcome, Self- Introductions, and Opening Remarks**  
*Chair, David Fleisch, Ventura County*
- 1:10 pm II. **Transportation Funding Update**
- Proposition 6 Outcome
  - On-going project execution and reporting
  - Linking LSR and funding
  - Federal Surface Transportation Reauthorization
- Kiana Valentine, CSAC Senior Legislative Representative*  
*Chair, David Fleisch, Ventura County*  
Attachment One: CSAC's MAP 21 Reauthorization Principles  
Attachment Two: FAST Act Memo
- 1:20 pm III. **ACTION ITEM: Updates to Proposed 2019-2020 CEAC Policy and Legislative Priorities and Guidelines**  
*Chris Lee, CSAC Associate Legislative Representative*  
Attachment Three: Draft 2019-2020 CEAC Policy and Legislative Priorities  
Attachment Four: Draft 2019-2020 CEAC Legislative & Administrative Policy Guidelines
- 1:30 pm IV. **Caltrans/FHWA Update**  
*Mark Samuelson, Assistant Division Chief, Caltrans Local Assistance*  
*Paul Schneider, FHWA Chief Operating Officer*
- 1:45 pm V. **City and County Pavement Improvement Center Update**  
*Matt Tuggle, Solano County, CCPIC Vice-Chair*
- 1:55 pm VI. **Roundtable – Lessons/Concerns from Latest Disasters**  
*Chair, David Fleisch, Ventura County*
- 2:15 pm VII. **Committee Updates**
- Active Transportation Program-Technical Advisory Committee (ATP-TAC)
  - California Traffic Control Devices Committee (CTCDC)
  - California Uniform Construction Cost Accounting Commission (CUCCAC)
  - Highway Bridge Program Committee (HBP)
  - Highway Safety Improvement Program (HSIP)
  - Transportation Cooperative Committee (TCC)
  - Others
- 2:30 pm VIII. **Other Items & Adjournment**

## ATTACHMENTS

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Attachment One..... CSAC's MAP 21 Reauthorization Principles

Attachment Two..... FAST Act Memo

Attachment Three..... Draft 2019-2020 CEAC Policy and Legislative Priorities

Attachment Four..... Draft 2019-2020 CEAC Legislative & Administrative Policy Guidelines

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**Attachment One**  
CSAC's MAP 21 Reauthorization Principles



**California State Association of Counties**  
**CSAC PRIORITIES FOR MAP 21 REAUTHORIZATION**

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**Approved by the CSAC Board of Directors February 20, 2014**

**MAP 21 Reauthorization Priority: Increase Federal Revenues for Transportation Infrastructure**

Without immediate, bold action by Congress, the Highway Trust Fund will continue to face insolvency. Existing federal revenues continue to fall short of meeting the funding needs to bring our nation's surface transportation infrastructure into the next century. Our future economic prosperity, our commitment to progressive environmental stewardship, and our dedication to the health, safety, and welfare of the traveling public and all Americans demands a significant reinvestment into the transportation network. **CSAC urges Congress to enhance revenues for investment in our national transportation infrastructure.**

The California State Association of Counties (CSAC) – the unified voice of California's 58 counties – believes that until the funding issue is addressed, we will not make significant progress in improving our critical transportation infrastructure. California's counties and cities are facing an \$82 billion funding shortfall over the next ten-years for the maintenance and preservation of the local system, let alone other vital modal needs. On average, pavement conditions are "at risk" and without a surge of new revenue, 25-percent of California's local roads will be in failed condition by 2022. News article after news article discusses staggering figures about the condition of the nation's bridges – an estimated 8,000 bridges nationally are structurally deficient or fracture critical. In California, 950 bridges need replacement and over 1,800 are in need of rehabilitation.

The demands on our infrastructure are relentless – Californians log 300 million vehicle miles traveled annually, which is more than the current system was ever intended to accommodate. At the same time, our existing sources of revenue are declining due to necessary improvements in fuel economy and hybrid, electric, and alternative fuel vehicle technology. In order to address pressing environmental concerns, ranging from air quality and climate change to impacts on our water resources and energy demands, the nation must continue its work to advance technological improvements in fuel economy, alternative vehicles such as zero emissions vehicles, and reduce the amount people must drive to access work, school, home, services, and recreation. These challenges will only exacerbate our current funding dilemma.

CSAC's policy supports a variety of new revenues sources from increasing the federal gas tax to assessing a user fee that more accurately charges motorists for their use of the system than traditional revenues sources. Failing to address the severe funding issue within the next reauthorization effort will only negatively impact the condition of our system, our economy, our environment, and the overall quality of life for Americans. Increased revenue is our highest priority for MAP 21 reauthorization.

In addition to the preeminent priority of addressing the ongoing revenue shortfall, CSAC submits the following additional policy and programmatic priorities for consideration by Congress.

### **MAP 21 Reauthorization Priority: Restore the Highway Bridge Program**

- Provide dedicated revenue for on-system highway bridge projects, either by creating a set-aside similar to the off-system highway bridge set-aside or restoring the Highway Bridge Program as a core program. Increase dedicated funding for preventative maintenance on, and replacement of, bridges. This is a critical safety issue.

### **MAP 21 Reauthorization Priority: Focus on Safety**

- Increase funding for safety infrastructure projects on the existing transportation system.
- Programs/projects must be aimed at reducing the greatest number of fatalities regardless of ownership of the system.
- Ensure the rural road system, where fatality rates are the highest, retains dedicated funding.
- Promote and increase funding for bicycle and pedestrian safety projects and programs.

### **MAP 21 Reauthorization Priority: Fix-it-First**

- Provide increased funding for maintenance and preservation of the existing system. Reinvesting in the system now prevents exponentially higher costs down the road.

