BICYCLE/PEDESTRIAN ADVISORY COMMITTEE MEETING  
STANCOG BOARD ROOM  
1111 I STREET, SUITE 308  
MODESTO, CA  
WEDNESDAY, AUGUST 7, 2019  
10:00 AM

Committee Agendas and Minutes: Committee agendas, minutes and copies of items to be considered by the StanCOG Committees are available at least 72 hours prior to the meeting at the StanCOG offices located at 1111 “I” Street, Suite 308, Modesto, CA during normal business hours. The documents are also available on StanCOG’s website at [www.stancog.org](http://www.stancog.org).

Materials related to an item on this Agenda submitted to the Committee after distribution of the agenda packet are available for public inspection at the address listed above during normal business hours. These documents are also available on StanCOG’s website, subject to staff’s ability to post the documents before the meeting.

Public Comment Period: Matters under the jurisdiction of the Committee, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Committee for consideration. However, California law prohibits the Committee from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Committee. Any member of the public wishing to address the Committee during the “Public Comment” period will be limited to 5 minutes unless the Chair of the Committee grants a longer period of time. At a Special Meeting, members of the public may address the Committee on any item on the Agenda at the time the item is considered by the Committee.

Public Participation on a Matter on the Agenda: Please step to the podium at the time the agenda item is announced by the Chairperson. In order to ensure that interested parties have an opportunity to speak, any person addressing the Committee will be limited to a maximum of 5 minutes unless the Chair of the Committee grants a longer period of time.

Reasonable Accommodations: This Agenda shall be made available upon request in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Cindy Malekos at (209) 525-4600 during regular business hours at least 72 hours prior to the time of the meeting to enable StanCOG to make reasonable arrangements to ensure accessibility to this meeting.

Notice Regarding Non-English Speakers: StanCOG Committee meetings are conducted in English. Anyone wishing to address the Committee is advised to have an interpreter or to contact Cindy Malekos at (209) 525-4600 during regular business hours at least 72 hours prior to the time of the meeting so that StanCOG can provide an interpreter.

Aviso con Respecto a Personas que no Hablan el Idioma de Inglés: Las reuniones del los Comités del Consejo de Gobiernos de Stanislaus son conducidas en Inglés. Cualquier persona que desea dirigirse al Comité se le aconseja que traiga su propio intérprete o llame a Cindy Malekos al (209) 525-4600 durante horas de oficina regulares o a lo menos 72 horas antes de la reunión, para proporcionarle con un intérprete.

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS
   These matters may be presented only by interested persons in the audience. Discussion is limited to five minutes or at the discretion of the Chair.
4. CONSENT CALENDAR
   A. Motion to Approve Bicycle/Pedestrian Advisory Committee Minutes of 6/5/19

5. PRESENTATION
   A. Bike to Work Month 2019 Update

6. DISCUSSION/ACTION ITEMS
   A. StanCOG Non-Motorized Transportation Plan (Verbal Report)
   B. FY 2017/18 Measure L Oversight Committee Annual Report and Measure L Independent Audit
   C. Safer Affordable Fuel-Efficient Vehicle Rule Update

7. MANAGEMENT REPORT

8. MEMBER REPORTS

9. ADJOURNMENT

Next Regularly Scheduled BPAC Meeting:
October 2, 2019 (Wednesday) @ 10:00 am
StanCOG Board Room
1111 I Street, Suite 308
Modesto, CA  95354
BICYCLE/PEDESTRIAN ADVISORY COMMITTEE
StanCOG Board Room
1111 I Street, Suite 308
Modesto, CA

Minutes of June 5, 2019 (Wednesday)
10:00 am

MEMBERS PRESENT: Kari Casey, RJ Corwin, Kyle Fliflet, John Gerling

ALSO PRESENT: Carla Alviso, Chris Jasper, Josephine Oshana, Debbie Trujillo (StanCOG); Charles Vasquez (Stanislaus County Public Works); Larry White (Member of the Public)

1. CALL TO ORDER
Chair Kari Casey called the meeting to order at 10:03 a.m.

2. ROLL CALL

3. PUBLIC COMMENTS - None

4. CONSENT CALENDAR

A. Motion to Approve Bicycle/Pedestrian Advisory Committee Minutes of 4/3/19

*By Motion (Member John Gerling/Member RJ Corwin) and a unanimous vote, the Bicycle/Pedestrian Advisory Committee approved the Consent Calendar.

5. DISCUSSION/ACTION ITEMS

A. Bike to Work Month 2019 Update
Chris Jasper provided a presentation outlining the Bike to Work month events that took place in cities throughout Stanislaus County. He also stated that the City of Riverbank did a National Bike Month Proclamation. A discussion followed and members’ offered suggestions and had their questions answered.

