

Tulare County Association of Governments	Date: Monday, August 15, 2022 Time: 1:00 PM Place: Woodlake Community Center 145 N. Magnolia Street Woodlake, CA 93286
Technical Advisory Committee	Date: Thursday, August 11, 2022 Time: 1:30 PM Place: Tulare County Association of Governments 210 N. Church Street, Suite B (Sequoia Conference Room) Visalia, CA 93291
<p>NOTE: This meeting will allow Board Members and the public to participate in the meeting via Teleconference, pursuant to Assembly Bill 361, available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB361</p> <p>Zoom Meeting Direct Link: https://bit.ly/2Zt4BQY Toll Free Call in: 1(888) 475-4499 Meeting ID: 744 710 0343 Passcode: 82243742 Call in only instructions: Enter your meeting ID followed by #, Enter # for participant ID, Enter the passcode followed by #.</p>	

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, including auxiliary aids, translation requests, or other accommodations, or to be able to access this agenda and documents in the agenda packet, please contact the TCAG office at 559-623-0450 at least 3 days prior to the meeting. If information is needed in another language, contact (559) 623-0450. Si se necesita esta información en español, llame (559) 623-0450. Kung ang kailangang impormasyon ay sa Tagalog, tawagan ang (559) 623-0450

Any staff reports and supporting materials provided to the board after the distribution of the agenda packet are available for public inspection at the TCAG office.

- I. **CALL TO ORDER & WELCOME**
- II. **PLEDGE OF ALLEGIANCE**
- III. **PUBLIC COMMENTS**

**NOTICE TO THE PUBLIC
PUBLIC COMMENT PERIOD**

At this time, members of the public may comment on any item of interest to the public and within the subject matter jurisdiction of TCAG but not appearing on this agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Board consideration. Any person addressing the Board will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak with a total of fifteen (15) minutes allotted for the Public Comment Period. Speakers are requested to state their name(s) and address(es) for the record.

Convene as the Transportation Policy Advisory Committee

All items on the Consent Agenda are considered to be routine and non-controversial by TCAG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. Items pulled from the Calendar will be considered separately.

IV. TRANSPORTATION CONSENT CALENDAR –INFORMATION ITEMS

Request Approval of the Transportation Consent Calendar Action Items V-A through V-B.

- A. Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings (Pages 01 - 02)
- B. Action: Adoption of Resolution: Approve Extension of 4 Creeks Contract to June 30, 2023 (Pages 03 - 04)
- C. Information: Senate Bill 1 (SB 1) Competitive Programs Update (Pages 05 - 06)

V. TRANSPORTATION ACTION/DISCUSSION ITEMS

- A. Information: Status of State Transportation Improvement Program (STIP) Allocations and California Transportation Commission (CTC) Update (Pages 07 - 08)
- B. Information: Implementation Status of Federal Projects (Pages 09 - 10)
- C. Information: Caltrans Monthly Report (No Page)

Adjourn as the Transportation Policy Advisory Committee and Convene as the Tulare County Association of Governments

VI. REQUEST TO REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY ADVISORY COMMITTEE

All items on the Consent Agenda are considered to be routine and non-controversial by TCAG staff and will be approved by one motion if no member of the TCAG Board or public wishes to comment or ask questions. Items pulled from the Calendar will be considered separately. The TCAG/Transportation Authority Board may provide guidance and/or direction to staff on any item listed as information.

VII. ASSOCIATION CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Association Consent Calendar Action Items VII-A through VII-E.

- A. Action: Minutes of June 27, 2022 TCAG Board Meeting (Pages 11 - 16)
- B. Action: Minutes of June 23, 2022 Technical Advisory Committee Meeting (Pages 17 - 20)
- C. Action: Local Clearinghouse Review (LCR) 2023-01: Self-Help Enterprises United States Department of Agriculture (USDA) Rural Housing Preservation Grant Application (Pages 21 - 32)
- D. Action: Adoption of Resolution: Reaffirm Consultant Selection for Tulare County Regional Transit Agency (TCRTA) Branding and Communications Plan (Pages 33 - 62)
- E. Action: Adoption of Resolution: Approval of Amendment No. 2 to the FY 2022/2023 Overall Work Plan (OWP) (Pages 63 - 76)
- F. Information: Member Agency Transit Development Act (TDA) Fund Audit Year Ending June 30, 2021 (Pages 77 - 78)

VIII. ASSOCIATION ACTION/DISCUSSION ITEMS

- A. Action: Adoption of Resolution: Certifying the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Environmental Impact Report; Adopting California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations for the 2022 RTP/SCS; and Adopting the Mitigation Monitoring and Reporting Program (MMRP) for the 2022 RTP/SCS (Pages 79 - 228)
- B. Action: Adoption of Resolution: Adopting the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the 2023 Federal Transportation Improvement Program (FTIP), and the Corresponding Air Quality Conformity Analysis (Pages 229 - 256)
- C. Action: Adopt the Final Regional Housing Needs Plan (Pages 257 - 258)
- D. Information: Legislative update (Pages 259 - 260)
- E. Presentation: Report from Congresswoman Conway's Office (No Page)

- F. Presentation: Report from Congressman Valadao's Office (No Page)
- G. Presentation: Report from Assemblyman Mathis' Office (No Page)
- H. Presentation: Report from Senator Grove's Office (No Page)
- I. Presentation: Report from Senator Hurtado's Office (No Page)
- J. Information: September is Rail Safety Month (Pages 261 - 262)

Adjourn as the Tulare County Association of Governments and Convene as the Abandoned Vehicle Abatement Authority

IX. ABANDONED VEHICLE ABATEMENT AUTHORITY – ACTION/DISCUSSION ITEMS

- A. Information: Abandoned Vehicle Abatement (AVA) 2021/2022 Third Quarter Report (Pages 263 - 264)

Adjourn as the Abandoned Vehicle Abatement Authority and Convene as the Tulare County Association of Governments

X. CORRESPONDENCE

- A. None

XI. OTHER BUSINESS

- A. Information: Items from Staff:
 - 1. TCAG Director's Report
- B. Information: Items from Board Members
 - 1. Tulare County Water Commission Update
 - 2. San Joaquin Valley Policy Council Update
 - 3. San Joaquin Joint Powers Authority (SJJPA) - Amtrak Update
 - 4. San Joaquin Valley Housing Task Force Update
 - 5. TCAG Transit Report
 - 6. Other Items
- C. Request from Board Members for Future Agenda Items

XII. ADJOURN

The next scheduled Tulare County Association of Governments (TCAG) Board meeting will be held on **Monday, September 19, 2022 at 1:00 p.m.** at the **Lindsay Wellness Center, 860 N. Sequoia, Lindsay, CA 93247.**

TULARE COUNTY ASSOCIATION OF GOVERNMENTS
REGIONAL TRANSPORTATION PLANNING AGENCY
METROPOLITAN PLANNING ORGANIZATION

BOARD OF GOVERNORS	AGENCY	ALTERNATE
Larry Micari	Tulare County-District 1	Paula Clark
Pete Vander Poel,III	Tulare County-District 2	William Cushing
Amy Shuklian - Chair	Tulare County-District 3	Bill Whitlatch
Eddie Valero	Tulare County-District 4	Derek Williams
Dennis Townsend	Tulare County-District 5	<i>Vacant</i>
Maribel Reynosa	City of Dinuba	Linda Launer
Frankie Alves	City of Exeter	Steve Garver
Paul Boyer	City of Farmersville	Ruben Macareno
Ramona Caudillo	City of Lindsay	Hipolito Cerros
Martha A. Flores – Vice-Chair	City of Porterville	Milt Stowe
Terry Sayre	City of Tulare	Jose Sigala
Brian Poochigian	City of Visalia	<i>Vacant</i>
Rudy Mendoza	City of Woodlake	Jose Martinez
Greg Gomez	Public Transit Provider*	<i>Vacant</i>
Tyrone Holscher	Member-at-Large*	Shea Gowin
Vicki Riddle	Member-at-Large*	Davis Ward
Pamela K. Whitmire	Member-at-Large*	Julie Allen
Diana Gomez	Caltrans*	Michael Navarro

* Caltrans serves as an ex-officio member of the TCAG Policy Advisory Committee. At-large TCAG members and the Public Transit Provider representative are not members of the Tulare County Transportation Authority or Abandoned Vehicle Abatement Authority.

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TCAG STAFF

Ted Smalley, Executive Director
Ben Kimball, Deputy Executive Director
Ben Giuliani, Executive Officer- LAFCO
Leslie Davis, Finance Director
Roberto Brady, Principal Regional Planner
Derek Winning, Senior Regional Planner
Gabriel Gutierrez, Senior Regional Planner
Kasia Poleszczuk, Senior Regional Planner
Steven Ingoldsby, Senior Regional Planner
Giancarlo Bruno, Regional Planner
Sheela Bhongir, Regional Planner
Gail Miller, Associate Regional Planner-EH
Maria Garza, Associate Regional Planner-EH
Jennifer Miller, Associate Regional Planner-EH
Michele Boling, TCAG Accountant III
Brideget Moore, TCAG Staff Services Analyst III
Amie Kane, TCAG Administrative Clerk II
Servando Quintanilla, TCAG Administrative Clerk II
Holly Gallo, Office Assistant III

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TCRTA STAFF

Richard Tree, Executive Director – TCRTA

Tulare County Association of Governments

AGENDA ITEM IV-A

August 15, 2022

Prepared by Jeff Kuhn, Chief Deputy County Counsel

SUBJECT:

Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

BACKGROUND:

In response to the COVID-19 pandemic, the Governor suspended part of the Brown Act concerning the requirements for allowing Governing Board members to remotely participate in Board meetings. The suspended provisions require that (1) Governing Board meeting agendas allowing remote Board Member participation list each of the specific locations from which Board members will be remotely participating, (2) such agendas be posted at each such location, and (3) members of the general public must be allowed to remotely participate in the meeting from each of the listed locations. The suspension was done to promote social distancing and so to help limit the spread of COVID-19.

DISCUSSION:

The Governor's suspension of these Brown Act provisions expired as of September 30 and was replaced by new AB 361, an urgency statute that became effective as of September 30. Under AB 361, Governing Boards can continue to allow remote Board members participation in Brown Act public meetings if several conditions are met:

1. The meeting is held during a declared State of Emergency (Like the Governor's COVID-19 pandemic State of Emergency that's still in effect in California);
2. The Governing Board adopts findings to the effect that allowing remote meeting participation by Governing Board members promotes social distancing, which in turn helps prevent the spread of COVID-19;
3. The Governing Board confirms these conditions continue to be met every 30 days.

The Tulare County Association of Governments Board of Governors passed a resolution adopting a policy of remote attendance pursuant to AB 361 on October 18, 2021.

RECOMMENDATION:

Reaffirm the decision to continue allowing the option to participate in its governing board meetings remotely through the use of the teleconferencing provisions of AB 361.

FISCAL IMPACT:

None

ATTACHMENT:

None

Work Element 601.02 TCAG Administration

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Tulare County Association of Governments

AGENDA ITEM IV-B

August 15, 2022

Prepared by Leslie Davis, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Approve Extension of 4 Creeks Contract to June 30, 2023

BACKGROUND:

On January 24, 2022, with Resolution No. 2022-103 the Board approved staff recommendation to engage 4 Creeks to prepare the Tule River Tribe Active Transportation Plan with the use of SB1 funding and local contributions.

DISCUSSION:

4 Creeks was awarded a contract to prepare the Tule River Active Transportation Plan with an expiration date of June 20, 2022. The funding for the project remains at an amount not to exceed \$50,340.00.

This extension will help accomplish two major ATP goals. The first goal is to produce a draft ATP plan which will be presented to the Tule River Tribal Council for comments. Based upon the comments from the Tribal Council, revisions will be made and represented for final review. The second goal will give the Tribe the opportunity to consider applying for the Safe Route for All Grant (SS4A) and Reconnecting Communities DOT Grant program. Applications are due on September 15 and October 13, 2022. If these two opportunities are of interest to the Tribe, the extension of this contract would allow sufficient time to assist with preparing application materials either for either this round or help prepare the Tribe to apply for the next round.

The original contract was set to end on June 30, 2022, however more time is needed to support the Tribe in using findings gathered from the ATP towards the Cycle 6 ATP grant opportunity. Similarly, findings from Tule River ATP plan could directly be applied towards SS4A and Reconnecting Communities application materials.

RECOMMENDATIONS:

Authorize the 12-month extension to the 4 Creeks contract from June 30, 2022, to June 30, 2023.

FISCAL IMPACT:

The FY 2022-2023 Overall Work Plan reflects the funding for the project.

ATTACHMENTS:

1. Resolution to approve a 12-month extension to the 4 Creeks Contract to June 30, 2023.

AGENDA ITEM IV-C

August 15, 2022

Prepared by Gabriel Gutierrez, TCAG Staff

SUBJECT:

Information: Senate Bill 1 (SB 1) Competitive Programs Update

BACKGROUND:

On April 28, 2017, Governor Brown signed Senate Bill 1 (SB1) (Beall, Chapter 5, Statutes of 2017), which is also known as the Road Repair and Accountability Act (RMRA) of 2017. This Act provides the first significant, stable, and ongoing increase in state transportation funding in more than two decades. In providing this funding, the Legislature has provided additional funding for transportation infrastructure, increased the role of the California Transportation Commission (CTC) in a number of existing programs, and created new transportation funding programs for the CTC to oversee.

The purpose and intention of the Act is to address basic road maintenance, rehabilitation, and critical safety needs on both the state highway and local streets and road systems as well as provide transit assistance. SB1 affected eight different transportation funding programs including the Local Partnership Program (LPP), Trade Corridor Enhancement Program (TCEP), Solution for Congested Corridors Program (SCCP), and the Active Transportation Program (ATP).

DISCUSSION:

Summary of SB1 Funding Programs

Solutions for Congested Corridors Program (SCCP)

The purpose of the Solutions for Congested Corridors Program is to provide funding to achieve a balanced set of transportation, environmental, and community access improvements to reduce congestion throughout the state. This statewide, competitive program makes \$250 million available annually for projects that implement specific transportation performance improvements and are part of a comprehensive corridor plan by providing more transportation choices while preserving the character of local communities and creating opportunities for neighborhood enhancement.

Trade Corridor Enhancement Program (TCEP)

The Trade Corridor Enhancement Program provides an ongoing source of state funding dedicated to freight-related projects by establishing the new Trade Corridor Enhancement Account (TCEA). The TCEA will provide approximately \$300 million per year in state funding for projects which more efficiently enhance the movement of goods along corridors that have a high freight volume. Subsequent legislation (SB 103) combined the Trade Corridor Enhancement Program funds with existing federal freight funding.

In partnership with TCAG, Caltrans will be preparing a TCEP application for the Right of Way funding for the Tulare City Widening project on State Route 99. Project nominations are due to the CTC on November 18, 2022 and staff recommendations will be released on June 8, 2023.

Local Streets and Roads Program (LSRP)

The Local Streets and Roads Program dedicates approximately \$1.5 billion per year in new formula revenues apportioned by the State Controller to cities and counties for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

Local Partnership Program (LPP)

The Local Partnership Program provides local and regional transportation agencies that have passed sales tax measures, developer fees, or other imposed transportation fees with a continuous appropriation of \$200 million annually to fund road maintenance and rehabilitation, sound walls, and other transportation improvement projects.

TCAG will be pursuing an LPP competitive grant for the SR99/Caldwell Avenue Interchange Project. Project nominations will be due to the CTC on November 29, 2022 and staff funding recommendations will be released on June 8, 2023.

2022 Guidelines Development Schedule

Guidelines development workshops for Cycle 3 of the SB 1 Competitive Programs have concluded. Draft guidelines for each of the programs were presented to the CTC at their June 2022 meeting in Sacramento. Final guidelines will be presented for approval by the CTC at their August 2022 meeting.

SB 1 Augmented Funding Programs

State Highway Operation and Protection Program (SHOPP)

The additional SB 1 SHOPP investment, estimated at approximately \$1.5 billion annually to improve the condition of the State Highway System, and \$400 million annually for bridges and culverts will also have a positive impact on the State's economy. SB 1 requires the Commission to adopt and manage the SHOPP in a transparent and accountable manner.

State Transportation Improvement Program (STIP)

The STIP is the biennial five-year plan adopted by the Commission for future allocations of certain state transportation funds for state highway improvements, intercity rail, and regional highway and transit improvements. State law requires the Commission to update the STIP biennially, in even-numbered years, with each new STIP adding two new years to prior programming commitments. Tulare County's 2022 STIP proposal was approved by the CTC on March 16, 2022.

Active Transportation Program (ATP)

The Legislature created the ATP in 2013 to encourage increased use of active modes of transportation, such as biking and walking. SB 1 directs \$100 million annually the ATP,

Applications for ATP Cycle 6 were due to the Commission on June 15, 2022. Applications are currently being reviewed and scored by volunteer evaluator teams. Staff recommendations for Statewide and Small Urban and Rural components of the program will be announced on October 21, 2022. In the TCAG region, projects not selected for funding in the Statewide component will be eligible for funding in the MPO component.

RECOMMENDATION:

Information item only. No action needed at this time.

ATTACHMENTS:

None

Work Element: 604.01 – Transportation Improvement Program

AGENDA ITEM V-A

August 15, 2022

Prepared by Benjamin Giuliani, TCAG Staff

SUBJECT:

Information: Status of State Transportation Improvement Program (STIP) Allocations and California Transportation Commission (CTC) Update

BACKGROUND:

The CTC is responsible for the programming and allocating of funds for the construction of highway, passenger rail and transit improvements throughout California. The CTC met in Sacramento on June 29th-30th. The next regular CTC meeting will be in San Jose on August 17th-18th. The STIP is a biennial document, which covers five years of programming for transportation projects in California. The STIP is comprised of Regional Transportation Improvement Programs (RTIPs) from each of the counties in California and the Interregional Transportation Improvement Program (ITIP) that is developed by Caltrans. The RTIPs account for 75% and the ITIP accounts for 25% of the total STIP funding.

DISCUSSION:

August CTC Meeting

The August CTC meeting agenda was not yet released prior to the printing of the TCAG agenda. The allocation of \$9 million of competitive Local Partnership Program (LPP) and \$7.4 million of STIP funding to the SR99/International Agri-Center Way (Commercial) interchange project will be on the agenda. Other items of interest will be discussed at the TCAG Board meeting.

June CTC Meeting

Caltrans State Highway Operation and Protection (SHOPP):

- Add \$500k SHOPP funding for construction support and \$4 million for construction for the SR-216/Lovers Ln rehab project (new total project cost, \$30.8 million)
- \$815k for design of centerline rumble strips, replacing Transportation Management System (TMS) elements, upgrading striping, pavement markers and signs on SR-201 near Kingsburg from east of Madsen Ave to Road 56

FTA 5310 Transit

2021 Program of Projects for Section 5310 transit funding, 2 buses for Porterville Sheltered Workshop, \$184k of 5310 funding

2022 RTIP/STIP

The 2022 STIP was adopted by the CTC at the March 16th meeting. There were no changes to TCAG's proposed RTIP. The 2022 STIP runs from FY 22/23 through FY 26/27.

2022 RTIP/STIP

Project	Agency	Phase	FY 21/22 (2020 STIP)	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27
SR-65 Realignment and operational improvements	Caltrans	PS&E Con			\$2.5m			\$1.9m
SR-99/Caldwell Interchange	Caltrans	R/W Con		\$4.6m	\$7.0m			
SR-99/Commercial Interchange	Caltrans	R/W Con	\$7.4 m ¹					
SR-99 Widening (Tagus-Prosperity)	Caltrans	Con						
SR-99 Widening (City of Tulare)	Caltrans	E&P PS&E	\$6.37 m ²					

¹Additionally, \$29.4 million from Measure R and \$16 million from BUILD

²\$4.3 million from ITIP and \$2.07 million from Prop 1b savings

PS&E = Plans, Specifications & Estimate, R/W = Right of Way, E&P = Environmental Studies and Permits

ATTACHMENTS:

None

AGENDA ITEM V-B

August 15, 2022

Prepared by Gabriel Gutierrez, TCAG Staff

SUBJECT:

Information: Implementation Status of Federally Funded Projects

BACKGROUND:

The **Surface Transportation Block Grant Program (STBGP)**, formerly known as STP, is a major source of funds that may be used by local agencies for projects to preserve and improve the transportation system consistent with regional priorities. The funds may be utilized on any Federal-aid highway, including the National Highway System (NHS), bridge projects on any public road, transit capital projects, and intracity and intercity bus terminals and facilities. In Tulare County, these funds have been primarily used for street and highway construction, reconstruction, rehabilitation, resurfacing, and operational improvements. Local agencies navigate a sometimes-complicated federal aid funding process to request and spend these funds in a timely manner. However, through our partnership with Caltrans, TCAG has helped local agencies with the timely and efficient delivery of their projects.

The **Congestion Mitigation and Air Quality (CMAQ) Program** has been a longstanding source of funding for TCAG's member agencies. Tulare County agencies qualify for funding due to the region being in a non-attainment area for meeting federal air quality standards for Particulate Matter (PM) and Ozone. The program exists under federal law and is implemented via guidance issued by the Federal Highway Administration and carried out by Caltrans. TCAG received estimates for the receipt of approximately \$6.2 million per year for the next four-year cycle. Project examples include roundabouts, signal coordination, compressed natural gas and electric facilities and vehicles, transit route expansion and bus purchases, etc.

DISCUSSION:

STBGP

As the Metropolitan Planning Organization for the Tulare County region, TCAG is responsible for soliciting projects from eligible agencies for programming in the FTIP and ensuring that the funds are being utilized appropriately and are obligated in a timely manner. The status of current fiscal year STBGP funded projects is shown in the table below:

STBGP				
Agency	Project	Amount	Status	Date
Visalia	Goshen Avenue Rehab	\$1,200,000	Obligated	4/28/2022
TCRTA	Zero Emission Shuttle Van Purchases	\$3,086,000	Obligated	6/9/2022
Visalia	Tulare Avenue Rehab	\$3,086,000	Submitted. On hold pending RW Cert	

CMAQ

The status of current fiscal year CMAQ funded projects is shown in the table below:

CMAQ				
Agency	Project	Amount	Status	Date
TCRTA	Microtransit Service	\$2,500,000	Obligated	6/14/2022
Dinuba	Alta & Kamm Roundabout	\$1,800,000	Delayed	
Visalia	Battery Electric Transit Bus Purchases	\$1,750,000	Obligated	4/13/2022
TCRTA	Battery Electric Transit Bus Purchases	\$1,750,000	Obligated	6/9/2022

ATTACHMENT:

None

AGENDA ITEM VII-A
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
REGIONAL TRANSPORTATION PLANNING AGENCY
METROPOLITAN PLANNING ORGANIZATION

Executive Minutes June 27, 2022

Board Members	Alternates	Present (M)ember/(A)lternate	Agency
Larry Micari	Paula Clark	M	Tulare County-Dist. 1
Pete Vander Poel (Chair)	William Cushing	M	Tulare County-Dist. 2
Amy Shuklian	Bill Whitlatch	M	Tulare County-Dist. 3
Eddie Valero	Derek Williams	M	Tulare County-Dist. 4
Dennis Townsend	Terren Brown	M	Tulare County-Dist. 5
Maribel Reynosa	Linda Launer	-	City of Dinuba
Frankie Alves	Dave Hails	M	City of Exeter
Paul Boyer	Ruben Macareno	M	City of Farmersville
Ramona Caudillo	Hipolito Cerros	M	City of Lindsay
Martha A. Flores (Vice-Chair)	Milt Stowe	M	City of Porterville
Terry Sayre	Jose Sigala	-	City of Tulare
Brian Poochigian	<i>Vacant</i>	M	City of Visalia
Rudy Mendoza	Florencio Guerra Jr.	-	City of Woodlake
Greg Gomez	<i>Vacant</i>	-	Rep. from Public Transit
Tyrone Holscher	Shea Gowin	M	Member-At-Large*
Vicki Riddle	Davis Ward	M	Member-At-Large*
Pamela Whitmire	Julie Allen	M/A	Member-At-Large*
Diana Gomez	Michael Navarro	A	Caltrans*

* Caltrans serves as an ex-officio member of the TCAG Policy Advisory Committee. At-large TCAG members and the Public Transit Provider representative are not members of the Tulare County Transportation Authority or Abandoned Vehicle Abatement Authority.

Counsel and TCAG Staff Present (X)	X	Steven Ingoldsby, Associate Regional Planner
X Jeff Kuhn, Tulare County Deputy Counsel	X	Giancarlo Bruno, Regional Planner
___ Ted Smalley, Executive Director	X	Sheela Bhongir, Regional Planner
X Benjamin Kimball, Deputy Executive Director	___	Gail Miller, Associate Regional Planner/EH
___ Benjamin Giuliani, Executive Officer-LAFCO	X	Maria Garza, Associate Regional Planner/EH
X Leslie Davis, Finance Director	___	Jennie Miller, Associate Regional Planner EH
X Elizabeth Forte, Principal Regional Planner	___	Michele Boling, TCAG Accountant III
X Roberto Brady, Principal Regional Planner	X	Brideget Moore, TCAG Analyst III
___ Derek Winning, Senior Regional Planner	X	Amie Kane, Administrative Clerk II
___ Gabriel Gutierrez, Senior Regional Planner	X	Servando Quintanilla, Administrative Clerk II
___ Kasia Thompson, Associate Regional Planner	X	Holly Gallo, Office Assistant III

I. WELCOME

The Tulare County Association of Governments Board Meeting was called to order by Chair Vander Poel at 1:00 p.m. on June 27, 2022, at the Tulare County Human Resources and Development, 2500 W. Burrell Avenue, Visalia, CA 93291.

II. PLEDGE OF ALLEGIANCE

Supervisor Shuklian led the Pledge of Allegiance.

III. PUBLIC COMMENTS

Public comments opened at 1:02 p.m.

Member Riddle introduced Jake Mizner, field representative for Congresswoman Connie Conway and thanked him for attending the meeting.

Public comments closed at 1:03 p.m.

Convene as the Transportation Policy Advisory Committee

IV. TRANSPORTATION CONSENT CALENDAR-ACTION AND INFORMATION ITEMS

IV. TRANSPORTATION CONSENT CALENDAR – ACTION AND INFORMATION ITEMS

Request Approval of the Transportation Consent Calendar Action Items IV-A through V-F.

A. Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

B. Action: Adoption of Resolution: Approve Transportation Development Act (TDA) Claims for the County of Tulare for Fiscal Year 2021/22

Upon a Motion by Member Boyer, and seconded by Member Whitmire, the Transportation Policy Advisory Committee unanimously approved the Transportation Consent Calendar Action Items IV-A through IV-B. Absent: Valero, Reynosa, Alves, Sayre, Mendoza, and Gomez.

C. Information: Senate Bill 1 (SB 1) Competitive Program Update

V. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Action: Adoption of Resolution: Approve the 2021/22 Unmet Transit Needs Findings

Mr. Bruno distributed a complete list of unmet transit need requests, together with transit providers' responses. Mr. Bruno explained that the Social Services Transportation Advisory Council (SSTAC) is tasked with reviewing all comments received annually and that the SSTAC found 6 of the 82 comments submitted, were reasonable to meet and outlined details of each request.

Upon a Motion by Member Townsend, and seconded by Member Poochigian, the Transportation Policy Advisory Committee unanimously approved the 2021/22 Unmet Transit Needs findings.

Absent: Valero, Reynosa, Sayre, Mendoza, and Gomez.

B. Information: Active Transportation Program (ATP) Cycle 6 Update

Ms. Bhongir reported that the ATP cycle 6 is expected to include about \$650 million made up of Federal, State, SB1, and State Highway Account funding and would fund the 23/24, 24/25, 25/26, and 26/27 fiscal years. Ms. Bhongir shared 19 applications were submitted by member agencies and award recipients should be announced by the end of 2022.

C. Information: Status of State Transportation Improvement Program (STIP) Allocations and California Transportation Commission (CTC) Update

Mr. Kimball stated that the CTC meeting was scheduled for June 29th-30th but took the opportunity to highlight SHOPP funded projects that were discussed during the May CTC meeting.

D. Information: Implementation Status of Federally Funded Projects

Ms. Forte stated that a number of projects had been obligated and provided an outline of them. Ms. Forte explained that TCAG would spend all the federal funds allotted however, there would be no bonus this year.

E. Information: 2018/2019 to 2020/2021 Triennial Performance Audits for Tulare County Transit Operators and the Tulare County Association of Governments (TCAG)

Mr. Bruno discussed the triennial performance audits, outlining the findings and recommendations.

F. Information: Caltrans Monthly Report

Mr. Navarro announced that a new director, Tony Tavarez was appointed. Mr. Navarro discussed grant opportunities and highlighted the 19 applications submitted for ATP funds. Mr. Navarro discussed regional projects providing status updates of the work ongoing throughout the County of Tulare.

Adjourn as the Transportation Policy Advisory Committee and Convene as the Tulare County Association of Governments

VI. REQUEST TO REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY ADVISORY COMMITTEE

Upon a Motion by Member Townsend, and seconded by Member Shuklian, the Transportation Policy Advisory Committee unanimously reaffirmed all actions while sitting as the Transportation Policy Advisory Committee. Absent: Reynosa, Sayre, Mendoza, and Gomez.

VII. ASSOCIATION CONSENT CALENDAR-ACTION AND INFORMATION ITEMS

Request Approval of the Association Consent Calendar Action Items VII-A through VII-E

A. Action: Minutes of May 16, 2022 TCAG Board Meeting

B. Action: Minutes of May 11, 2022 Technical Advisory Committee Meeting

C. Action: Cancel the July 2022 Technical Advisory Committee (TAC) and Tulare County Association of Governments (TCAG) Board Meetings

D. Action: Adoption of Resolution: Approval of Amendment No. 1 to the FY 2022/2023 Overall Work Plan (OWP)

E. Action:

Upon a motion by Member Poochigian, and seconded by Member Micari, the Association unanimously approved the Association Consent Calendar Items VII-A through VII-E. Absent: Reynosa, Sayre, Mendoza, and Gomez.

VIII. ASSOCIATION ACTION/DISCUSSION ITEMS

A. Information: Draft 2022 Regional Transportation Plan/Sustainable Communities Strategy, Draft 2023 Federal Transportation Improvement Program, Draft Air Quality Conformity Analysis, and Draft Environmental Impact Report

Mr. Kimball stated that all documents were in draft form for review and comments would be collected during the specified comment period. Mr. Kimball explained that any comments received would be reviewed, responded to, and presented during the August Board meeting.

B. Public Hearing: Draft 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Draft 2023 Federal Transportation Improvement Program (FTIP), Draft Air Quality Conformity Analysis, and Draft Environmental Impact Report (EIR)

Chair Vander Poel opened the public hearing at 1:32 p.m. and invited anyone wishing to comment on the RTP to do so.

Adam Livingston, Director of Planning and Policy at Sequoia Riverlands Trust spoke in support of the land conservation recommendation within the RTP.

No further public comments were received, and Chair Vander Poel closed the public hearing at 1:35 p.m.

C. Action: Adoption of Resolution: Adopting the Final 2022 Congestion Management Process (CMP) Document

Mr. Brady provided background and explained that MPOs are required to fully integrate their CMPs and regional transportation planning programs. Mr. Brady outlined the final recommended CMP document.

Upon a motion by Member Micari, and seconded by Member Shuklian, the Association unanimously approved the 2022 CMP document as presented. Absent: Reynosa, Sayre, Mendoza, and Gomez.

D. Action: Adoption of Resolution: Consultant Selection for Tulare County Regional Transit Agency (TCRTA) Branding and Communications Plan

Ms. Forte discussed the desire to create branding and a website for TCRTA and provided the recommendation to select Archer and Hound Advertising based on adopted evaluation criteria and scoring.

Upon a motion by Member Poochigian, and seconded by Member Townsend, the Association unanimously approved the consultant selection as recommended. Absent: Reynosa, Sayre, Mendoza, and Gomez.

E. Action: Adopt the Regional Housing Needs Allocation (RHNA) Methodology and Release Draft Regional Housing Needs Plan

Mr. Ingoldsby discussed the RHNA methodology background and stated that the RHNA would be incorporated into the Regional Housing Needs Plan (RHNP). Mr. Ingoldsby outlined the adoption of the allocation process and stated that if no appeals were received the final RHNP would be brought back to the TCAG board for adoption at the August 2022 meeting.

Upon a motion by Member Shuklian, and seconded by Member Micari, the Association unanimously adopted the RHNA methodology and release draft of the regional housing needs plan as presented. Absent: Reynosa, Sayre, Mendoza, and Gomez.

F. Action: Multi-Jurisdictional Housing Element Funding

Mr. Ingoldsby provided a brief background regarding the multi-jurisdictional housing element. He discussed the budget for consultant services for the project and outlined that TCAG proposed the cost to be paid for using a formula of a base of \$100,000 for each participating jurisdiction with the remaining cost distributed proportionately by population.

Upon a motion by Member Micari, and seconded by Member Poochigian, the Association unanimously approved the multi-jurisdictional housing funding as recommended. Absent: Reynosa, Sayre, Mendoza, and Gomez.

G. Information: Legislative Update

Mr. Kimball stated that there would be an in-person trip to Washington D.C. with the Policy Council and turned the time over to Ms. Kiana Valentine to provide the legislative update.