### **MAP 21 Reauthorization Priority: Improve Environmental Stewardship & Address Climate Change**

- Provide financial incentives to States that adopt and set greenhouse gas (GHG) emissions reduction targets and programs to accomplish those targets.
- Provide incentives in current programs and/or provide new funding sources for climate change neutral or friendly transportation projects and programs.
- Provide financial incentives for rural sustainability.
- Provide financial support for regional and countywide transportation planning processes that integrate transportation with local land use planning for the mutual benefit of GHG emissions reduction.
- Provide funding for retrofitting equipment and for alternate fuel infrastructure.

### **MAP 21 Reauthorization Priority: Streamlining Project Delivery & Environmental Review**

- Approve a state-federal environmental reciprocity pilot program.
- Support streamlining of federal regulations to facilitate more expeditious project delivery.
- Ensure that federal project oversight is commensurate to the amount of federal funding.

### **MAP 21 Reauthorization Priority: Increase Flexibility to Meet State, Regional, and Local Needs**

- Maximize the use and flexibility of federal funds by not requiring minimum federal matches.
- Eliminate the need to program multiple phases for small projects.
- Eliminate need for TIP programming for air quality neutral projects.

### **CSAC MAP 21 Reauthorization Priority: Assistance for Data Collection**

- Provide funding, training, tools, and uniform standards for the collection of roadway and traffic data specifically for the local and rural roadways.
- Provide assistance for data collection, and determining and quantifying GHG emissions, and other important data for addressing climate change through the analysis of various transportation plan alternatives in long-range transportation plans done in coordination with local land use plans.

For more information regarding these priorities and principles, please contact:

Joe Krahn, Waterman & Associates, (202) 898-1444

Kiana Buss, California State Association of Counties, (916) 327-7500 ext. 566

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**Attachment Two**  
FAST Act Memo



## MEMORANDUM

**TO:** Kiana Buss, Legislative Representative, CSAC  
Chris Lee, Legislative Analyst, CSAC

**FROM:** Joe Krahn and Hasan Sarsour  
Waterman & Associates, CSAC Washington Representatives

**CC:** Karen Keene, Deputy Director of Federal Affairs, CSAC

**DATE:** December 14, 2015

**SUBJECT:** Summary of the FAST Act

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On December 4, President Barack Obama signed into law a long-awaited surface transportation reauthorization bill. Approved by overwhelming margins in both the House and Senate, the new law will provide five years of highway and transit program funding to States and local governments. Passage of the legislation, entitled the *Fixing America's Surface Transportation (FAST) Act*, represents the first time in a decade that Congress has cleared a long-term highway measure.

Overall, the FAST Act authorizes roughly \$305 billion for highway, transit, safety, and rail-related programs. Of that total, \$225 billion in guaranteed contract authority is provided for the federal-aid highway program and \$61 billion is set aside for federal transit programs. Because revenue and interest coming into the Highway Trust Fund over the life of the Act is projected to amount to only \$208 billion, Congress approved a \$70 billion transfer from the U.S. Treasury's General Fund. The transfer, which will cover the remaining costs, will be offset with a variety of unrelated funding sources.

The FAST Act represents a major victory for California's counties, as it includes a number of CSAC's policy priorities. For starters, the Act creates an environmental "reciprocity" pilot program, which will allow up to five states to utilize State environmental laws and regulations in lieu of Federal laws for key infrastructure projects. Under the Act, an approved state will be permitted to exercise program authority on behalf of up to 25 local governments for locally administered projects.

It should be noted that CSAC championed the creation of the FAST Act's reciprocity program. While the initiative – which has been a long-standing policy objective for the association – was supported by several key members of the California congressional delegation, Representative Jeff Denham (R-CA) successfully marshaled the proposal through the reauthorization process.

The FAST Act also expands participation under the Surface Transportation Project Delivery Program (NEPA assignment/delegation program). Specifically, the Act will allow States to exercise program authority on behalf of local governments for locally administered projects or provide guidance and training on consolidating and minimizing the documentation and analyses necessary for local agencies to comply with NEPA and comparable requirements of State law.

Congress first authorized the NEPA delegation program as a pilot initiative in 2005. The program allowed Caltrans to assume Federal environmental review responsibilities under NEPA and has resulted in a simplified and expedited environmental process for transportation projects on State-owned facilities. The provisions of the FAST Act are designed to help California's local governments realize the same program benefits in the interest of expediting local projects.

With regard to funding for key local infrastructure, the FAST Act makes more federal-aid highway dollars available to counties through a revised Surface Transportation Block Grant Program (STBGP). The law also gradually increases the percentage of STBGP funds that are sub-allocated to local areas from 51 percent in fiscal year 2016 to 55 percent in fiscal year 2020 – previous law sub-allocated 50 percent of funds to local areas.

Additionally, the FAST Act opens up funding under the National Highway Performance Program (NHPP) for locally owned bridges that are *on* the federal-aid highway system, a key CSAC priority. While States would not be required to make such expenditures, the added flexibility is designed to encourage funding parity for local bridge projects. The law also maintains the local "off-system" bridge funding set-aside, which was a key component of the previous highway bill (MAP-21).

Finally, the FAST Act increases investment in public transportation by authorizing higher overall funding levels for urban and rural public transportation formula grant programs. The Act also includes funding for new competitive grant programs for buses and bus facilities, innovative transportation access and mobility, frontline workforce training, and public transportation research activities.

To follow is a chart with a brief summary of key provisions of the FAST Act.