B. Motion to Recommend Policy Board Approve by Resolution Amendment 5 to the 2019 Federal Transportation Improvement Program (FTIP) – Type 2 and 3 Formal Amendment
Debbie Trujillo provided background on Amendment 5 to the 2019 FTIP. She reviewed the project list and pointed out that the Stanislaus region received a combined total of over $8.1 million of new Active Transportation Program (ATP) funds through Cycle 4. She stated that
there was a 14-day public review and comment period that ended on June 4th at 3:00 p.m. and that the final document would go to the Policy Board for approval at their June 19th meeting. A discussion followed and members’ questions were answered.

*By Motion (Member John Gerling/Member RJ Corwin,) and a unanimous vote, the Bicycle/Pedestrian Advisory Committee recommended the Policy Board approve by Resolution Amendment 5 to the 2019 Federal Transportation Improvement Program (FTIP) – Type 2 and 3 Formal Amendment.

C. Bicycle Safety Memorial Signs
Member RJ Corwin reported that Doug Higgs, a 70-year-old bicyclist, was hit and killed by a suspected DUI driver in Riverbank. He stated that members of the public wanted to do something to bring attention to the tragic accident by way of a memorial sign that also had a safety message on it that reads, “Give 3 Feet It’s the Law.” He also stated the cost would be paid by those members of the public. There was a discussion regarding local agencies’ ability to implement a memorial sign program.

D. Motion to Nominate FY 2019/20 Bicycle Pedestrian Advisory Committee Chair and Vice-Chair
Carla Alvisio stated that per the Bicycle Pedestrian Advisory (BPAC) bylaws, it was time to elect a Chair and Vice-Chair for FY 2019/20, which would be for a one-year term from July 1, 2019 to June 30, 2020. She also stated that Vice-Chair RJ Corwin’s term on the BPAC was up on June 30th.

* By Motion (Member RJ Corwin/Member Kyle Fliflet) and a unanimous vote, the Bicycle/Pedestrian Advisory Committee re-elected Kari Casey as Chair and elected John Gerling as Vice-Chair for FY 2019/20.

6. MANAGEMENT REPORT - None

7. MEMBER REPORTS
Member RJ Corwin reported on a Modesto Bee article regarding Del Puerto Canyon putting in a dam, and the concerns of the bicycling community because the road as it was would be under water.

8. ADJOURMENT
Chair Kari Casey adjourned the meeting at 10:38 a.m.

Next Regularly Scheduled BPAC Meeting:
August 7, 2019 (Wednesday) @ 10:00 am
StanCOG Board Room
1111 I Street, Suite 308
Modesto, CA 95354

Minutes Prepared By:

Carla Alvisio, Administrative Assistant
DISCUSSION & ACTION ITEMS
STANCOG NON-MOTORIZED TRANSPORTATION PLAN

A VERBAL REPORT ON THIS ITEM WILL BE MADE AT THE BPAC MEETING.
Recommendation

Consider information provided.

Background

Measure L provides for the implementation of the Expenditure Plan, as approved and adopted by the Local Transportation Authority, which provides funding for countywide local street and road improvements, arterial street widening, signalization, pedestrian, bicyclist, and driver safety improvements. These needed improvements are funded by Measure L, the half cent retail transactions and use tax established for a twenty-five-year period, April 1, 2017-March 31, 2042. The revenues are deposited in a special fund, used solely for the transportation projects, improvements, and programs described in the Expenditure Plan which is considered a part of the Ordinance passed by voters in November 2016, and incorporated into the Measure L Policies and Procedures.

The State Board of Equalization began collecting the Measure L sales tax on April 1, 2017 and the initial distribution of funds was received by StanCOG in June 2017.

In accordance with the Ordinance, a Measure L Oversight Committee has been established to review the independent fiscal audit of the expenditure of the tax funds and issue an annual report, on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance, to the Board of the Authority. The Measure L Oversight Committee is responsible for oversight of the proper use of sales tax funds and implementation of the programs and projects set forth in the Expenditure Plan and making recommendations to the Board of the Authority.

As required by the Ordinance, an Annual Independent Financial Measure L Audit must be prepared for each agency receiving Measure L Funds in conformity with generally accepted accounting principles issued by the Governmental Accounting Standards Board. These financial statements
must be audited by an independent certified public accounting (CPA) firm.

A comprehensive compliance report was provided to the Measure L Oversight Committee at their meeting on April 9, 2019 by Karen Kincy. The report concluded all jurisdictions are in compliance and all requirements of the ordinance have been met.