Ms. Valentine provided a detailed report regarding the transportation funding package, which would include high-speed rail funding. She also discussed funding for local climate adaption planning, and the Clean California program. Ms. Valentine stated that there is a lot of focus on mitigating inflation effects on consumers by passing a direct relief payment to California residents as well as a possible gas tax holiday. Legislative bills and policy committee overview was discussed; Ms. Valentine spoke to AB: 2237 on Transportation Planning; AB: 2438 which regards transportation funding; and AB:1778 which would prohibit State funds from being used for highway widening.

Mr. Jake Mizner, representative for Congresswoman Conway's office, announced that they are happy to begin working with TCAG and introduced Mr. Nicolas Salinas who will also be working as a representative for Conway's office. Mr. Mizner stated that they are available to be reached for any assistance or questions either via email or the 22nd Districts office number which had not changed since Congressman Nunes was in office.

H. Presentation: Report from Congressman Valadao's Office

No report given

I. Presentation: Report from Assemblyman Mathis' Office

Ms. Racheal Ray, District Director from Assemblyman Mathis office, discussed many legislative bills being worked on by the Assemblyman. Ms. Ray stated that AB 1762: Gold Star Families monument would allow a monument to be constructed to the Gold Star families of California on the grounds of the State Capitol. Ms. Ray explained that budget requests were being reviewed as well as many trailer bill amendments.

J. Presentation: Report from Senator Grove's Office

Mr. Kenneth Loehner, Field Representative with Senator Grove's office provided updates on current legislation including senate bill 1183 for early learning development, senate bill 1195 the medical and hospital care act, and senate bill 1484 which would provide a tax credit for foster youth employment.

K. Presentation: Report from Senator Hurtado's Office

No report given

L. Action: Adoption of Resolution: Approve Position Amendment and Compensation for Principal Regional Planner

Ms. Moore stated that it had been determined that TCAG would benefit from a staffing amendment because of TCAG's growing needs in addition to the increased complexity of tasks associated with those needs. Ms. Moore explained that after consulting with Tulare County Human Resources and Development and TCAG's CAO analyst, the recommendation was to amend one Planner Flex Series position to a Principal Planner.

Upon a motion by Member Shuklian, and seconded by Member Micari, the Association unanimously approved the recommendations as presented in item VIII-L. Absent: Reynosa, Sayre, Mendoza, and Gomez.

IX. CORRESPONDENCE

A. None

X. OTHER BUSINESS

A. Information: Items from Staff

1. TCAG Director's Report

Mr. Kimball announced that this would be Ms. Elizabeth Forte's last Board meeting, Ms. Forte serves TCAG as a Principal Regional Planner but recently accepted a position with Merced Council of Governments.

2. Other Items

None

B. Information: Items from Board Members

1. Tulare County Water Commission Update

Member Flores stated that the meeting had been canceled therefore she had nothing to report.

2. San Joaquin Valley Policy Council Update

Member Townsend announced that the San Joaquin Valley Policy Conference had met the previous week and discussed the Finish the 99 campaign, as well as plans for the upcoming trip to Washington D.C.

3. San Joaquin Joint Powers Authority (SJJPA) – Amtrak Update

Member Shuklian announced that during the May meeting a final business plan for fiscal year 2022/23 had been approved, which included an MOU for cross valley corridor. Member Shuklian reported that post Covid ridership continues to increase.

4. San Joaquin Valley (SVJ) Housing Task Force Update

Member Flores discussed the housing task force and shared that they had approved to continue remote meetings, and amendments to the bylaws. Member Flores outlined the other topics that had been discussed which included REAP activities, housing report which had been completed, and Valley MPOs were highlighted for RHNA.

5. TCAG Transit Report

Ms. Forte reported that as of July 1st TCRTA would be operational throughout Tulare County.

6. Other Items

None

C. Request from Board Members for Future Agenda Items

None

XI. ADJOURN

The TCAG Meeting was adjourned at approximately 2:34 p.m.

ADJOURN AS THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS AND CONVENE AS THE TULARE COUNTY TRANSPORTATION AUTHORITY

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Item VII-B
TCAG Technical Advisory Committee Meeting
Tulare County Association of Governments - 210 N. Church Street, Suite B, Visalia, CA 93291
June 23, 2022 – Summary Meeting Minutes
ATTENDANCE LIST

City of Dinuba	<i>Absent</i>
City of Exeter	Eddie Wendt
City of Farmersville	<i>Absent</i>
City of Lindsay	<i>Absent</i>
County of Tulare	Karla Arteaga
City of Porterville	Javier Sanchez
City of Tulare	<i>Absent</i>
City of Woodlake	<i>Absent</i>
City of Visalia	Dolores Verduzco
Tule River Indian Reservation	<i>Absent</i>
TCAG	Benjamin Kimball
Caltrans	Lorena Mendibles

Others Present:

TCAG Staff Present: Leslie Davis, Elizabeth Forte, Giancarlo Bruno, Roberto Brady, Steven Ingoldsby, Ben Giuliani, Elizabeth Forte, Brideget Moore, Sheela Bhongir, Holly Gallo and Servando Quintanilla Jr. Recording.

SUMMARY MEETING MINUTES

(Minutes reflect agenda items discussed only)

I. CALL TO ORDER & WELCOME:

The meeting was called to order by Mr. Kimball at 1:33 p.m.

All action and informational documents were distributed for review and discussion. All actionable items would be voted on at the next Tulare County Association of Governments (TCAG) Board meeting, scheduled for June 27, 2022.

III. PUBLIC COMMENTS

Public comments opened 1:33pm.

IV. TRANSPORTATION CONSENT CALENDAR –INFORMATION ITEMS

A. Action: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

Mr. Kimball stated that the item was a continuation of AB 361.

B. Action: Adoption of Resolution: Approve Transportation Development Act (TDA) Claim for the County of Tulare for Fiscal Year 2021/22

Ms. Forte informed that the item was for the TDA claims for County of Tulare.

C. Information: Senate Bill 1 (SB 1) Competitive Programs Update

Mr. Gutierrez gave an update on SB 1 programs and final guidelines for the Cycle 6 Active Transportation Program, sharing that they were adopted by the CTC on March 16, 2022 and the Cycle 6 Call for Projects ended June 15, 2022.

V. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Action: Adoption of Resolution: Approve the 2021/22 Unmet Transit Needs Findings

Mr. Bruno summarized the 2021/22 Unmet Transit Needs findings for Tulare County as recommended by SSTAC.

B. Information: Active Transportation Program (ATP) Cycle 6 Update

Ms. Bhongir gave an update on the closing of ATP Cycle 6 and shared that TCAG had received a total of 19 applications.

C. Information: Status of State Transportation Improvement Program (STIP) Allocations and California Transportation Commission (CTC) Update

Mr. Giuliani stated that the CTC would meet next Wednesday and Thursday with a transit and rehab project on the list for CTC.

D. Information: Implementation Status of Federally Funded Projects

Mr. Gutierrez gave an update on the STBGP with the City of Visalia Goshen Avenue Rehabilitation Project in the amount of \$1,200,000 and Tulare County Regional Transit Agency Zero Emission Shuttle Van Purchases in the amount of \$3,086,000. Ms. Forte stated that CMAQ project for the City of Visalia had been obligated.

E. Information: 2018/2019 to 2020/2021 Triennial Performance Audits for Tulare County Transit Operators and the Tulare County Association of Governments (TCAG)

Mr. Bruno detailed that TCAG's performance audit described how TCAG was meeting its administrative and planning obligations particularly as it relates to the TDA programs and transit operator performance audits ensure accountability in the use of public transportation funding and included calculations of transit service performance indicators. The audits concluded with findings and related recommendations for improvement.

F. Information: Caltrans Monthly Report

Ms. Medibles reported that Caltrans was in the process of reviewing TCAG RTP and talked about Reconnecting Communities Pilot Program.

VII. ASSOCIATION CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

C. Action: Cancel the July 2022 Technical Advisory Committee (TAC) and Tulare County Association of Governments (TCAG) Board Meetings

Mr. Kimball stated that the item was to cancel July meeting.

D. Action: Adoption of Resolution: Approval of Amendment No. 1 to the FY 2022/2023 Overall Work Plan (OWP)

Ms. Davis stated that the item was an amendment to the 22/23 OWP and was for the Dinuba Roundabout Feasibility Safety Study.

E. Action: Adoption of Resolution: Approve a Partnership Agreement with the Porterville Unified School District, the City of Porterville, the Tulare County Regional Transit Agency, and the Tulare County Association of Governments to Facilitate in Developing the Transformative Communities Program: Creating Opportunities, Changing Lives in Porterville

Mr. Kimball stated that the item was an agreement with several stakeholders to facilitate and coordinate in developing that transformative climate communities program.

VIII. ASSOCIATION ACTION/DISCUSSION ITEMS

A. Information: Draft 2022 Regional Transportation Plan/Sustainable Communities Strategy, Draft 2023 Federal Transportation Improvement Program, Draft Air Quality Conformity Analysis, and Draft Environmental Impact Report

Mr. Gutierrez stated that the item was the release of the Draft 2022 Regional Transportation Plan/Sustainable Communities Strategy, Draft 2023 Federal Transportation Improvement Program, Draft Air Quality Conformity Analysis, and Draft Environmental Impact Report and they were open for public review and on the 27th. There would be a public hearing and final adoption at the TCAG Board meeting on August 15, 2022.

C. Action: Adoption of Resolution: Adopting the Final 2022 Congestion Management Process (CMP) Document

Mr. Brady stated that the item was to Adopt the 2022 Tulare County Congestion Management Process (CMP) document or adopt as modified or defer adoption of the CMP Document. If deferred the CMP document could be adopted along with the 2022 RTP/SCS.

D. Action: Adoption of Resolution: Consultant Selection for Tulare County Regional Transit Agency (TCRTA) Branding and Communications Plan

Ms. Miller stated that the item was the selection of a consultant for the TCRTA Branding and Communications Plan. Three proposals were submitted, and Archer and Hound Advertising scored the best and would be recommended for selection.

E. Action: Adopt the Regional Housing Needs Allocation (RHNA) Methodology and Release Draft Regional Housing Needs Plan

Mr. Ingoldsby reported that the item was the Regional Housing Needs Allocation (RHNA) methodology which was incorporated into the Draft Regional Housing Needs Plan (RHNP) and the adoption of the allocation started a 45 – day appeal period. Assuming no appeals, the Final RHNP would be brought back to the TCAG board for adoption at the August 2022 meeting.

F. Action: Multi-Jurisdictional Housing Element (MJHE) Funding

Mr. Ingoldsby detailed that the MJHE funding would reach up to a maximum of \$900,000 budgeted for consultant services for this project and at the time, the City of Visalia, and the County of Tulare would not participate in the MJHE but may collaborate on certain countywide components. TCAG proposes the cost to be paid for using a formula of a base of \$100,000 for each participating jurisdiction with the remaining costs distributed by population and this would be the same formula for how the REAP funding was suballocated. If the participating agencies returned the full amount of REAP dollars suballocated to them, it would provide approximately \$849,198 of the \$900,000 budgeted amount. The remaining costs would be paid for proportionately to the population of the participating jurisdictions.

G. Information: Legislative update

Mr. Kimball mentioned that the federal lobbyist had been very active in Washington D.C. with the Infrastructure Bill and following up with new elected officials in the area, TCAG would be going to Washington D.C. in the Fall, and there would be a report from our state lobbyist at the next TCAG Board meeting.

XI. ADJOURN

The TCAG Technical Advisory Committee adjourned at 1:54 p.m.

The next scheduled Tulare County Association of Governments (TCAG) Board meeting will be held on **Monday, August 15, 2022, at 1:00 p.m.**, at the **Woodlake Community Center, 145 N. Magnolia Street, Woodlake, CA 93286**. The Technical Advisory Committee will meet on **Thursday, June 23, 2022, at 1:30 p.m. at the Tulare County Association of Governments (TCAG), 210 N. Church Street, Suite B, Sequoia Conference Room, Visalia, CA 93291**.

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Tulare County Association of Governments

AGENDA ITEM VII-C

August 15, 2022

Prepared by Holly Gallo, TCAG Staff

SUBJECT:

Action: Local Clearinghouse Review (LCR) 2023-01: Self-Help Enterprises United States Department of Agriculture (USDA) Rural Housing Preservation Grant Application

BACKGROUND:

Tulare County Association of Governments (TCAG) coordinates the review of local clearinghouse pre-applications for federal grants, loans, and financial assistance. After reviewing the applications submitted, TCAG drafts letters to the applicant, State Clearinghouse, and local agencies that may have interest or could be affected by the project before submitting the preapplication for the TCAG board to review.

DISCUSSION:

The project target areas are communities identified by Rural Development with a population of fewer than 10,000 in the following counties: Fresno, Kern, Kings, Madera, Mariposa, Stanislaus, and Tulare. \$200,000 in federal assistance will benefit at least eight households in the FY 2022 Rural Housing Preservation Grant (HPG) target areas, complimenting CalHome, Community Development Block Grant (CDBG) Programs, HOME, Household Water Well Grant (HWWs) Programs, and State Water Resources Control Board (SWRCB) grant funds already committed.

The proposed program will allocate the funds to qualified applicants on a “first come, first served” basis via zero-interest deferred payment loans and/or grants to low-income and very-low-income owner-occupied households, with emphasis on lowest targeted income group.

No comments were received by local agencies regarding the application.

RECOMMENDATION:

Approve, deny, or request clarification from the requesting agency representatives.

FISCAL IMPACT:

There is no fiscal impact to TCAG.

ATTACHMENTS:

1. Agency Response Forms
2. TCAG Report
3. Grant Application
4. Grant Cover Letter



210 N. Church St., Ste. B
Visalia, California 93291
(559)623-0450
FAX (559)733-6720
www.tularecog.org

LOCAL CLEARINGHOUSE REVIEW - AGENCY COMMENTS/RECOMMENDATIONS

DATE: July 1, 2022
TO: Interested Agencies
FROM: Holly Gallo, TCAG Staff
SUBJECT: LOCAL CLEARINGHOUSE REVIEW L.C.R. 2023-01
Self Help Enterprises- Application for USDA Housing Preservation Grant

Please see attached application for federal funding. Any comments and/or recommendations that you feel are appropriate may be written below in the spaces provided or in a separate letter. All comments must be returned to this office by Thursday, July 28, 2022, in order to be reviewed and forwarded by the TCAG Board of Governors to the State Clearinghouse, thereby completing our local review of the proposal. Thank you for your time and consideration in this matter.

Please return comments:

By email to TCAGINFO@TULARECAG.CA.GOV or by fax to (559)733-6720 or by mail to Tulare County Association of Governments, Attn: Holly Gallo, 210 N. Church Street, Suite B, Visalia, CA 93291.

- ☒ The proposal does not duplicate or conflict with any of our programs or policies.
☐ The proposal is consistent with our General Plan, zoning and/or growth policies.
☐ The proposal is not consistent with our General Plan, zoning and/or growth policies.
(Please explain below or attach supplement)
☐ The proposal is not consistent with our General Plan, zoning and/or growth policies.
(Please explain below or attach supplement)
☐ We have no objections/comments regarding this proposal.

This proposal/funding request should be: ☒ Approved
☐ Approved with modifications
☐ Denied

Comments:

Completed by:

Rose Mary Rahn
Rose Mary Rahn

Agency:

Kings Co. Dept. Public Health
Kings Co. Dept. Public Health

Dinuba

Exeter

Farmersville

Lindsay

Porterville

Tulare

Visalia

Woodlake

County of Tulare

TULARE COUNTY ASSOCIATION OF GOVERNMENTS FUNDING REPORT

Local Clearing House Review 2023-01

USDA Rural Housing Preservation Grant

APPLICATION

Self-Help Enterprises funding for Rural Housing Preservation Grant.

Funds requested are as follows:

Federal:	\$	200,000.00
Applicant:	\$	0
State:	\$	10,000,000.00
Local:	\$	0
Other:	\$	0
Program Income	\$	121,500.00
Total:	\$	10,321,500.00

SCOPE OF PROJECT

The project target areas are communities identified by Rural Development with a population of fewer than 10,000 in the following counties: Fresno, Kern, Kings, Madera, Mariposa, Stanislaus, and Tulare. \$200,000 in federal assistance will benefit at least eight households in the FY 2022 HPG target areas, complimenting CALHOME, CDBG, HOME, HWWS, and SWRCB grant funds already committed.

The proposed program will allocate the funds to qualified applicants on a "first come, first served" basis via zero-interest deferred payment loans and/or grants to low-income and very-low-income owner-occupied households, with emphasis on lowest targeted income group.

Application for Federal Assistance SF-424		
* 1. Type of Submission:		
<input checked="" type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
* 2. Type of Application:		
<input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		
* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>		
* 3. Date Received: Completed by Grants.gov upon submission.		
4. Applicant Identifier: <input type="text"/>		
5a. Federal Entity Identifier: <input type="text"/>		5b. Federal Award Identifier: <input type="text"/>
State Use Only:		
6. Date Received by State: <input type="text"/>		7. State Application Identifier: <input type="text"/>
8. APPLICANT INFORMATION:		
* a. Legal Name: Self Help Enterprises		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 04-15926768		* c. UEI: YWCPA31KBJY6
d. Address:		
* Street1: P. O. Box 6520		
Street2: 8445 W. Elwin Court		
* City: Visalia		
County/Parish: Tulare		
* State: CA: California		
Province:		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 93290		
e. Organizational Unit:		
Department Name: <input type="text"/>		Division Name: <input type="text"/>
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <input type="text"/>		* First Name: Maria
Middle Name: <input type="text"/>		
* Last Name: Alvarez		
Suffix: <input type="text"/>		
Title: Administrative Analyst		
Organizational Affiliation: Self Help Enterprises		
* Telephone Number: (559)802-1585		Fax Number: <input type="text"/>
* Email: mariaa@selfhelpenterprises.org		

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: <input type="text" value="CA-022"/>	* b. Program/Project: <input type="text" value="CA-005, CA-009"/> CA-013, CA-020, CA-022
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date: <input type="text" value="10/01/2022"/>	* b. End Date: <input type="text" value="09/30/2023"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="200,000"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text" value="10,000,000"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text" value="121,500"/>
* g. TOTAL	<input type="text" value="10,321,500.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input checked="" type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text" value="6/14/2022"/>	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)	
<input checked="" type="checkbox"/> I AGREE	
<small>** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small>	
Authorized Representative:	
Prefix: <input type="text" value="Mr."/>	* First Name: <input type="text" value="Thomas"/>
Middle Name: <input type="text" value="J."/>	
* Last Name: <input type="text" value="Collshaw"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="President/ CEO"/>	
* Telephone Number: <input type="text" value="(559)651-1000"/>	Fax Number: <input type="text" value="(559)651-3634"/>
* Email: <input type="text" value="tomc@selfhelpenterprises.org"/>	
* Signature of Authorized Representative: <input type="text" value="Completed by Grants.gov upon submission."/>	* Date Signed: <input type="text" value="Completed by Grants.gov upon submission."/>

June 16, 2022

Ted Smalley, Executive Director
Tulare County Association of Governments
210 N. Church Street, Suite B
Visalia, CA 93291
tsmalley@tularecag.ca.gov

RE: Request for Intergovernmental / Clearinghouse Review

Dear Ted,

In preparing for the FY 2022 Section 533 Housing Preservation Grant (HPG) pre-application to USDA Rural Development, Self-Help Enterprises is contacting your organization to request Intergovernmental Review by the Tulare County Association of Governments. The pre-application review is needed to comply with Clearinghouse procedures. Self-Help Enterprises is preparing to submit the Section 533 HPG pre-application in the next month. FY 2022 HPG application target areas are communities identified by Rural Development with a population of fewer than 10,000 in the following counties: Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, and Tulare.

Self-Help Enterprises will apply for \$200,000 in federal assistance to benefit at least eight (8) households in the FY 2022 HPG target areas. The USDA RD funds will complement CALHOME, CDBG, HOME, HWWS and SWRCB grant funds already committed. Distribution of the funds will be allocated to qualified applicants on a "first come, first served" basis. This process is designed to provide maximum utilization of HPG funds.

Self-Help Enterprises' proposes to utilize the funding to make zero interest deferred payment loans and/or grants to low-income and very-low income, owner-occupied households, with emphasis on lowest targeted income group (less than 50 percent of county median income). The scope and purpose of the HPG Program is similar to the CALHOME, CDBG Program.

We are requesting your staff in-house review and/or board review of our application at a scheduled meeting to ensure that there is no adverse impact on existing local programs or adverse relationship with respect to area-wide plans and policies. Please contact me directly at 559-802-1645 or by email mariaa@selfhelpenterprises.org regarding any questions or if additional information is needed. Thank you for your assistance!

Sincerely,

Maria Alvarez
Maria Alvarez
Administrative Analyst

Enclosure: Form SF 424

TCAG LOCAL CLEARINGHOUSE REVIEW – DISTRIBUTION LIST

LOCAL CLEARINGHOUSE CASE NUMBER: 2023-01

Board of Supervisors/Admin

- ☒ Townsend ☒ Vander Poel
☒ Micari ☒ Valero
☒ Shuklian ☒ Jason Britt - CAO

School Districts:

Choose an item.
Choose an item.
Choose an item.

County Agencies

Choose an item.

Family Support Services

Choose an item.

Tulare Co. Workforce Investment Bd., Inc.

Choose an item.

Choose an item.

Choose an item.

Other: Click here to enter text.

Choose an item.

Other: Click here to enter text.

Resource Management Agency

Building & Housing Services

Special Districts:

Economic Development & Planning

Choose an item.

Countywide Planning

Choose an item.

Other: Click here to enter text.

Choose an item.

Choose an item.

Utility Companies

Choose an item.

☐ AT&T Broadband

Choose an item.

☐ Pacific Bell

Choose an item.

☐ PG&E

Choose an item.

☐ SCE

Other: Click here to enter text.

☐ Southern California Gas

☐ Verizon

Other Special Districts:

Housing Authority

CITY OF Enter city here.

Choose an item.

OTHER Click here to enter text.

Choose an item.

COUNTY OF Kern; Fresno, Kings, Madera, Mariposa, Merced, Stanislaus
enter text.

Other: Click here to

TULARE COUNTY ASSOCIATION OF GOVERNMENTS FUNDING REPORT

Local Clearing House Review 2023-01

USDA Rural Housing Preservation Grant

APPLICATION

Self-Help Enterprises funding for Rural Housing Preservation Grant.

Funds requested are as follows:

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SCOPE OF PROJECT

The project target areas are communities identified by Rural Development with a population of fewer than 10,000 in the following counties: Fresno, Kern, Kings, Madera, Mariposa, Stanislaus, and Tulare. \$200,000 in federal assistance will benefit at least eight households in the FY 2022 HPG target areas, complimenting CALHOME, CDBG, HOME, HWWS, and SWRCB grant funds already committed.

The proposed program will allocate the funds to qualified applicants on a “first come, first served” basis via zero-interest deferred payment loans and/or grants to low-income and very-low-income owner-occupied households, with emphasis on lowest targeted income group.

Application for Federal Assistance SF-424*** 1. Type of Submission:**

- ☒ Preapplication
☐ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

Completed by Grants.gov upon submission.

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

Self Help Enterprises

* b. Employer/Taxpayer Identification Number (EIN/TIN):

04-15926768

* c. UEI:

YWCPA31KBJY6

d. Address:

* Street1:

P. O. Box 6520

Street2:

8445 W. Elowin Court

* City:

Visalia

County/Parish:

Tulare

* State:

CA: California

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

93290

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Maria

Middle Name:

* Last Name:

Alvarez

Suffix:

Title:

Administrative Analyst

Organizational Affiliation:

Self Help Enterprises

* Telephone Number:

(559)802-1585

Fax Number:

* Email:

mariaa@selfhelpenterprises.org

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

M: Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

USDA Rural Housing Development

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

* 12. Funding Opportunity Number:

USDA-RD-HCFP-HPG-2022

* Title:

Rural Housing Preservation Grant

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Housing Preservation Grant Program for low-income and very low-income households, providing loans/grants for housing rehabilitation.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: CA-022	* b. Program/Project: CA-005, CA-009 , CA-013, CA-020, CA-022
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date: 10/01/2022	* b. End Date: 09/30/2023
18. Estimated Funding (\$):	
* a. Federal	200,000
* b. Applicant	
* c. State	10,000,000
* d. Local	
* e. Other	
* f. Program Income	121,500
* g. TOTAL	10,321,500.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input checked="" type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on 6/14/2022 . <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", provide explanation and attach <input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix: Mr.	* First Name: Thomas
Middle Name: J.	
* Last Name: Collishaw	
Suffix: 	
* Title: President/ CEO	
* Telephone Number: (559)651-1000	Fax Number: (559)651-3634
* Email: tomc@selfhelpenterprises.org	
* Signature of Authorized Representative: Completed by Grants.gov upon submission.	* Date Signed: Completed by Grants.gov upon submission.

June 16, 2022

Ted Smalley, Executive Director
Tulare County Association of Governments
210 N. Church Street, Suite B
Visalia, CA 93291
tsmalley@tularecag.ca.gov

RE: Request for Intergovernmental / Clearinghouse Review

Dear Ted,

In preparing for the FY 2022 Section 533 Housing Preservation Grant (HPG) pre-application to USDA Rural Development, Self-Help Enterprises is contacting your organization to request Intergovernmental Review by the Tulare County Association of Governments. The pre-application review is needed to comply with Clearinghouse procedures. Self-Help Enterprises is preparing to submit the Section 533 HPG pre-application in the next month. FY 2022 HPG application target areas are communities identified by Rural Development with a population of fewer than 10,000 in the following counties: Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, and Tulare.

Self-Help Enterprises will apply for \$200,000 in federal assistance to benefit at least eight (8) households in the FY 2022 HPG target areas. The USDA RD funds will complement CALHOME, CDBG, HOME, HWWWS and SWRCB grant funds already committed. Distribution of the funds will be allocated to qualified applicants on a "first come, first served" basis. This process is designed to provide maximum utilization of HPG funds.

Self-Help Enterprises' proposes to utilize the funding to make zero interest deferred payment loans and/or grants to low-income and very-low income, owner-occupied households, with emphasis on lowest targeted income group (less than 50 percent of county median income). The scope and purpose of the HPG Program is similar to the CALHOME, CDBG Program.

We are requesting your staff in-house review and/or board review of our application at a scheduled meeting to ensure that there is no adverse impact on existing local programs or adverse relationship with respect to area-wide plans and policies. Please contact me directly at 559-802-1645 or by email mariaa@selfhelpenterprises.org regarding any questions or if additional information is needed. Thank you for your assistance!

Sincerely,

Maria Alvarez
Maria Alvarez
Administrative Analyst

Enclosure: Form SF 424

Tulare County Association of Governments

AGENDA ITEM VII-D

August 15, 2022

Prepared by Derek Winning, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Reaffirm Consultant Selection for Tulare County Regional Transit Agency (TCRTA) Branding and Communications Plan

BACKGROUND:

The Tulare County Association of Governments invited the submission of proposals by qualified consultants to develop the TCRTA Branding and Communications Plan. The project entails developing a firm logo and other identifying graphics and themes for buses/vans through stakeholder and community input (Task 1). Once a logo is approved a marketing strategy will be developed and implemented using social media, website, other advertising to disseminate TCRTA's mission and new services offered to the public (Task 2).

DISCUSSION:

In October of 2021, TCAG released a Request for Proposals (RFP) for the TCRTA Branding and Communications Plan. This RFP was amended to clarify the scope of work and recirculated on March 17th of this year (2022). The RFP stated a budget of \$75,000 for Task 1 and \$100,000 for Task 2. Three (3) proposals were received from firms based out of Fresno, Clovis, and Arnold, CA. All met the proposal requirements and came in at or under the identified budgets. Proposal scoring was out of 215 total points (110 points for Task 1 and 105 points for Task 2). Results of proposal scoring are as follows:

Firm	Average Score	Task 1 Cost	Task 2 Cost
Archer and Hound Advertising	194.50	\$72,000	\$99,000
Southwest Strategies	189.75	\$74,915	\$99,979
Rethought Reborn Media	188.00	\$75,000	\$100,000

The TCAG Governing Board approved the selection of Archer & Hound Advertising at its June 2022 meeting and authorized staff to prepare and negotiate a contract.

RECOMMENDATIONS:

As set forth in the attached draft resolution, reaffirm attached agreement with Archer & Hound for TCRTA Branding and Communications Plan for FY 2022/2023.

FISCAL IMPACT:

The TCRTA Branding and Communications Plan budget was approved with the FY 22/23 Overall Work Program (OWP).

ATTACHMENTS:

1. Resolution reaffirming consultant selection Archer & Hound Advertising.
2. Agreement with Archer & Hound Advertising for TCRTA Branding and Communications Plan.

Work Element: 602.04 Federal PL Transit Planning and Coordination (Task 1)

Work Element: 602.10-1522 SB1 Grant Regional Transit Outreach (Task 2)

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

REAFFIRMING THE PROFESSIONAL)
SERVICES AGREEMENT WITH ARCHER &)
HOUND ADVERTISING, FOR PREPARATION)
TCRTA BRANDING AND COMMUNICATIONS)
PLAN FOR FISCAL YEAR 22/23)

Resolution No. 2022-xxx

WHEREAS, on March 17, 2022, the Tulare County Association of Governments (TCAG) requested proposals for consultant services to prepare TCRTA Branding and Communications Plan for fiscal year 2022/23; and

WHEREAS, three (3) qualified consulting firms submitted proposals to TCAG; and

WHEREAS, proposals were evaluated and scored in accordance with the adopted scoring criteria as presented in the Request for Proposals (RFP); and

WHEREAS, it was recommended to the TCAG Board of Governors by staff that Archer & Hound Advertising be awarded a contract to develop the TCRTA Branding and Communications Plan for a budget to not exceed \$175,000; and

WHEREAS, on June 27, 2022, Resolutions No. 2022-136, the TCAG board selected Archer & Hound Advertising for preparation of the TCRTA Branding and Communications Plan and authorized staff to prepare and negotiate a contract.

NOW, THEREFORE, BE IT RESOLVED, that the Tulare County Association of Governments reaffirms the agreement with Archer & Hound Advertising for professional services for FY 2022/2023 for an amount to not exceed \$175,000.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 15th day of August, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian
Chair, TCAG

Ted Smalley
Executive Director, TCAG

THIS AGREEMENT ("Agreement") is entered into as of _____, between the **TULARE COUNTY ASSOCIATION OF GOVERNMENTS**, a joint powers authority established under the laws of the State of California ("TCAG"), and Archer & Hound Advertising ("CONTRACTOR"). TCAG and CONTRACTOR are each a "Party" and together are the "Parties" to this Agreement, which is made with reference to the following:

- A. WHEREAS, TCAG has secured funding for the preparation of the TCRTA Branding and Communications Plan: Federal PL - Task 1 and SB1 Sustainable Communities Planning Grant - Task 2; and
- B. WHEREAS, TCAG requested proposals from qualified firms to prepare the TCRTA Branding and Communications Plan; and
- C. WHEREAS, proposals were received and evaluated per TCAG's adopted procurement process; and
- D. WHEREAS, TCAG selected Archer & Hound Advertising for the preparation of the TCRTA Branding and Communications Plan; and
- E. WHEREAS, TCRTA will act as project lead on behalf of TCAG.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. TERM: This Agreement becomes effective as of _____ and expires at 11:59 PM on June 30, 2023 unless earlier terminated as provided below. If more time is required, an extension of up to three months is allowed upon written and signed agreement between TCAG Executive Director and CONTRACTOR.

2. SERVICES: See attached **Exhibit A**.

3. PAYMENT FOR SERVICES & BUDGET: See attached **Exhibit B**. TCAG may request at any time, amendments to this contract and will notify the CONTRACTOR in writing regarding changes. Upon a minimum of ten (10) days' notice, the CONTRACTOR shall determine the impact on both time and compensation of such changes and notify TCAG in writing. Upon agreement between TCAG and CONTRACTOR as to the extent of these impacts on time and compensation, an amendment to this contract shall be prepared describing such changes. Such amendment shall be valid effective the date of the amending document.

4. INSURANCE: Before approval of this Agreement by TCAG, CONTRACTOR must file with the Clerk of the Board of Governors of TCAG evidence of the required insurance as set forth in the attached **Exhibit C**.

5. SCHEDULE & DELIVERABLES: Project schedule and deliverables for Task 1 & 2 will be developed by the CONTRACTOR in coordination with the project team during the project kick-off meeting upon execution of this agreement.

6. PROJECT STAFF: Jessica Blanchfield shall be the Project Manager performing the service under this Agreement. The Project Manager shall not be replaced without prior written approval from the Executive Director of TCRTA.

7. GENERAL AGREEMENT TERMS AND CONDITIONS: TCAG'S "General Agreement Terms and Conditions" are hereby incorporated by reference and made a part of this Agreement as if fully set forth herein. TCAG'S "General Agreement Terms and Conditions" are attached as **Exhibit D**.

8. ADDITIONAL EXHIBITS: CONTRACTOR shall comply with the terms and conditions of the Exhibits listed below and identified with a checked box, which are by this reference made a part of this Agreement.

<input checked="" type="checkbox"/>	Exhibit E	Additional terms and conditions for federally-funded contracts. (Task 1)
<input checked="" type="checkbox"/>	Exhibit F	Disadvantaged Business Enterprise (DBE). (Task 1)

9. NOTICES: (a) Except as may be otherwise required by law, any notice to be given must be written and must be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

TCAG:

Attn: Ted Smalley
210 N. Church Street, Suite B
Visalia, Ca 93291
Phone No.: (559) 623-0450

Archer & Hound Advertising:

Attn: Jessica Blanchfield
7910 N. Ingram Ave. #102
Fresno, CA 93711
Phone No.: (559) 454-9400

(b) Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail will be deemed received on the fifth calendar day after the date of mailing. Either Party may change the above address by giving written notice under this section.