	<b>Fixing America's Surface Transportation Act (FAST Act)</b>
<b>Authorization</b>	Authorizes \$305 billion over five years, an increase of \$20.2 billion compared to maintaining current spending levels.
<b>Program Structure</b>	<p>Continues the core program structure put in place by MAP-21. The FAST Act rebrands and expands the Surface Transportation Program (STP) - now called the "Surface Transportation Block Grant Program."</p> <p>The Act creates a new formula program for highway freight projects and establishes a new competitive grant program for Nationally Significant Freight and Highway Projects.</p>
<b>NHPP</b>	<p>Funding for the National Highway Performance Program (NHPP) will increase from \$22.3 billion in FY 2016 to \$24.3 billion in FY 2020 (currently \$21.9 billion).</p> <p>Of particular interest to California's counties, the Act expands the list of eligible NHPP expenses to include bridges that are <b>not</b> on the National Highway System (NHS).</p>
<b>CMAQ</b>	CMAQ funding will gradually increase from \$2.38 billion in FY 2016 to \$2.6 billion in FY 2020 (currently \$2.27 billion).
<b>STP</b>	<p>As indicated above, the FAST Act replaces STP with a slightly broader block grant program. Funding will increase from \$10.3 billion in FY 2016 to \$11.2 billion in FY 2020 (STP funding is currently at \$10.1 billion).</p> <p>The Act also gradually increases the percentage of funds that are sub-allocated to local governments, increasing from 50 percent in FY 2016 to 55 percent by FY 2020 (existing split is 50/50).</p>
<b>HSIP</b>	Funding for HSIP will increase from \$2.23 billion in FY 2016 to \$2.42 billion in FY 2020 (currently \$2.19 billion).

<p><b>Transportation Alternatives</b></p>	<p>Funding for the Transportation Alternatives (TA) Program will increase from \$835 million in FY 2016 to \$850 million in FY 2020 (currently \$820 million).</p> <p>The Act also rolls the TA Program into the Surface Transportation Block Grant Program. States will be required to invest the same amount each year in recreational trails as in 2009 (States also may opt out of the program entirely).</p>
<p><b>Freight</b></p>	<p>The FAST Act establishes a new <i>formula</i> program for highway freight projects. Authorization levels are set to increase from \$1.14 billion in FY 2016 to \$1.5 billion in FY 2020. States will first be required to establish a freight advisory committee and develop a state freight investment plan. Program funds will be directed under national and state strategic plans to projects that improve highway freight transportation. States will be able to obligate up to 10 percent of their freight program funds for improvements to freight rail or ports.</p> <p>The Act authorizes funding (increasing from \$800 million in FY 2016 to \$1 billion in FY 2020) for a new <i>competitive</i> grant program - the Nationally Significant Freight and Highway Projects Program - for projects that generate national/regional economic, mobility, or safety benefits. The program will help fund larger projects that improve movement of both freight and people, increase competitiveness, reduce bottlenecks, and improve intermodal connectivity. The law specifies that at least 25 percent of the funds must be spent in rural areas. All grant awards must be reported to Congress, which will have 60 days to reject a project by joint resolution.</p> <p>The Act modifies the National Highway Freight Network created by MAP-21 and requires that the Network be re-designated every five years to reflect changes in freight flows.</p>
<p><b>Bridges</b></p>	<p>Maintains the current set-aside for <b>local off-system</b> bridges. In addition, the Act makes State <b>and locally owned on-system bridges</b> - those bridges that are on the Federal Aid System but not on the NHS - <i>eligible</i> for NHPP funding.</p>
<p><b>TIFIA</b></p>	<p>The FAST Act cuts the annual investment for the Transportation Infrastructure Finance and Innovation (TIFIA) credit assistance program. While the program will grow from \$275 million in FY 2016 to \$300 million in FY 2020, it is significantly less than the \$1 billion authorized in FY 2015.</p> <p>The Act makes the program more accessible by opening it up to transit-oriented development projects, projects located in rural areas, and projects administered by local governments. It also would lower the project cost threshold.</p>

**Acceleration of  
Project  
Delivery**

**Historic Preservation Requirements**

The FAST Act simplifies historical preservation and mitigation requirements. Pursuant to the legislation, DOT may determine that no practical alternative exists when a project might impact a historical resource. When such a determination is made, there would no longer be a need for any further alternatives analysis.

**Treatment of Certain Bridges**

The Act streamlines the environmental review process for bridge repair by exempting common post-1945 concrete or steel bridges/culverts from individual review.

**Efficient Environmental Reviews for Project Decisionmaking**

Grants "substantial deference" to the decisions of the lead agency when considering the range of alternatives on a transportation project. A single NEPA document is to be used to satisfy all Federal environmental review and permit requirements.

DOT is required to develop an environmental checklist for transportation projects to improve interagency collaboration between the lead agency and participating agencies.

**Improving Transparency in Environmental Reviews**

Requires the secretary to establish an online platform and, in coordination with other federal agencies, issue reporting standards to make publicly available the status of reviews, approvals, and permits required for compliance with NEPA or other federal laws requiring an EIS or an Environmental Assessment (EA).

The new law also requires States that have assumed responsibility for making Categorical Exclusion (CE) determinations and/or participate in the Section 327 Surface Transportation Project Delivery Program to provide status information in accordance with the aforementioned standards.

**Integration of Planning and Environmental Review**

Allows information gathered during the transportation planning process to satisfy NEPA requirements. In addition, alternatives that are analyzed and rejected during the planning process will not need to be reanalyzed during NEPA review.

**Surface Transportation Project Delivery Program**

Expands participation under the Surface Transportation Project Delivery Program (NEPA assignment program). Specifically, the Act allows States to exercise program authority on behalf of local governments for locally administered projects or to provide guidance and training on consolidating and minimizing the documentation and analyses necessary for local agencies

to comply with NEPA and comparable requirements of State law.

**Program for Eliminating Duplication of Environmental Reviews**

The Secretary of Transportation is authorized to establish a pilot program whereby States would be permitted to conduct environmental reviews and make approvals for projects under State environmental laws and regulations instead of Federal laws and regulations. The Secretary must first determine that the State law is substantially equivalent to Federal law.

No more than 5 states will be able to participate in the pilot. The Act also allows a State to exercise authority on behalf of up to 25 local governments for locally administered projects.

Such an environmental "reciprocity" program has been a long-standing priority for CSAC.

**Application of CEs for Multimodal Projects**

Allows lead agencies on multi-modal projects to apply/qualify for CE status with the concurrence of the participating agency.

**Accelerated Decisionmaking in Environmental Reviews**

Allows a lead agency to modify a final EIS through the use of errata sheets if comments received on a draft EIS are minor and the lead agency's responses to those comments are limited to factual corrections or explanations of why the comments do not warrant further response. The Act also requires a lead agency, to the maximum extent practicable, to expeditiously develop a single document that consists of a final EIS and a record of decision, unless the final EIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns.