**Discussion**

The Certified Public Accounting (CPA) firm of Hudson Henderson & Company Inc. completed its independent auditor’s reports on Measure L for the year ended June 30, 2018. Within the reports are the Basic Financial Statements and Compliance Reports. All agencies received an unqualified or “clean” opinion on the financial statements. Brian Henderson presented a report on the audits to the Measure L Oversight Committee on June 4, 2019.

Copies of each report can be reviewed at:

- Ceres
- Hughson
- Turlock
- Modesto
- MOVE
- Newman
- Oakdale
- Patterson
- Riverbank
- Stanislaus County
- Waterford

Pursuant to the Measure L Ordinance Section 18.01A, the Measure L Oversight Committee as required, has reviewed the audits and has issued an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Board of the Authority, the StanCOG Policy Board. (Attachment A)

Should you have any questions regarding this staff report, please contact Karen Kincy, Manager of Financial Services at 209-525-4640 or via e-mail at kkincy@stancog.org.

Attachment:

1. Attachment A: Measure L Citizen’s Oversight Annual Report
June 4, 2019

Chair Jeramy Young and Members of the Board
Stanislaus Council of Governments, acting as the
Local Transportation Authority
1111 I Street, Suite 308
Modesto, CA 95354

RE: Measure L Oversight Committee Annual Report – FY2017/18

Dear Chair Young & Members of the Local Transportation Authority Board:

The Measure L Oversight Committee (“Committee”) hereby finds, based on its review of the independent fiscal audit of the Measure L funds, the expenditure of Measure L funds is in compliance with the Measure L Ordinance and Expenditure Plan.

The Measure L Ordinance requires the Measure L Oversight Committee to annually review the independent fiscal audit of the expenditure of Measure L funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Board of the Authority. The Committee is also responsible for oversight of the proper use of Measure L funds and implementation of the programs and projects set forth in the Expenditure Plan and making a recommendation to the Board of the Authority.

A comprehensive report on Measure L compliance was provided to the Committee on April 9, 2019 by the Authority’s Manager of Financial Services. The Measure L Master Funding Agreements, between the Authority and each of the cities and county, set forth the requirements for compliance based on the Ordinance, including the annual maintenance of effort, annual project lists, monthly financial reporting, and quarterly milestone report from each agency receiving funding.

Annual Fiscal Year Independent Audits are required by March 31st of the following year. Hudson Henderson & Company, Inc. prepared the FY 2017/18 Measure L Audits for the following agencies: Ceres, Hughson, Turlock, Modesto, MOVE, Newman, Oakdale, Patterson, Riverbank, Stanislaus County and Waterford. The Committee held a public meeting on June 4, 2019 and reviewed the FY 2017/18 Measure L Audits. The Auditor presented the audit findings and was available to answer questions.
Mr. Jeramy Young  
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June 4, 2019

Based on the FY 2017/18 Measure L Audit results and all information the Committee has to date, the Committee finds the expenditure of Measure L funds and implementation of the programs and projects in the Expenditure Plan is proceeding in accordance with the requirements of the Measure L Ordinance and Expenditure Plan.

The Measure L Oversight Committee is proud to report to the residents of Stanislaus County that the cities, the county and StanCOG, acting as the Local Transportation Authority, are all making consistent progress to implement the provisions of the Measure L Ordinance and Expenditure Plan. The Committee is encouraged by the progress made in the first full year Measure L was in effect and looks forward to future milestones and accomplishments in the coming years.

Sincerely,

Craig Lewis  
Chair, Measure L Oversight Committee
TO: Bicycle/Pedestrian Advisory Committee
FROM: Elisabeth Hahn, Deputy Director of Planning and Programming
        Isael Ojeda, Senior Planner
DATE: July 30, 2019
SUBJECT: Safer Affordable Fuel-Efficient Vehicle Rule Update

Background

The Environmental Protection Agency (EPA) establishes national fuel economy and emissions standards for new motor vehicles under the Clean Air Act. While the Clean Air Act preempts State regulation of motor vehicles, the State of California is specifically empowered with a waiver from this preemption allowing California to establish its own vehicle fuel economy and emissions standards.

Corporate Average Fuel Economy (CAFE) standards set minimum average fuel consumption performance (average miles travelled per gallon of fuel used) for the fleets of new passenger cars and light trucks produced by each manufacturer. Additionally, California’s adopted Zero Emission Vehicle (ZEV) mandate requires automobile manufacturers to produce battery-electric vehicles, hydrogen fuel cell vehicles, and plug-in hybrid electric vehicles annually, based on the total number of cars sold in California by the manufacturer.

