

LS&R / MTC / Caltrans
American Recovery and Recovery and Reinvestment Act of 2009
Project Deliver Meeting Notes
01/22/09

Introductions:

Fernando Cisneros (Chair of Local Streets and Roads Working Group) requested introductions.

1. Economic Stimulus Proposal Update:

Ross McKeown (MTC) reported that the Economic Stimulus proposal referred to as the American Recovery and Reinvestment Act of 2009 requires award of contracts within 90 days of Enactment. He noted that as of this morning, an amendment to the Bill had been introduced that would change the deadline to 150 days. However, for our discussions we kept the 90 days to award deadline. Given the delivery deadline, MTC is asking that the Congestion Management Agencies (CMAs) provide an initial prioritized or tiered list of federally-eligible local streets and roads rehabilitation projects for submittal to MTC by January 28, 2009. A Partnership Board Meeting is scheduled for February 6 to discuss the stimulus package and policies. Final project lists will be due to MTC by February 9, 2009. MTC staff anticipates presenting the Bay Area project list at the February 11th Programming and Allocation Committee meeting and seeking final action at the February 25th Commission meeting. MTC will submit an expedited TIP amendment for a lump sum for STP projects, which will allow more flexibility to change cost and scope of individual projects. An E-76 will be processed for each jurisdiction. All federal process requirements must be met for projects submitted. Only Air Quality Conformity Exempt projects can be included in the lump sum. MTC is highly encouraging one project per jurisdiction.

2. Project Delivery Timelines / Process Discussions

Sylvia Fung (Caltrans) highlighted the importance of having projects that are \$500,000 or larger in an effort to minimize the work load anticipated by Caltrans staff. She stressed that under the current Bill there is no regulatory relief and projects should have NEPA clearance or verifiable NEPA clearance with 30 days. Examples of projects that should be avoided include rural roads with shoulder backing; projects with known hazardous material areas; projects with known endangered species (i.e. S.F. garter snake, red legged frog); projects with known or expected Aerially Deposited Lead (ADL); and projects with known archeological or historical sites. She also added that projects should not require any permits, any technical studies other than technical memoranda, or require a full 4 (f) evaluation (programmatic 4 (f) is excluded). The need for Technical Studies could add weeks to the timeline. Projects must receive NEPA clearance within 30 days of Bill Enactment. Only pavement rehabilitation projects will be subject to 30 day NEPA review. Safety; Bike/Ped/Bridge/Other projects must already have NEPA compliance (clearance) to be considered.

To assist in streamlining the process and to assist in prioritizing projects, MTC is requesting that project sponsors through their CMAs submit completed Field Review Forms and completed Preliminary Environmental Study (PES) Forms. Caltrans added that agency staff preparer and agency project engineer need to sign PES forms. For projects that have environmental clearance or are in the process of obtaining environmental clearance copies of NEPA clearance and signed PES forms need to be

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submitted. Once a project meets these criteria, MTC will contact Caltrans and support a field review in advance of the programming in the TIP. Caltrans will schedule field review and PES review meetings at their offices based on the project priorities from the CMAs. The sponsoring agency will be required to provide a clear and good project description along with video or photographic documentation of the limits and scope of work (power point presentations are also very helpful). Boris Deunert (Caltrans) indicated that projects may receive notice of environmental clearance as early as the following day, but no later than 30 days after submittal, provided that all pertinent information has been provided and no further review or consultation with functional units is needed. If there are any environmental issues, Caltrans suggested that the project avoid those specific locations to ensure project can move forward expeditiously. He also noted that the forms have been updated fairly recently and stressed that the jurisdictions submitting projects use the forms available on the DLAE website and not outdated forms, as this will slow the review process.

Caltrans staff emphasized that the Request for Authorization to Proceed will require local jurisdiction ensure complete PS&E package, including environmental clearances, right of way certification, etc. They added that jurisdictions should log onto to Caltrans website (<http://www.dot.ca.gov/hq/LocalPrograms/forms.htm>) to ensure that they have the latest forms, templates and latest requirements. Caltrans envisions parallel PS&E review and E-76 processing. If a Request for Authorization to Proceed package is complete, it is guesstimated that an E-76 may be processed by CT HQ and FHWA in 2 to 3 weeks.

Funds from the Act will be used for construction phase only. PE funds are not available.

3. Other Questions / Concerns

Caltrans was asked about the status of reinstating a race conscious DBE program. Sylvia Fung stated that they did not have updated information and/or timeline on this matter. Local jurisdictions noted that implementing changes could impact their ability to meet the stimulus package deadlines.

Local Jurisdictions asked if a project could be advertised prior to securing the E-76. Sylvia Fung indicated that this type of question needs to be sent to FHWA for response. She added that this type of question is being collected by Caltrans (Nancy.Phillips@DOT.CA.GOV) and will be forwarded to FHWA for response. It was suggested that MTC's LS&R Working Group coordinate this effort.