**Aligning Federal Environmental Reviews**

Directs DOT, in coordinating with other relevant federal agencies, to develop guidelines for conducting coordinated and concurrent environmental reviews.

**CEs for Projects of Limited Federal Assistance**

Expands CEs for projects involving limited federal assistance.

**Programmatic Agreement Template**

Requires the secretary of DOT to develop a programmatic agreement (PA) "template" for environmental and other required project reviews, including CEs. Once a PA is adopted for a transportation project, all participating agencies will be directed to adhere to the recommendations of the agreement. The Act also directs DOT to allow for classes of CEs to be implemented through a PA, and allows the use of PAs to process CEs as a group.

	<p style="text-align: center;"><b>Modernization of the Environmental Review Process</b></p> <p>Not later than 180 days after the date of enactment, the FAST Act requires the secretary of DOT to examine ways to modernize, simplify, and improve the implementation of NEPA.</p> <p>In reviewing ways to improve NEPA, the secretary is required to consider a number of factors, including: the use of technology in the process, such as searchable databases, geographic information system mapping tools, and integration of those tools with fiscal management systems to provide more detailed data; other innovative technologies; ways to prioritize use of programmatic environmental impact statements; methods to encourage cooperating agencies to present analyses in a concise format; and, any other improvements that can be made to modernize process implementation.</p> <p style="text-align: center;"><b>Assessment of Progress on Accelerating Project Delivery</b></p> <p>Requires the Comptroller General to evaluate the streamlining provisions included in this Act, MAP-21, and SAFETEA-LU. Among other things, the study will evaluate which provisions have had the greatest impact on streamlining the environmental review and permitting process, as well as the impact it has had on environmental protection. It also requires the Comptroller General to provide recommendations for additional streamlining opportunities.</p>
<b>Public Transportation</b>	<p>The FAST Act increases the investment in public transportation from \$11.8 billion in FY 2016 to \$12.6 billion by FY 2020 - a substantial boost from the current \$10.7 billion. Funding for transit capital investment grants will also see a sizeable increase, rising from the current authorization level of \$1.9 billion to \$2.3 billion.</p> <p>The Act also includes funding for new competitive grant programs for buses and bus facilities, innovative transportation access and mobility, frontline workforce training, and public transportation research activities.</p>
<b>Miscellaneous</b>	<p style="text-align: center;"><b>National Surface Transportation and Innovative Finance Bureau</b></p> <p>Establishes the National Surface Transportation and Innovative Finance Bureau within DOT. The Bureau will serve as a one-stop-shop for states and local governments to receive federal financing or funding/technical assistance.</p> <p style="text-align: center;"><b>Bundling of Bridge Projects</b></p> <p>Allows state and local governments to bundle multiple comparable bridge projects into a single project.</p> <p style="text-align: center;"><b>Transportation Funding Alternatives</b></p> <p>Directs the Secretary of Transportation to make grants to states to demonstrate alternative user-based revenue mechanisms that could maintain the long-term solvency of the Highway Trust Fund. The stated goal is to test at</p>

least two alternative user-based revenue mechanisms and to provide recommendations for adoption and implementation at the federal level.

**Border Infrastructure**

Creates a Coordinated Infrastructure (CBI) Reserve Fund that will give states more flexibility in how they use their federal transportation funds. Pursuant to the Act, states like California will be able to reserve up to five percent of their STP funds for qualified border infrastructure purposes, which includes upgrading/renovating border ports of entry.

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**Attachment Three**  
Draft 2019-20 CEAC Policy and Legislative Priorities



## STAFF PROPOSAL - DRAFT

### 2019-20 CEAC Policy and Legislative Priorities

The on-going Legislative and Administrative Policy Guidelines are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

#### STATE PRIORITIES

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##### Transportation

1. Transportation Funding. ~~With the defeat of Proposition 6 on the November 2018 General Election ballot, counties, cities, regional transportation planning agencies, and the state can look forward to the future and continue to invest the over \$5 billion annually that SB 1 provides into the statewide multimodal transportation system. CSAC staff will continue to monitor the allocation of all transportation revenues to counties and oppose any effort to use transportation revenues outside their intended purposes, such as to leverage affordable housing outcomes. Moreover, CSAC staff will proactively seek additional flexibility for counties and streamline project delivery and environmental review processes. Placeholder for priority related to transportation funding pending the outcome of Proposition 6 on the November 2018 ballot. CSAC Staff will update and CEAC will consider the issue at the 2018 CSAC Annual Meeting.~~
2. City and County Pavement Improvement Center. Participate in and support the work of the City and County Pavement Improvement Center (CCPIC). Work with CEAC's governing board members to ensure CCPIC does not duplicate efforts of other academic institutions and that the technical trainings, research, etc. are focused on the priorities identified by the CEAC and League of California Cities membership.
3. Develop CSAC Policy on Autonomous Vehicles and Emerging Technology. Technological advancements, including autonomous vehicles and associated infrastructure, are rapidly changing. Counties may already be responding to, and deploying, new technology. As technology continues to change, CSAC must be poised to respond and ensure, at minimum, any new mandates are funded. CSAC staff will work with the CEAC Transportation Policy Committee to develop and recommend to CSAC new policy.
4. Explore Road User Charge Policy Options. Work with CSAC to reexamine the association's position on mileage-based user charges as an eventual replacement for the gasoline excise tax. As improvements in the fuel efficiency of vehicles reduces gas tax revenue per mile travelled, alternatives to the gas tax are being seriously considered by transportation stakeholders. CEAC will study the policy implications of mileage based

user fees and work with CSAC to develop positions on this method of taxation, which will be the focus of extensive study and a state pilot project over the next several years.