10. SUBCONTRACTING: If this box is checked ☐ , CONTRACTOR has indicated it will utilize subcontractors to provide certain services related to this Agreement. CONTRACTOR has selected the following subcontractors ("Subcontractors") to provide the goods or services related to the Agreement:

11. AUTHORITY: CONTRACTOR represents and warrants to TCAG that the individual(s) signing this Agreement on its behalf are duly authorized and have legal capacity to sign this Agreement and bind CONTRACTOR to its terms. CONTRACTOR acknowledges that TCAG has relied upon this representation and warranty in entering into this Agreement.

12. COUNTERPARTS: The Parties may sign this Agreement in counterparts, each of which is an original and all of which taken together form one single document.

[THIS SPACE LEFT BLANK INTENTIONALLY; SIGNATURES FOLLOW ON NEXT PAGE]

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

Archer & Hound Advertising

Date: _____

By _____

Print Name _____

Title _____

[Pursuant to Corporations Code section 313, County policy requires that contracts with a **Corporation** be signed by both (1) the chairman of the Board of Directors, the president or any vice-president (or another officer having general, operational responsibilities), and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer (or another officer having recordkeeping or financial responsibilities), unless the contract is accompanied by a certified copy of a resolution of the corporation's Board of Directors authorizing the execution of the contract. Similarly, pursuant to California Corporations Code section 17703.01, County policy requires that contracts with a **Limited Liability Company** be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.]

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Date: _____

By _____

Ted Smalley
Executive Director

METHODOLOGY

Below outlines our approach to the project. This summary gives some insight into how our process works in relevance to the requests of this RFP.

TASK 1 OF THE RFP

Discovery & Workshops

Surveys are sent to every person involved in the various workshops. This allows us to gather information and insight prior to meeting with each group.

Workshops are conducted with each of the identified groups, where we will guide conversations and exercises that help us better understand the organization, the needs of the people using the service, etc.

Additional information is gathered from key staff and stakeholders that will be used during the strategy phase.

Following the workshops and discussions, our team finalizes a brand guide, or branding assessment report, that holistically gives details on the brand personality, voice, tone, targeted audiences (primary, secondary, supplementary), in-depth audience personas, etc. This report and its contents, guide the look, feel, and sound of the brand and should be used by all staff, partners, etc. to ensure the brand is always aligned.

Brand Implementation

Taking cues from the CORE Process and final guidelines/report, we develop moodboards (or as described in the RFP, vision samples) that take the words that describe your brand, and put them into a visual representation. Each moodboard shows the shapes, colors, fonts, etc. that align with the brand's personality. The feedback we receive from these moodboards direct the next phase of logo concepts.

Our team creates three logo designs for the brand and develops design comps of those logos in action or in the world (on a faux website, on apparel, etc.). Once a final logo is approved, we move into designing subsequent assets:

- Bus/van wraps
- Smart-cards

Once the final brand has been developed, our team creates a brand book that includes the content from the brand guidelines, as well as all details that pertain to the visual use of the brand identity. This digital brand book is included in our digital brand toolkit that includes all logo file types, fonts, colors, iconography, etc. It is available online for easy access to all staff, vendors, and partners.

Marketing Strategy

Based on the feedback gathered during our CORE Workshop with staff and key stakeholders, our team moves into developing the marketing strategy. Elements of this strategy include:

- SMART Goals (Specific, Measurable, Realistic, and Time-Bound)
- KPIs (Key Performance Indicators)
- Audience journey

Our team creates a marketing strategy guide, or report, that details all elements relevant for guiding and ultimately determining the effectiveness of the marketing.

TASK 2 OF THE RFP

Marketing Implementation

Based on information discovered and ultimately outlined in Task 1, as described above, our team then moves into implementing the marketing and outreach elements:

- Social Media (strategy, optimization, content calendar, designed toolkit)
- Website content
- Print media (riders guides, route maps, banners, promo flyers)
- Marketing campaign concepts

Communications Strategy

Develop a strategy for constituent communication and feedback, including the methods and development of ways these audience members can connect and give feedback.

Implement details of the communications strategy, including the identified community meetings, surveys, etc.

Following the feedback gathered, our team would prepare a recap report and SWOT analysis, to outline Strengths, Weaknesses, Opportunities, and Threats, as communicated by constituents.

Community Outreach Plan

Based on the feedback received during the communication discovery with constituents, and in line with the Brand Guide developed in Task 1, our team would develop an outreach plan. This plan is what will inform the content and details of developed marketing elements, such as updated website content, as well as print media, and marketing concepts.

The final details will be outlined in a strategic 12 to 18-month plan that connects objectives to the deliverables, achieving optimal communication and outreach.

SUBCONTRACTING

All marketing services are performed in-house by full-time staff within our full-service agency, as described in the Understanding of the Project and Deliverables sections. This includes all services noted in this proposal. We do not anticipate utilizing subcontractors.

CONFLICT OF INTEREST

We are not aware of any conflicts of interest.

PROJECT COSTS

TASK 1 PROJECTS

Design the TCRTA Public Identity/Brand

- Conduct (3) brand workshops; (2) with the community and (1) with TAC
 - Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Kiley Norvell, Director of Content Strategy, Branding & Copywriting
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Estimated billable hours: 63 hours
- Conduct (1) workshop/discussion with the TCRTA staff
 - Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Kiley Norvell, Director of Content Strategy, Branding & Copywriting
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Estimated billable hours: 36 hours
- Prepare a branding assessment report
 - Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Kiley Norvell, Director of Content Strategy, Branding & Copywriting
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Kylie Insko, Director of Planning and Analysis
 - Estimated billable hours: 13 hours

Total billable hours: 112

Brand Identity workshops, Discussions, & Report\$14,000

Develop the TCRTA Public Identity/Brand Architecture

- Develop (3) branding moodboards for each service mode (Fixed Route, ADA, On-Demand)
 - Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Alex Jiménez, Senior Designer & Illustrator/Cultural Adaptation Specialist
 - Estimated billable hours: 65 hours
- Develop (3) logo designs for each service mode (Fixed Route, ADA, On-Demand)
 - Key Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Alex Jiménez, Senior Designer & Illustrator/Cultural Adaptation Specialist
 - Estimated billable hours: 112 hours
- Develop (3) bus/van wrap design concepts for each service mode (Fixed Route, ADA, On-Demand)
 - Key Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Alex Jiménez, Senior Designer & Illustrator/Cultural Adaptation Specialist
 - Estimated billable hours: 65 hours
- Develop (3) regional smart-card designs
 - Key Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Alex Jiménez, Senior Designer & Illustrator/Cultural Adaptation Specialist
 - Estimated billable hours: 50 hours
- Develop brand guidelines and toolkit
 - Key Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Alex Jiménez, Senior Designer & Illustrator/Cultural Adaptation Specialist
 - Estimated billable hours: 100 hours

Total billable hours: 392

Concepts, Designs, Guidelines & Toolkit\$49,000

Develop TCRTA Public Identity/Brand Marketing Strategy

- Recommend SMART goals for TCRTA to achieve in the next 1–3 years
- Identify Key Performance Metrics (KPIs) for the future marketing strategy
- Prepare Marketing Strategy Report
 - Key Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Kiley Norvell, Director of Content Strategy, Branding & Copywriting
 - Kylie Insko, Director of Planning and Analysis
 - Estimated billable hours: 72 hours

Total billable hours: 72

Marketing Strategy & Report\$9,000

Task 1 Total\$72,000

(Task 1 total not to exceed \$75,000)

TASK 2 PROJECTS

Community Engagement Platforms

- Social media framework and content (strategy, optimization, content calendar, designed toolkit)
- Website framework and content
- Rider's guides for each service mode (Fixed Route, ADA, On-Demand)
- Route maps for each Fixed Route, and ADA and On-Demand zone
- Promo flyers, banners, and other print materials
- Marketing campaign concepts
 - Key Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Kylie Insko, Director of Planning and Analysis
 - Aaron Coyne, Partner, and Creative Director
 - Kiley Norvell, Director of Content Strategy, Branding & Copywriting
 - Aileen Pasión, Director of Branding, Web Design & Development
 - Alex Jiménez, Senior Designer & Illustrator/Cultural Adaptation Specialist
 - Estimated billable hours: 480

Total billable hours: 480

Community Engagement Design & Development\$60,000

Communications Strategy, Feedback Loop, and Community Participation Engagement Outreach

- (1) Survey per quarter
- (2) Community engagement meetings and/or events
- Support Materials
 - Key Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Aaron Coyne, Partner, and Creative Director
 - Kiley Norvell, Director of Content Strategy, Branding & Copywriting
 - Kylie Insko, Director of Planning and Analysis
 - Estimated billable hours: 192

Community Engagement Assessment Report

- Following each survey or meeting/event
 - Key Staff Involved:
 - Jessica Blanchfield, President, and Director of Accounts
 - Kiley Norvell, Director of Content Strategy, Branding & Copywriting
 - Kylie Insko, Director of Planning and Analysis
 - Estimated billable hours: 48

Total billable hours: 240

Communications Strategy & Engagement\$30,000

Community Outreach Plan

Strategic 12 to 18-month plan

Total billable hours: 72

Community Outreach Plan\$9,000

Task 2 Total\$99,000
(Task 2 total not to exceed \$100,000)

Our agency bills at a rate of \$125 (agency rates increased to \$150/hour in March 2022, however, we will hold the billable rate used in the RFP, for TCRTA).

Our agency will not charge mileage for clients located within the San Joaquin Valley.

EXHIBIT C
PROFESSIONAL SERVICES CONTRACTS
INSURANCE REQUIREMENTS

CONTRACTOR shall provide and maintain insurance for the duration of this Agreement against claims for injuries to persons and damage to property which may arise from, or in connection with, performance under the Agreement by the CONTRACTOR, his agents, representatives, employees and subcontractors, if applicable.

A. Minimum Scope & Limits of Insurance

1. Coverage at least as broad as Commercial General Liability, insurance Services Office Commercial General Liability coverage occurrence form GC 00 01, with limits no less than \$1,000,000 per occurrence including products and completed operations, property damage, bodily injury and personal & advertising injury. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. Insurance Services Office Form Number CA 00 01 covering Automobile Liability of \$1,000,000 per occurrence including any auto or, if the CONTRACTOR has no owned autos, hired and non-owned auto coverage. If an annual aggregate applies it must be no less than \$2,000,000.
3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
4. Professional Liability (Errors and Omissions) insurance appropriate to the CONTRACTOR's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

B. Specific Provisions of the Certificate

1. If the required insurance is written on a claims made form, the retroactive date must be before the date of the contract or the beginning of the contract work and must be maintained and evidence of insurance must be provided for at least three (3) years after completion of the contract work.
2. CONTRACTOR must submit endorsements to the General Liability reflecting the following provisions:
 - a. *The TULARE COUNTY ASSOCIATION OF GOVERNMENTS ("TCAG"), its officers, agents, officials, employees and volunteers are to be covered as additional insureds as respects; liability arising out of work or operations performed by or on behalf of the CONTRACTOR including material, parts, or equipment furnished in connection with such work or operations.*
 - b. *For any claims related to this project, the CONTRACTOR's insurance coverage shall be primary insurance as respects the COUNTY, its officers, agents, officials, employees and volunteers. Any insurance or self-insurance maintained by the COUNTY, its officers, agents, officials, employees or volunteers shall be excess of the CONTRACTOR's insurance and shall not contribute with it.*
 - c. *CONTRACTOR hereby grants to TCAG a waiver of any right to subrogation which any insurer of CONTRACTOR may acquire against the county by virtue of the payment of any loss under such insurance. CONTRACTOR agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not TCAG has received a waiver of subrogation endorsement from the insurer.*

d. Each insurance policy required by this agreement shall be endorsed to state that coverage shall not be canceled by either party, except after written notice has been provided to TCAG.

3. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the TCAG for all work performed by the CONTRACTOR, its employees, agents and subcontractors. CONTRACTOR waives all rights against the TCAG and its officers, agents, officials, employees and volunteers for recovery of damages to the extent these damages are covered by the workers compensation and employers liability.

C. Deductibles and Self-Insured Retentions

Self-insured retentions must be declared and the TCAG'S Risk Manager must approve any deductible or self-insured retention that exceeds \$100,000.

D. Acceptability of Insurance

Insurance must be placed with insurers with a current rating given by A.M. Best and Company of no less than A-:VII and a Standard & Poor's Rating (if rated) of at least BBB and from a company approved by the Department of Insurance to conduct business in California. Any waiver of these standards is subject to approval by the TCAG'S Risk Manager.

E. Verification of Coverage

Prior to approval of this Agreement by the TCAG, the CONTRACTOR shall file with t TCAG, certificates of insurance with original endorsements effecting coverage in a form acceptable to the TCAG. Endorsements must be signed by persons authorized to bind coverage on behalf of the insurer. TCAG reserves the right to require certified copies of all required insurance policies at any time.

EXHIBIT D

- 1. COMPLIANCE WITH LAW:** CONTRACTOR must provide services in accordance with applicable Federal, State, and local laws, regulations and directives. With respect to CONTRACTOR'S employees, CONTRACTOR must comply with all laws and regulations pertaining to wages and hours, state and federal income tax, unemployment insurance, Social Security, disability insurance, workers' compensation insurance, and discrimination in employment.
- 2. PAYMENT DOES NOT IMPLY ACCEPTANCE OF WORK:** CONTRACTOR is not entitled to any payments under this Agreement until TCAG confirms that services provided, including any furnished deliverables, satisfy all of the requirements of this Agreement. Payments to CONTRACTOR by TCAG shall not excuse CONTRACTOR from its obligation to replace unsatisfactory deliverables, including equipment, components, materials, or services even if the unsatisfactory character of such deliverables, equipment, components, materials, or services may not have been apparent or detected at the time such payment was made. Deliverables, equipment, components, materials and services that do not conform to the requirements of this Agreement may be rejected by TCAG and in such case must be replaced by CONTRACTOR without delay and at no cost to the TCAG.
- 3. DISALLOWANCE:** If CONTRACTOR requests or receives payment from TCAG for services hereunder, reimbursement for which is later disallowed by the State of California or United States Government, CONTRACTOR shall promptly refund the disallowed amount to TCAG upon TCAG'S request. At its option, TCAG may offset the amount disallowed from any payment due or to become due to CONTRACTOR under this Agreement or any other Agreement between CONTRACTOR and TCAG. CONTRACTOR'S obligations under this section 2 will survive the expiration or termination of this Agreement.
- 4. LIABILITY OF TCAG:** TCAG'S payment obligations under this Agreement shall be limited to the payment of the compensation provided for in section 3, "PAYMENT FOR SERVICES," of this Agreement. Notwithstanding any other provision of this Agreement, in no event shall TCAG be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect, or incidental damages, including, but not limited to, lost profits, arising out of or in connection with this Agreement or the services performed in connection with this Agreement.
- 5. QUALIFIED PERSONNEL:** CONTRACTOR shall utilize only competent personnel under the supervision of, and in the employment of, CONTRACTOR (or CONTRACTOR'S authorized subcontractors) to perform the services. CONTRACTOR will comply with TCAG'S reasonable requests regarding assignment and/or removal of personnel, but all personnel, including those assigned at TCAG'S request, must be supervised by CONTRACTOR. CONTRACTOR shall commit adequate resources to allow timely completion within the project schedule specified in this Agreement.
- 6. INDEPENDENT CONTRACTOR STATUS:** The Parties enter into this Agreement with the express understanding that CONTRACTOR will perform all services required under this Agreement as an independent contractor. The Parties agree that CONTRACTOR and any of its agents, employees, or officers cannot be considered agents, employees, or officers of TCAG.

CONTRACTOR agrees to advise everyone it assigns or hires to perform any duty under this Agreement that they are not employees of TCAG. Subject to any performance criteria contained in this Agreement, CONTRACTOR will be solely responsible for determining the means and methods of performing the specified services and TCAG will have no right to control or exercise any supervision over CONTRACTOR as to how CONTRACTOR will perform the services. As CONTRACTOR is not TCAG'S employee, CONTRACTOR is responsible for paying all required state and federal taxes. In particular, TCAG will not:

- (1) Withhold FICA (Social Security) from CONTRACTOR'S payments.

- (2) Make state or federal unemployment insurance contributions on CONTRACTOR'S behalf.
- (3) Withhold state or federal income tax from payments to CONTRACTOR.
- (4) Make disability insurance contributions on behalf of CONTRACTOR.
- (5) Obtain unemployment compensation insurance on behalf of CONTRACTOR.

Notwithstanding this independent contractor relationship, TCAG will have the right to monitor and evaluate the performance of CONTRACTOR to assure compliance with this Agreement.

7. LICENSES AND PERMITS: CONTRACTOR represents and warrants that it possesses and will maintain during the term of this Agreement all licenses and permits required for its performance of the services required under this Agreement.

8. GOVERNING LAW: The laws of the State of California, without reference to California conflict of laws principles, govern this Agreement and its interpretation. The Parties agree that this Agreement is made in and will be performed in Tulare County, California.

9. RECORDS AND AUDIT: CONTRACTOR must maintain complete and accurate records with respect to the services rendered and the costs incurred under this Agreement. In addition, CONTRACTOR must maintain complete and accurate records with respect to any payments to employees or subcontractors. All of the records must be prepared in accordance with generally accepted accounting procedures, must be clearly identified, and must be kept readily accessible. Upon request, CONTRACTOR must make the records available within Tulare County to the Auditor of Tulare County and to his or her agents and representatives, for the purpose of auditing and/or copying the records for a period of five (5) years from the date of final payment under this Agreement. Additional record-keeping requirements may be located in Exhibit F or G (related to federally-funded contracts generally, or FTA-funded contracts specifically).

10. CONFLICT OF INTEREST:

(a) At all times during the performance of this Agreement, CONTRACTOR must comply with the law of the State of California regarding conflicts of interests and appearance of conflicts of interests, including, but not limited to, Government Code Section 1090 *et seq.*, and the Political Reform Act, Government Code Section 81000 *et seq.*, and regulations promulgated by the California Fair Political Practices Commission. The statutes, regulations, and laws previously referenced include, but are not limited to, prohibitions against any public officer or employee, including CONTRACTOR for this purpose, from making any decision on behalf of TCAG or TCRTA in which the officer, employee, or consultant/contractor has a direct or indirect financial interest. A violation can occur if the public officer, employee, or consultant/contractor participates in or influences any TCAG or TCRTA decision that has the potential to confer any pecuniary benefit on CONTRACTOR or any business firm in which CONTRACTOR has an interest, with certain narrow exceptions.

(b) CONTRACTOR agrees that if any facts come to its attention that raise any questions as to the applicability of conflicts of interests laws, then it will immediately inform TCAG and provide all information needed for resolution of this question.

11. INSURANCE: The attached **Exhibit C** outlines the minimum scope, specifications, and limits of insurance required under this Agreement. Additional insured endorsements required as outlined in **Exhibit C** cannot be used to reduce limits available to TCAG as an additional insured from CONTRACTOR'S full policy limits. Insurance policies cannot be used to limit liability or to limit the indemnification provisions and requirements of this Agreement or

act in any way to reduce the policy coverage and limits available from the insurer(s). If CONTRACTOR fails to maintain or renew coverage, or to provide evidence of renewal, then TCAG may consider that failure a material breach of this Agreement. TCAG may also withhold any payment otherwise due to CONTRACTOR for failure to provide evidence of renewal until CONTRACTOR provides such evidence.

12. INDEMNIFICATION AND DEFENSE:

(a) To the fullest extent permitted by law, CONTRACTOR must indemnify, defend (at CONTRACTOR'S sole cost and expense and with legal counsel approved by TCAG, which approval may not be unreasonably withheld), protect and hold harmless TCAG and TCRTA, all subsidiaries, divisions, committee, and affiliated agencies of TCAG and TCRTA, and all of their representatives, partners, designees, officers, directors, employees, consultants, agents, successors, and assigns, (each, an "Indemnified Party" and collectively, the "Indemnified Parties"), from and against all claims (including, without limitation, claims for bodily injury, death or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including, without limitation, attorneys' fees, disbursements, and court costs, and all other professional expert or consultants' fees and costs and TCAG and TCRTA general and administrative expenses) of every kind and nature whatsoever (individually, a "Claim"; collectively, "Claims") which may arise out of, pertain to, or relate (directly or indirectly) to the negligence, recklessness, or misconduct of CONTRACTOR with respect to any work performed or services provided under this Agreement (including, without limitation, the acts, errors, and/or omissions of CONTRACTOR, its principals, officers, agents, employees, vendors, suppliers, consultants, sub-consultants, contractors, and anyone employed directly or indirectly by any of them, or for whose acts they may be liable, or any or all of them). CONTRACTOR'S obligation to indemnify applies unless it is finally adjudicated that the liability was caused by the sole active negligence or sole willful misconduct of an Indemnified Party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an Indemnified Party, then CONTRACTOR'S indemnification obligation shall be reduced in proportion to the established comparative liability.

(b) The duty to defend is a separate and distinct obligation from CONTRACTOR'S duty to indemnify. CONTRACTOR shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, the Indemnified Parties immediately upon tender to CONTRACTOR of the Claim in any form or at any stage of an action or proceeding, whether or not liability is established. Payment to CONTRACTOR by any Indemnified Party or the payment or advance of defense costs by any Indemnified Party cannot be a condition precedent to enforcing the Indemnified Party's rights to indemnification under this Agreement. An allegation or determination that persons other than CONTRACTOR are responsible for the Claim does not relieve CONTRACTOR from its separate and distinct obligation to defend under this section. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if CONTRACTOR asserts that liability is caused in whole or in part by the negligence or willful misconduct of an Indemnified Party. If it is finally adjudicated that liability was caused by the comparative active negligence or willful misconduct of an Indemnified Party, then CONTRACTOR may submit a claim to the TCAG for reimbursement of reasonable attorneys' fees and defense costs in proportion to the established comparative liability of the Indemnified Party. CONTRACTOR'S indemnification obligations under this Agreement will survive the expiration or earlier termination of this Agreement until action against the Indemnified Parties for the matter indemnified is fully and finally barred by the applicable statute of limitations or statute of repose. CONTRACTOR'S liability for indemnification under this Agreement is in addition to any liability CONTRACTOR may have to TCAG for a breach by CONTRACTOR of any of the provisions of this Agreement. Under no circumstances may the insurance requirements and limits set forth in this Agreement be construed to limit CONTRACTOR'S indemnification obligation or other liability under this Agreement. The terms of this Agreement are contractual and the result of negotiation between the Parties.

(c) CONTRACTOR must indemnify and hold TCAG and TCRTA harmless from all loss and liability, including attorneys' fees, court costs and all other litigation expenses, for any infringement of the patent rights, copyright, trade secret or any other proprietary right or trademark, and all other intellectual property claims of any person or persons in consequence of the use by TCAG and TCRTA, or any of its officers or agents, of articles or services to be supplied in the performance of this Agreement.

13. TERMINATION:

(a) **Without Cause:** TCAG may terminate this Agreement without cause by giving thirty (30) days' prior written notice to CONTRACTOR of its intention to terminate under this provision, specifying the date of termination. TCAG will pay to CONTRACTOR the compensation earned for work satisfactorily performed and not previously paid for to the date of termination. TCAG will not pay lost anticipated profits or other economic loss. The payment of any compensation is subject to the restrictions on payment of compensation otherwise provided in this Agreement, and is conditioned upon receipt from CONTRACTOR of all plans, specifications and estimates, and other documents prepared by CONTRACTOR in accordance with this Agreement. TCAG will not impose sanctions on CONTRACTOR under these circumstances.

(b) **With Cause:** Either Party may terminate this Agreement immediately, by written notice to the other Party, should the other Party:

- (1) Be adjudged a bankrupt, or
- (2) Become insolvent or have a receiver appointed, or
- (3) Make a general assignment for the benefit of creditors, or
- (4) Suffer any judgment that remains unsatisfied for 30 days, and that would substantively impair the ability of the judgment debtor to perform under this Agreement, or
- (5) Materially breach this Agreement.

In addition, TCAG may terminate this Agreement based on:

- (6) Material misrepresentation, either by CONTRACTOR or anyone acting on CONTRACTOR'S behalf, as to any matter related in any way to TCAG'S retention of CONTRACTOR, or
- (7) Other misconduct or circumstances that, in the sole discretion of TCAG, either impairs the ability of CONTRACTOR to competently provide the services under this Agreement, or exposes TCAG to an unreasonable risk of liability.

For any of the occurrences except item (5) above, termination may be effected upon written notice by the terminating Party specifying the date of the termination. If CONTRACTOR fails to perform according to the terms and conditions of this Agreement, then TCAG may, in addition to any other remedy it may have, issue a declaration of default after 10 days' written notice to CONTRACTOR.

Upon a material breach, the Agreement may be terminated after the failure of the defaulting Party to remedy the breach to the satisfaction of the non-defaulting Party within 5 days of written notice specifying the breach. If the breach is not remedied within that 5-day period, then the non-defaulting Party may terminate this Agreement on further written notice specifying the date of termination. If the nature of the breach is such that it cannot be cured within a 5-day period, then the defaulting Party may submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting Party consents to that proposal in writing, which consent may not be unreasonably withheld, then the defaulting Party must immediately embark on its plan to

cure the default or breach. If the default or breach is not cured within the time agreed, then the non-defaulting Party may terminate this Agreement upon written notice specifying the date of termination.

TCAG will pay to CONTRACTOR the compensation earned for work satisfactorily performed and not previously paid for to the date of termination. The payment of such compensation is subject to the restrictions on payment of compensation otherwise provided in this Agreement, and is conditioned upon receipt from CONTRACTOR of all plans, specifications and estimates, and other documents prepared by CONTRACTOR by the date of termination in accordance with this Agreement. TCAG will not pay lost anticipated profits or other economic loss, nor will TCAG pay compensation or make reimbursement to cure a breach arising out of or resulting from such termination. If TCAG terminates this Agreement for cause and the expense of finishing CONTRACTOR'S scope of work exceeds the unpaid balance of the Agreement, then CONTRACTOR must pay the difference to TCAG. TCAG may impose sanctions under these circumstances, which may include possible rejection of future proposals based on specific causes of CONTRACTOR'S non-performance.

(c) **Effects of Expiration or Termination:** Expiration or termination of this Agreement will not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities. Where TCAG terminates CONTRACTOR'S services, that termination will not affect any rights of TCAG to recover damages against CONTRACTOR.

(d) **Suspension of Performance:** Independent of any right to terminate this Agreement, the Executive Director of TCAG may immediately suspend performance by CONTRACTOR, in whole or in part, in response to health, safety or financial emergency, or a failure or refusal by CONTRACTOR to comply with the provisions of this Agreement, until such time as the cause for suspension is resolved, or a notice of termination becomes effective.

14. LOSS OF FUNDING: It is understood and agreed that if TCAG'S funding is either discontinued or reduced for the services to be provided hereunder, then TCAG will have the right to terminate this Agreement under section 13 (a) ("Termination Without Cause") as of the end of the term for which funds are appropriated. Such termination shall be without penalty, liability, or expense to TCAG of any kind, provided that TCAG shall pay CONTRACTOR in accordance with section 13 (a) for services satisfactorily performed prior to the date of such termination and to the extent funds have been appropriated for such payment.

15. SUBMITTING FALSE CLAIMS; MONETARY PENALTIES: Under applicable federal and state law, if CONTRACTOR submits a false claim to TCAG under this Agreement, then CONTRACTOR will be liable to TCAG for the statutory penalties set forth in those statutes, including but not limited to statutory fines, treble damages, costs, and attorneys' fees. CONTRACTOR will be deemed to have submitted a false claim to TCAG if CONTRACTOR:

- (a) Knowingly presents or causes to be presented to TCAG a false claim or request for payment or approval;
- (b) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by TCAG;
- (c) Conspires to defraud TCAG by getting a false claim allowed or paid by TCAG;
- (d) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to TCAG; or

(e) Is a beneficiary of an inadvertent submission of a false claim to TCAG, later discovers the falsity of the claim, and fails to disclose the false claim to TCAG within a reasonable time after discovery of the false claim.

16. FORM DE-542: If CONTRACTOR is an individual, CONTRACTOR acknowledges that this Agreement is subject to filing obligations under Unemployment Insurance Code Section 1088.8. Accordingly, TCAG has an obligation to file a report with the Employment Development Department, which report will include CONTRACTOR'S full name, social security number, address, the date this Agreement was executed, the total amount of the Agreement, its expiration date or whether it is ongoing. CONTRACTOR agrees to cooperate with TCAG to make that information available and to complete Form DE- 542. Failure to provide the required information may, at TCAG'S option, prevent approval of this Agreement, or be grounds for termination by TCAG.

17. WORKS FOR HIRE: CONTRACTOR acknowledges that all work(s) under this Agreement are "work(s) for hire" within the meaning of the United States Copyright Act (Title 17 United States Code) and hereby assigns to TCAG all rights and interests CONTRACTOR may have in the work(s) it prepares under this Agreement, including any right to derivative use of the work(s). All software and related materials developed by CONTRACTOR in performance of this Agreement for TCAG will be the sole property of TCAG, and CONTRACTOR hereby assigns and transfers all its right, title, and interest therein to TCAG. CONTRACTOR will execute all necessary documents to enable TCAG to protect TCAG'S intellectual property rights under this section.

18. WORK PRODUCT: All work product, equipment, or materials created for TCAG or purchased by TCAG under this Agreement belong to TCAG and CONTRACTOR must immediately deliver them to TCAG at TCAG'S request upon termination or completion of this Agreement.

19. TIME OF ESSENCE: The Parties agree that time is of the essence under this Agreement, unless they agree otherwise in writing.

20. CONFIDENTIALITY: CONTRACTOR may not use or disclose any information it receives from TCAG under this Agreement that TCAG has previously identified as confidential or exempt from mandatory public disclosure except as necessary to carry out the purposes of this Agreement or as authorized in advance by TCAG. Unless required to do so by law, including, but not limited to, the Ralph M. Brown Act or the California Public Records Act, TCAG may not disclose to third parties any information it receives from CONTRACTOR that CONTRACTOR has previously identified as confidential. If TCAG determines that it must disclose any information that CONTRACTOR previously identified as confidential, then it shall promptly give CONTRACTOR written notice of its intention to disclose such information and the authority for such disclosure. CONTRACTOR shall have period of five (5) calendar days thereafter within which to seek a protective court order to prevent such disclosure or to notify TCAG that it will not seek such an order. TCAG shall cooperate with CONTRACTOR in any efforts to seek such a court order. TCAG shall not disclose the information until the five (5) day period has expired without a response from CONTRACTOR, or CONTRACTOR has notified TCAG that it will not seek such an order, or CONTRACTOR has sought and a court has declined to issue a protective order for such information. If CONTRACTOR seeks a protective order for such information, CONTRACTOR shall defend and indemnify TCAG from any and all loss, injury, or claim arising from TCAG'S withholding of the information from the requestor. This includes any attorney's fees awarded to the requestor. The duty of TCAG and CONTRACTOR to maintain confidentiality of information under this section continues beyond the term of this Agreement.

21. ASSIGNMENT/SUBCONTRACTING: Unless otherwise provided in this Agreement, TCAG is relying on the personal skill, expertise, training and experience of CONTRACTOR and CONTRACTOR'S employees and no part of this

Agreement may be assigned or subcontracted by CONTRACTOR without the prior written consent of TCAG, which consent TCAG may grant, delay, deny, or condition in its absolute discretion.

22. DISPUTES AND DISPUTE RESOLUTION: CONTRACTOR shall continue with its responsibilities under this Agreement during any dispute. If a dispute arises out of or relating to this Agreement, or the breach of the Agreement, and if the dispute cannot be settled through negotiation, then the Parties agree first to try in good faith to settle the dispute by non-binding mediation, to be held in Tulare County, California, before resorting to litigation or some other dispute resolution procedure, unless the Parties mutually agree otherwise. The Parties must mutually select the mediator, but in case of disagreement, then the Parties will select the mediator by lot from among two nominations provided by each Party. The Parties will split equally all costs and fees required by the mediator; otherwise each Party will bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, then either Party may pursue litigation to resolve the dispute.

23. PROPERTY TAXES: Under the terms of California Revenue and Taxation Code section 107.6 (possessory interest tax), CONTRACTOR'S possession or use of any TCAG-owned real property under this Agreement may create a "possessory interest" in the real property. If a possessory interest is created, then it may be subject to property taxation and CONTRACTOR may be subject to the payment of property taxes on that possessory interest.

24. FURTHER ASSURANCES: Each Party will execute any additional documents and perform any further acts that may be reasonably required to effect the purposes of this Agreement.

25. CONSTRUCTION: This Agreement reflects the contributions of all Parties and so the provisions of Civil Code section 1654 will not apply to address and interpret any alleged uncertainty or ambiguity.

26. HEADINGS: Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning, or intent of the provisions under the headings.

27. NO THIRD-PARTY BENEFICIARIES INTENDED: Unless specifically set forth, the Parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

28. WAIVERS: The failure of either Party to insist on strict compliance with any provision of this Agreement will not be considered a waiver of any right to do so, whether for that breach or any later breach. The acceptance by either Party of either performance or payment will not be considered a waiver of any preceding breach of the Agreement by the other Party.

29. ORDER OF PRECEDENCE: In the event of any conflict or inconsistency between or among the body of the Agreement (which includes these "General Agreement Terms and Conditions") and any Exhibit, Schedule, or Attachment, then the terms and conditions of the body of the Agreement shall prevail.