On August 1, 2018, the EPA and the National Highway Traffic Safety Administration (NHTSA) released a notice of proposed rulemaking for the Safer Affordable Fuel-Efficient Vehicles (SAFE Vehicles) Rule for Model Years 2021-2026 for Passenger Cars and Light Trucks. The proposed SAFE Vehicles Rule relaxes the federal CAFE standards for cars and light trucks and withdraws California’s waiver for the preemption of the State’s ability to set separate CAFE standards, including implementation of the ZEV mandate.

In California, the use of the Emissions Factor 2014 (EMFAC2014) model is required for project and regional level air quality conformity analyses, State Implementation Plan (SIP) development, and to estimate emission inventories or emission rates to support a variety of other regulatory or planning efforts. The EMFAC model incorporates California Advanced Clean Cars regulations that would impose more stringent CAFE standards, including the ZEV mandate. Currently, all San Joaquin Valley State Implementation Plans (SIPs) that have been approved or are pending federal approval rely on EMFAC2014 for attainment demonstration purposes and transportation
conformity budget setting. Additionally, the California Air Resources Board is in the process of developing the next emissions inventory model, known as EMFAC2017.

The proposed waiver revocation would have the following impacts:

1. Invalidate California’s air quality Emissions Factor Model (EMFAC).
2. Interfere with the San Joaquin Valley’s ability to meet Clean Air Act requirements.
3. Interfere with StanCOG’s ability to demonstrate air quality conformity for any future Transportation Improvement Program (TIP), Regional Transportation Plan (RTP), and RTP amendment.
4. Potentially impact greenhouse gas (GHG) emissions analyses for the purposes of meeting SB 375 targets.

According to the California Association of Councils of Governments (CalCOG), the proposed rulemaking would put 2,000 transportation infrastructure improvement projects, totaling over $130 billion, at risk of project delivery delays or loss of funding and would have severe impacts on the construction industry and the overall economy.

If the rule were finalized in 2019, approximately $28 billion would be at risk in the first year alone. These impacts are in addition to the more obvious impacts such as increases in carbon dioxide and nitrogen oxides emissions from less fuel-efficient vehicles (15 million metric tons by 2030 and 763 million more tons per year by 2030, respectively) making our air dirtier and reducing quality of life.

The SAFE Vehicles Rule would invalidate California’s air quality emissions model (EMFAC), which is used by the State and regional agencies to demonstrate compliance with the air quality conformity requirements of the federal Clean Air Act. Without a valid air quality conformity model, the regional transportation planning agencies in non-attainment areas would be unable to obtain federal approval or make modifications to specified transportation projects in the pipeline. The MPOs and rural areas would be required to wait for a new, federally-approved air quality model before completing the required transportation conformity determination.

While the California Air Resources Board would undertake an update of EMFAC to account for the rollback of clean car and fuel economy standards, the process would take 1.5 to 2 years to update the model. Approximately 1.5 to 2 years would be needed to update State Implementation Plans (SIPs) to obtain EPA approval before transportation projects could resume. And, state and federal review of the EMFAC and SIP updates would take 0.5 to 1 year. Assuming a 6 month overlap of activities is possible, the delay associated with the SAFE Vehicles Rule is estimated to be 3 to 4.5 years.

The proposed SAFE Vehicles Rule threatens the ability of 14 of the state’s 18 MPOs and eight rural nonattainment counties to obtain federal approval for any of the following actions.

1. Adoption of new Regional Transportation Plans (RTPs)
2. Adoption of a new Federal State Transportation Improvement Programs (FSTIPs)
3. Amendments to projects listed in the RTP or FSTIP not exempt from transportation
4. NEPA approval for projects not exempt from transportation conformity

Under federal law, each federal approval for the actions listed above requires a new transportation conformity determination.

**Discussion**

Given the uncertainty surrounding the SAFE Vehicles Rule and its potential to cause severe delays in StanCOG’s ability to deliver regionally significant, capacity-increasing, and non-exempt projects, staff is preparing a Type 5 amendment to the 2018 Regional Transportation Plan and Sustainable Communities Strategy (2018 RTP/SCS) and 2019 Federal Transportation Improvement Program (FTIP) and Corresponding Conformity Analysis. The amendment is being prepared to mitigate the impacts of the SAFE Vehicles Rule on project delivery with the intent of obtaining approval of needed scope or schedule changes for regionally significant projects requiring a federal action (e.g. federal authorization of funds) before the SAFE Vehicles Rule becomes effective.

A 45-day public review and comment period is anticipated to begin on July 31, 2019, with a public hearing planned for the August 21, 2019 Policy Board meeting.

StanCOG, in coordination with its air quality liaison and planning partners, is preparing to bring an amendment to the StanCOG Policy Board for consideration of adoption at their September 18, 2019 meeting.

Should you have any questions regarding this staff report, please contact Isael Ojeda, at 209-525-4632 or via e-mail at iojeda@stancog.org.