### **Land Use**

1. Ensure Adequate Funding for Infrastructure Impacted by Development. AB 879 (Grayson, 2017) requires the Department of Housing and Community to study how to reduce fees imposed on new development pursuant to the Mitigation Fee Act and publish a report in 2019. Support proposals which promote housing development by adequately funding infrastructure, but oppose measures that arbitrarily limit fees or other exactions necessary to support county infrastructure, facilities, or services required by new development.
2. Fund Infill Infrastructure. Support funding sources for infrastructure related to infill projects that fall under applicable streamlining, including the Affordable Housing and Sustainable Communities grant program, as well as other proposals to fund infill infrastructure in tandem with affordable housing development, including proposals for a bond measure.

### **Resource Recovery and Waste Management**

1. AB 1826 and SB 1383 Implementation. Engage in CalRecycle and the Air Resources Board's process for implementing AB 1826 and SB 1383 which creates an organic management program in California. Continue to advocate for resources for local governments to develop the necessary infrastructure to implement organics diversion programs.
2. Conversion Technology. Support legislative efforts to advance the development, design and implementation of conversion technologies.
3. Funding for solid waste recovery infrastructure. Alternative to AB 939 fees.
4. Market Development Support legislative efforts to expand local markets for recyclable materials, and support effort to increase requirements for recyclable contents in products.

### **Flood Control & Water Resources**

1. Stormwater Funding Outreach and Engagement Effort. Increase public awareness and countywide support for stormwater programs by providing education and information on the needs, challenges, and benefits of stormwater and flood control programs throughout the state.
2. Stormwater Funding. Continue to support the development of a funding mechanism that would allow cities and county to finance compliance with Clean Water Act permit requirements, stormwater capture and flood protection services.
3. Water Bond Implementation Advocacy. Support the implementation of Proposition 3, if passed by the voters, an \$8.8 billion dollar bond that will be up for a vote in the

November 2018 election. Work to influence bond guidelines and help direct resources toward counties.

4. Resiliency. Support for resources to make flood control and county infrastructure resilient to climate change and natural disasters.

**Surveyor**

1. Surveyor Monument Preservation. Support legislation that would simplify the collection of the Monument Preservation Fund Fee.

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## FEDERAL PRIORITIES

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### Transportation

2. CEQA-NEPA Reciprocity. Work with transportation stakeholders to amend the FAST Act's program allowing states to meet federal National Environmental Policy Act (NEPA) requirements with state environmental review. Specifically, reduce the State of Limitations (SOL) to 150-days so it's commensurate with the SOL for other federal transportation programs and further delegation of authority to the local/regional level so that counties can participate directly in the program.
3. Federal Transportation Funding. Take advantage of opportunities to educate Congress and the Administration about the need for new federal funding for transportation in advance of the next reauthorization effort. Advocate for direct subventions to counties for transportation infrastructure in any federal infrastructure package outside of the traditional highway funding bill process.
4. Off Set Impacts from Federal Lands. Support continued federal funding to offset impacts to counties from federal lands, such as the Secure Rural Schools program.

### Flood Control

1. Clean Water Act. Support legislation that would amend Section 404 of the Clean Water Act to provide a narrow exemption for maintenance activities involving the removal of sediment, debris and vegetation from flood control channels and basins.

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**Attachment Four**  
Draft 2019-2020 CEAC Legislative & Administrative Policy Guidelines



## STAFF PROPOSAL - DRAFT

### 2019-2020 CEAC Legislative & Administrative Policy Guidelines

The on-going Legislative and Administrative Policy Guidelines are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

#### TRANSPORTATION

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1. Local Streets and Roads Needs Assessment. Continue support and resources for the California Statewide Local Streets and Roads Needs Assessment efforts. Continue to work with counties, cities, regional agencies, and Caltrans to secure funding for the needs assessment contract.
- 1-2. Continue to monitor state transportation funding the new HUTA, formerly Prop 42 revenues, to ensure the funding commitment pursuant to the base gas tax, gas-fuel tax swap, and SB 1 - the Road Repair and Accountability Act of 2017 is met. Work with the Legislature, Administration, Board of Equalization California Department of Tax and Fee Authority, State Controller's Office, the Department of Finance, and transportation stakeholders to explore ways to improve the administration of the transportation tax swap.
- 2-3. Continue to support the current formula for allocation of Proposition 42 replacement revenues (Highway User Tax Account, Section 2103) and in particular the local streets and roads monies.
- 3-4. Work with the California Transportation Commission (CTC) and the California Department of Transportation (Caltrans) to undertake a statewide study to estimate bridge needs both state and local.
- 4-5. Continue to work with the California congressional delegation to achieve a long-term reauthorization of the Secure Rural Schools Act (SRS) to off-set the impacts of removing the National Forest System lands from economic development.
- ~~5. Proactively work on state implementation of MAP 21 to ensure any state legislative changes are consistent with CSAC policy goals to the extent consistent with federal law.~~
6. Continue to support lowering the voting threshold below the current two-thirds requirement for the imposition of sales taxes for infrastructure. Furthermore, support efforts to allow unincorporated areas to pursue local sales tax measures solely for services in the unincorporated area of the county.
- ~~7. Establish a budget task force to develop recommendations to address transportation funding issues related to State Highway Account (SHA) reductions, borrowing and potential firewall protections and SHOPP spending levels.~~

~~8. Support legislation to amend Government Code Section 13340 to include both state and local portions of the Highway User Tax Account (HUTA) to ensure the Controller transfers gas taxes to transportation in year budget adoption is delayed.~~

~~9.7.~~ Monitor Caltrans's efforts to propose regulations or efforts that exceed their statutory authority regarding implementation of Transportation Development Act (TDA) law to prohibit those actions from infringing upon statutory authority of local agencies.

~~10.8.~~ Support restoration of the fuel tax to the State's Aeronautics Fund for General Aviation airports.