30. CONFLICT WITH LAWS OR REGULATIONS/ SEVERABILITY: This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the Parties to be, in conflict with any code or regulation governing its subject matter, only the conflicting provision will be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either Party is lost, then the Agreement may be terminated at the option of the affected Party. In all other cases, the remainder of the Agreement will continue in full force and effect.

31. ENTIRE AGREEMENT: This Agreement represents the entire agreement between CONTRACTOR and TCAG as to its subject matter and no prior oral or written understanding will be of any force or effect. No part of this Agreement may be modified without the written consent of both Parties.

32. ASSURANCES OF NON-DISCRIMINATION: CONTRACTOR must not discriminate in employment or in the provision of services based any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation. The Parties recognize that both CONTRACTOR and TCAG have the responsibility to protect TCAG employees and clients from unlawful activities, including discrimination and sexual harassment in the workplace. Accordingly, CONTRACTOR agrees to provide appropriate training to its employees regarding discrimination and sexual harassment issues, and to promptly and appropriately investigate any allegations that any of its employees may have engaged in improper discrimination or harassment activities. TCAG, in its sole discretion, has the right to require CONTRACTOR to replace any employee who provides services of any kind to TCAG under this Agreement with other employees where TCAG is concerned that its employees or clients may have been or may be the subjects of discrimination or harassment by such employees. TCAG'S right to require replacement of employees under this section does not preclude TCAG from terminating this Agreement with or without cause as provided for under this Agreement. Additional nondiscrimination requirements may be located in Exhibit F or G (related to federally-funded contracts generally, or FTA-funded contracts specifically).

33. DRUG-FREE WORKPLACE POLICY: CONTRACTOR acknowledges that under the Federal Drug-Free Workplace Act of 1989 and the California Drug-Free Workplace Act of 1990, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on TCAG premises. CONTRACTOR agrees that any violation of this prohibition by CONTRACTOR, its employees, agents, or assigns will be deemed a material breach of this Agreement.

34. RECYCLED PAPER CONTENT: To the extent CONTRACTOR'S services under this Agreement include printing services, pursuant to Public Contract Code section 22153, CONTRACTOR shall use paper that meets the recycled content requirements of Public Contract Code section 12209.

FEDERALLY-FUNDED SERVICES. TCAG will be paying for the services to be provided under this Agreement, in whole, or in part, with Federal grant funds, and so the following additional terms and conditions will apply to this Agreement:

(1) Equal Employment Opportunity — Except as otherwise provided under 41 CFR Part 60, if this Agreement meets the definition of “federally assisted construction contract” in 41 CFR Part 60–1.3, then during the performance of this Agreement, CONTRACTOR agrees as follows:

(A) CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. CONTRACTOR will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(B) CONTRACTOR will, in all solicitations or advertisements for employees placed by or on behalf of CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(C) CONTRACTOR will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with CONTRACTOR'S legal duty to furnish information.

(D) CONTRACTOR will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of CONTRACTOR'S commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(E) CONTRACTOR will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(F) CONTRACTOR will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(G) In the event of CONTRACTOR'S noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and CONTRACTOR may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(H) CONTRACTOR will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (H) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor.

CONTRACTOR will take such action with respect to any subcontract or purchase order as the TCAG may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided*, however, that in the event CONTRACTOR becomes involved in, or is threatened with, litigation with a sub-contractor or vendor as a result of such direction by the TCAG, then CONTRACTOR may request the United States to enter into such litigation to protect the interests of the United States. TCAG further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work.

TCAG agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. TCAG further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, TCAG agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to TCAG under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from TCAG; and refer the case to the Department of Justice for appropriate legal proceedings.

CONTRACTOR and each of its subcontractors shall include the equal opportunity clause in each of its subcontracts.

(2) Davis-Bacon Act, as amended (40 U.S.C. 3141–3148). — If this Agreement involves payment for construction services in excess of \$2,000, then CONTRACTOR must comply with the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the Davis-Bacon Act, CONTRACTOR is required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the U.S. Secretary of Labor. In addition, CONTRACTOR is required to pay wages not less than once a week. TCAG must provide CONTRACTOR with a copy of the current prevailing wage determination issued by the U.S. Department of Labor with respect to the services to be provided under the subject Agreement. CONTRACTOR’S execution of the subject Agreement constitutes CONTRACTOR’S acceptance of the wage determination. TCAG must report all suspected or reported violations to the Federal awarding agency.

(3) Copeland “Anti- Kickback” Act (40 U.S.C. 3145). — CONTRACTOR must comply with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). Under the Copeland “Anti- Kickback” Act, CONTRACTOR and all subcontractors are prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. TCAG must report all suspected or reported violations to the Federal awarding agency.

(4) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708) — If this Agreement involves payments for services in excess of \$100,000 that include the employment of mechanics or laborers, then CONTRACTOR must comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, CONTRACTOR is required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(5) Rights to Inventions Made Under a Contract or Agreement — If the Federal award supporting payments for services under this Agreement meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the Agreement is with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” then TCAG and CONTRACTOR recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(6) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended — If this Agreement involves payments for services in excess of \$150,000, then CONTRACTOR must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(7) Debarment and Suspension (Executive Orders 12549 and 12689) — By execution of this Agreement, CONTRACTOR certifies to TCAG that it is not a party listed on the government-wide exclusions list in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension,” and is not debarred, suspended, or otherwise excluded from the award of a federally-supported contract under statutory or regulatory authority other than Executive Order 12549.

(8) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) — If this Agreement involves payments for services in excess of \$100,000, then by execution of this Agreement, CONTRACTOR certifies to TCAG that it will not and has not used Federally-appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. CONTRACTOR must also disclose to TCAG in writing any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

(9) Procurement of recovered materials — Pursuant to 2 CFR § 200.322, TCAG and CONTRACTOR must comply with section 6002 of the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid

waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

(10) Records Retention and Access — Pursuant to 2 CFR §§ 200.333 through 200.337, the following provisions regarding Records Retention and Access will apply to this Agreement:

(A) Retention requirements for records. CONTRACTOR must retain all financial records, supporting documents, statistical records, and all other of its records pertinent to this Agreement for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or TCAG. The only exceptions to the 3 year limit are the following:

(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, then the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(b) When CONTRACTOR is notified in writing by TCAG or Federal awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs to extend the retention period.

(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.

(d) When records are transferred to or maintained by TCAG, or Federal awarding agency, the 3-year retention requirement is not applicable to CONTRACTOR.

(e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of CONTRACTOR'S fiscal year in which the program income is earned.

(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

i. *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to TCAG or the Federal Government to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

ii. *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to TCAG or Federal Government for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

(B) Methods for collection, transmission and storage of information. In accordance with the May 2013 Executive Order on Making Open and Machine Readable the New Default for Government Information, the Federal awarding agency and CONTRACTOR should, whenever practicable, collect, transmit, and store Federal award-related information in open and machine readable formats rather than in closed formats or on paper. The Federal awarding agency or TCAG must always provide or accept paper versions of Federal award-related information to and from

CONTRACTOR upon request. If paper copies are submitted, the Federal awarding agency or TCAG must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable.

(C) Access to records.

(a) Records of CONTRACTOR. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and TCAG, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of CONTRACTOR which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to CONTRACTOR'S personnel for the purpose of interview and discussion related to such documents.

(b) Only under extraordinary and rare circumstances would such access include review of the true name of victims of a crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the true name of victims of a crime is necessary, appropriate steps to protect this sensitive information must be taken by both CONTRACTOR and the Federal awarding agency or TCAG. Any such access, other than under a court order or subpoena pursuant to a bona fide confidential investigation, must be approved by the head of the Federal awarding agency or delegate.

(c) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained. Federal awarding agencies and TCAG must not impose any other access requirements upon CONTRACTOR.

(11) Small and minority businesses, women's business enterprises, and labor surplus area firms — Pursuant to 2 CFR § 200.321, if any subcontracts are to be let with respect to this Agreement, CONTRACTOR must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

If, to meet the objectives of 49 CFR Part 26, an additional exhibit regarding CONTRACTOR's DBE Commitment is incorporated in this Agreement, CONTRACTOR further agrees to the following: Neither CONTRACTOR, sub recipient, nor any subcontractor shall discriminate on the basis of race, color, national origin, or sex in the performance of this contract. CONTRACTOR shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by CONTRACTOR to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying CONTRACTOR from future bidding as non-responsible.

Upon request by TCAG, CONTRACTOR must make available a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with 49 CFR Part 26.

ATTACHMENT F

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

The following stated percent (%) of total cost that will be compensation paid to DBE firms.

% DBE Participation: 0%

DBE Company

Address

The undersigned hereby certifies that the foregoing statements and information are true and correct.

Date: 4/7/2022

Name of Contractor: Multi Marketing Corp, dba Archer & Hound Advertising

By: Jessica Blanchfield

Title: President

***DBE Certificate(s) must be included with proposal submission.**

Consultant is a women-owned business and Mrs. Blanchfield has 51% ownership. In addition, 75% of daily operations are directly overseen by Mrs. Blanchfield.

Regardless if awarded, Mrs. Blanchfield is in the process of obtaining certification through the California Unified Certification Program (CUCP).

While 100% of agency work is done in-house, by full-time staff, once we identify the advertising strategy and applicable mediums, there may be an opportunity to utilize certified DBE media outlets/businesses.

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Tulare County Association of Governments

AGENDA ITEM VII-E

August 15, 2022

Prepared by Leslie Davis, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Approval of Amendment No. 2 to the FY 2022/2023 Overall Work Plan (OWP)

BACKGROUND:

On April 18, 2022, the Tulare County Association of Governments (TCAG) FY 2022/2023 Overall Work Plan (OWP) was adopted through Resolution No. 2022-118. Amendments throughout the year are necessary to allow TCAG to deliver services as requested by its member agencies and to effectively spend state and federal funds.

DISCUSSION:

Amendment No.2 to the FY 2022/2023 OWP is necessary to allow TCAG to deliver services as requested by its member agencies.

1. Add Work Element No 602.03-1000, Active Transportation Planning – BIL/IIJA Complete Street Set Aside in the amount of \$33,514. Per Caltrans establish a new work element to reflect the Bipartisan Infrastructure Law (BIL) to include a 2.5% Metropolitan Planning (PL) set-aside for Metropolitan Planning Organizations (MPOs) to develop Complete Streets standards and policies. An inventory of Fiscal Year (FY) 2022-23 Overall Work Programs (OWPs) was completed and Work Elements with Complete Streets activities were initially identified.
2. Decrease Work Element 602.03 Active Transportation Planning , in the amount of \$33,514 to allocate it to a separate Work Element that identifies the Complete Street element as indicated by Caltrans to meet the BIL/IIJA Complete Streets set aside requirement per item 1 .
3. Add Work Element No. 602.04-2000, Transit Planning and Coordination – TCRTA Zero Emission Bus Rollout Plan, in the amount of \$25,000, Required by the Innovative Clean Transit regulation, the zero-emission bus rollout plan will guide the Tulare County Regional Transit Agency's (TCRTA) implementation of zero-emission bus fleets and assist the agency through many of the potential challenges and explore solutions. Elements of the project include, but not limited to, current bus fleet composition and planned future bus purchases, schedule and estimated cost of converting the fleet to zero-emission, schedule and estimated cost of facility and infrastructure modifications, and workforce development training.
4. Decrease Work Element 602.04, Transit Planning and Coordination, in the amount of \$25,000 allocated to 602.04-2000 per item 3.
5. Add Work Element No. 670.10-1000 Regional Housing Element, in the amount of \$1,050,000. TCAG has been tasked by the Board to develop a Regional Housing Element, per state housing law. TCAG will be soliciting the services of consulting firms to develop the plan over the next two years, to be completed by the state deadline of December 31, 2023. The cities of Dinuba, Tulare, Porterville, Lindsay, Exeter, Woodlake and Farmersville have all agreed to be a

part of the Regional Housing Element. The City of Visalia and Tulare County have opted to do their own housing elements.

Funding for the Regional Housing Element will be provided by returning the Regional Early Action Planning (REAP) funding allocated to the cities for housing element development earlier in the year and by committing a portion of the funding allocated to TCAG for regional housing planning. The total amount budgeted for the consultant part of the project will be \$950,000, with the remaining REAP funds of \$100,000 to be used for administrative costs within this new work element.

6. Decrease Work Element 670.10, Regional Housing (RHNA) in the amount of \$1,050,000 allocated to 670.10-1000 per item 5.
7. Net zero change to Work Element 650.01 Public Information and Participation, reduce print services and increase Special Department Expense in the amount of \$4,200 for public outreach events.
8. Increase Work Element 602.06, Special Transportation Project Studies, in the amount of \$50,000 for City of Dinuba Electric Vehicle Charging Infrastructure Study
9. Decrease Work Element 602.04, Transit Planning and Coordination, in the amount of \$50,000, the transit coordination plan start date is delayed.

RECOMMENDATIONS:

Staff recommends the approval of Amendment No. 2 to the OWP.

FISCAL IMPACT:

Funding is provided by PL

ATTACHMENTS:

1. Resolution approving FY 2021/2022 OWP Amendment No. 2
2. OWP summary documents as affected by approval

WHEREAS, Amendment No. 2 to the FY 2022-2023 OWP is necessary to decrease Work Element 670.10, Regional Housing (RHNA) in the amount of \$1,050,000 allocated to 670.10-1000; and

WHEREAS, Amendment No. 2 to the FY 2022-2023 OWP is necessary to change Work Element 650.01 Public Information and Participation, by reducing print services and increasing Special Department Expense in the amount of \$4,200 for public outreach events for a net zero; and

WHEREAS, Amendment No. 2 to the FY 2022-2023 OWP is necessary to increase Work Element 602.06, Special Transportation Project Studies, in the amount of \$50,000 for City of Dinuba Electric Vehicle Charging Infrastructure Study; and

WHEREAS, Amendment No. 2 to the FY 2022-2023 OWP is necessary to decrease Work Element 602.04, Transit Planning and Coordination, in the amount of \$50,000, the transit coordination plan start date is delayed.

NOW, THEREFORE, BE IT RESOLVED that the TCAG FY 2022/2023 Overall Work Program (OWP) is amended as shown in Attachment “2” and is herein referenced as Amendment No. 2.

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 15th day of August, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian
Chair, TCAG

Ted Smalley
Executive Director, TCAG

2022/2023 Overall Work Program

SUMMARY

REVENUES	DOLLARS	EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
Member Dues	191,500	TCAG Staff	2,747,668	211
Local Contribution	1,084,348	City of Dinuba	50,000	
TDA	282,000	City of Exeter		
FHWA PL (carryover)	450,000	City of Farmersville	25,000	
FHWA PL	1,228,257	City of Lindsay	33,000	
FTA Section 5303 (carryover)	185,565	City of Porterville	5,000	
FTA Section 5303	167,739	City of Tulare	83,817	
FTA Section 5304		City of Visalia	245,190	
FTA Section 5305		City of Woodlake	25,000	
DMV	3,000	County of Tulare	445,222	
City of Dinuba		Insurance	7,426	
City of Exeter		Memberships	17,836	
City of Farmersville		Office Expense	25,500	
City of Lindsay		Consultant	2,323,264	
City of Porterville		Publications/ Legal Notice/Dues	700	
City of Tulare		Training	15,150	
City of Visalia		Transportation and Travel	58,970	
City of Woodlake		Print Services	35,150	
County of Tulare		County Counsel	32,000	
Measure R	623,379	Auditor	2,500	
LAFCO	268,700	Motorpool		
TCAG Reserves	112,000	Rent	167,806	
SB1 Sustainable Community Grant	603,092	Special Dept Expense	603,481	
Other Grants & Misc Revenues	1,655,202	Dues/Subscriptions	6,320	
TCRTA	136,766	Utilities	17,548	
		Office Equipment	18,000	
Total Revenues	6,991,548	Total Expenditures	6,991,548	211.3
Toll Credits(5303) (Not Revenues)	37,656			
Toll Credits(PL) (Not Revenues)	188,652			

* FHWA PL Funding

Carryover	\$450,000
Current Year funding:	\$1,228,257
Total Funding	\$1,678,257

W.E. 602.03 Active Transportation Planning

REVENUES	DOLLARS
Member Dues	
Local Contribution	
TDA	
FHWA PL (carryover)	13,949
FHWA PL	64,003
FTA Section 5303 (carryover)	
FTA Section 5303	23,838
FTA Section 5304	
FTA Section 5305	
DMV	
City of Dinuba	
City of Exeter	
City of Farmersville	
City of Lindsay	
City of Porterville	
City of Tulare	
City of Visalia	
City of Woodlake	
County of Tulare	
Measure R	
LAFCO	
TCAG Reserves	
SB1 Sustainable Community Grant	
Other Grants	
Total Revenues	101,790
Toll Credits(5303&Carryover) (Not Revenues)	2,734
Toll Credits(PL&Carryover) (Not Revenues)	8,941

EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
TCAG Staff	52,000	5.5
City of Dinuba		
City of Exeter		
City of Farmersville		
City of Lindsay		
City of Porterville		
City of Tulare		
City of Visalia		
City of Woodlake		
County of Tulare		
Insurance		
Memberships		
Office Expense		
Consultant	20,304	
Publications and Legal Notice		
Training	500	
Transportation and Travel	500	
Print Services	2,000	
County Counsel		
Auditor		
Motorpool		
Rent		
Special Dept Expense	26,486	
Dues/Subscriptions		
Utilities		
Office Equipment		
Total Expenditures	101,790	5.5

Consultant

4Creeks ATP Tribe addl svcs

Printing Services

\$2,000 Bicycle Safety Promotion Materials

Training

\$500 Misc Training

Transportation /Travel

\$500 Misc Travel

Special Dept Exp

\$60,000 Advertising

W.E. 602.03 Active Transportation Planning - BIL/IIJA Complete Streets Set Aside

REVENUES	DOLLARS	EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
Member Dues		TCAG Staff		
Local Contribution		City of Dinuba		
TDA		City of Exeter		
FHWA PL (carryover)		City of Farmersville		
FHWA PL	33,514	City of Lindsay		
FTA Section 5303 (carryover)		City of Porterville		
FTA Section 5303		City of Tulare		
FTA Section 5304		City of Visalia		
FTA Section 5305		City of Woodlake		
DMV		County of Tulare		
City of Dinuba		Insurance		
City of Exeter		Memberships		
City of Farmersville		Office Expense		
City of Lindsay		Consultant		
City of Porterville		Publications and Legal Notice		
City of Tulare		Training		
City of Visalia		Transportation and Travel		
City of Woodlake		Print Services		
County of Tulare		County Counsel		
Measure R		Auditor		
LAFCO		Motorpool		
TCAG Reserves		Rent		
SB1 Sustainable Community Grant		Special Dept Expense	33,514	
Other Grants		Dues/Subscriptions		
		Utilities		
		Office Equipment		
Total Revenues	33,514	Total Expenditures	33,514	
Toll Credits(5303&Carryover) (Not Revenues)				
Toll Credits(PL&Carryover) (Not Revenues)	3,844			

Special Dept Exp
 \$33,514 for Complete Streets set aside 2.5%

W.E. 602.04 Transit Planning and Coordination

REVENUES	DOLLARS
Member Dues	
Local Contributions	
TDA	
FHWA PL (carryover)	19,359
FHWA PL	101,616
FTA Section 5303 (carryover)	80,000
FTA Section 5303	143,901
FTA Section 5304	
FTA Section 5305	
DMV	
City of Dinuba	
City of Exeter	
City of Farmersville	
City of Lindsay	
City of Porterville	
City of Tulare	
City of Visalia	
City of Woodlake	
County of Tulare	
Measure R	
LAFCO	
TCAG Reserves	
SB1 Sustainable Community Grant	
Other Grants	
Total Revenues	344,876
Toll Credits(5303&Carryover) (Not Revenues)	25,681
Toll Credits(PL&Carryover) (Not Revenues)	13,876

EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
TCAG Staff	136,526	14.5
City of Dinuba		
City of Exeter		
City of Farmersville		
City of Lindsay		
City of Porterville		
City of Tulare		
City of Visalia		
City of Woodlake		
County of Tulare		
Insurance		
Memberships		
Office Expense		
Consultant		
Publications and Legal Notice		
Training	1,650	
Transportation and Travel	1,700	
Print Services	5,000	
County Counsel		
Auditor		
Motorpool		
Rent		
Special Dept Expense	200,000	
Dues/Subscriptions		
Utilities		
Office Equipment		
Total Expenditures	344,876	14.5

Training

2 CalAct Conferences \$1,150
Misc Training \$500

Transportation/Travel

2 CalAct Conferences \$1,200
Misc Training \$500

Print Services

\$5,000 printing services

Special Dept Expense

TCRTA Transit Development Plan \$200,000

W.E. 602.04 -2000 Transit Planning and Coordination - TCRTA Zero Emission Bus Rollout Plan

REVENUES	DOLLARS
Member Dues	
Local Contributions	
TDA	
FHWA PL (carryover)	
FHWA PL	
FTA Section 5303 (carryover)	25,000
FTA Section 5303	
FTA Section 5304	
FTA Section 5305	
DMV	
City of Dinuba	
City of Exeter	
City of Farmersville	
City of Lindsay	
City of Porterville	
City of Tulare	
City of Visalia	
City of Woodlake	
County of Tulare	
Measure R	
LAFCO	
TCAG Reserves	
SB1 Sustainable Community Grant	
Other Grants	
Total Revenues	25,000
Toll Credits(5303&Carryover) (Not Revenues)	2,868
Toll Credits(PL&Carryover) (Not Revenues)	

EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
TCAG Staff	25,000	2.7
City of Dinuba		
City of Exeter		
City of Farmersville		
City of Lindsay		
City of Porterville		
City of Tulare		
City of Visalia		
City of Woodlake		
County of Tulare		
Insurance		
Memberships		
Office Expense		
Consultant		
Publications and Legal Notice		
Training		
Transportation and Travel		
Print Services		
County Counsel		
Auditor		
Motorpool		
Rent		
Special Dept Expense		
Dues/Subscriptions		
Utilities		
Office Equipment		
Total Expenditures	25,000	2.7

TCRTAZero Emission Bus Rollout Plan \$ 25,000

W.E. 602.06 Special Transportation Project Studies

REVENUES	DOLLARS
Member Dues	
Local Contribution	
TDA	
FHWA PL (carryover)	30,000
FHWA PL	50,000
FTA Section 5303 (carryover)	
FTA Section 5303	
FTA Section 5304	
FTA Section 5305	
DMV	
City of Dinuba	
City of Exeter	
City of Farmersville	
City of Lindsay	
City of Porterville	
City of Tulare	
City of Visalia	
City of Woodlake	
County of Tulare	
Measure R	
LAFCO	
TCAG Reserves	
SB1 Sustainable Community Grant	
Other Grants	
Total Revenues	80,000
Toll Credits(5303&Carryover) (Not Revenues)	
Toll Credits(PL&Carryover) (Not Revenues)	9,176

EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
TCAG Staff	5,000	0.5
City of Dinuba	50,000	
City of Exeter		
City of Farmersville		
City of Lindsay		
City of Porterville		
City of Tulare		
City of Visalia		
City of Woodlake	25,000	
County of Tulare		
Insurance		
Memberships		
Office Expense		
Consultant		
Publications and Legal Notice		
Training		
Transportation and Travel		
Print Services		
County Counsel		
Auditor		
Motorpool		
Rent		
Special Dept Expense		
Dues/Subscriptions		
Utilities		
Office Equipment		
Total Expenditures	80,000	0.5

City of Woodlake

West Alley Pedestrian Corridor Connection Plan (To Paseo)

City of Dinuba

Electric Vehicle Charging Infrastructure Study

W.E. 650.01 Public Information and Participation

REVENUES	DOLLARS
Member Dues	
Local Contribution	
TDA	
FHWA PL (carryover)	13,582
FHWA PL	74,348
FTA Section 5303 (carryover)	
FTA Section 5303	
FTA Section 5304	
FTA Section 5305	
DMV	
City of Dinuba	
City of Exeter	
City of Farmersville	
City of Lindsay	
City of Porterville	
City of Tulare	
City of Visalia	
City of Woodlake	
County of Tulare	
Measure R	
LAFCO	
TCAG Reserves	
SB1 Sustainable Community Grant	
Other Grants	75,000
Total Revenues	162,930
Toll Credits(5303&Carryover) (Not Revenues)	
Toll Credits(PL&Carryover) (Not Revenues)	10,086

EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
TCAG Staff	130,000	13.9
City of Dinuba		
City of Exeter		
City of Farmersville		
City of Lindsay		
City of Porterville		
City of Tulare		
City of Visalia		
City of Woodlake		
County of Tulare		
Insurance		
Memberships		
Office Expense	2,500	
Consultant		
Publications and Legal Notice	200	
Training		
Transportation and Travel		
Print Services	800	
County Counsel		
Auditor		
Motorpool		
Rent		
Special Dept Expense	29,430	
Dues/Subscriptions		
Utilities		
Office Equipment		
Total Expenditures	162,930	13.9

Other Grants
Kids Plate

Office Supplies
Fees and supplies for community outreach events

Special Dept Expense
\$25,230(1) year agreement for the Public Input software suite
\$4,200 public outreach

W.E. 670.10 Regional Housing

REVENUES	DOLLARS	EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
Member Dues		TCAG Staff	24,195	2.6
Local Contribution		City of Dinuba		
TDA		City of Exeter		
FHWA PL (carryover)		City of Farmersville		
FHWA PL		City of Lindsay		
FTA Section 5303 (carryover)		City of Porterville		
FTA Section 5303		City of Tulare		
FTA Section 5304		City of Visalia	205,090	
FTA Section 5305		City of Woodlake		
DMV		County of Tulare	209,517	
City of Dinuba		Insurance		
City of Exeter		Memberships		
City of Farmersville		Office Expense		
City of Lindsay		Consultant		
City of Porterville		Publications and Legal Notice		
City of Tulare		Training		
City of Visalia		Transportation and Travel		
City of Woodlake		Print Services		
County of Tulare		County Counsel		
Measure R		Auditor		
LAFCO		Motorpool		
TCAG Reserves		Rent		
SB1 Sustainable Community Grant		Special Dept Expense		
Other Grants (Reap)	438,802	Dues/Subscriptions		
		Utilities		
		Office Equipment		
Total Revenues	438,802	Total Expenditures	438,802	2.6
Toll Credits(5303&Carryover) (Not Revenues)				
Toll Credits(PL&Carryover) (Not Revenues)				

This work element is currently being proposed by the State to pay for RHNA process. These Costs will be adjusted to reflect that when finalized.

W.E. 670.10-1000 Regional Housing Element

REVENUES	DOLLARS	EXPENDITURES	DOLLARS	STAFF PERSON MONTHS
Member Dues		TCAG Staff	100,000	10.7
Local Contribution		City of Dinuba		
TDA		City of Exeter		
FHWA PL (carryover)		City of Farmersville		
FHWA PL		City of Lindsay		
FTA Section 5303 (carryover)		City of Porterville		
FTA Section 5303		City of Tulare		
FTA Section 5304		City of Visalia		
FTA Section 5305		City of Woodlake		
DMV		County of Tulare		
City of Dinuba		Insurance		
City of Exeter		Memberships		
City of Farmersville		Office Expense		
City of Lindsay		Consultant	950,000	
City of Porterville		Publications and Legal Notice		
City of Tulare		Training		
City of Visalia		Transportation and Travel		
City of Woodlake		Print Services		
County of Tulare		County Counsel		
Measure R		Auditor		
LAFCO		Motorpool		
TCAG Reserves		Rent		
SB1 Sustainable Community Grant		Special Dept Expense		
Other Grants (Reap)	1,050,000	Dues/Subscriptions		
		Utilities		
		Office Equipment		
Total Revenues	1,050,000	Total Expenditures	1,050,000	10.7
Toll Credits(5303&Carryover) (Not Revenues)				
Toll Credits(PL&Carryover) (Not Revenues)				

REAP funding used for a Regional Housing Element for Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare and Woodlake

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Tulare County Association of Governments

AGENDA ITEM VII-F

August 15, 2022

Prepared by Leslie Davis, TCAG Staff

SUBJECT:

Information: Member Agency Transit Development Act (TDA) Fund Audit Year Ending June 30, 2021

BACKGROUND:

Tulare County Association of Governments (TCAG) audit was completed for the year ending June 30, 2021 and issued February 9, 2022. The audited financial statements of the governmental activities and the major funds of the Tulare County Association of Governments (TCAG) can be found at:

<https://tularecog.org/tcag/finance/audits/fy-20202021/tcag-fy-20-21-audit-financial-statements/>

The audit was conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Controller General of the United States.

The TCAG audit by Brown Armstrong Certified Public Accounts did not identify any instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Tulare County Association of Governments (TCAG) audit is complete and did not have any material weaknesses or instances of non-compliance for the year-ended June 30, 2021. The required communication with the Board of Directors (SAS 114) from Brown Armstrong CPA was attached and presented on February 28, 2022.

DISCUSSION:

The City of Lindsay, and the City of Dinuba TDA audits have been completed and do not have any significant findings.

ATTACHMENT:

None

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AGENDA ITEM VIII-A

August 15, 2022

Prepared by Gabriel Gutierrez, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Certifying the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Environmental Impact Report (EIR); Adopting California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations for the 2022 RTP/SCS; and Adopting the Mitigation Monitoring and Reporting Program (MMRP) for the 2022 RTP/SCS

BACKGROUND:

Approval of the 2022 RTP/SCS is subject to CEQA and is required to have an accompanying EIR. Rincon Consultants, Inc. and TCAG staff prepared a Program EIR for the 2022 RTP/SCS. A Notice of Preparation (NOP) was filed on March 8, 2021. Affected agencies and the public were given 30 days to review and comment on the NOP. A Notice of Completion of the Draft EIR was prepared and filed with the State Office of Planning and Research as required by CEQA Guidelines Section 15085 on May 20, 2022. The Notice of Availability of the Draft EIR was mailed to organizations and individuals who have previously requested such notice in writing. The Draft EIR Notice of Availability was posted in the office of the Tulare County Clerk for a period of at least 30 days. Additionally, electronic copies of the Draft EIR were distributed to three county libraries, made available in the TCAG office, and posted on the TCAG website. TCAG held a public hearing on the Draft EIR on June 27, 2022, in Visalia.

DISCUSSION:

The Draft EIR for the 2022 RTP/SCS was widely distributed to local, state and federal agencies, TCAG Board and advisory committees, member agencies, and interested parties. No agencies, advisory committees, member agencies, or individuals submitted comments.

In compliance with CEQA, the Final EIR sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the project's significant environmental impacts and a reasonable range of alternatives capable of avoiding or substantially lessening these effects. Even after adoption of all feasible mitigation measures, the 2022 RTP/SCS will have significant impacts that cannot be mitigated to less than significant levels.

TCAG has prepared CEQA findings of fact for every significant impact of the 2022 RTP/SCS identified in the EIR and for each alternative evaluated in the EIR, including an explanation of the rationale for each finding. TCAG has also prepared a Statement of Overriding Considerations in compliance with CEQA, which concludes that specific economic, legal, social, technological, or other benefits of the RTP/SCS outweigh the significant and unavoidable impacts identified in the EIR. Additionally, TCAG has prepared an MMRP in compliance with CEQA and the CEQA Guidelines.

RECOMMENDATION:

Adopt the attached resolution certifying the Environmental Impact Report (EIR) prepared for the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)

and adopting findings of fact pursuant to the California Environmental Quality Act (CEQA); a Statement of Overriding Considerations; and a Mitigation Monitoring and Reporting Program.

ALTERNATIVES:

Approve as modified, do not approve, or defer the matter for additional review and discussion.

FISCAL IMPACT:

Development and administration of the 2022 RTP/SCS EIR is supported primarily by FHWA Planning and Research funding and state grants for implementation of the new requirements for RTPs. These types of costs were anticipated and should not, in themselves, necessitate a budget adjustment. TCAG's RTP update is essential to secure most sources of federal and state transportation funding.