~~11. Continue the needs assessment effort to ensure adequate revisions occur to provide policy makers with current information on the condition of the local system. Continue to work with the League, regions, the California Business, Transportation, and Housing Agency, Caltrans and FHWA in order to document the condition of the entire transportation system and across all modes in order to identify the extent of the revenue shortfall for preservation of this system. The objective is to ensure that funds available for transportation purposes are equitably distributed between cities, counties and the state in order to provide a seamless transportation system.~~

~~12.9.~~ Monitor any potential changes by the California Transportation Commission (CTC) to change the STIP Guidelines in relation to flexibility to utilize STIP monies for local rehabilitation. Pursue statutory clarification of this eligibility if necessary.

~~13.10.~~ Support efforts to identify safety and other critical needs for the rural transportation system and support additional funding for such purposes.

~~14.11.~~ Strengthen policy and legislative development for statewide transportation issues with the transportation planning agencies, including the California Councils of Government (CALCOG) and Rural Counties Task Force to ensure local governments are united in their advocacy efforts.

~~15.12.~~ Support the distribution of any future statewide transportation dollars amongst counties based on 75 percent registered vehicles and 25 percent maintained miles.

~~16. Continue participation on the Caltrans committee of county, city, state, RTPA and bicycle representatives to develop criteria to evaluate applications for eligibility from the Bicycle Transportation Account (BTA) funds. Also support an alternative to the Bicycle Transportation Plan (BTP) requirements.~~

~~17.13.~~ ~~Support sponsor~~ legislation to amend the Vehicle Code Section 34501.2 to exempt drivers' hours of service for road maintenance agency personnel during emergencies from the 80 hours in any 8 consecutive days requirement.

~~18.14.~~ Support legislation that categorically exempts road safety projects from CEQA and state and federal permitting requirements (i.e. 404 permits, 1601 agreements).

~~19.15.~~ Support legislation at both the state and federal level on telecommunications and electrical restructuring policy to ensure that local governments; are adequately compensated for use of public rights-of-way, 2) control access of such rights-of-way, and 3) retain zoning authority over placement of satellite dishes, cellular towers and antennas.

~~20. Support additional funding for bicycle and pedestrian facilities, but need to ensure that~~

~~the revenues utilized do not compete with the current transportation funding sources.~~

~~21.16.~~ Continue to monitor Metropolitan Planning Organizations (MPOs) to ensure that their authority in the transportation area is restricted to planning and programming.

~~22.17.~~ Continue CEAC participation at various forums (i.e. RTPA & Caltrans monthly meetings, California Transportation Commission, etc.)

~~23.~~ Support implementation of MAP 21 provisions related to reciprocity between CEQA and NEPA in order to expedite transportation project delivery.

~~24.18.~~ Support legislation to require a County Franchise and encroachment permit control of all water and electric distribution facilities in order to restore lost revenues to counties and to regain control of right-of-ways.

~~25.19.~~ Monitor legislation that mandates a certain percentage of county fleets to be of a specific nature, including but not limited to: zero emissions vehicles, alternative fuel vehicles, and dual fuel vehicles.

~~26.20.~~ Support legislative efforts to allow pre-qualification of contractors on public works projects and seek amendments to that legislation to increase enforcement and oversight of the Contractor's State License Board, including more exhaustive background and criminal investigation during the initial licensing of contractors.

~~27.21.~~ Support legislative efforts to regain local authority in determining the financial viability of sureties involved in public works contracts.

~~28.22.~~ Conduct as needed meetings between AGC/CEAC/League/ACEC and other groups on issues of mutual interest.

~~29.23.~~ Continue to represent county interests on legislation relating to force account limits and mandatory participation within the California Uniform Construction Cost Accounting Act.

~~30.24.~~ Work with coalition partners to support legislation that will promote safety for students travelling via active modes by allowing local governments to expand school zones based upon engineering studies and providing disincentives, including points on driver's licenses, for violation of traffic laws within school safety zones.

~~34.25.~~ Support efforts to increase the minimum Surface Transportation Program (STP) funding guarantees for smaller, rural counties. The current minimum STP guarantees are a legacy of the Federal Aid Urban/Federal Aid Secondary route designations formerly used to apportion federal transportation funding. While the designations are no longer used, counties with systems that were previously designated Federal Aid Secondary have not seen their STP minimum allocation increased since 1993. CEAC will support policies to ensure that STP minimum funding amounts for counties are indexed to increases in the overall STP funding available to the state.

## **TRANSPORTATION & FLOOD CONTROL**

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1. Support legislation amending the Clean Water Act to include the definition of a transportation structure that was presented in the Guidance for the Uniform Application of the Regulations throughout the South Pacific Division (PGL 0-98-02 issued on May 29, 1998). Specifically section 5.a which exempts serviceable transportation structures, including roads, whether constructed on embankments or not, road embankments, culverted road crossings, and bridge piers, bridge columns, bridge piles, and pile caps.
2. Support legislation that requires all changes to Endangered Species Act to address the impact of the proposed legislation on service delivery and as necessary augment staffing levels to the level of no impact.
3. Facilitate better communication between State and Federal regulatory agencies in order to expedite the delivery of public works projects (i.e. direct City/County/State/Federal Cooperative Committee to pursue this objective).
4. Support legislation that exempts the maintenance of existing public works facilities/infrastructure from permit requirements under the Endangered Species Act.
5. Support reform of the Federal and State Endangered Species Acts based on adopted CSAC policy which supports the Act, being more responsive to local concerns (i.e. better science on which to base decision, a plan for recovery of the species, a definition of other impacts related to the protection of the species, and broader public review forums prior to the designation of an endangered species), and taking into account socioeconomic impacts of Endangered Species Act programs.
6. Monitor actions that require any state fee or charge to be directly related to cost of review (i.e. California State Water Resources Control Board, Regional Water Quality Control Board permits for roadway and bridge construction projects).

## **FLOOD CONTROL**

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- ~~1. Support funding of the State Flood Control Subvention Program.~~
- [1. Support funding of the State Flood Control Subvention Program. Support the development of bond program guidelines that help provide more resources to counties and public works programs.](#)
2. Support legislation that would provide local jurisdictions with more flexibility and options to fund storm water programs.
3. Continue to support legislation that would amend the California Constitution to exempt fees and charges for flood control, storm water, street lighting and urban runoff management from Proposition 218.
4. Support additional statutory changes to address outstanding SB 5 (Chapter 364, Statutes of 2007) implementation issues.
5. Support streamlining of FEMA's administrative processes under the public assistance program.
6. Support changes to the State Water Resources Control Board's proposed Wetland and Riparian Protection Policy that results in a reasonable requirement that will have the least impact on the development, operation, and maintenance of essential public works projects and facilities.

7. Oppose federal cost-cutting endeavors made at the expense of state and local governments.
8. Support an exemption for routine maintenance of flood control facilities from the Clean Water Act's Section 404 permit requirements.
9. Support an amendment to Section 1601 of the State Fish and Game Code that exempts from the Streambed Alteration Agreement process: routine maintenance and preventative repair of existing flood control facilities; reconstruction of damaged flood control facilities; and, any activity which would impact up to three acres of jurisdictional area.
10. Oppose any attempts to impose requirements of the Surface Mining and Reclamation Act (SMARA) on county flood control and water conservation district activities.
11. Monitor implementation of Federal NPDES Storm water Regulation Phase II.
12. Support legislation, which exempts the act of Section 401 Clean Water Act certification by the State Water Resources Control Board (SWRCB) from review under the California Environmental Quality Act (CEQA).
13. Encourage the development of a statewide baseline Phase I NPDES permit which would include a definition of maximum extent practicable (MEP), safe harbor provisions, and state funding of inspections of state permitted facilities.
14. Participate in discussions with the State Water Resources Control Board regarding water quality violations by small sewer treatment plants.
15. Support efforts to reduce liability for public agencies to perform "Good Samaritan" cleanup of abandoned mines and concentrated environmental hazardous waste on private property.
16. Support efforts to develop new, or expand existing, storage capacity for flood control, water supply and environmental use.
17. Support legislation that authorizes/requires the Department of Water Resources to enter into funding partnerships with local agencies to study the adequacy of complete local flood control systems.
18. Support legislation that promotes a comprehensive plan for increased flood protection statewide.
19. Support legislation that promotes coordination of DWR, FEMA, and ACOE flood protection and flood plain management regulations.
20. Oppose legislation that shifts state or federal flood control liability or obligations to local agencies.
21. Support increased funding for integrated regional water management implementation.
22. Continue to work with the Department of Water Resources during the implementation phases of the Statewide Flood Control Needs Assessment as encapsulated in DWR's

Flood Futures Report.

23. Support Delta solutions that are implemented in a manner that protects existing water rights, water quality, agriculture viability, Delta governance and flood management.
24. Support efforts to better coordinate agencies responsible for addressing illegal homeless encampment issues on public property.
25. Encourage regulatory agencies responsible for protection of habitat and wildlife to enforce protection regulations on private properties.
26. Support bill proposals to improve water quality by regulating and controlling source contaminants.
27. Support legislation that would amend Government Code Section 8690.6(b) to increase the amount on the unencumbered balance in the Disaster Response Emergency Operations Account.
28. Support legislation that would allow and encourage state and federal regulatory agencies to offer service agreements with large-volume public entity or utility applicants and permittees to fund additional personnel or contractors needed for expeditious permit processing.

## **LAND USE**

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1. Expand current SB 375 CEQA streamlining for specified infill projects to all infrastructure necessary to support that development.
2. Support funding sources for infrastructure related to infill projects that fall under the CEQA streamlining in SB 375.
3. [CEQA Streamlining – Infrastructure for Infill Housing. Support CEQA streamlining for infrastructure necessary to support infill development.](#)
- 2.4. Support guidelines for the Affordable Housing and Sustainable Communities grant program, and other programs funded with cap and trade auction proceeds, that ensure that counties are well-positioned to take advantage of these funding opportunities

## **SURVEYOR**

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1. Include funding for horizontal and vertical control surveying networks to support transportation infrastructure construction in future infrastructure funding legislation.
2. Support legislation that would allow use of no more than 25% of the Survey Monument Preservation Fund for examining of records of survey and corner records so that the cost of service is covered.
3. Participate in the California Geographic Information Association and the California Geographic Information Coordinating Council.
4. Support funding for Counties' Geographic Information Systems (e.g. authorize local

agencies to recover full costs of creating and maintaining automated records).

5. Support legislation which will allow use of a non-conditional lot line adjustment map to replace the lot line adjustment process.
6. Support legislation that would clarify section 66428 of the Government Code relative to a parcel map requirement for a public agency.

## **RESOURCE RECOVERY & WASTE MANAGEMENT**

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1. Support legislation that requires state, federal, and other public agencies to comply with diversion mandates set forth by AB 939. If for some reason these agencies are unable to comply, their waste shall be excluded from local jurisdiction's base and reporting years - "total waste generated". Therefore, local jurisdictions shall not be required to divert waste that is generated by state, federal facilities or other public agencies, such as school districts.
2. Oppose legislation that would allow low-level radiation disposal at Class III municipal landfills.
3. Support legislation to incorporate more recycled materials (especially waste tires) into Caltrans road construction/rehabilitation projects.
4. Support legislation and collaborate with other organizations that would increase manufacturer responsibility and product stewardship.
5. Support legislation that enables local agencies to enter into waste hauling contracts that provides for cost-effective implementation of AB 939.
6. Support policies and legislation that aims to promote improved markets for recyclable materials, and encourages: the use of recycled content in products sold in California; the creation of economic incentives for the use of recycled materials; and the expansion of the Beverage Container Recycling Grant Program.
7. Oppose legislation that increases or creates surcharges on local landfills to fund State programs having limited benefit to local jurisdiction's solid waste programs.
8. Support legislation that would promote development of conversion technologies, with full diversion credit, as an alternative to land filling, and provide state funding to local jurisdictions for such projects.
9. Support administrative and/or legislative changes that would, for the purpose of measuring compliance with requirements of the California Integrated Waste Management Act of 1989, focus on diversion programs rather than diversion or per capita disposal rates.
10. Support administrative and legislative changes to impose penalties on haulers and solid waste facilities for misrepresenting the origin of waste disposal data.
11. Support legislation that ensures local government's authority to direct the flow of waste.
12. Monitor all legislative, regulatory and administrative (i.e., rules, policies, guidelines, and procedures) proposals, including those from regulatory agencies relating to solid waste

management (i.e., double liner requirements).