ATTACHMENTS:

1. Resolution Certifying the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Environmental Impact Report; Adopting California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations for the 2022 RTP/SCS; and Adopting the Mitigation Monitoring and Reporting Program (MMRP) for the 2022 RTP/SCS
2. Final EIR for the 2022 Regional Transportation Plan/Sustainable Communities Strategy (**available on the TCAG website**)

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

CERTIFYING THE 2022 REGIONAL)	
TRANSPORTATION PLAN/SUSTAINABLE)	
COMMUNITIES STRATEGY (RTP/SCS))	
ENVIRONMENTAL IMPACT REPORT;)	
ADOPTING CALIFORNIA ENVIRONMENTAL)	
QUALITY ACT (CEQA) FINDINGS AND)	Resolution No. 2022-xxx
STATEMENT OF OVERRIDING)	
CONSIDERATIONS FOR THE 2022)	
RTP/SCS; AND ADOPTING THE)	
MITIGATION MONITORING AND)	
REPORTING PROGRAM (MMRP) FOR THE)	
2022 RTP/SCS)	

WHEREAS, the 2022 Regional Transportation Plan/Sustainable Communities Strategy ("Project") proposes and encompasses the planning foundation for transportation improvements and regional growth throughout the Tulare County region through 2046; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, §21000 et seq.) and the State CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.), the Tulare County Association of Governments (TCAG) is the lead agency for the Project; and

WHEREAS, TCAG prepared a Program Environmental Impact Report ("EIR") (SCH# 2021030198) and provided full disclosure and programmatic analysis of the significant environmental effects of the Project; and

WHEREAS, TCAG issued a Notice of Preparation ("NOP") of a Draft EIR on March 8, 2021 and circulated the NOP for an extended period of 30 days pursuant to State CEQA Guidelines §§15082(a), 15103 and 15375; and

WHEREAS, pursuant to State CEQA Guidelines §15206 and §15082, TCAG publicly noticed and held a scoping meeting on March 17, 2021 for the purpose of soliciting comments from the public and potential responsible and trustee agencies, including details about the scope and content of the environmental information related to the responsible and trustee agencies' areas of statutory responsibility, as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible and trustee agencies would need to have analyzed in the Draft EIR; and

WHEREAS, a Draft EIR was completed and released for public review on May 20, 2022, and TCAG initiated a 45-day public comment period by filing a Notice of Completion and Notice of Availability with the State Office of Planning and Research; and

WHEREAS, pursuant to Public Resources Code §20192, TCAG also provided a Notice of Availability to all organizations and individuals who had previously requested

such notice and published a Notice of Availability for the Draft EIR on May 18, 2022, in the Sun-Gazette, a newspaper of general circulation. In addition, TCAG placed electronic copies of the Draft EIR at the offices of TCAG, at three public libraries, and on its website; and

WHEREAS, pursuant to Public Resources Code §20192, TCAG also provided a Notice of Availability to all organizations and individuals who had previously requested such notice; and

WHEREAS, during the 45-day comment periods for the Draft EIR, TCAG consulted with and requested comments from responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines §15086; and

WHEREAS, during the public review period for the Draft EIR, TCAG received no written comment letters, and no comments were provided verbally at the public hearing on the Draft EIR on June 27, 2022; and

WHEREAS, TCAG prepared the Final EIR, consisting of: (1) the Draft EIR volume and appendices; and (2) the Final EIR volume; and

WHEREAS, TCAG made the Final EIR publicly available on its website on August 10, 2022; and

WHEREAS, the Final EIR satisfies all the requirements of CEQA and the State CEQA Guidelines; and

WHEREAS, the Final EIR sufficiently analyzes both the feasible mitigation measures intended to avoid or substantially lessen the Project's significant environmental impacts and a reasonable range of alternatives intended to avoid or substantially lessen these effects, in accordance with CEQA and the State CEQA Guidelines; and

WHEREAS, all of the findings and conclusions made by TCAG pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole, and not based solely on the information provided in this Resolution; and

WHEREAS, the TCAG Board, at a regular meeting held on August 15, 2022, considered the significant environmental impacts of the Project, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings, and submission of testimony from the public, organizations and regulatory agencies; and

WHEREAS, no comments were made in the public hearings conducted by TCAG or no additional information was submitted to TCAG producing significant new information requiring Draft EIR recirculation under State CEQA Guidelines §15088.5; and

WHEREAS, TCAG has prepared CEQA Findings in compliance with Public Resources Code §§21081 and 21081.5 and CEQA Guidelines Section §15091 for every significant impact of the Project identified in the EIR and for each alternative evaluated in the EIR, including an explanation of the rationale for each finding (attached hereto as Attachment A); and

WHEREAS, the Project will have significant unavoidable impacts that cannot be reduced to less than significant levels, and TCAG has prepared a Statement of Overriding Considerations in compliance with Public Resources Code §21081 and CEQA Guidelines §15093 (attached hereto as Attachment B), which concludes that specific economic, legal, social, technological and other benefits of the Project outweigh the significant and unavoidable impacts identified in the EIR; and

WHEREAS, TCAG has prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code §21081.6 and CEQA Guidelines §15097 (attached hereto as Attachment C) to ensure compliance with the mitigation measures identified in the Final EIR during project implementation and operation; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, prior to taking action on the Project, the TCAG Board has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings.

NOW THEREFORE BE IT RESOLVED by the TCAG Board that the foregoing recitals are true and correct and incorporated by this reference; and

BE IT FURTHER RESOLVED that the TCAG Board finds that the Final EIR consists of: (1) the Draft EIR volume and appendices; and (2) the Final EIR volume, and

BE IT FURTHER RESOLVED that, pursuant to CEQA Guidelines § 15090, the TCAG Board certifies that the Final EIR (SCH# 2021030198) has been completed in compliance with the CEQA (Public Resource Code §21000 et seq.), that the Final EIR and the information contained within it was presented to and reviewed and considered by the TCAG Board prior to approving the Project, and that the Final EIR reflects the independent judgment and analysis of TCAG; and

BE IT FURTHER RESOLVED that the TCAG Board makes and adopts the Findings required in CEQA Guidelines §15091, which are attached hereto as Attachment A and incorporated fully by this reference; and

BE IT FURTHER RESOLVED that the TCAG Board adopts the Statement of Overriding Considerations as required by CEQA Guidelines §15093, which is attached hereto as Attachment B and incorporated fully by this reference; and

BE IT FURTHER RESOLVED that the TCAG Board adopts the Mitigation Monitoring and Reporting Program as required by CEQA Guidelines §15097, which is attached hereto as Attachment C and incorporated fully by this reference

The foregoing Resolution was adopted upon motion of Member _____, seconded by Member _____, at a regular meeting held on the 15th day of August 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian
Chair, TCAG

Ted Smalley
Executive Director, TCAG

1 Introduction to CEQA Findings

These Findings of Fact are made pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, Section 15000 et seq.) by the Board of Directors of Tulare County Association of Governments (TCAG) as the lead agency for the 2022 Regional Transportation Plan and Sustainable Communities Strategy (“RTP/SCS,” or the “project”). These Findings of Fact pertain to the Final Environmental Impact Report (“EIR”) SCH #2021030198 prepared for the 2022 RTP/SCS.

1.1 Project Description Summary

The proposed project by TCAG is the 2022 RTP/SCS, which is a long-range planning action-oriented document used to achieve a coordinated and balanced regional transportation system. The RTP/SCS document is required by both State and Federal law and is an update of the 2018 TCAG RTP/SCS. It covers all of Tulare County and includes the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, as well as unincorporated communities in the County. It contains a vision for the region for transportation-related issues and challenges, and a Sustainable Communities Strategy. The plan is organized into five chapters as follows: Chapter A – Executive Summary, Chapter B – Policy Element, Chapter C – Sustainable Communities Strategy, Chapter D – Action Element, Chapter E – Financial Element.

TCAG has prepared the SCS as part of the RTP, pursuant to the requirements of California Senate Bill 375 of 2008. The SCS sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, reduces greenhouse gas (GHG) emissions from passenger vehicles and light duty trucks to achieve the regional GHG reduction targets set by the California Air Resources Board (CARB).

The 2022 RTP/SCS is based on a preferred land use and transportation scenario which lays out a pattern of future growth and transportation system investment for the region emphasizing a transit-oriented development and an urban infill approach to land use and housing, located near existing high quality transportation corridors. It identifies and prioritizes expenditures of anticipated funding for transportation projects of all transportation modes: highways, streets and roads, transit, rail, bicycle and pedestrian, as well as transportation demand management measures and transportation system management (TSM). Capital improvement transportation projects, identified in the proposed 2022 RTP/SCS, are located on State highways, County roads, and locally owned streets, as well as on transit district property and public utility lands.

The land use scenario envisioned by the proposed 2022 RTP/SCS is similar to that contained in the 2018 RTP/SCS. The principles of the preferred land use scenario, the Cross Valley Corridor Blueprint Plus (CVCBP), guides the allocation of future development sufficient to accommodate the forecasted growth in population, households, and employment through 2046. Most notable of these principles is an increase in average densities county-wide by generally 30% over the status quo densities. This is articulated in a growth pattern that is reflective of the CVCBP’s potential for increasing multi-modal travel and transit-oriented development.

The 2022 RTP/SCS establishes planning goals and objectives to guide the development of the plan and establishes the guiding principles for decision-making. Regional projects and programs are developed, funded, and implemented based on these goals. TCAG’s general objectives for the 2022

RTP/SCS are to ensure that the SCS and the transportation system planned for the TCAG region accomplishes the following:

- Serves regional goals, objectives, policies, and plans.
- Responds to community and regional transportation needs.
- Promotes energy efficient, environmentally sound modes of travel and facilities and services.
- Promotes equity and efficiency in the distribution of transportation projects and services.

More specific goals of the proposed 2022 RTP/SCS are listed in Section 2.2 of the Draft EIR.

1.2 Type of EIR

The 2022 RTP/SCS EIR is a Program EIR. A Program EIR is prepared for a series of actions that can be characterized as one project. An advantage of a Program EIR is that it allows the lead agency to consider broad policy alternatives and “program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” (CEQA Guidelines Section 15168(b)(4).) The Program EIR can serve as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews can focus on project-specific impacts and mitigation measures, and need not repeat the broad analyses contained in the Program EIR. As discussed by the California Supreme Court, “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the...program, leaving project-specific details to subsequent EIRs when specific projects are considered.” (*In re Bay Delta* (2008) 43 Cal.4th 1143, 1174-1175).

1.3 Procedural Compliance with CEQA

TCAG published a Draft EIR on May 20, 2022, and a Final EIR on August 10, 2022, in compliance with CEQA requirements. TCAG prepared the Draft and Final EIRs in accordance with CEQA and the CEQA Guidelines. As allowed for in CEQA Guidelines Section 15084(d)(2), TCAG retained a consultant to assist with the preparation of the environmental documents. TCAG, acting as lead agency, has directed, reviewed and edited as necessary all material prepared by the consultant, and such material reflects TCAG’s independent judgment. In general, the preparation of the EIR included the following key steps and public notification efforts:

A 30-day scoping process began with TCAG’s issuance of the Notice of Preparation (NOP) of an EIR. The NOP was filed with the State Clearinghouse on March 8, 2021, which started a 30-day comment period that ended April 7, 2021. TCAG noticed and held one virtual scoping meeting during the 30-day NOP comment period, on Wednesday, March 17, 2021, to receive perspective and input from agencies, organizations and individuals on the scope and content of the environmental information.

TCAG released the Draft EIR on May 20, 2022, and TCAG initiated a 46-day public comment period by filing a Notice of Completion and Notice of Availability with the State Office of Planning and Research. The Notice of Availability for the Draft EIR was published in the local newspaper, the Sun-Gazette, and sent to all organizations and individuals who had previously requested the notice. In addition, TCAG placed electronic copies of the Draft EIR at the offices of TCAG and at three public libraries. The Draft EIR was also posted on TCAG’s website and available for review.

The Notice of Completion for the Draft EIR was filed with the State Clearinghouse on May 17, 2021. The Draft EIR was available for a 46-day public review period starting May 20, 2022 and ending July 5, 2022. TCAG hosted an online public hearing on the Draft RTP/SCS and associated Draft EIR on

June 27, 2022 at 1:00 p.m. The meeting was held in person at the Tulare County Human Resources & Development Office; attendees could also attend virtually via Zoom platform. No oral or written comments on the Draft EIR were received at the public hearing.

During this 46-day comment period for the Draft EIR, TCAG requested comments from responsible and trustee agencies, other agencies, and the public, and received no written comment letters. Therefore, the Final EIR does not include any Draft EIR comments or responses to Draft EIR comments. TCAG provided Notice of Availability of the Final EIR and made the Final EIR electronic version publicly available on its website, as well as the TCAG office and at three public libraries, on August 10, 2022.

The TCAG Board of Directors held a public meeting on August 15, 2022, to consider certification of the Final EIR, adoption of these findings and a statement of overriding considerations, and approval of the project.

1.4 Incorporation of Final EIR by Reference

The Final EIR is hereby incorporated by reference into these Findings of Fact. The Final EIR consists of: (1) the Draft EIR and Draft EIR appendices; and (2) the Final EIR volume that includes corrections to the Draft EIR, and the Mitigation Monitoring and Reporting Program (MMRP).

1.5 Requirements for CEQA Findings

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (The concept of infeasibility also encompasses whether a particular alternative or mitigation measure promotes the project's underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.))

TCAG has made one or more of these specific written findings regarding each significant impact associated with the 2022 RTP/SCS. Those findings are presented below, along with a presentation of facts in support of the findings. The TCAG Board of Directors certifies these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed. These findings are based on substantial evidence contained in the totality of the administrative record before the TCAG Board of Directors, including but not limited to the Draft EIR "supporting evidence" cited herein.

2 Location and Custodian of the Record

The documents and other materials that constitute the Record of Proceedings on which TCAG's Findings of Fact are based are located at 210 North Church Street Suite B, Visalia, California 93291. The custodian of these documents is Gabriel Gutierrez. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

For purposes of CEQA and these Findings of Fact, the Record of Proceedings for the project consists of the following documents, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by TCAG in conjunction with the project.
- The Draft and Final EIRs, including appendices and technical studies included or referenced in the Draft and Final EIRs.
- All comments and correspondence submitted to TCAG with respect to the project.
- The Mitigation Monitoring and Reporting Program (MMRP) for the project.
- All findings and resolutions adopted by TCAG decision-makers in connection with the project and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project submitted to TCAG by Rincon Consultants, consultants to TCAG.
- All reports, memoranda, documentation, data output files relating to the land use and transportation modeling for the project.
- All documents and information submitted to TCAG by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the project, up through the date the TCAG Board of Directors considered approving the project.
- Minutes and/or verbatim transcripts of all information sessions, public meetings and public hearings held by TCAG, in connection with the project.
- Any documentary or other evidence submitted to TCAG at such information sessions, public meetings, and public hearings.
- Matters of common knowledge to TCAG, including, but not limited to Federal, State, and local laws and regulations.
- Any documents expressly cited in these Findings of Fact, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6(e).

3 Findings for Impacts Identified as Less Than Significant

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 do not require findings of fact for impacts that are less than significant. Nevertheless, for the sake of completeness, the TCAG Board of Directors hereby finds that the following environmental impacts of the 2022 RTP/SCS either have no impact or are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines Section 15126.4(a)(3)). ***The findings below are for impacts that were analyzed in detail in the EIR, but are less than significant. These findings are based on the detailed discussions of impacts in Chapter 4 of the EIR.***

3.1 Agriculture and Forestry Resources

1. **Impact AG-2.** Proposed transportation improvements and land use projects envisioned by the 2022 RTP/SCS would not conflict with existing zoning for forest land, timberland, or timberland production, nor result in the loss of forest land or convert forest land to non-forest uses. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The 2022 RTP/SCS would not conflict with existing zoning for forest land, timberland, or timberland production, and would not result in the loss of forest land or convert forest land to non-forest use.
 - c. **Supportive Evidence.** Please refer to page 4.2-13 of the Draft EIR.

3.2 Air Quality

1. **Impact AQ-1.** The 2022 RTP/SCS would not conflict with or obstruct implementation of the (AQMP). Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The 2022 RTP/SCS would not conflict with or obstruct implementation of the San Joaquin Valley Air Resources District's Air Quality Management Plan (AQMP).
 - c. **Supportive Evidence.** Please refer to pages 4.3-20 to 4.3-21 of the Draft EIR.
2. **Impact AQ-4.** Transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would expose sensitive receptors to substantial particulate matter pollutant concentrations. However, because the proposed 2022 RTP/SCS would reduce exposure in comparison to the baseline, impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Total particulate emissions would be lower with implementation of the proposed 2022 RTP/SCS as compared to 2021 baseline conditions. Despite an increase in VMT within the TCAG region, particulate emissions would be lower under proposed 2022 RTP/SCS conditions as compared to existing conditions largely due to emission control advances. Therefore, the proposed 2022

RTP/SCS would not expose sensitive receptors to substantial pollutant concentrations associated with re-entrained road dust, and impacts would be less than significant. Implementation of Mitigation Measures AQ-2(a) and AQ-2(b) (outlined under Impact AQ-2) would further reduce re-entrained road dust emissions by encouraging the use of dust suppressants, including watering or gravel, and diesel equipment meeting stricter CARB Tier 3 and Tier 4 emission standards.

c. **Supportive Evidence.** Please refer to pages 4.3-29 of the Draft EIR.

3. **Impact AQ-6.** Construction of the transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.

a. **Mitigation.** No mitigation is required.

b. **Findings and Rationale.** Construction would generate oil and diesel fuel odors during construction from equipment use and would be temporary, and would dissipate rapidly with distance. Development associated with the proposed 2022 RTP/SCS is related to transportation improvements such as roadway widening, interchange improvements, and installation of bicycle lanes, and are not typical operational sources of odors. Thus, other emissions such as odors would have a less than significant impact on a substantial number of people.

c. **Supportive Evidence.** Please refer to pages 4.3-33 through 4.3-34 of the Draft EIR.

3.3 Biological Resources

1. **Impact BIO-4.** Implementation of transportation projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. This impact would be less than significant.

a. **Mitigation.** No mitigation is required.

b. **Findings and Rationale.** Most municipalities in the TCAG region have local ordinances and policies in place that protect native habitat and/or native and non-native trees in urban landscapes, as well as in unincorporated County lands. Most of the transportation projects in the proposed 2022 RTP/SCS are expansions or maintenance of existing roads, although some transportation projects may result in development or infrastructure improvements in undisturbed outlying areas. Because ground disturbances would be fairly limited as a result, the removal of native trees and disturbances to other biological resources protected by local policies or ordinances would likely be minimal for most projects. The proposed 2022 RTP/SCS also contains focus on future development concentrated in existing urbanized areas, although there is potential conflict with . This would reduce impacts to biological resources that are protected by city or county ordinances. All future development projects as part of the future land use scenario as well as the transportation projects proposed for implementation under the proposed 2022 RTP/SCS would be required to follow city and county development requirements, including compliance with local policies, ordinances and applicable permitting procedures related to protection biological resources. Therefore, impacts related to conflict with local policies or ordinances are less than significant.

c. **Supportive Evidence.** Please refer to pages 4.4-40 of the Draft EIR.

2. **Impact BIO-5.** Implementation of transportation projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** There are two adopted HCPs within Tulare County: the Kern Water Bank HCP and the PG&E San Joaquin Valley Operations & Maintenance HCP. These HCPs have been developed specifically for use by these agencies to address, or cover, identified impacts from their projects within their respective HCP plan area. Therefore, individual proposed 2022 RTP/SCS transportation and development projects do not qualify as covered projects under either HCP as they are not Kern Water Bank or PG&E projects, and as such no conflict with the HCPs would occur. Therefore, the potential for development projects under the future land use scenario as well as proposed transportation projects to conflict with existing adopted or approved local, regional, or state conservation plans is considered a less than significant impact.
 - c. **Supportive Evidence.** Please refer to pages 4.4-41 of the Draft EIR.

3.4 Cultural Resources

1. **Impact CR-3.** Construction activity associated with transportation improvement projects and the land use scenario envisioned by the 2022 RTP/SCS could result in disturbances to human remains including those interred outside of formal cemeteries. Impacts to human remains would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Human burials outside of formal cemeteries are often associated with prehistoric archaeological contexts. Therefore, it is possible to encounter unknown human burials because of implementation of transportation improvement projects under the 2022 RTP/SCS. Excavation during construction activities in the TCAG region would have the potential to disturb these resources, including Native American burials. In addition to being potential archaeological resources, human burials have specific provisions for treatment in PRC Section 5097, as listed under Section 4.5.2, *Regulatory Setting*. The California Health and Safety Code (Sections 7050.5, 7051 and 7054), as discussed in Draft EIR Section 4.5.2, *Regulatory Setting*, has specific provisions for the protection of human burial remains. Existing laws and regulations address the illegality of interfering with human burial remains, and protects them from disturbance, vandalism, or destruction, and establish procedures to be implemented if Native American skeletal remains are discovered. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes. Implementation of these regulations would ensure that 2022 RTP/SCS impacts to disturbance of human remains, including those interred outside of formal cemeteries, would be less than significant.
 - c. **Supportive Evidence.** Please refer to pages 4.5-20 and 4.5-21 of the Draft EIR.

3.5 Energy

1. **Impact E-1.** Future transportation improvement projects and implementation of the land use scenario envisioned by the proposed 2022 RTP/SCS would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. This impact would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The 2022 RTP/SCS would not increase overall per capita energy consumption relative to baseline conditions, or otherwise result in use of energy in an inefficient, wasteful, or unnecessary manner. Impacts would be less than significant. Also, transportation and land use projects implementing the proposed 2022 RTP/SCS would incorporate renewable energy options.
 - c. **Supportive Evidence.** Please refer to pages 4.6-12 through 4.6-14 of the Draft EIR.
2. **Impact E-2.** The proposed 2022 RTP/SCS would not increase reliance on fossil fuels or decrease reliance on renewable energy sources. This impact would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The 2022 RTP/SCS includes projects that support alternative energy use and multi-modal transportation. The project would result in an 11 percent reduction in per-household energy usage when compared to the 2021 baseline condition and a 2.2 percent reduction in per-capita energy usage when compared to 2021 baseline conditions.
 - c. **Supportive Evidence.** Please refer to pages 4.6-14 through 4.6-15 of the Draft EIR.
3. **Impact E-3.** The proposed 2022 RTP/SCS would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The 2022 RTP/SCS would result in an 11 percent decrease in per-household energy use and a 2.2 percent decrease in per-capita energy use in the region and would not result in energy used in an unnecessary or wasteful manner. The proposed 2022 RTP/SCS would be consistent with State energy efficiency plans, the County's adopted energy conservation and efficiency strategies contained in its General Plan, and local General Plans' energy efficiency policies. Accordingly, there are no inconsistencies between the proposed 2022 RTP/SCS and adopted plans and policies related to energy conservation.
 - c. **Supportive Evidence.** Please refer to pages 4.6-16 through 4.6-17 of the Draft EIR.

3.6 Geology and Soils

1. **Impact GEO-1.** The transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.

- b. **Findings and Rationale.** Compliance with existing regulations and design standards, as well as the preparation of site-specific geotechnical reports, would reduce the potential for seismic damage to occur as a result of implementation of 2022 RTP/SCS projects.
 - c. **Supportive Evidence.** Please refer to pages 4.7-19 through 4.7-21 of the Draft EIR.
2. **Impact GEO-2.** The proposed transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Projects implementing the 2022 RTP/SCS would conform with applicable county codes related to erosion control and the NPDES Construction General Permit. Impacts related to erosion and loss of topsoil would be less than significant.
 - c. **Supportive Evidence.** Please refer to page 4.7-21 of the Draft EIR.
3. **Impact GEO-3.** Implementation of transportation improvements and future projects included in the land use scenario envisioned in the proposed 2022 RTP/SCS could be located on potentially unstable soils, in areas of lateral spreading, subsidence, or high liquefaction potential, or areas of expansive soil. Impacts would be Less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Projects implementing the 2022 RTP/SCS would conform with the California Building Code, local general plans and building standards, and Caltrans design criteria for transportation projects, where applicable. Impacts would be less than significant.
 - c. **Supportive Evidence.** Please refer to pages 4.7-22 and 4.7-23 of the Draft EIR.
4. **Impact GEO-4.** The transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS in rural areas may have soils incapable of adequately supporting septic tanks or alternative wastewater disposal systems. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The 2022 RTP/SCS does not include transportation projects that would require the use of septic tanks or alternative wastewater disposal systems. The few development projects in rural areas requiring septic tanks or alternative wastewater disposal systems would be required to comply with applicable County or City regulations. Impacts would be less than significant.
 - c. **Supportive Evidence.** Please refer to page 4.7-23 of the Draft EIR.
5. **Impact GEO-6.** Implementation of transportation improvements and future projects included in the land use scenario envisioned in the proposed 2022 RTP/SCS would not result in the loss of availability of known mineral resources of value or locally important resource recovery sites. This impact would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The 2022 RTP/SCS primarily involves transportation improvements, and infill and transit-oriented development. Development would not be located on sites with known mineral resources. There are no projects implementing the proposed 2022 RTP/SCS that would directly result in the extraction, exploration, or

digging for mineral resources, or prevent such activities. Impacts would be less than significant.

- c. **Supportive Evidence.** Please refer to page 4.7-27 of the Draft EIR.

3.7 Greenhouse Gas Emissions and Climate Change

1. **Impact GHG-3.** The transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would not conflict with regional SB 375 per capita passenger vehicle CO₂ emission reduction targets of 16.2 percent by 2035, and the proposed 2022 RTP/SCS would therefore be consistent with SB 375. Impacts would be less than significant
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Implementation of the proposed 2022 RTP/SCS in the year 2035 would result in a decrease of per capita passenger vehicle CO₂ emissions by 16.2 percent compared to 2005 levels. Therefore, implementation of the proposed 2022 RTP/SCS would achieve the SB 375 GHG reduction target for TCAG of 16 percent by 2035, and the proposed 2022 RTP/SCS would therefore be consistent with SB 375. Impacts would be less than significant.
 - c. **Supporting Evidence.** Please refer to pages 4.8-21 of the Draft EIR.

3.8 Hazards and Hazardous Materials

1. **Impact HAZ-1.** transportation improvement projects and the land use scenario envisioned by the proposed 2022 RTP/SCS may facilitate the routine transport, use, or disposal of hazardous material, and may result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Mandatory compliance with existing regulations and programs would minimize the risk associated with these the routine transport, use and disposal of hazardous materials, as well as accident conditions related to these materials. Impacts would be less than significant.
 - c. **Supporting Evidence.** Please refer to pages 4.9-16 through 4.9-18 of the Draft EIR.
2. **Impact HAZ-2.** Transportation improvement projects and land use projects envisioned in the proposed 2022 RTP/SCS would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Mandatory compliance with existing regulations and laws would minimize the potential impacts associated with hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or potential future school. Impacts would be less than significant.
 - c. **Supporting Evidence.** Please refer to page 4.9-19 of the Draft EIR.
3. **Impact HAZ-4.** Transportation improvement projects and the land use scenario envisioned in the proposed 2022 RTP/SCS located within an airport land use plan or within two miles of a

public or public use airport would not result in a safety hazard for people residing or working in the project area. Impacts would be less than significant.

- a. **Mitigation.** No mitigation is required.
- b. **Findings and Rationale.** Compliance with existing federal, state and local regulations and oversight in place that would effectively reduce the inherent hazard associated with development near airports to an acceptable and safe level. Impacts would be less than significant.
- c. **Supporting Evidence.** Please refer to page 4.9-22 of the Draft EIR.

3.9 Hydrology and Water Quality

1. **Impact HYD-1.** Implementation of proposed transportation projects and future projects included in the land use scenario envisioned in the proposed 2022 RTP/SCS would not violate water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Construction of projects included in the 2022 RTP/SCS would be required to comply with the federal Clean Water Act, which requires that coverage under a National Pollutant Discharge Elimination System (NPDES) stormwater permit be obtained for construction. Mandatory implementation of the SWPPP would prevent substantial erosion or pollutants from degrading water quality or violating wastewater discharge requirements during project construction. Mandatory compliance with existing stormwater regulations and permit programs would prevent discharge of pollutants from operation of projects. Also, implementation of the 2022 RTP/SCS would increase the volume of point-source wastewater discharges in the TCAG region, but regulatory compliance and monitoring of effluent prior to discharge from treatment facilities would ensure water quality standards would be met. Impacts would be less than significant.
 - c. **Supporting Evidence.** Please refer to pages 4.10-17 through 4.10-19 of the Draft EIR.
2. **Impact HYD-3.** Transportation and future land use projects implementing the proposed 2022 RTP/SCS would not substantially alter the existing drainage pattern of a site or area through alteration of the course of a stream or river or through the addition of impervious surfaces in a manner where drainage changes would result in flooding on- or off-site, redirect or impede flood flows, exceed the capacity of stormwater systems, or provide additional polluted runoff. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Existing regulatory requirements at the local, State, and Federal level include measures to minimize impacts from any increases in drainage changes that alter the existing drainage pattern. Transportation improvements and future projects included in the land use scenario envisioned in the 2022 RTP/SCS would not substantially alter existing drainage patterns such that they would substantially increase the rate or amount of surface runoff or create or contribute runoff water which would exceed the capacity of stormwater drainage systems. Land use projects under proposed 2022 RTP/SCS would require drainage control and hydromodification measures required either under an individual MS4 NPDES Permit or under the Region-Wide MS4 Permit

and would include adherence to the Region-Wide MS4 Permit's hydromodification requirements and implementation of LID drainage control features if required under Program Requirement Part F. Impacts would be less than significant. Compliance with the existing suite of applicable policies and regulations minimize impacts related to on- or off-site flooding, stormwater drainage capacity, polluted runoff, and redirection or impedance of flood, and such impacts would therefore be less than significant.

c. **Supporting Evidence.** Please refer to page 4.10-24 through 4.10-25 of the Draft EIR.

3. Impact HYD-4. Transportation and land use projects implementing the proposed 2022 RTP/SCS would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. Impacts would be less than significant.

a. **Mitigation.** No mitigation is required.

b. **Findings and Rationale.** Compliance with existing regulations and programs would prevent placement of structures within 100-year floodplain that could redirect flood flows, would prevent development in 100-year floodplains, and would prevent significant risks of loss, injury or death resulting from flooding or inundation. Impacts would be less than significant.

c. **Supporting Evidence.** Please refer to pages 4.10-25 through 4.10-29 of the Draft EIR.

3.10 Land Use

1. Impact LU-1. Implementation of proposed transportation improvements and the land use scenario envisioned by the proposed 2022 RTP/SCS would not physically divide an established community. This impact would be less than significant.

a. **Mitigation.** No mitigation is required.

b. **Findings and Rationale.** The transportation projects included in the 2022 RTP/SCS generally include improvements to existing roads and transportation facilities, rather than new roads or rail lines through existing or established communities. The land use scenario envisioned in the 2022 RTP/SCS encourages infill development in existing communities, rather than new communities in rural areas where new roads would be required. Therefore, the 2022 RTP/SCS would not physically divide established communities, and impacts would be less than significant.

c. **Supportive Evidence.** Please refer to pages 4.11-8 and 4.11-9 of the Draft EIR.

2. Impact LU-2. The proposed 2022 RTP/SCS project implementation would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation (including, but not limited to, the General Plan or Zoning Ordinance) and result in a physical change to the environment not already addressed in the other resource chapters of the EIR. This impact would be less than significant.

a. **Mitigation.** Mitigation measures are provided for applicable resources throughout their respective environmental issue area sections of the EIR to reduce impacts. No additional mitigation is required for this impact.

b. **Findings and Rationale.** The SCS land use and transportation projects envisioned within the 2022 RTP/SCS may result in conflicts with land use plans, policies, or regulations. However, the 2022 RTP/SCS would not result in a physical change to the environment

that has not already been addressed in the other resource chapters of the EIR. The impacts of any such conflicts are described throughout Chapter 4 of the EIR.

- c. **Supportive Evidence.** Please refer to pages 4.11-9 through 4.11-11 of the Draft EIR.

3.11 Population and Housing

1. **Impact POP-1.** Transportation and land use projects implementing the proposed 2022 RTP/SCS would not induce substantial unplanned population growth, either directly or indirectly. This impact would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The proposed 2022 RTP/SCS would accommodate planned growth through implementation of the envisioned proposed 2022 RTP/SCS land use strategies to intensify density in developed areas, rather than induce unplanned growth. Transportation projects included in the proposed 2022 RTP/SCS would not induce population growth as these projects would be planned-growth accommodating and are generally intended to improve existing transportation networks and improve safety. Expanded transit fleets would support more compact development and more sustainable and efficient development without inducing the type of population growth that would require development of more land for urban purposes. Impacts would be less than significant.
 - c. **Supportive Evidence.** Please refer to pages 4.13-7 through 4.13-9 of the Draft EIR.
2. **Impact POP-2.** Transportation and land use projects implementing the proposed 2022 RTP/SCS would temporarily displace existing housing and people but would not necessitate the construction of replacement housing elsewhere. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** Land use development included in the 2022 RTP/SCS would temporarily displace existing housing and people as individual housing development sites are redeveloped. However, displacement would not be substantial, and would be minimized through existing housing programs within the TCAG region. In the long term, the 2022 RTP/SCS would result in a net increase in housing units in the TCAG region. Impacts would be less than significant.
 - c. **Supportive Evidence.** Please refer to pages 4.13-9 and 4.13-10 of the Draft EIR.

3.12 Public Services and Recreation

1. **Impact PS-2.** Land use projects implementing the proposed 2022 RTP/SCS would require the provision of new schools, the construction of which would result in substantial physical impacts. Impacts would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** The 2022 RTP/SCS would accommodate the growth of population, households, and jobs in the TCAG region, which would result in increased demand for school services. Future project sponsors would be required by law to pay development impact fees at the time building permits are issued. These fees are used by the applicable school district to mitigate impacts associated with long-term operation and maintenance of school facilities. The fees would be determined at the

time of the building permit issuance and would reflect the most current fee amount requested by the school district. Pursuant to Section 65996(3)(h) of the Government Code (SB 50), payment of these fees “is deemed to be full and complete mitigation of impacts of any legislative or adjudicative act, or both, involving but not limited to, the planning, use, or development of real property, or any change in government organization or reorganization.” Impacts of the proposed 2022 RTP/SCS on schools would therefore be less than significant.

- c. **Supporting Evidence.** Please refer to page 4.14-16 of the Draft EIR.

3.13 Transportation

- 1. **Impact T-1.** Transportation projects and land use projects envisioned by the proposed 2022 RTP/SCS would not conflict with any program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. This impact would be less than significant.

- a. **Mitigation.** No mitigation is required.
- b. **Findings and Rationale.** Implementation of the 2022 RTP/SCS would improve transit ridership and circulation while also improving active transportation modes and facilities, such as constructing new pedestrian and bicycle facilities. The 2022 RTP/SCS also includes roadway projects that would improve circulation. The proposed 2022 RTP/SCS would be consistent with the California Transportation Plan and individual jurisdiction General Plans. The 2022 RTP would not conflict with a program, plan, ordinance, or policy addressing the circulation system.
- c. **Supporting Evidence.** Please refer to pages 4.15-23 through 4.15-24 of the Draft EIR.

- 2. **Impact T-3.** Proposed transportation and land use projects implementing the proposed 2022 RTP/SCS would not substantially increase hazards due to geometric design features or incompatible uses. This impact would be less than significant.

- a. **Mitigation.** No mitigation is required.
- b. **Findings and Rationale.** While the proposed 2022 RTP/SCS expands development and increases density in growth geographies, this growth would not impact geometric design features or roadway uses in a consistent way, as those design standards and uses are established and enforced at the local jurisdictional level. Future transportation projects would also be subject to design guidelines established by the State or the local jurisdiction with authority over the project, including curve radii on curving road segments, maximum road grade/slope, and minimum separating distance between intersections and driveways. The proposed TCAG 2022 RTP/SCS would not adversely impact the compatible use of transportation facilities. Rather, investments would incentivize design improvements to make roadways safer. Therefore, the proposed 2022 RTP/SCS would not substantially increase hazards due to incompatible uses, and this impact would be less than significant.
- c. **Supporting Evidence.** Please refer to pages 4.15-29 through 4.15-30 of the Draft EIR.

- 3. **Impact T-4.** Proposed transportation and land use projects implementing the proposed 2022 RTP/SCS would not result in inadequate emergency vehicle access or interfere with an adopted emergency response plan or emergency evacuation plan. This impact would be less than significant.

- a. **Mitigation.** No mitigation is required.
- b. **Findings and Rationale.** Standard construction procedures for development of a construction management plan prevent 2022 RTP/SCS construction activities from having significant emergency access impacts. Projects included in the 2022 RTP/SCS would be subject to the design standards of local jurisdictions for new and existing development and roadways to ensure adequate emergency access and to ensure no interference with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.
- c. **Supporting Evidence.** Please refer to pages 4.15-29 and 4.15-31 of the Draft EIR.

3.14 Utilities and Service Systems

- 1. **Impact UTIL-3.** Transportation projects and the future land use scenario of the proposed 2022 RTP/SCS would be required to comply with all relevant statutes and regulations related to solid waste. This impact would be less than significant.
 - a. **Mitigation.** No mitigation is required.
 - b. **Findings and Rationale.** As discussed under Impact UTIL-2, transportation projects and land use development projects implementing the proposed 2022 RTP/SCS would be required to comply with the California Green Building Code and SB 1016, which require that construction operations recycle a minimum of 50 percent of waste generated. Similarly, land use projects would also be required to comply with federal, State, and local statutes and regulations related to solid waste, including a 50 percent diversion rate pursuant to AB 939 and a future 75 percent diversion pursuant to AB 341, as well as local jurisdiction goals and policies for recycling and diversion of solid waste. Therefore, the proposed 2022 RTP/SCS would comply with relevant federal, state, and local statutes and regulations related to solid waste, and this impact would be less than significant.
 - c. **Supporting Evidence.** Please refer to page 4.17-23 of the Draft EIR.

4 Findings for Impacts Identified as Significant but Mitigated to a Less Than Significant Level

There are no impacts identified in the Draft EIR as significant that could be mitigated to a less than significant level. Remaining findings for significant impacts are discussed in Section 5, Findings for Impacts that are Significant and Unavoidable.

5 Findings for Impacts that are Significant and Unavoidable

The TCAG Board of Directors, having reviewed and considered the information contained in the Final EIR and the record of proceedings, and pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), makes the following findings with respect to impacts of the project that are significant and unavoidable. The TCAG Board of Directors hereby finds that mitigation measures identified in the EIR that have been required in or incorporated into the project would lessen the following significant environmental impacts but not to a less than significant level. These findings are based on the discussion of impacts in the detailed impact analyses in Chapter 4 of the EIR. **The findings below are for impacts where implementation of the project may result in the following significant, unavoidable environmental impacts, even with the implementation of mitigation measures.**

5.1 Aesthetics

1. **Impact AES-1.** Proposed transportation improvement projects and land use projects envisioned by the 2022 RTP/SCS would have a substantial adverse effect on scenic vistas and substantially damage scenic resources within a state scenic highway. This would be a significant and unavoidable impact.
 - a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to scenic vistas or scenic resources within highways identified to have high scenic qualities or designated by the State as eligible scenic highways. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.
 - AES-1(a) Tree Protection and Replacement.** The implementing agency for new roadways, extensions and widenings of existing roadways, trails and facility improvement projects shall, or can and should, avoid the removal of existing mature trees to the extent possible consistent with adopted local City and County policies as applicable. The implementing agency of a particular proposed 2022 RTP/SCS project shall replace any trees lost at a minimum 2:1 basis and incorporate them into the landscaping design for the roadway when feasible, or as required by local or County requirements. The implementing agency also shall ensure the continued vitality of replaced trees through periodic maintenance.
 - AES-1(b) Discouragement of Architectural Features that Block Scenic Views.** The implementing agency shall, or can and should, design projects to minimize contrasts in scale and massing between the project and surrounding natural forms and development. Setbacks and acoustical design of adjacent structures shall be preferentially used as mitigation for potential noise impacts arising from increased traffic volumes associated with adjacent land development. The

use of sound walls, or any other architectural features that could block views from the scenic highways or other view corridors, shall be discouraged to the extent possible. Where use of sound walls is found to be necessary, walls shall incorporate offsets, accents, and landscaping to prevent monotony. In addition, sound walls shall be complementary in color and texture to surrounding natural features.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. Although identified mitigation would help reduce impacts related to state-designated scenic highway corridors and scenic resources, individual transportation infrastructure projects as well as land use development included in the proposed 2022 RTP/SCS could still result in impacts to scenic vistas and resources. And because the EIR evaluates impacts at the programmatic level, all project circumstances are not foreseeable, and these mitigation measures may not be feasible or effective for some projects. Therefore, given the extent of planned land use development and transportation projects, and the potential for site-specific impacts from those projects, impacts related to the obstruction of scenic vistas and resources, including scenic highways, would be significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
 - c. **Supportive Evidence** – Please refer to pages 4.1-9 through 4.1-11 of the Draft EIR.
 2. **Impact AES-2.** The proposed transportation projects and land use patterns envisioned by the proposed 2022 RTP/SCS would in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site or its surroundings, and in an urbanized area, would conflict with applicable zoning and other regulations governing scenic quality. Impacts would be significant and unavoidable.
 - a. **Mitigation** – For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to visual character. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.
- AES-2 Design Measures for Visual Compatibility.** The implementing agency shall, or can and should, require measures that minimize contrasts in scale and massing between the project and surrounding natural forms and developments. Strategies to achieve this include:

- Siting or designing projects to minimize their intrusion into important viewsheds;
 - Avoiding large cuts and fills when the visual environment (natural or urban) would be substantially disrupted;
 - Ensuring that re-contouring provides a smooth and gradual transition between modified landforms and existing grade;
 - Developing transportation systems to be compatible with the surrounding environments (e.g., colors and materials of construction material; scale of improvements);
 - Designing and installing landscaping to add natural elements and visual interest to soften hard edges, as well as to restore natural features along corridors where possible after widening, interchange modifications, re-alignment, or construction of ancillary facilities.; and
 - Designing new structures to be compatible in scale, mass, character and architecture with existing structures.
- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Implementation of mitigation measures AES-2 would reduce project-specific impacts to the extent feasible. Mitigation Measures AES-1(a) and AES-1(b), discussed above for Impact AES-1, would also reduce impacts associated with visual character. Nevertheless, the alteration of current rural or semi-rural character to a more suburban environment is considered a significant and unavoidable impact because mitigation measures may not be feasible for all projects. Additionally, while these mitigation measures may reduce impacts from urban and infill development, some project-specific impacts may be unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable. .
- c. **Supportive Evidence.** Please refer to pages 4.1-11 through 4.1-13 of the Draft EIR.
3. **Impact AES-3.** Proposed transportation improvement projects and land use projects envisioned by the 2022 RTP/SCS would create new sources of substantial light or glare that would adversely affect day or nighttime views in the area. This would be a significant and unavoidable impact.
- a. **Mitigation** – For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to daytime and nighttime views. Cities and the County can and should implement these measures, where relevant to land use projects

implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

AES-3(a) Roadway and Project Lighting. The implementing shall, or can and should, minimize roadway lighting to the extent possible, consistent with safety and security objectives, and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of back shields, hoods, low intensity lighting, and using as few lights as necessary to achieve the goals of the project.

As part of planning, design, and engineering for transportation and land use projects, implementing agencies shall, or can and should, ensure that projects proposed near light-sensitive uses avoid substantial spillover lighting. Potential design measures include, but are not limited to, the following:

- Lighting shall consist of cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light into adjacent properties and undeveloped open space. Fixtures that project light upward or horizontally shall not be used.
- Lighting shall be directed away from habitat and open space areas adjacent to the project site.
- Light mountings shall be downcast, and the height of the poles minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light onto adjacent private properties and undeveloped open space. Light poles will be 20 feet high or shorter. Luminary mountings shall have non-glare finishes.
- Exterior lighting features shall be directed downward and shielded in order to confine light to the boundaries of the subject project. Where more intense lighting is necessary for safety purposes, the design shall include landscaping to block light from sensitive land uses, such as residences.

AES-3(b) Glare Reduction Measures. Implementing agencies shall, or can and should, minimize and control glare from transportation and land use projects near glare-sensitive uses through the adoption of project design features such as:

- Planting trees along transportation corridors to reduce glare from the sun;
- Creating tree wells in existing sidewalks;
- Adding trees in new curb extensions and traffic circles;
- Adding trees to public parks and greenways;
- Landscaping off-street parking areas, loading areas, and service areas;
- Limiting the use of reflective materials, such as metal;
- Using non-reflective material, such as paint, vegetative screening, matte finish coatings, and masonry;
- Screening parking areas by using vegetation or trees;
- Using low-reflective glass;
- Complying with applicable general plan policies, municipal code regulations, city or local controls related to glare; and

- Tree species planted to comply with this measure shall provide substantial shade cover when mature. Utilities shall be installed underground along these routes wherever feasible to allow trees to grow and provide shade without need for severe pruning.
- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. In the absence of regulations specifically addressing light and glare impacts, the aforementioned mitigation measures would limit the use of reflective building materials and the potential spillage of light both upward and onto adjacent properties from exterior lighting fixtures. However, mitigation measures maybe not be feasible for all projects. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable
- c. **Supportive Evidence.** Please refer to pages 4.1-14 through 4.1-16 of the Draft EIR.

5.2 Agriculture and Forestry Resources

1. **Impact AG-1.** Proposed transportation improvements and land use projects envisioned by the 2022 RTP/SCS would result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use, or conflict with existing zoning for agriculture or a Williamson Act contract. This would be a significant and unavoidable impact.
 - a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects that would result in impacts to Important Farmland and/or conflict with agricultural zoning and Williamson Act contracts. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

AG-1 Agricultural Land Impact Avoidance and Minimization. Implementing agencies shall implement measures, where feasible based on project and site specific considerations, that include, but are not limited to those identified below.

 - Require project relocation or corridor realignment, where feasible, to avoid Important Farmland, agriculturally zoned land and/or land under Williamson Act contract;
 - Manage project construction to minimize the introduction of invasive species or weeds that may affect agricultural production on agricultural land adjacent to project sites. Managing project construction may include

washing construction equipment before bringing equipment on-site, using certified weed-free straw bales for construction Best Management Practices (BMPs), and other similar measures.

- Provide buffers, berms, setbacks, fencing, or other project design measures to protect surrounding agriculture, and to reduce conflict with farming that could result from implementation of transportation improvements and/or development included as a part of the SCS/SCS;

- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. . The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Implementation of Mitigation Measure AG-1 would require avoidance, minimization, or compensation for Important Farmland impacts by specific projects included in the proposed 2022 RTP/SCS, thereby reducing the impact of conversion of Important Farmland to non-agriculture use and conflicts with agricultural zoning and Williamson Act contracts. However, the mitigation would not ensure that all future land use and transportation projects could reduce impacts on Important Farmland, lands zoned for agriculture, and lands under Williamson Act contract to a less than significant level. As a result, the aforementioned mitigation would reduce impacts, but impacts would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable
- c. **Supportive Evidence.** Please refer to pages 4.2-13 of the Draft EIR.

5.3 Air Quality

1. **Impact AQ-2.** Construction of proposed transportation improvements and land use projects envisioned by the 2022 RTP/SCS would result in a cumulatively considerable net increase in criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Impacts would be significant and unavoidable.
 - a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the proposed 2022 RTP/SCS program where applicable for transportation projects that would result in fugitive dust and ozone precursor emissions. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

- AQ-2(a) Application of SJVAPCD Feasible Mitigation Measures.** For all projects, the implementing agency shall incorporate the most recent SJVAPCD feasible construction mitigation measures and/or technologies for reducing inhalable particles based on analysis of individual sites and project circumstances. Additional and/or modified measures may be adopted by SJVAPCD prior to implementation of individual projects under the proposed 2022 RTP/SCS; therefore, the most current list of feasible mitigation measures at the time of project implementation shall be used. The current SJVAPCD feasible mitigation measures include the following (SJVAPCD 2015b):
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
 - All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
 - Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - An owner/operator of any site with 150 or more vehicle trips per day, or 20 or more vehicle trips per day by vehicles with three or more axles shall implement measures to prevent carryout and trackout.
 - Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
- AQ-2(b) Diesel Equipment Emissions Standards.** The implementing agency shall ensure, to the maximum extent feasible, that diesel construction equipment meeting CARB Tier 4 emission standards for off-road heavy-duty diesel engines is used. If use of Tier 4 equipment is not feasible, diesel construction equipment meeting Tier 3 (or if infeasible, Tier 2) emission standards shall be used. These measures shall be noted on all construction plans, and the implementing agency shall perform periodic site inspections.
- AQ-2(c) Electric Construction Equipment.** The implementing agency shall ensure that to the extent feasible, construction equipment utilizes electricity from power poles rather than temporary diesel power generators and/or gasoline power generators.
- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS.. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. This mitigation

measure shall, or can and should, be applied during permitting and environmental review and implemented during construction where appropriate. Implementation of Measures AQ-2(a) through AQ-2(c) would reduce short-term construction emissions from individual projects and thus reduce the severity of impacts by requiring best practices for dust and exhaust emissions via readily available, lower-emitting diesel equipment, and/or equipment powered by alternative cleaner fuels (e.g., propane) or electricity, as well as on-road trucks using particulate exhaust filters. To the extent that an implementing agency requires an individual project to implement all feasible mitigation measures described above, individual project impacts may be reduced to a less than significant level. Implementation of Mitigation Measure GHG-1 below would also reduce construction emissions from the proposed 2022 RTP/SCS. However, these mitigation measures may not be feasible or effective for all projects. Therefore, this impact would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.3-21 through 4.3-24 of the Draft EIR.

2. Impact AQ-3. Operation of the proposed transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Impacts would be significant and unavoidable.

a. **Mitigation.** For land use projects under their jurisdiction, the cities and County in the TCAG region can and should implement Mitigation Measure AQ-3 to reduce ozone, PM_{2.5}, PM₁₀ emissions, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

AQ-3 Long-term Regional Operational Emissions. Implementing agencies can and should implement long-term operational emissions reduction measures. Such reduction measures include the following:

- Require that all interior and exterior architectural coatings for all developments utilize coatings following SJVAPCD Rule 4601, *Architectural Coatings*.
- Increase building envelope energy efficiency standards in excess of applicable building standards and encourage new development to achieve zero net energy use.
- Install energy-efficient appliances, interior lighting, and building mechanical systems. Encourage installation of solar panels for new residential and commercial development.
- Locate sensitive receptors more than 500 feet of a freeway, 500 feet of urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.

- Locate sensitive receptors more than 1,000 feet of a major diesel rail service or railyards. Where adequate buffer cannot be implemented, implement the following:
 - Install air filtration (as part of mechanical ventilation systems or stand-alone air cleaners) to indoor reduce pollution exposure for residents and other sensitive populations in buildings that are close to transportation network improvement projects.
 - Use air filtration devices rated MERV-13 or higher.
 - Plant trees and/or vegetation suited to trapping roadway air pollution and/or sound walls between sensitive receptors and the pollution source. The vegetation buffer should be thick, with full coverage from the ground to the top of the canopy Install higher efficacy public street and exterior lighting.
 - Use daylight as an integral part of lighting systems in buildings.
 - Use passive solar designs to take advantage of solar heating and natural cooling.
 - Install light colored “cool” roofs, cool pavements.
 - Install solar and tankless hot water heaters.
 - Exclude wood-burning fireplaces and stoves.
 - Incorporate design measures and infrastructure that promotes safe and efficient use of alternative modes of transportation (e.g., neighborhood electric vehicles, bicycles) pedestrian access, and public transportation use. Such measures may include incorporation of electric vehicle charging stations, bike lanes, bicycle-friendly intersections, and bicycle parking and storage facilities.
 - Incorporate design measures that promote ride sharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides).
- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. If implementing agencies adopt and require the mitigation described above, emission impacts would be reduced because said measures described above encourage operational energy efficiency in buildings, reduce vehicle trips by promoting alternative modes of transportation, and other emissions reducing strategies such as incorporating design measures that promote ride sharing programs. Implementation of Mitigation Measures GHG-4(a) and GHG-4(b) below would also reduce operational emissions from the proposed 2022 RTP/SCS. However, since the implementation is not project- or site- specific, reductions cannot be estimated and cannot be guaranteed on a project-by-project basis. Therefore, this impact would remain significant and unavoidable. The TCAG Board of Directors finds that no other

mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.3-25 through 4.3-28 of the Draft EIR.

3. **Impact AQ-5.** The transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would expose sensitive receptors to substantial TAC concentrations. Impacts would be significant and unavoidable.

a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the proposed 2022 RTP/SCS program where applicable for transportation projects that would result in fugitive dust and ozone precursor emissions. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

AQ-5 Health Risk Reduction Measures. Transportation project sponsor agencies shall implement the following measures for projects that could facilitate an increase in vehicle trips:

- During project-specific design and CEQA review, the potential localized particulate (PM₁₀ and PM_{2.5}) impacts and their health risks shall be evaluated for individual projects. Localized particulate matter concentrations shall be estimated using procedures and guidelines consistent with U.S. EPA 2015's *Transportation Conformity Guidance for Quantitative Hot-Spot Analyses in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas*. If required based on the project-level hotspot analysis, project-specific mitigation shall be added to the project design concept or scope to ensure that local particulate (PM₁₀ and PM_{2.5}) emissions would not reach a concentration at any location that would cause estimated cancer risk to exceed the SJVAPCD threshold of 20 in one million. Per the U.S. EPA guidance (2015), potential mitigation measures to be considered may include but shall not be limited to: providing a retrofit program for older higher emitting vehicles, anti-idling requirements or policies, controlling fugitive dust, routing traffic away from populated zones and replacing older buses with cleaner buses. These measures can and should be implemented to reduce localized particulate impacts as needed.
- For projects that do not meet screening criteria, Retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with CARB and OEHHA requirements to determine the exposure of nearby residents to TAC concentrations.
- If impacts result in increased risks to sensitive receptors above significance thresholds, plant trees and/or vegetation suited to trapping TACs and/or sound walls between sensitive receptors and the pollution source.

In addition, consistent with the general guidance contained in CARB's *Air Quality and Land Use Handbook* (2005) and *Technical Advisory on Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (2017), cities and counties shall incorporate appropriate and feasible measures into project building design for land use projects, including residential, school and other sensitive uses located within 500 feet (or other appropriate distance as determined by the lead agency) of freeways, heavily travelled arterials, railways and other sources of diesel particulate matter, including roadways experiencing significant vehicle delays. The appropriate measures shall include one or more of the following methods, as applicable and as determined by a qualified professional. The implementing agency shall incorporate health risk reduction measures based on an analysis of individual sites and project circumstances. These measures may include:

- Avoid siting new sensitive land uses within 500 feet of a freeway or railway.
- Require development projects for new sensitive land uses to be designed to minimize exposure to roadway-related pollutants to the maximum extent feasible through inclusion of design components including air filtration and physical barriers.
- Do not locate sensitive receptors near the entry and exit points of a distribution center.
- Locate structures and outdoor living areas for sensitive uses as far as possible from the source of emissions. As feasible, locate doors, outdoor living areas and air intake vents primarily on the side of the building away from nearby high-volume roadways or other pollution source. As feasible, incorporate dense, tiered vegetation that regains foliage year-round and has a long life span between the pollution source and the project.
- Maintain a 50-foot buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year).
- Install, operate, and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, which meets the efficiency standard of the MERV 13. The HV system should include the following features:
 - Installation of a high efficiency filter and/or carbon filter-to-filter particulates and other chemical matter from entering the building.
 - Use of either HEPA filters or ASHRAE 85 percent supply filters.
 - Completion of ongoing maintenance.
- Retain a qualified HV consultant or Home Energy Rating Systems rater during the design phase of the project to locate the HV system based on exposure modeling from the mobile and/or stationary pollutant sources.
- Maintain positive pressure within the building.
- Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
- Achieve a performance standard of at least four air exchanges per hour of recirculation. Achieve a performance standard of 0.25 air exchanges per hour of unfiltered infiltration if the building is not positively pressurized.

- Require project owners to provide a disclosure statement to occupants and buyers summarizing technical studies that reflect health concerns about exposure to highway/freeway exhaust emissions.
- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Although implementation of the above mitigation would reduce health risks associated with TAC emissions, individual receptors may still be exposed to substantial TAC concentrations that would have significant health risk effects. Because implementation of these mitigation measures is not project- or site- specific, reductions cannot be estimated and cannot be guaranteed on a project-by-project basis. Therefore, this impact remains significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
- c. **Supportive Evidence.** Please refer to pages 4.3-30 and 4.3-34 of the Draft EIR.

5.4 Biological Resources

1. **Impact BIO-1.** Implementation of transportation projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Impacts would be significant and unavoidable.
 - a. **Mitigation.** For transportation projects under TCAG jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures for applicable transportation projects that would result in biological impacts. The County and cities in the TCAG region can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.
- BIO-1(a) Biological Resources Screening and Assessment.** The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. On a project-by-project basis, a preliminary biological resource screening shall be performed to determine whether the project has any potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment (BRA) or similar type of study to

document the existing biological resources within the project footprint plus an appropriate buffer determined by a qualified biologist and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all sensitive biological resources including, but not limited to special-status species, nesting birds, wildlife movement, sensitive plant communities/critical habitat and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (i.e., protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be required. The following Mitigation Measures [BIO-1(b) through BIO-1(a)] shall be incorporated, only as applicable, into the BRA and/or the project CEQA document for projects where specific resources are present, or may be present, and may be impacted by the project. Note that specific surveys described in the mitigation measures below may be completed as part of the BRA where suitable habitat is present.

BIO-1(b) Special-Status Plant Species Surveys. If completion of the project-specific BRA determines that special-status plant species have potential to occur on-site, the implementing agency shall contract a qualified biologist to complete surveys for special-status plants prior to any vegetation removal, grubbing, or other construction activity of each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species identified in the project-specific BRA. Whenever practicable, surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency for review. If special-status plant species are identified, mitigation measure BIO-1(c) shall apply.

BIO-1(c) Special-Status Plant Species Avoidance, Minimization and Mitigation. If state or federally listed and/or CRPR 1 and 2 species are found during special-status plant surveys [pursuant to mitigation measure BIO-1(b)], then the implementing agency shall redesign the project to avoid impacting these plant species to the maximum extent feasible. Occurrences of these species that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm. If CRPR 3 and 4 species are found, the qualified biologist contracted to conduct the plant surveys [pursuant to mitigation measure BIO-1(b)] shall evaluate to determine if they meet criteria to be considered special-status, and if so, the same process as identified for CRPR 1 and 2 species shall apply.

If special-status plants species cannot be avoided and would be impacted by a project implemented under the proposed 2022 RTP/SCS, the implementing agency shall require all impacts shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the implementing agency.

BIO-1(d) Endangered/Threatened Animal Species Habitat Assessment and Protocol Surveys. If the results of the BRA determine that suitable habitat may be present for federally and/or state endangered or threatened animal species, the implementing agency shall require habitat assessments/surveys. Whenever practicable the surveys shall be completed in accordance with CDFW and/or USFWS/NMFS protocols prior to issuance of any construction permits/project approvals.

Alternatively, in lieu of conducting protocol surveys, the implementing agency may choose to assume presence within the project footprint and proceed with development of appropriate avoidance measures, consultation, and permitting, as applicable.

If the target species is detected during protocol surveys, or protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure BIO-1(e) shall apply.

BIO-1(e) Endangered/Threatened Animal Species Avoidance and Compensatory Mitigation. If habitat is occupied or presumed occupied by federal and/or state listed species and would be impacted by the project, the implementing agency shall redesign the project in coordination with a qualified biologist to avoid impacting occupied/presumed occupied habitat to the extent feasible. If occupied or presumed occupied habitat cannot be avoided, the implementing agency shall estimate the total acreages for habitat that would be impacted prior to the issuance of construction permits/approvals.

Compensatory mitigation shall be achieved through purchase of credits at a USFWS, NMFS and/or CDFW approved conservation bank if available for the affected species, and/or through providing compensatory mitigation to offset impacts to federal and/or state listed species habitat. Compensatory mitigation shall be provided at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for permanent impacts. Compensatory mitigation may be combined/nested with special-status plant species and sensitive community restoration where applicable. Temporary impact areas shall be restored to pre-project conditions.

If on and/or off-site compensatory mitigation sites are identified, the implementing agency shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites that are to be conserved for compensation of permanent impacts to federal and/or state listed species. The HMMP shall identify long term site management needs, routine monitoring techniques, techniques, and success criteria, and shall determine if the conservation site has restoration needs to function as a suitable mitigation site. If restoration is required on the conservation site, the HMMP shall contain the restoration components outlined under the Restoration Plan listed in measure BIO-1(c). The HMMP shall be submitted to the implementing agency.

BIO-1(f) Endangered/Threatened Animal Species Avoidance and Minimization During Construction. The implementing agency shall apply the following measures to aquatic and terrestrial species, where appropriate. Implementing agencies shall select from these measures as appropriate depending on site conditions, the

species with potential for occurrence and the results of the biological resources screening and assessment (measure BIO-1[a]).

- Preconstruction surveys for federal and/or state listed species with potential to occur shall be conducted where suitable habitat is present by a qualified biologist not more than 48 hours prior to the start of construction activities. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of federal and/or state listed species is found within the survey area, the qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. The results of the pre-construction surveys shall be submitted to the implementing agency for review and approval prior to start of construction.
- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern shall have highly visible orange construction fencing.
- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between April 1 and October 31, to avoid impacts to sensitive aquatic species.
- All projects occurring within or adjacent to sensitive habitats that may support federally and/or state endangered/threatened species shall have a qualified biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of the CDFW and/or USFWS/NMFS or as outlined in project permits, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are being fully implemented.
- No endangered/threatened species shall be captured and relocated without authorization from the CDFW and/or USFWS.
- If pumps are used for dewatering activities, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system.
- If at any time during construction of the project an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. At that point, a qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel.
- All equipment operating within streambeds (restricted to conditions in which water is not present) shall be in good conditions and free of leaks.

Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.

- At the end of each workday, excavations shall be secured with cover or a ramp shall be provided to prevent wildlife entrapment.
- All trenches, pipes, culverts, or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.

BIO-1(g) Non-Listed Special-Status Animal Species Avoidance and Minimization.

Depending on the species identified in the BRA, the implementing agency shall select from among the following to reduce the potential for impacts to non-listed special-status animal species:

- Preconstruction clearance surveys shall be conducted within 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 100-foot buffer and shall identify all special-status animal species that may occur on-site. All non-listed special-status species shall be relocated from the site either through direct capture or through passive exclusion. A report of the preconstruction survey shall be submitted to the implementing agency for their review and approval prior to the start of construction.
- A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal, to recover special-status animal species unearthed by construction activities.
- Upon completion of the project, a qualified biologist shall prepare a final compliance report documenting all compliance activities implemented for the project, including the preconstruction survey results.
- If special-status bat species may be present and impacted by the project, within 30 days of the start of construction a qualified biologist shall conduct presence/absence surveys for special-status bats, in consultation with the CDFW, where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. If active bat roosts or colonies are present, the biologist shall evaluate the type of roost to determine the next step.
 - If a maternity colony is present, all construction activities shall be postponed within a 250-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed or as recommended by CDFW through consultation. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.
 - If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), alternative roosts, such as bat boxes if appropriate for the species, shall be designed and installed near the project site. The number and size of alternative roosts installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW.

- If other active roosts are located, exclusion devices such as valves, sheeting or flap-style one-way devices that allow bats to exit but not re-enter roosts discourage bats from occupying the site.

BIO-1(h) Pre-Construction Surveys for Nesting Birds. The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the CFGC, the MBTA, and Bald and Golden Eagle Protection Act shall be conducted by a qualified biologist no more than 10 days prior to vegetation removal activities.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of bald and golden eagles shall cover all areas within of the disturbance footprint plus a one-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. All buffers shall be marked using high visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the qualified biologist has verified that young have fledged from the nest, or the nest fails.

For bald or golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS and CDFW. The size of the buffer may be influenced by the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected disturbance. The buffer shall be established between February 1 and September 15; however, buffers may be relaxed earlier than September 15 if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged, and the nest is no longer in use.

A report of these preconstruction nesting bird surveys and nest monitoring (if applicable) shall be submitted to the implementing agency for review and approval prior to the start of construction.

BIO-1(it) Worker Environmental Awareness Program (WEAP). The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist retained by the implementing agency, to aid workers in recognizing special-status resources and review of the limits of construction and mitigation measures required. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS.. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. Compliance with the above mitigation measures would reduce impacts to special-status species and their habitat because the mitigation measures require pre-project surveys and biological monitoring, focused biological surveys, avoidance or minimization of project related disturbance or loss of special-status species, compensation for disturbed or loss of special-status species habitat and coordination with permitting agencies, as required prior to project implementation. However, it cannot be guaranteed that all future project level impacts to special-status species can be mitigated to a less than significant level for all species. Additionally, complete avoidance is the only mitigation for fully protected species, which may not be feasible under some circumstances. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
- c. **Supportive Evidence.** Please refer to pages 4.4-25 through 4.4-32 of the Draft EIR.
2. **Impact BIO-2.** Implementation of transportation improvements and the land use scenario envisioned by the 2022 RTP/SCS would result in substantial adverse impacts on sensitive habitats, including sensitive natural communities, and state and federally protected wetlands. This impact would be significant and unavoidable.
- a. **Mitigation.** For transportation projects under TCAG jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures for applicable transportation projects identified in Table 4.4-2. The County and cities in the TCAG region can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.
- BIO-2(a) Aquatic Resources Delineation and Impact Avoidance.** The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. If the results of measure BIO-1(a) indicates projects implemented under the proposed 2022 RTP/SCS occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, and/or RWQCB, a qualified biologist shall complete an aquatic resources delineation in accordance with the requirement set forth by each agency. The result shall be submitted to the implementing agency, USACE, RWQCB, and/or CDFW, as appropriate, for review and approval, and the project shall be designed to avoid and minimize impacts to jurisdictional areas to the extent feasible. The

delineation shall serve as the basis to identify potentially jurisdictional areas to be protected during construction, through implementation of the avoidance and minimization identified in measure BIO-2(f).

- BIO-2(b) Wetlands, Drainages, and Riparian Habitat Restoration.** The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. Unavoidable impacts to jurisdictional wetlands, drainages, and riparian habitat shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist retained by the implementing agency and shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan consistent with regulatory agency requirements shall be developed by a qualified biologist and submitted to the regulatory agency overseeing the project for approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved wetlands mitigation bank.
- BIO-2(c) Landscaping Plan.** If landscaping is proposed for a specific project, a qualified biologist/landscape architect retained by the implementing agency shall prepare a landscape plan. Drought tolerant, locally native plant species shall be used. Noxious, invasive and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List and/or California Invasive Plant Council Inventory shall not be permitted. Species selected for planting shall be regionally appropriate native species that are known to occur in the adjacent native habitat types.
- BIO-2(d) Sensitive Natural Community Avoidance and Mitigation.** If the results of measure BIO-1(a) indicates projects implemented under the proposed 2022 RTP/SCS would impact sensitive natural communities, the implementing agency shall avoid impacts to sensitive natural communities through final project design modifications if feasible.
- If the implementing agency determines that sensitive natural communities cannot be avoided, impacts shall be mitigated on-site or offsite at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist based on any applicable resource agency guidelines. Temporarily impacted areas shall be restored to pre-project conditions. A Restoration Plan shall be developed by a qualified biologist and submitted to the implementing agency.
- BIO-2(e) Invasive Weed Prevention and Management Program.** Prior to start of construction for each project that occurs within or adjacent to native habitats, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist retained by the implementing agency to prevent invasion of native habitat by non-native plant species. The plan shall be submitted to the implementing agency for review and approval. A list of target species shall be included, along with measures for early detection and eradication.
- The plan, which shall be implemented by the implementing agency, shall also include, but not be limited to, the following measures to prevent the introduction of invasive weed species:

- During construction, limit the use of imported soils for fill. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species.
- To minimize colonization of disturbed areas and the spread of invasive species, the contractor shall stockpile topsoil and redeposit the stockpiled soil after construction or transport the topsoil to a permitted landfill for disposal.
- All erosion control materials, including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.
- Exotic and invasive plant species shall be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project
- All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas.