13. Support administrative and legislative efforts to eliminate overlap and enhance coordination between the Department of Resources, Recycling and Recovery, air districts and other Cal EPA agencies and oppose contradictory goals and missions among state agencies.
14. Support administrative and legislative changes that would enhance coordination of programs and regulations between the Department of Resources, Recycling and Recovery and the State Water Resources and Regional Water Quality Control Boards regarding collection of trash/debris before it enters the waters of the state and its affects on waste diversion activities.
15. Support legislation that protects local solid waste franchising and fee-setting authority and oppose legislation that imposes unfunded mandates on local governments, places local governments in a position of monitoring and/or enforcing compliance with state regulations that should be the responsibility of the state agency that promulgates the regulations, or subjects local agencies to civil penalties for actions or decisions made by private companies.
- ~~15-16.~~ Support legislation requiring manufacturer responsibility and/or point-of-sale surcharges for universal, special and hazardous wastes.
- ~~16-17.~~ Support legislation that encourages and provides economic incentives for the conversion of landfill gas as a renewable energy resource and its role in meeting California's Renewable Portfolio Standard.
- ~~17-18.~~ Support reliable funding, meaningful market development, solid waste siting reform and additional tools, including conversion technology, as necessary components to any new solid waste diversion requirement.

## **TRANSPORTATION, RESOURCE RECOVERY AND WASTE MANAGEMENT & FLOOD CONTROL**

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1. Monitor and respond to legislative and regulatory activities of the State Water Resources Control Board (SWRCB).
2. Support legislation that places on regulatory agencies provisions similar in nature to those in Fish and Game Code Section 1600 regarding application processing deadlines for publicly-owned infrastructure projects.
3. Support legislation that would reduce State staffing redundancies and streamline State permit processes by directing State regulatory agencies to defer fish and wildlife and habitat mitigation requirements to the State Department of Fish and Wildlife.

## **DESIGN IMMUNITY**

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1. Consistent with CSAC policy related to tort reform – that government should not be more liable than private parties and in some cases there is reason for government to be less liable than private parties:
  - a. Support proposals to mitigate the effects of joint and several liability upon public entities by limiting liability to any party to be responsible for their own proportion

- of damages.
- b. Support proposals to strengthen the statutory immunities associated with the operation of public infrastructure such as immunities under Government Code Section 830 et seq.
  - c. Support proposals that limit post judgment interest and/or that provide public entities with the flexibility in paying judgments over time.
  - d. Support proposals to mitigate the effects of liability upon public entities by applying the Doctrine of Comparative Fault to inverse condemnation actions.

## **MISCELLANEOUS**

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1. Sponsor resolution that encourages the California State University System to provide additional educational opportunities for potential engineering and technical students.

## **OVERSIGHT & SPECIAL TASKS COMMITTEE**

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1. Continue development of CEAC/CSAC relationship and CEAC committee structure and legislative involvement.

## **ADMINISTRATIVE RESPONSIBILITIES**

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~~1. Develop an educational and informative presentation regarding the role of public works in county government for presentation at the CSAC New Supervisors Institute and seek representative from CEAC to present information.~~

1. Coordinate, design, format and assist in the preparation of the CEAC Annual Report.
2. Coordinate, develop and format CEAC Policy and Legislative Priorities on an annual basis.
3. Coordinate, develop and format CEAC Legislative and Administrative Policy Guidelines on an annual basis.
4. Attend, prepare agendas, secure speakers and provide presentations at CEAC policy committee meetings (at a minimum of three meetings a year per committee)
  - a. Transportation
  - b. Land Use
  - c. Flood Control and Water Resources
  - d. Resource Recovery and Waste Management
  - ~~e. Surveyor~~
  - f.e. [Oversight and Special Tasks](#)
5. Attend and provide presentations, as available, at CEAC regional meetings (they meet at a minimum of two to three times a year each)
  - a. Northern California Region
  - b. Bay Area Region
  - c. Central Coast Region
  - d. Sacramento Mother-Lode Region
  - e. San Joaquin Valley Region
  - f. Southern California Region
6. Attend and provide presentations at CEAC Board of Director meetings (at a minimum of three times a year).

7. Assist in preparation and organization of the CEAC spring and fall conferences, as well as the CEAC policy conference. Coordination includes development and organization of the CEAC guest program, annual NACE president's dinner, recruiting and coordinating conference speakers and sponsors, reserving adequate meeting rooms, catering, audio-visual, transportation, registration, etc.
8. Coordinate & monitor the CEAC Hospitality Suite: appropriate room, site visits, cleanup, etc.
9. Reconcile the financial accounting for the spring & annual conferences between CEAC, the League and CSAC working as the liaison between the CSAC director of finance and CEAC treasurer.
10. Update and maintain accurate CEAC databases.
11. Coordinate and publish CEAC documentation:
  - a. designing announcements
  - b. programs
  - c. agendas
  - d. postcards
  - e. invitations
  - f. notices
  - g. flyers
12. Prepare and publish CEAC Roster annually.
13. Prepare and publish CEAC Stationary.
14. Publish CEAC Newsletter four times a year.
15. Prepare and ~~notice publish monthly~~ legislative reports for the five CEAC policy committees as needed.
16. Update and maintain CEAC website.
17. Track and prepare financial analysis for CEAC budget.
18. Coordinate, review and share administration of the CEAC/League of California Cities contract for the spring meeting, and various RFP's for CEAC consultants.
- ~~18-19.~~ Participate in and support CSAC in legislative, budget, and administrative efforts and other special projects as needed, i.e. local streets and roads needs assessment, local streets and roads awards program, CCIPC, etc.