BIO-2(f) Wetlands, Drainages, and Riparian Habitat Best Management Practices During Construction. The following best management practices shall be required by the implementing agency for development within or adjacent to wetlands, drainages, or riparian habitat:

- Access routes, staging and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access routes and ancillary construction areas outside of jurisdictional areas.
- To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project.
- Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year, or as otherwise directed by the regulatory agencies.
- During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- Raw cement, concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project related activities, shall be prevented from contaminating the soil and/or entering wetlands, drainages, or riparian habitat.
- All refueling, maintenance and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills.

b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these

mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. Compliance with the above mitigation measures would reduce impacts to sensitive habitats, including sensitive natural communities and wetlands, because the mitigation measures require focused biological surveys, best management practices for avoidance or minimization impacts, compensation for disturbed or loss of sensitive habitats, including sensitive natural communities and wetlands, and coordination with permitting agencies, as required prior to project implementation. However, it cannot be guaranteed that all future project level impacts can be mitigated to a less than significant level for all sensitive habitats. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.4-33 through 4.4-37 of the Draft EIR.

3. Impact BIO-3. Implementation of transportation projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. This impact would be Significant and Unavoidable.

a. **Mitigation** – For transportation projects under TCAG jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures for applicable transportation projects. The County and cities in the TCAG region can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

BIO-3(a) Project Design for Wildlife Connectivity. The implementing agency shall implement the following measures. All projects including long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Where fencing or other project components is required for public safety concerns, these project components shall be designed to permit wildlife movement by incorporating design features such as:

- A minimum 16 inches between the ground and the bottom of the fence to provide clearance for small animals;
- A minimum 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled;
- If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at

reasonable intervals to allow wildlife movement, or the fence may be installed with the bottom at least 16 inches above the ground level;

- If fencing or other project components must be designed in such a manner that wildlife passage would not be permitted, wildlife crossing structures shall be incorporated into the project design as appropriate; and
- Lighting installed as part of any project shall be designed to be minimally disruptive to wildlife (see mitigation measure AES-3(a) Roadway Lighting for lighting requirements).

BIO-3(b) Maintain Connectivity in Drainages. The implementing agency shall implement the following measures. Permanent structures shall be avoided to the extent feasible within any drainage or river that serves as a wildlife migration corridor that would impede wildlife movement.

In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded passage through the area once the work has been complete.

If water is to be diverted around work sites, a diversion plan shall be submitted to the implementing agency for review and approval prior to issuance of project construction permits/approvals. The diversion shall be designed in a way as to not impede movement while the diversion is in place.

BIO-3(c) Construction Best Management Practices to Minimize Disruption to Wildlife. The following construction best management practices shall be incorporated by the implementing agency into all grading and construction plans to minimize temporary disruption of wildlife, which could hinder wildlife movement:

- Designation of a 20 mile per hour speed limit in all construction areas.
- Daily construction work schedules shall be limited to daylight hours only.
- Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition.
- All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.
- No pets are permitted on project site during construction.

b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. Compliance with the above mitigation measures would reduce impacts to wildlife movement by requiring projects to be designed in a way that maintains connectivity, and by requiring construction best management practices. However, it cannot be guaranteed that movement of terrestrial species will not be impeded due to the large scale of the proposed 2022 RTP/SCS and the multiple projects that would implement it. It cannot be guaranteed that all future project level wildlife movement impacts can be mitigated to a less than significant level. The TCAG Board of Directors finds that no other mitigation

measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.4-37 through 4.4-40 of the Draft EIR.

5.5 Cultural Resources

1. **Impact CR-1.** Transportation improvement projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5. This impact would be significant and unavoidable.

- a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to historical resources. Where applicable, Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

CR-1 Built Environment Historical Resources. Prior to individual project permit issuance, the implementing agency of a 2022 RTP/SCS project involving earth disturbance or construction of permanent above ground structures or roadways shall prepare a map defining the project area. This map shall indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known and potential historical resources are located within the project area. If a structure greater than 45 years in age is within the identified impact zone, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic preservation criteria shall be conducted. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards (PQS) as defined in 36 CFR Part 61. All buildings and structures 45 years of age or older within the project area shall be evaluated in their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the implementing agency for review and concurrence.

If historical resources are identified within the project area of a proposed project, efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with any development application that may affect the historical resource, a report

identifying and specifying the treatment of character-defining features and construction activities shall be provided to the implementing agency for review.

To the greatest extent possible the relocation, rehabilitation, or alteration of the resource shall be consistent with the *Secretary of the Interior's Standards for the Treatments of Historic Properties* (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the implementing agency for review and concurrence.

If significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey-Like report. The report shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS and submitted to the implementing agency prior to issuance of any permits for demolition or alteration of the historical resource.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG which as CEQA responsible agencies for the 2022 RTP/SCS, will adopt it. The TCAG Board of Directors further find that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Redevelopment or demolition that may be required to implement transportation improvements or land use projects may result in the permanent loss or damage to historic structures. While implementation of Mitigation Measure CR-1 would reduce impacts to the extent feasible, some project-specific impacts may be unavoidable. Therefore, this impact is significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.5-16 through 4.5-18 of the Draft EIR.

- 2. **Impact CR-2.** Construction activity associated with transportation improvement projects and the land use scenario envisioned by the proposed 2022 RTP/SCS may cause a substantial adverse

change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Impacts to archaeological resources would be significant and unavoidable.

- a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to historical resources. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

CR-2(a) Archaeological Resources Impact Minimization. Before construction activities, implementing agencies shall, or can and should, retain a qualified archaeologist to conduct a record search at the Northwest Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, implementing agencies shall, or can and should, retain a qualified archaeologist to conduct archaeological surveys before construction activities. Implementing agencies shall, or can and should, follow recommendations identified in the survey, which may include, but would not be limited to subsurface testing, designing and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, avoidance of sites and preservation in place, and/or data recovery if avoidance is not feasible. Recommended mitigation measures shall be consistent with *State CEQA Guidelines* Section 15126.4(b)(3) recommendations and may include but not be limited to preservation in place and/or data recovery. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.

CR-2(b) Unanticipated Discoveries During Construction. During construction activities, implementing agencies shall, or can and should, implement the following measures. If evidence of any prehistoric or historic-era subsurface archaeological features, deposits or tribal cultural resources are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity proximate to the discovery shall be halted until a qualified archaeologist (36 CFR Section 61) can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the implementing agency to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources

work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area. If the find is a prehistoric archaeological site, the culturally affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work could continue in other parts of the project area that are distant enough from the find not to impact it, as determined by the qualified archaeologist.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. Implementation of Mitigation Measures CR-2(a) and CR-2(b) would reduce potential impacts to archaeological resources to the extent feasible, but due to project-specific circumstances, some project-specific impacts may be unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable..
- c. **Supportive Evidence.** Please refer to pages 4.5-18 through 4.5-20 of the Draft EIR.

5.6 Geology and Soils

- 1. **Impact GEO-5.** Implementation of proposed transportation improvements and the land use scenario envisioned by the proposed 2022 RTP/SCS would directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Impacts would be significant and unavoidable.

- a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the proposed 2022 RTP/SCS where applicable for transportation projects that would result in impacts to paleontological resources. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

GEO-5 Paleontological Resources Mitigation and Monitoring Program. The implementing agency of a proposed 2022 RTP/SCS project involving ground disturbing activities (including grading, trenching, foundation work and other excavations) shall, or can and should, retain a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for Qualified Professional Paleontologist (SVP 2010), to conduct a

Paleontological Resources Assessment (PRA). The PRA shall determine the age and paleontological sensitivity of geologic formations underlying the proposed disturbance area, consistent with SVP Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP 2010) guidelines for categorizing paleontological sensitivity of geologic units within a project area. If underlying formations are found to have a high potential (sensitivity) for paleontological resources and/or could be considered a unique geologic feature, the following measures shall apply:

- **Avoidance.** Avoid routes and project designs that would permanently alter unique paleontological and unique geological features. If avoidance practices cannot be implemented, the following measures shall apply.
- **Retention of a Qualified Paleontologist.** A Qualified Paleontologist shall be retained to create a Paleontological Resources Monitoring and Mitigation Program (PRMMP) to direct all mitigation measures related to paleontological resources. The Qualified Paleontologist shall meet the qualifications for a Qualified Professional Paleontologist, which is defined by the SVP as an individual, preferably with an M.S. or Ph.D. in paleontology or geology, who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
- **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of ground disturbance activity, construction personnel shall be informed on the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.
- **Paleontological Monitoring.** Paleontological monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the SVP (2010) for a Paleontological Resources Monitor. The duration and timing of the monitoring will be determined by the Qualified Paleontologist based on the observation of the geologic setting from initial ground disturbance. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions once the full depth of excavations has been reached, they may recommend that monitoring be reduced to periodic spot-checking or ceased entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following measures to mitigate impacts to significant fossil resources:
 - **Fossil Salvage.** If significant fossils are discovered, the implementing agency shall be notified immediately, and the qualified paleontologist (or paleontological monitor) shall recover them. Typically, fossils can be safely

salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

- **Preparation and Curation of Recovered Fossils.** Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection, such as the Natural History Museum of Los Angeles County, along with all pertinent field notes, photos, data, and maps.
 - **Final Paleontological Resources Mitigation and Monitoring Report.** Upon completion of ground disturbing activity (and curation of fossils, if necessary) the Qualified Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the PRMMP. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated. The report shall be submitted to the implementing agency. If the monitoring efforts recovered fossils, then a copy of the report shall also be submitted to the designated museum repository, such as the Natural History Museum of Los Angeles County.
- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is within the responsibility and jurisdiction of cities and the County, which can and should adopt it. Implementation of the above mitigation measure would reduce impacts to paleontological resources and unique geologic features by requiring a Paleontological Resources Assessment for any projects under the proposed 2022 RTP/SCS that may impact sensitive paleontological resources, paleontological monitoring, and mitigation measures if significant fossil resources are discovered. While implementation of Mitigation Measure GEO-5 would reduce impacts to the extent feasible, some project-specific impacts may be unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
- c. **Supportive Evidence.** Please refer to pages 4.7-24 through 4.7-26 of the Draft EIR.

5.7 Greenhouse Gas Emissions and Climate Change

1. **Impact GHG-1.** Construction of the transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would generate GHG emissions that may have a significant impact on the environment. Impacts would be significant and unavoidable.
 - a. **Mitigation.** For all transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the proposed 2022 RTP/SCS where applicable for transportation projects generating construction-related GHG emissions. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

GHG-1 Construction GHG Reduction Measures. The project sponsor shall incorporate the most recent GHG emission reduction measures for off-road construction vehicles during construction. The measures shall be noted on all construction plans, and the implementing agency shall perform periodic site inspections. Current GHG-reducing measures include the following:

 - Use of diesel construction equipment meeting CARB's Tier 4 certified engines wherever feasible for off-road heavy-duty diesel engines and comply with the State Off-Road Regulation. Where the use of Tier 4 engines is not feasible, Tier 3 certified engines shall be used; where the use of Tier 3 engines are not feasible, Tier 2 certified engines shall be used;
 - Use of on-road heavy-duty trucks that meet CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - Minimizing idling time (e.g., five-minute maximum). Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the five-minute idling limit;
 - Use of electric-powered equipment in place of diesel-powered equipment when feasible;
 - Use of alternatively fueled or catalyst-equipped diesel construction equipment when feasible, to the extent electric powered equipment is not feasible;
 - Substitute gasoline-powered in place of diesel-powered equipment, when neither electric-powered equipment or alternatively fueled or catalyst-equipped diesel equipment is feasible; and
 - Project proponents shall incentivize that construction workers carpool, and/or use electric vehicles to commute to and from the project site.
 - b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Implementation of Mitigation Measure GHG-1 would reduce short-term construction emissions from individual projects and thus

reduce the severity of impacts by requiring best practices for exhaust emissions via readily available, lower-emitting diesel equipment, and/or equipment powered by alternative cleaner fuels (e.g., propane) or electricity, as well as on-road trucks using particulate exhaust filters. Implementation of Mitigation Measure GHG-1 would reduce short-term construction emissions from individual projects and thus reduce the severity of impacts by requiring best practices for exhaust emissions via readily available, lower-emitting diesel equipment, and/or equipment powered by alternative cleaner fuels (e.g., propane) or electricity, as well as on-road trucks using particulate exhaust filters. Implementation of Mitigation Measures AQ-2(b) and AQ-2(c) above would also reduce GHG emissions from the proposed 2022 RTP/SCS. However, this mitigation measure may not be feasible or effective for all projects. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable. .

c. **Supportive Evidence.** Please refer to pages 4.8-16 and 4.8-18 of the Draft EIR.

2. **Impact GHG-2.** Proposed transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would result in a net increase in GHG emissions by 2046 compared to the existing baseline conditions and would therefore have a significant impact on the environment. Impacts would be significant and unavoidable.

a. **Mitigation.** Cities and the County can and should implement the following mitigation measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

GHG-2 Land Use Project Energy Consumption and Water Use Reduction Measures.

For land use projects under their jurisdiction, cities and the County can and should implement measures to reduce energy consumption, water use, solid waste generation, and VMT, all of which contribute to GHG emissions. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions. These measures include, but are not limited to:

- Require new residential and commercial construction to install solar energy systems or be solar-ready
- Require new residential and commercial development to install low flow water fixtures
- Require new residential and commercial development to install water-efficient drought-tolerant landscaping, including the use of compost and mulch
- Require new development to exceed the applicable Title 24 energy-efficiency requirements
- Require new development to be fully electric

- Require new residential and commercial development to offer information on recycling, composting, and disposal of household hazardous waste and e-waste
 - Require new development to implement circulation design elements in parking lots for non-residential uses to reduce vehicle queuing and improve the pedestrian environment
 - b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. If implementing agencies adopt and require the mitigation described above, impacts would be reduced because energy, water use, solid waste generation, and VMT related GHG emissions from land use projects would be reduced. However, implementation of project-level GHG-reducing measures may not be feasible and cannot be guaranteed on a project-by-project basis. Therefore, this impact would remain significant and unavoidable. No additional feasible mitigation measures are available that would ensure no net increase in GHG emissions compared to existing baseline conditions. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
 - c. **Supportive Evidence.** Please refer to pages 4.8-18 through 4.8-20 of the Draft EIR.
- 3. **Impact GHG-4.** Implementation of the proposed 2022 RTP/SCS would conflict with the State's ability to achieve SB 32, EOs S-3-05 and B-55-18, and applicable local GHG reduction plan targets and goals. Impacts would be significant and unavoidable.
 - a. **Mitigation.** For all transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the proposed 2022 RTP/SCS where applicable for transportation projects generating construction GHG emissions. The County of Tulare and cities in the TCAG region can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

Implementation of Mitigation Measure GHG-2 above would also reduce GHG emission from land use projects. Implementation of Mitigation Measures T-2(a) and T-2(b) below would also reduce GHG emissions from the proposed 2022 RTP/SCS.

GHG-4 Transportation-Related GHG Reduction Measures. The implementing agency shall incorporate the most recent GHG emission reduction measures and/or technologies for reducing VMT and associated transportation related GHG emissions. Current GHG-reducing measures include the following:

 - Installation of electric vehicle charging stations beyond those required by State and local codes

- Utilization of electric vehicles and/or alternatively fueled vehicles in company fleet
- Provision of dedicated parking for carpools, vanpool, and clean air vehicles
- Provision of vanpool and/or shuttle service for employees
- Implementation of reduced parking minimum requirements
- Implementation of maximum parking limits
- Provision of bicycle parking facilities beyond those required by State and local codes
- Provision of a bicycle-share program
- Expansion of bicycle routes/lanes along the project site frontage
- Provision of new or improved transit amenities (e.g., covered turnouts, bicycle racks, covered benches, signage, lighting) if project site is located along an existing transit route
- Expansion of existing transit routes
- Provision of transit subsidies
- Expansion of sidewalk infrastructure along the project site frontage
- Provision of safe, pedestrian-friendly, and interconnected sidewalks and streetscapes
- Provision of employee lockers and showers
- Provision of on-site services that reduce the need for off-site travel (e.g., childcare facilities, automatic teller machines, postal machines, food services)
- Provision of alternative work schedule options, such as telework or reduced schedule (e.g., 9/80 or 10/40 schedules), for employees
- Implementation of transportation demand management programs to educate and incentivize residents and/or employees to use transit, smart commute, and alternative transportation options

- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. If implementing agencies adopt and require the mitigation described above, impacts would be reduced because transportation related GHG emissions from transportation and land use projects would be reduced. However, implementation of project-level GHG-reducing measures may not be feasible and cannot be guaranteed on a project-by-project basis. Additionally, even with implementation of the additional Mitigation Measures GHG-, T-2(a) and T-2(b), it is speculative at this time to forecast whether project-level GHG emission reductions would be sufficient to achieve a countywide reduction in GHG emissions of 40 percent below 1990 levels by 2030. No additional feasible mitigation measures are available that would reduce emissions to trajectories consistent with SB 32, EO S-3-05, and EO B-55-18 GHG reduction targets and goals. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less

than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.8-22 through 4.8-25 of the Draft EIR.

5.8 Hazards and Hazardous Materials

1. **Impact HAZ-3.** The proposed 2022 RTP/SCS includes transportation improvement projects and land use scenario projects that could be located on sites on the list of hazardous material sites compiled by Government Code Section 65962.5, and therefore create a significant hazard to the public or environment. This impact would be significant and unavoidable.

- a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects that would result in impacts that would potentially be located in areas with existing contamination. The County and cities in the TCAG region can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

HAZ-3 Site Remediation. If an individual project included in the proposed 2022 RTP/SCS is located on or near a hazardous materials and/or waste site compiled by Government Code Section 65962.5, the implementing agency shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented. Examples of typical recommendations provided in Phase I/II ESAs include removal of contaminated soil in accordance with a soil management plan approved by the local environmental health department; covering stockpiles of contaminated soil to prevent fugitive dust emissions; capturing groundwater encountered during construction in a holding tank for additional testing and characterization and disposal based on its characterization; and development of a health and safety plan for construction workers.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS, which as CEQA responsible agencies for the 2022 RTP/SCS, will adopt it. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Implementation of Mitigation Measure HAZ-3 would reduce

site-related hazardous materials impacts because project sites with hazardous material contamination on the list compiled by Government Code Section 65962.5 would be identified prior to commencement of project construction. Additionally, prior to commencement of construction, measures to remediate contamination, such as containment and disposal of contaminated soil pursuant to federal and state regulations would be required. However, it cannot be guaranteed that all future project-level impacts can be mitigated to a less than significant level. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.9-20 through 4.9-21 of the Draft EIR.

5.9 Hydrology and Water Quality

1. **Impact HYD-2.** Transportation and land use projects implementing the proposed 2022 RTP/SCS would substantially decrease groundwater supplies and interfere with groundwater recharge such that it may impede sustainable groundwater management of the basin. Impacts would be significant and unavoidable.

- a. **Mitigation.** Transportation project sponsor agencies can and should implement the following mitigation measures for applicable transportation projects. The County and cities in the TCAG region can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

HYD-2(a) Construction Dust Suppression Water Supply. For all proposed 2022 RTP/SCS projects, where feasible, implementing agencies shall use reclaimed and/or recycled water for dust suppression during construction activities. This includes use of such reclaimed water in water trucks utilized for project construction occurring outside developed areas and away from water infrastructure which would otherwise provide such reclaimed water. This measure shall be noted on construction plans and shall be spot checked by the local jurisdiction.

HYD-2(b) Construction Dust Suppression Water Supply. In jurisdictions that do not already have an appropriate local regulatory program related to landscape watering, implementing agencies shall design proposed 2022 RTP/SCS projects that include landscaping shall be designed with drought tolerant plants and drip irrigation. When feasible, native plant species shall be used. In addition, landscaping associated with proposed improvements shall be maintained using reclaimed water when feasible. If reclaimed water could feasibly be utilized for project landscape watering due to proximity of reclaimed water sources but is unavailable due to lack of connecting infrastructure, implementing agencies shall conduct an analysis of the upgrades needed to provide such infrastructure, which will include the potential for new connections to existing reclaimed water systems to provide reclaimed water to other nearby sources besides the

proposed project in the analysis, and shall perform such steps as necessary to utilize available reclaimed water if feasible.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. Implementation of the above measures would reduce proposed Project impacts on water supply and groundwater overdraft in the TCAG region. However, due to the programmatic nature of this proposed 2022 RTP/SCS EIR, a precise, project-level analysis of specific groundwater supply impacts associated with individual transportation and land use projects is not possible. The land use scenario envisioned by the proposed 2022 RTP/SCS along with transportation projects would result in the need for additional groundwater supply, even with the implementation of mitigation measures listed above. Given the severe overdraft conditions of area groundwater basins, impacts would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable. .
 - c. **Supportive Evidence.** Please refer to pages 4.10-20 through 4.10-23 of the Draft EIR.
2. **Impact HYD-5.** Transportation and land use projects implementing the proposed 2022 RTP/SCS could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plans. Impacts would be significant and unavoidable.
 - a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement Mitigation Measures HYD-2(a) and HYD-2(b) above where applicable for projects implementing the proposed 2022 RTP/SCS with the potential to impact conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plans. Cities in the TCAG region and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.
 - b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. Implementation of the above measures would reduce proposed Project impacts on groundwater supply and groundwater overdraft in the TCAG region as they relate to conflicts with sustainable groundwater management plans. (Impacts of the proposed project to

implementation of any water quality control plan would be less than significant). However, due to the programmatic nature of this proposed 2022 RTP/SCS EIR, a precise, project-level analysis of specific groundwater supply impacts associated with individual transportation and land use projects is not possible. The land use scenario envisioned by the proposed 2022 RTP/SCS along with transportation projects would result in the need for additional groundwater supply, even with the implementation of mitigation measures listed above. Given the severe overdraft conditions of area groundwater basins, impacts would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.10-30 through 4.10-32 of the Draft EIR.

5.10 Noise

1. **Impact N-1.** Construction activity associated with transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would generate a substantial temporary increase in ambient noise levels in excess of standards established in local general plans or noise ordinances and would generate a substantial absolute noise increase over existing noise levels. This impact would be significant and unavoidable.

- a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measure developed for the proposed 2022 RTP/SCS program where applicable for transportation projects that would result in noise impacts, and where feasible and necessary based on project and site-specific considerations. Tulare County and incorporated cities in the County can and should implement this measure where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project-specific environmental documents may adjust this measure as necessary to respond to site-specific conditions.

N-1 Construction Noise Reduction. To reduce construction noise levels to achieve applicable standards, implementing agencies for transportation and land use projects shall implement the measures identified below where feasible and necessary.

- **Compliance with local Construction Noise Regulations.** Implementing agencies shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites without pile driving, appropriate measures shall be implemented to ensure consistency with local noise ordinance requirements relating to construction. Specific techniques may include, but are not limited to, restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.
- **Noise Complaint and Enforcement Manager.** Designate an on-site construction complaint and enforcement manager for projects within 800

feet of sensitive receivers. Implementing agencies shall post phone numbers for the on-site enforcement manager at construction sites along with complaint procedures and who to notify in the event of a problem.

- **Pile Driving.** For any project within 3,200 feet of sensitive receptors that requires pilings, the implementing agency shall require caisson drilling or sonic pile driving as opposed to pile driving, where feasible. This shall be accomplished through the placement of conditions on the project during its individual environmental review.
- **Construction Equipment Noise Control.** Implementing agencies shall ensure that equipment and trucks used for project construction utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
- **Impact Equipment Noise Control.** Implementing agencies shall ensure that impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for project construction be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.
- **Construction Activity Timing Restrictions.** Except where timing restrictions are already established in local codes or policies, construction activities shall be limited to:
 - Monday through Friday: 7 a.m. to 6 p.m.
 - Saturday: 9 a.m. to 5 p.m.
- **Placement of Stationary Noise Sources.** Locate stationary noise sources as far from noise-sensitive receptors as possible. Stationary noise sources that must be located near existing receptors will be equipped with the best available mufflers.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. Implementation of Mitigation Measure N-1 would reduce construction noise impacts by ensuring adherence to local regulations in addition to the application of timing restrictions, locating stationary noise sources far from sensitive receptors, and equipment noise controls. However, even with implementation of Mitigation Measure N-1, construction noise from all 2022 RTP/SCS projects may not be reduced below applicable thresholds and impacts would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific

economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.12-2 through 4.12-15 of the Draft EIR.

2. **Impact N-2.** Transportation improvements envisioned by the proposed 2022 RTP/SCS would generate a substantial permanent increase in ambient noise levels in excess of standards or over existing noise levels and generate a substantial absolute noise increase over existing noise levels. This impact would be significant and unavoidable.

a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measure developed for the proposed 2022 RTP/SCS program where applicable for transportation projects that would result in traffic noise impacts, and where feasible and necessary based on project and site-specific considerations. Project-specific environmental documents may adjust this measure as necessary to respond to site-specific conditions.

N-2 Noise Assessment and Control for Mobile and Point Source Reduction.

Implementing agencies for 2022 RTP/SCS projects shall complete detailed noise assessments using applicable guidelines (e.g., Caltrans Traffic Noise Analysis Protocol) for roadway projects that may impact noise sensitive receptors. The implementing agency shall ensure that a noise survey is conducted that, at minimum:

- Determines existing and projected noise levels
- Determines the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards
- Identifies potential alternate alignments that allow greater distance from, or greater buffering of, noise-sensitive areas
- If warranted, recommends methods for mitigating noise impacts, including:
- Appropriate setbacks
- Sound attenuating building design, including retrofit of existing structures with sound attenuating building materials
- Use of sound barriers (earthen berms, sound walls, or some combination of the two)
- Locate transit-related passenger stations, central maintenance facilities, decentralized maintenance facilities, and electric substations away from sensitive receptors to the maximum extent feasible.

Where new or expanded roadway projects are found to expose receptors to noise exceeding normally acceptable levels, the individual project lead agency shall implement techniques as recommended in the project-specific noise assessments. The preferred methods for mitigating noise impacts shall include the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some

combination of the two) shall be considered. Whenever possible, a combination of elements shall be used, including open grade paving, solid fences, walls, and landscaped berms. Other techniques such as rubberized asphalt or “quiet pavement” shall be used where feasible to reduce road noise for new roadway segments or modifications requiring repaving. The effectiveness of noise reduction measures shall be monitored by taking noise measurements and installing adaptive mitigation measures to achieve applicable standards.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors, which can and should adopt it.

Implementation of Mitigation Measure N-2 would reduce noise from mobile sources by ensuring projects follow applicable guidelines and implementing sound reduction methods through design, such as use of sound barriers. However, even with implementation of Mitigation Measure N-2, mobile source noise from individual projects envisioned by the proposed 2022 RTP/SCS may continue to impact nearby noise sensitive receivers and exceed acceptable standards. Impacts would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.12-15 through 4.12-17 of the Draft EIR.

3. **Impact N-3.** Construction activities associated with transportation projects under the proposed 2022 RTP/SCS would generate excessive groundborne vibration levels. New truck, bus, and train traffic resulting from the proposed 2022 RTP/SCS would generate excessive vibration levels. These impacts would be significant and unavoidable.

- a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the proposed 2022 RTP/SCS program where applicable for transportation projects that would result in vibration impacts, and where feasible and necessary based on project and site-specific considerations. Project-specific environmental documents may adjust these measures as necessary to respond to site-specific conditions.

N-3(a) Vibration Mitigation for Construction of Transportation Projects. Where local vibration and groundborne noise standards do not apply, implementing agencies of 2022 RTP/SCS projects utilizing heavy construction equipment shall estimate vibration levels generated by construction activities and use the Caltrans vibration damage potential threshold criteria to screen for and screen out projects as to their potential to damage buildings on site or near a project. If construction equipment would generate vibration levels exceeding acceptable levels as established by Caltrans, implementing agencies shall, or can and should, complete the following tasks:

- Prior to construction, survey the project site for vulnerable buildings, and complete geotechnical testing (preconstruction assessment of the existing subsurface conditions and structural integrity), for any older or historic buildings within 50 feet of pile driving. The testing shall be completed by a qualified geotechnical engineer and qualified historic preservation professional and/or structural engineer.
- Prepare and submit a report to the lead agency that contains the results of the geological testing. If recommended by the preconstruction report implementing agencies shall require ground vibration monitoring of nearby historic structures. Methods and technologies shall be based on the specific conditions at the construction site. The preconstruction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities and identify corrective measures to be taken should monitored vibration levels indicate the potential for building damage. In the event of unacceptable ground movement with the potential to cause structural damage, all impact work shall cease, and corrective measures shall be implemented to minimize the risk to the subject, or adjacent, historic structure.
- To minimize disturbance withing 550 feet of pile-driving activities, implement “quiet” pile-driving technology, such as predrilling of piles and the use of more than one pile driver to shorten the duration of pile driving), where feasible, in consideration of geotechnical and structural requirements and conditions as defined as part of the geotechnical testing, if testing was feasible.
- Use cushion blocks to dampen noise from pile driving.
- Phase operations of construction equipment to avoid simultaneous vibration sources

N-3(b) Vibration Mitigation for Operation of Transportation Projects. Where local vibration and groundborne noise standards do not apply, implementing agencies of 2022 RTP/SCS projects shall comply with all applicable local vibration and groundborne noise standards, or in the absence of such local standards, comply with guidance provided by the FTA in Transit Noise and Vibration Impact Assessment (FTA 2018) to assess impacts to buildings and sensitive receptors and reduce vibration and groundborne noise. FTA recommended thresholds shall be used except in areas where local standards for groundborne noise and vibration have been established. Methods that can be implemented to reduce vibration and groundborne noise impacts include, but are not limited to:

- Bus and Truck Traffic
 - Constructing of noise barriers
 - Use noise reducing tires and wheel construction on bus wheels
 - Use vehicle skirts (i.e., a partial enclosure around each wheel with absorptive treatment) on freight vehicle wheels

b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure

has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is within the responsibility and jurisdiction of transportation project sponsors in the TCAG region, which can and should adopt it. This measure would reduce construction vibration impacts through by adopting Caltrans vibration damage potential threshold criteria where vibration and groundborne noise standards do not apply. In addition, where vibration and groundborne noise standards do not apply for operational projects, implementing agencies would comply with guidance provided by the FTA to assess impacts and reduce vibration and groundborne noise, such as constructing noise barriers. Implementing agencies for transportation projects are TCAG and transportation project sponsor agencies. This mitigation measure shall, or can and should, be applied during project permitting and environmental review and implemented during construction, as applicable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.12-17 through 4.12-21 of the Draft EIR.

4. Impact N-4. Land use projects envisioned by the proposed 2022 RTP/SCS may place sensitive receptors in areas with noise levels in excess of standards established in the local general plan or noise ordinance. This impact would be significant and unavoidable.

- a. **Mitigation.** Tulare County and incorporated cities within the County can and should implement the following mitigation measure where relevant to land use projects implementing the proposed 2022 RTP/SCS, and where feasible and necessary based on project and site-specific considerations. Project-specific environmental documents may adjust this measure as necessary to respond to site-specific conditions.

N-4 Noise Mitigation for Land Uses. If a land use project is located in an area with exterior ambient noise levels above local noise standards, the implementing agency shall ensure that a noise study is conducted to determine the existing exterior noise levels in the vicinity of the project. If the project would be impacted by ambient noise levels, feasible attenuation measures shall be used to reduce operational noise to meet acceptable standards. In addition, noise insulation techniques shall be utilized to reduce indoor noise levels to thresholds set in applicable State and/or local standards. Such measures may include but are not limited to dual-paned windows, solid core exterior doors with perimeter weather stripping, air conditioning system so that windows and doors may remain closed, and situating exterior doors away from roads. The noise study and determination of appropriate mitigation measures shall be completed during the project's individual environmental review.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is within the responsibility and jurisdiction of cities and the County, which can and should adopt it. Implementation of Mitigation Measure N-4 would reduce noise for sensitive land uses in areas that exceed noise standards by ensuring attenuation measures will be used to reduce noise to meet acceptable standards, where necessary based on noise

studies conducted. However, even with implementation of Mitigation Measure N-4, noise from individual projects envisioned by the 2022 RTP/SCS may continue to impact nearby noise sensitive receptors and exceed acceptable standards. This impact would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.12-21 and 4.12-22 of the Draft EIR.

5. **Impact N-5.** Transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would be located in close proximity to existing airports such that applicable exterior and interior noise thresholds would be exceeded. Impacts would be significant and unavoidable.

a. **Mitigation.** Tulare County and incorporated cities within the County can and should implement the following mitigation measure where relevant to land use projects implementing the proposed 2022 RTP/SCS near existing public or public use airports, and where feasible and necessary based on project and site-specific considerations. Project-specific environmental documents may adjust this measure as necessary to respond to site-specific conditions.

N-5 Noise Mitigation Near Airports. Implementing agencies for all new development proposed to be located within an existing airport influence zone, as defined by the locally adopted ALUCP or local general plan, or within two miles of a private use airport, shall require a site-specific noise compatibility study. The study shall consider and evaluate existing aircraft noise, based on specific aircraft activity data for the airport in question, and shall include recommendations for site design and building construction. Such measures may include but are not limited to dual-paned windows, solid core exterior doors with perimeter weather stripping, air conditioning system so that windows and doors may remain closed, and situating exterior doors away from roads, such as dual paned windows. The noise study and determination of appropriate mitigation measures shall be completed during the project's individual environmental review.

b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is within the responsibility of cities and the County, which can and should adopt it. To the extent that a local agency requires an individual project to implement Mitigation Measure N-5, the appropriate design and building construction would ensure compliance with relevant plans or codes. However, even with implementation of Mitigation Measure N-5, noise from individual projects envisioned by the 2022 RTP/SCS may continue to impact nearby noise sensitive receptors and exceed acceptable standards. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly

trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.12-22 through 4.12-24 of the Draft EIR.

5.11 Public Services and Recreation

1. **Impact PS-1.** Transportation and land use projects implementing the proposed 2022 RTP/SCS would result in new or expanded governmental facilities, the implementation of which would result in substantial physical impacts. This impact would be significant and unavoidable.

- a. **Mitigation.** Tulare County and incorporated cities within the County, and other public service providers, can and should implement the following mitigation measure where relevant to land use projects implementing the proposed 2022 RTP/SCS, and where feasible and necessary based on project and site-specific considerations. Project specific environmental documents may adjust this measure as necessary to respond to site specific conditions.

PS-1 Increased Public Service Demand. During the CEQA review process for individual public services facilities, the implementing agency with responsibility for construction of new public service facilities or the expansion of existing facilities, including those of fire and police services, parks, and other public facilities, can and should apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. Cities and the County can and should recognize the need for these measures in CEQA reviews of land use projects. The environmental impacts associated with such construction or expansion of public services facilities should be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions should include those necessary to avoid or reduce significant impacts associated with air quality, noise, transportation, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, and others that apply to specific construction or expansion of new public or expanded public service facilities.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is within the responsibility and jurisdiction of cities, the County, and other public service providers, which can and should adopt it. Population growth in the TCAG region would occur regardless of the potential implementation of the 2022 RTP/SCS. Mitigation Measure PS-1 would reduce impacts related to the provision of new or physically altered governmental facilities because it would require implementing agencies to apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. However, these mitigation measures may not be feasible or effective for every project. Therefore, this impact would be significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment

opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.14-14 through 4.14-16 of the Draft EIR.

2. **Impact PS-3.** Transportation and land use projects implementing the proposed 2022 RTP/SCS would increase the use of existing parks and recreational facilities, resulting in substantial physical deterioration, and would include recreational facilities that would have an adverse physical effect on the environment. This impact would be significant and unavoidable.

a. **Mitigation.** The County, cities, and recreation agencies can and should implement the following measures where relevant to land use projects implementing the proposed 2022 RTP/SCS, and where feasible and necessary based on project and site-specific considerations. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

REC-1 Impact Reduction from New Recreational Facilities. During project specific design and CEQA review, the County and cities, and other agencies with responsibility for the construction of new or expanded recreation facilities, can and should apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction of such facilities. The environmental impacts associated with such construction should be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions should include those necessary to avoid or reduce significant impacts associated with air quality, noise, transportation, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, and others that apply to specific construction of new or expanded recreation facilities, including recreational trails.

b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities, the County, and recreation agencies, which can and should adopt it. Implementation of Mitigation Measure PS-1 would reduce impacts associated with the construction of additional parks and recreation facilities because it would require implementing agencies to apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. However, these mitigation measures may not be feasible or effective for every project. Therefore, this impact would be significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.14-17 through 4.14-18 of the Draft EIR.

5.12 Transportation

1. Impact T-2. The proposed 2022 RTP/SCS would result in an overall increase in regional VMT above baseline (2021) conditions. The proposed 2022 RTP/SCS would result in a small decrease in VMT per capita below baseline (2021) conditions. Regional VMT and VMT per capita impacts from implementation of the proposed 2022 RTP/SCS would be significant and unavoidable. The induced travel impact at the regional level would be less than significant.

a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures developed for the proposed 2022 RTP/SCS where applicable for transportation projects. For land use projects under their jurisdiction, the County and incorporated cities in the TCAG region can and should implement the following mitigation measures. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

T-2(a) Regional VMT Reduction Programs. Implementing agencies shall require implementation of VMT reduction strategies through TDM programs, impact fee programs, mitigation banks or exchange programs, in-lieu fee programs, and other land use project conditions that reduce VMT. Programs shall be designed to reduce VMT from existing land uses, where feasible, and from new discretionary residential or employment land use projects. The design of programs and project specific mitigation shall focus on VMT reduction strategies that increase travel choices and improve the comfort and convenience of sharing rides in private vehicles, using public transit, biking, or walking.

Modifications may include but are not limited to:

- Provide car-sharing, vanpool, bike sharing, and ride-sharing programs
- Implement or provide access to commute reduction programs
- Provide a bus rapid transit system
- Improve pedestrian or bicycle networks, or transit service
- Provide transit passes
- Encourage telecommute programs
- Incorporate affordable housing into the project
- Increase density
- Increase mixed uses within the project area
- Incorporate improved pedestrian connections within the project/neighborhood
- Incentivize development in low VMT communities
- Incentivize housing near commercial and offices
- Increase access to goods and services, such as groceries, schools, and daycare
- Incorporate neighborhood electric vehicle network
- Orient the project toward transit, bicycle, and pedestrian facilities
- Provide traffic calming
- Provide bicycle parking

- Limit parking
- Separate out parking costs
- Provide parking cash-out programs

T-2(b) Project Level VMT Analysis and Reduction. Transportation project sponsor agencies shall evaluate transportation projects that involve increasing roadway capacity for their potential to increase VMT. Where project-level increases are found to be potentially significant, implementing agencies shall, or can and should, identify and implement measures that reduce VMT. Examples of measures that can reduce the VMT associated with increases in roadway capacity include tolling new lanes to encourage carpools and fund transit improvements; converting existing general-purpose lanes to high occupancy vehicle lanes; VMT banks; and implementing or funding offsite travel demand management.

Implementing agencies shall evaluate VMT as part of project specific CEQA review and discretionary approval decisions for land use projects. Where project level significant impacts are identified, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce VMT include infill development, mixed use and transit-oriented development, TDM strategies, complete streets, reduced parking requirements, and providing alternative transportation facilities, such as bike lanes and transit stops.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these mitigation measures have been incorporated into the 2022 RTP/SCS.. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. If implementing agencies adopt and require the mitigation measures outlined above, impacts would be reduced because less VMT would be added to the TCAG region. However, the implementation of project-level VMT-reducing measures, such as mixed uses and TOD, may not be feasible and cannot be guaranteed on a project-by-project basis. Regional VMT-reduction programs, such as VMT banks, may also not be feasible as there are currently no procedures or policies in place to establish such programs. Therefore, this impact would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable...
- c. **Supportive Evidence.** Please refer to pages 4.15-25 through 4.15-29 of the Draft EIR.

5.13 Tribal Cultural Resources

1. Impact TCR-1. Transportation projects and the land use scenario envisioned in the proposed 2022 RTP/SCS would cause a substantial adverse change in the significance of a tribal cultural resource. This impact would be significant and unavoidable.

- a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement Mitigation Measure TCR-1 below and Mitigation Measures CR-2(b) where applicable for projects implementing the proposed 2022 RTP/SCS with the potential to impact tribal cultural resources. Cities in the TCAG region and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

TCR-1 Tribal Cultural Resources Impact Minimization. Implementing agencies shall, or can and should, comply with AB 52, which may require formal tribal consultation. If the implementing agency determines that a project may cause a substantial adverse change to a tribal cultural resource, they shall implement mitigation measures identified in the consultation process required under PRC Section 21080.3.2, or shall implement the following measures where feasible to avoid or minimize the project-specific significant adverse impacts:

- Avoidance and preservation of the resources in place, including, but not limited to planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity considering the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource
 - Protecting the traditional use of the resource
 - Protecting the confidentiality of the resource
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places
- Establishment of permanent conservation easements or other culturally appropriate property management criteria for the purposes of preserving or utilizing the resources or places.
- Native American monitoring by the appropriate tribe during soil disturbance for all projects in areas identified as sensitive for potential tribal cultural resources and/or in the vicinity (within 100 feet) of known tribal cultural resources.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and

jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Mitigation Measure TCR-1 would require formal tribal consultation, and where applicable, identify measures to avoid and preserve tribal cultural resources. However, it cannot be guaranteed that all future project-level impacts can be mitigated and as such, impacts would be significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.16-9 through 4.16-11 of the Draft EIR.

5.14 Utilities and Services Systems

1. **Impact UTIL-1.** Proposed transportation projects and future land use scenario of the proposed 2022 RTP/SCS would require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which would cause significant environmental effects. This impact would be significant and unavoidable.

- a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to wastewater and other utility facilities. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

UTIL-1(a) Water and Wastewater Facilities. During the CEQA review process for individual facilities, TCAG and transportation project sponsor agencies, and cities in the TCAG region, Tulare County, and other utility providers with responsibility for the construction of new water or wastewater treatment and collection facilities or the expansion of existing facilities shall, or can and should, apply necessary mitigation measures to reduce significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce impacts associated with air quality, noise, traffic, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality and others that apply to specific construction or expansion of water or wastewater treatment and collection facilities projects.

UTIL-1(b) Stormwater Facilities. During the CEQA review process for individual facilities, TCAG and transportation project sponsor agencies, and cities in the TCAG region, Tulare County, and other special districts with responsibility for the

construction of new stormwater drainage facilities or the expansion of existing facilities to adequately meet projected capacity needs shall, or can and should, apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce impacts associated with air quality, noise, traffic, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, and others that apply to specific construction or expansion of storm water drainage facilities projects.

UTIL-1(c) Stormwater Control Methods. During the CEQA review process for individual projects, TCAG and transportation project sponsor agencies, and cities in the TCAG region and Tulare County shall, or can and should, implement the following measures where feasible:

- For transportation projects, incorporate stormwater control, retention, and infiltration features, such as detention basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure such features are analyzed during environmental review. Implement mitigation measures identified for such features on a project specific basis, where feasible and necessary based on project and site-specific considerations.
- For land use projects, incorporate stormwater control, retention, and infiltration features, such as use of permeable paving materials, dry wells, bioswales, or green roofs, early into the design process to ensure such features are analyzed during environmental review. Implement mitigation measures identified for such features on a project specific basis, where feasible and necessary based on project and site-specific conditions.

UTIL-1(d) Electric Power, Natural Gas, or Telecommunications Facilities. During the CEQA review process, cities, Tulare County, and TCAG region energy and telecommunications providers and other agencies with responsibility for the construction or approval of new electric power, natural gas, or telecommunications facilities or the expansion of existing facilities to adequately meet projected capacity needs shall, or can and should, apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce impacts associated with air quality, noise, traffic, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, and others that apply to specific construction or expansion of natural gas and electric facilities projects.

- b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG, and that these

mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities, the County, and utility providers, which can and should adopt them. Implementation of Mitigation Measure UTIL-1(a) through UTIL-1(d) would reduce impacts associated with the construction of additional water and wastewater facilities, stormwater drainage facilities, and electric power, natural gas, or telecommunications facilities because it would require implementing agencies to apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. However, these mitigation measures may not be feasible or effective for every project. Therefore, this impact would be significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.17-16 through 4.17-21 of the Draft EIR.

2. Impact UTIL-2. Transportation projects and land use projects implementing the proposed 2022 RTP/SCS would generate solid waste in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals. This impact would be significant and unavoidable.

a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to solid waste generation. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

UTIL-2 Solid Waste Generation and Disposal. During the CEQA review process for individual facilities, TCAG and transportation project sponsor agencies, cities in the TCAG region, and Tulare County shall, or can and should, implement the following measures where feasible:

- Provide an easily accessible area that is dedicated to the collection and storage of non-hazardous recycling materials.
- Maintain or reuse existing building structures and materials during building renovations and redevelopment.
- Use salvaged, refurbished, or reused materials to help divert such items from landfills.
- Divert construction waste from landfills, where feasible, through means such as:
 - Submitting and implementing a construction waste management plan that identifies materials to be diverted from disposal;

- Establishing diversion targets, possibly with different targets for different types and scales of development;
 - Helping project sponsors and implementing agencies share information on available materials with one another, to aid in the transfer and use of salvaged materials.
 - b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Implementation of Mitigation Measure UTIL-2 would reduce impacts associated with solid waste generation because it would require that land use and transportation projects apply landfill diversion strategies including reusing building materials, maintaining structures where applicable, and developing construction waste management plans. However, these mitigation measures may not be feasible or effective for every project. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.
 - c. **Supportive Evidence.** Please refer to pages 4.17-21 through 4.17-22 of the Draft EIR.
 - 3. **Impact UTIL-4.** Implementation of proposed transportation projects and future land use scenario in the proposed 2022 RTP/SCS would increase water demand in the TCAG region, resulting in insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be significant and unavoidable.
 - a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to water supply. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.
- UTIL-4 General Conservation Measures.** During the CEQA review process for individual projects, TCAG and transportation project sponsor agencies, and cities in the TCAG region and Tulare shall, or can and should, implement water conservation measures to reduce water demand. They shall, or can and should, coordinate with relevant water services to ensure demand can be accommodated and identify a water consumption budget. Any water conservation measures that reduce demand for potable water, such as reducing water use for landscape irrigation for transportation projects or use of water-conserving fixtures in envisioned land use projects, shall be employed. Reclaimed water shall be used

when possible. Specific conservation measures that shall be implemented may include, but would not be limited to:

- Limiting planting to native and non-native plants appropriate for the project microclimate so no water beyond natural rainfall is required for healthy plant survival after the plant establishment period
- Limiting supplemental water provided by irrigation to non-potable, unless not practicable
- Submitting written documentation of water availability prior to issuance of grading permits

b. **Findings and Rationale.** The TCAG Board of Directors finds that this mitigation measure is partially within the responsibility and jurisdiction of TCAG, and that this mitigation measure has been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that this mitigation measure is partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt it. Implementation of measures UTIL-4 above, in addition to Mitigation Measures HYD-2(a) and HYD-2(b) above would reduce impacts from project water use and impacts to groundwater recharge in the TCAG region. However, due to the programmatic nature of proposed 2022 RTP/SCS a precise, project-level analysis of specific water demand and supply impacts associated with individual transportation and land use projects is not possible. The land use scenario envisioned by proposed 2022 RTP/SCS along with transportation projects may result in the need for additional water supply, even with the implementation of mitigation measures listed above. Given the overdraft conditions of area groundwater basins and other regional water supply concerns, impacts would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

c. **Supportive Evidence.** Please refer to pages 4.17-23 through 4.17-25 of the Draft EIR.

5.15 Wildfire

1. **Impact W-1.** Proposed transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would be located in or near an SRA or very high fire hazard severity zone, and significant risks of loss, injury, or death from wildfires or downstream flooding or landslides would occur. Impacts would be significant and unavoidable.

a. **Mitigation.** For transportation projects under their jurisdiction, TCAG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures where applicable for transportation projects implementing the proposed 2022 RTP/SCS that would result in impacts to significant risks of loss, injury, or death from wildfires. Cities and the County can and should implement these measures, where relevant to land use projects implementing the proposed 2022 RTP/SCS. Project specific

environmental documents may adjust these mitigation measures as necessary to respond to site specific conditions.

W-1(a) Wildfire Risk Reduction. If an individual transportation or land use project included in proposed 2022 RTP/SCS is located within or less than two miles from an SRA or very high fire hazard severity zones, the implementing agency shall, or can and should, require appropriate mitigation to reduce the risk. Examples of mitigation to reduce risk of loss, injury or death from wildlife include, but are not limited to:

- Require the use of fire-resistant vegetation native to Tulare County and/or the local microclimate of the project site and discourage the use of fire-prone species especially nonnative, invasive species.
- Enforce defensible space regulations to keep overgrown and unmanaged vegetation, accumulations of trash and other flammable material away from structures.
- Provide public education about wildfire risk, fire prevention measures, and safety procedures and practices to allow for safe evacuation and/or options to shelter-in-place.
- Require adherence to the local hazard mitigation plan, as well as the local general plan policies and programs aimed at reducing the risk of wildfires through land use compatibility, training, sustainable development, brush management, public outreach, and service standards for fire departments.
- Ensure sufficient emergency water supply.
- Encourage the use of fire-resistant vegetation native to Tulare County and/or the local microclimate of the project site and discourage the use of fire-prone species especially non-native, invasive species.
- Require a fire safety plan be submitted to and approved by the local fire protection agency. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. The local fire protection agency may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase of the project.
- Prohibit certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National Weather Service for the project site location. Example activities that shall be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.
- Require fire extinguishers to be onsite during construction of projects. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.
- Smoking and open fires shall be prohibited at individual transportation or land use projects sites included in proposed 2022 RTP/SCS during construction and operations. A copy of the notification to all contractors regarding prohibiting smoking and burning shall be provided to the County.

W-1(b) Fire Protection Plan. Implementing agencies for individual transportation or land use projects included in proposed 2022 RTP/SCS located within or less than two miles from an SRA or very high fire hazard severity zone shall, or can and should, prepare a Fire Protection Plan that meets TCFD requirements. The plan shall contain (but not be limited to) the following provisions:

- All construction equipment shall be equipped with appropriate spark arrestors and carry fire extinguishers.
- A fire watch with appropriate firefighting equipment shall be available at the Project site at all times when welding activities are taking place. Welding shall not occur when sustained winds exceed that set forth by the TCFD unless a TCFD-approved windshield is on site.
- A vegetation management plan shall be prepared to address vegetation clearance around all WTGs and a regularly scheduled brush clearance of vegetation on and adjacent to all access roads, power lines, and other facilities.
- Operational fire water tanks shall be installed prior to construction.
- Provisions for fire/emergency services access if roadway blockage occurs due to large loads during construction and operation
- Cleared, maintained parking areas shall be designated; no parking shall be allowed in non-designated areas.
- The need for and/or use of dedicated repeaters for emergency services.
- Appropriate Hot Work permits (such as cutting and welding permits) shall be obtained from the jurisdictional fire agency.
- Individual transportation or land use projects included in proposed 2022 RTP/SCS shall participate in the Red Flag Warning program with local fire agencies and the National Weather Service. The Applicant shall stop work during Red Flag conditions to reduce the risk of wildfire ignition.
- Compliance with California PRC sections 4291, 4442, and 4443.

b. **Findings and Rationale.** The TCAG Board of Directors finds that these mitigation measures are partially within the responsibility and jurisdiction of TCAG and that these mitigation measures have been incorporated into the 2022 RTP/SCS. The TCAG Board of Directors further finds that these mitigation measures are partially within the responsibility and jurisdiction of transportation project sponsors and, for land use projects, cities and the County, which can and should adopt them. With implementation of mitigation measure WF-1(a) and WF-1(b), the risk of loss of structures and transportation infrastructure and the risk of injury or death due to wildfires would be reduced. These measures would make structures and transportation infrastructure more fire resistant and less vulnerable to loss in the event of a wildfire. These measures would also reduce the potential for construction of proposed 2022 RTP/SCS projects to inadvertently ignite a wildfire.

However, it is not possible to prevent a significant risk of wildfires or fully protect people and structures from the risks of wildfires in all cases, and it may not be feasible to mitigate impacts of all individual projects envisioned by the 2022 RTP/SCS to less than significant levels. Therefore, this impact would remain significant and unavoidable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are

feasible that would reduce this impact to less than significant levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.18-10 through 4.18-14 of the Draft EIR.

6 Findings Regarding Alternatives

6.1 Legal Requirements for Alternatives

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives...which would substantially lessen the significant environmental effects of such projects.” “Feasible” means “capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social and technological factors” (CEQA Guidelines Section 15364). The concept of feasibility also encompasses whether a particular alternative promotes the project’s underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decision makers. When CEQA findings are made after EIR certification, the lead agency decision making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (See *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that impact. (See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515.) Nevertheless, Section 7.0 of the EIR and these Findings of Fact do consider the ability of potentially feasible alternatives to substantially reduce all of the project’s significant impacts, even those impacts reduced to less-than-significant levels through adoption of mitigation measures.

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a)). In all cases, the consideration of alternatives is governed by the “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines Section 15126.6(f)). In accordance with Section 15126.6(f)(1) of the Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed project; and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological, or other considerations that make the alternative infeasible. (Public Resources Code Section 21002, 21002.1; CEQA Guidelines Section 15092.)

The proposed 2022 RTP/SCS alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen certain project impacts, or because they were required under CEQA Guidelines (e.g., the No Project Alternative). The alternatives are described and evaluated in detail in Chapter 6 of the Draft EIR.

The four alternatives considered for the proposed 2022 RTP/SCS are:

- Alternative 1: No Project Alternative, which is comprised of a land use pattern that reflects existing land use trends and a transportation network comprised of transportation projects that are currently in construction or are funded in the short range Regional Transportation Improvement Program (RTIP);
- Alternative 2: Business as Usual Alternative, which reflects the Trend Scenario. It is like the No Project Alternative except that it includes transportation investments from the project list for the 2014 RTP/SCS. This alternative includes a slightly modified transportation network with a reduced number of transportation improvements as compared to the proposed 2022 RTP/SCS;
- Alternative 3: Blueprint (Old Plan) Alternative, which was adopted as the preferred scenario of the 2018 RTP/SCS. It is based on the application of the development principles adopted as part of the 2009 Tulare County Regional Blueprint (2022 RTP/SCS, Appendix 1-L). In general, this means a development footprint similar to the baseline but smaller in extent;
- Alternative 4: Blueprint Plus Alternative, which represents a change in future development patterns more pronounced than that envisioned by the Blueprint (Old Plan) Alternative but at the same density as the proposed 2022 RTP/SCS. Blueprint Plus has an objective of overall density of new development 5 percent higher than the Blueprint, consistent with the proposed 2022 RTP/SCS. When compared to the proposed 2022 RTP/SCS, land use density would be similar, but concentrated in different areas. This alternative excludes the Cross Valley Corridor (CVC) project; as such, new development is concentrated more in existing urban areas, rather than along the CVC route.

6.2 Project Objectives

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a)). The 2022 RTP/SCS establishes planning goals and objectives to guide the development of the plan and establish the guiding principles for decision-making. Regional projects and programs are developed, funded, and implemented based on these goals. TCAG's general objectives for the 2022 RTP/SCS are to ensure that the SCS and the transportation system planned for the TCAG region accomplishes the following (more specific goals of the proposed 2022 RTP/SCS are listed in Section 2.2 of the Draft EIR):

- Serves regional goals, objectives, policies, and plans.
- Responds to community and regional transportation needs.
- Promotes energy efficient, environmentally sound modes of travel and facilities and services.
- Promotes equity and efficiency in the distribution of transportation projects and services.

6.3 Findings on Alternatives Evaluated in the EIR

1. No Project Alternative (Alternative #1) (See Draft EIR Section 6.3)

- a. **Description.** The No Project Alternative assumes current sub-regional growth trends continue consistent with growth forecast and continuing split of growth between cities, unincorporated communities, and rural areas. Transportation projects would be focused on transportation needs consistent with this growth pattern to increase capacity on local and regional roads, not emphasizing more transit or active transportation projects.
- b. **Findings and Rationale.** The No Project Alternative would result in a less dense development pattern compared to the 2022 RTP/SCS, with this alternative continuing existing land use trends. Because of the increased land development outside of existing urbanized areas, the No Project Alternative would result in more ground disturbance than the 2022 RTP/SCS. Consequently, compared to the 2022 RTP/SCS, the No Project Alternative would have greater overall impacts to aesthetics and visual resources, agricultural and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions and climate change, hazards and hazardous materials, land use, noise, transportation, tribal cultural resources, and wildfire. It would have similar impacts as the 2022 RTP/SCS to energy, greenhouse gas emissions, hazards and hazardous materials, population and housing, and public services, recreation, and utilities. Please refer to pages 6-5 through 6-12 of the Draft EIR.

The TCAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the No Project Alternative infeasible and rejects this alternative for the following reasons. The No Project Alternative is legally infeasible because it would not meet federal and state legal requirements for RTPs, and would not meet the SB 375 requirement for preparation of an SCS. Also, it would not reduce any of the project's significant impacts to less than significant levels, would increase many of these impacts, and would not meet basic objectives of the proposed 2022 RTP/SCS listed in Section 6.2.

2. **Business as Usual Alternative (Alternative #2) (See Draft EIR Section 6.4)**

- a. **Description.** This alternative reflects the Trend Scenario. It is like the No Project Alternative except that it includes transportation investments from the project list for the 2014 RTP/SCS. This alternative includes a slightly modified transportation network with reduced number of transportation improvements as the proposed 2022 RTP/SCS. This project list is considered most complementary to the growth pattern forecast in the No Project Alternative. This alternative can also be considered a "status quo" strategy and provides a baseline for the Blueprint-based alternatives. Compared to the proposed Project, land use development pattern would be the same as in Alternative 1 with an even split between urban and rural development. Compared to the proposed Project, the transportation project list would focus on road projects to meet the needs of its development pattern, but with some additional transit investment as identified in the proposed 2022 RTP/SCS, but not to the level of investment in the proposed project, nor include a transit focused land use pattern to support transit development.
- b. **Findings and Rationale.** Alternative 2 would result in the same development pattern as the 2022 RTP/SCS. As shown in Table 6-9 of the Draft EIR, Alternative 2 would result in mostly greater impacts, with some reduced short-term impacts related to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, utilities and service systems, transportation, noise, land use and planning, greenhouse gas emissions and climate change,

energy and tribal cultural resources. Please refer to pages 6-13 through 6-21 of the Draft EIR.

The TCAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the Business as Usual Alternative infeasible and rejects this alternative for the following reasons. It would not reduce any of the project's significant impacts to less than significant levels, and would result in a less dense development pattern compared to the 2022 RTP/SCS, with continuing existing land use trends. Because of the increased land development outside of existing urbanized areas, Alternative 2 would result in more ground disturbance than the 2022 RTP/SCS. Consequently, compared to the 2022 RTP/SCS, Alternative 2 would have greater overall impacts. This alternative would also fail to meet most basic project objectives.

3. Blueprint (Old Plan) Alternative (Alternative #3) (See Draft EIR Section 6.5)

- a. **Description.** The Blueprint (Old Plan) Alternative reflects the adopted preferred scenario of the 2018 RTP/SCS. It is based on the application of the development principles adopted as part of the 2009 Tulare County Regional Blueprint (2022 RTP/SCS, Appendix 1-L). Primary among these principles is an objective of a 25 percent higher overall density of new development compared to the Business as Usual Alternative. In general, this means a development footprint similar to the baseline but smaller in extent. Compared to the proposed 2022 RTP/SCS, the Blueprint (Old Plan) Alternative land use scenario would be less dense, because the current proposed Plan further densifies development by 5 percent beyond the adopted 2018 RTP/SCS. This alternative also represents an increased and complementary investment in transit and active transportation compared to Alternatives 1 and 2, taking advantage of greater density along service corridors as forecast during development of the 2018 RTP/SCS. However, these investments in transit and active transportation would be slightly less than in the current proposed 2022 RTP/SCS as it does not include transit and active transportation projects and funding added to the proposed 2022 RTP/SCS or the corresponding increased density that would support such investments.
- b. **Findings and Rationale.** Alternative 3 would result in the same development pattern as the 2018 RTP/SCS but at a slightly reduced density. As such, this alternative would result in similar conflicts with land use plans, policies, and regulations as the 2022 RTP/SCS but with greater impacts to air quality, GHG emissions, hydrology and water quality, and wildfire. As shown in Table 6-9 of the Draft EIR, greater overall impacts to transportation would occur under this alternative. Please refer to pages 6-28 through 6-38 of the Draft EIR.

The TCAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the Blueprint (Old Plan) Alternative infeasible and rejects this alternative for the following reasons. It would not reduce any of the project's significant impacts to less than significant levels, would have greater overall impacts to transportation, and as shown in Table 6-9 of the Draft EIR, Alternative 3 would not be considered environmentally superior to the proposed 2022 RTP/SCS.

4. Blueprint Plus Alternative (Alternative #4) (See Draft EIR Section 6.6)

- a. **Description.** The Blueprint Plus Alternative represents a change in future development patterns more pronounced than that envisioned by the Blueprint (Old Plan) Alternative but at the same density as the proposed 2022 RTP/SCS. Blueprint Plus has an objective of overall density of new development 5 percent higher than the Blueprint, consistent with the proposed 2022 RTP/SCS. This density is reflected in an incremental shift to more compact

development types primarily within the cities' spheres of influence where there is infrastructure to support such development, or such infrastructure can be efficiently extended compared to increased development along transit corridors. When compared to the proposed 2022 RTP/SCS, land use density would be similar, but concentrated in different areas. This alternative excludes the Cross Valley Corridor (CVC) project; as such, new development is concentrated more in existing urban areas, rather than along the CVC route. In terms of transportation investments, the emphasis on SCS goals would also be implemented by prioritizing proposed 2022 RTP/SCS transportation funding on transit and active transportation modes, as well as by emphasizing fix-it first for streets and highways, and de-emphasizing funding and hence construction of capacity increasing roadway projects.

- b. **Findings and Rationale.** Alternative 4 is the environmentally superior alternative, assuming all environmental issue areas are weighted equally. Under Alternative 4, land use patterns would be concentrated in infill and existing urban areas with a focus on transit and active transportation projects and reduction in capacity increasing projects. Alternative 4 could be considered environmentally superior to the 2022 RTP/SCS primarily because, as shown in Table 6-9 of the Draft EIR, overall impacts to the following resources would be less: biological resources, cultural resources, geology and soils, hydrology and water quality, noise, and tribal cultural resources. However, Alternative 4 would increase VMT, and as a result, would increase impacts to air quality and GHG emissions. It does meet the GHG reduction target of 16 percent per capita reduction (16.1 percent), but not to the total reduction level of the 2022 RTP/SCS (17.6 percent). Also, this alternative does not meet the needs of the TCAG region, by deemphasizing important projects that are considered capacity increasing. Please refer to pages 6-28 through 6-37 of the Draft EIR.

The TCAG Board of Directors finds that specific economic, financial, legal, social, technological or other considerations make the BluePrint Plus Alternative infeasible and rejects this alternative for the following reasons. It would not reduce any of the project's significant impacts to less than significant levels, and would increase VMT, and as a result, would increase impacts to air quality and GHG emissions. Also, Alternative 4 is infeasible in that TCAG does not have land use authority and cannot require local agencies to make changes to their general plans and zoning codes that would be required in order for Alternative 4 to be implemented.

6.4 Findings on Alternatives Considered in the EIR But Rejected

Section 6.2 of the Draft EIR describes two alternatives that were considered but rejected from detailed consideration: an Aggressive VMT Reduction Alternative and CVC Blueprint Transit Growth Alternative. The TCAG Board of Directors adopts and incorporates by reference the specific reasons for rejecting these alternatives contained in Draft EIR Section 6.2 as the grounds for rejecting these measures. In summary, the Aggressive VMT Reduction Alternative was rejected because it is infeasible, for the detailed reasons explained in Section 6.2. The CVC Blueprint Transit Growth Alternative was rejected because it did not achieve better results VMT, air quality, and GHG results as compared to the proposed Project, and because it is similar to Alternative 4.

7 Findings Regarding Alternatives and Mitigation Measures Proposed in Draft EIR Comments

The Draft EIR was circulated for a 46-day public review period that began May 20, 2022 and concluded July 5, 2022. TCAG requested comments from responsible and trustee agencies and other regulatory agencies and received no written comments. Therefore, no comments proposed new alternatives or mitigation measures. Therefore, revisions to the Draft EIR were necessary.

8 Findings on Cumulative Impacts

8.1 Introduction

In compliance with CEQA Guidelines Section 15130, the PEIR evaluates the cumulative impacts of the 2022 RTP/SCS. CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines Section 15355). Thus, if the effects of the Plan, in combination with the effects of past, present, and reasonably foreseeable future related projects within the region will be significant, the Plan’s incremental effects must be analyzed to determine if the Plan’s contribution to the cumulative impact is cumulatively considerable. (CEQA Guidelines Section 15065(a)(3)). Supportive evidence for the below findings may be found in the “Cumulative Effects” sections of each resource topic analysis in Draft PEIR Chapter 4.

Thresholds of significance for cumulative impacts are the same as those for direct, project-specific impacts, as authorized by CEQA case law. (See *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059.) When project-specific impacts are judged to be significant, the EIR considers them to be “cumulatively considerable” incremental contributions to significant cumulative impacts. (See CEQA Guidelines Section 15130(a).). Mitigation measures adopted for project-specific impacts in Sections 5 of these Findings of Fact also are feasible measures for mitigating the proposed project’s incremental contribution to significant cumulative effects. (See CEQA Guidelines Section 15130(b)(5).)

The 2022 RTP/SCS addresses cumulative conditions within the TCAG region by design. The Plan area is comprised of 3.3 million acres and includes three counties and 18 cities. It integrates transportation investments with land use strategies for an entire region of the state that shares, or is connected by, common economic, social, and environmental characteristics. As such, the regional environmental analysis of the 2022 RTP/SCS presented throughout the EIR is essentially a cumulative analysis consistent with CEQA requirements. Furthermore, the Draft EIR contains detailed analysis of regional (cumulative) impacts, which are differentiated from localized impacts that may occur at the county level.

8.2 Findings for Significant Cumulative Impacts

For the following impacts, the TCAG Board of Directors hereby finds that in Section 5 of these Findings of Fact, mitigation measures have been identified in the EIR that will reduce the proposed project’s incremental contribution to the following significant cumulative impacts, but except for hazards and hazardous materials, not to a less than significant (i.e., less than cumulatively considerable) level. The significant impacts and the mitigation measures that will reduce them are as follows:

Aesthetics

There are two types of aesthetic impacts that may be additive in nature and thus cumulative: night sky lighting and overall changes in the visual environment as the result of increasing urbanization of the larger urban areas in the TCAG region. As development in one area, such as a relatively large city adjoining agricultural land (the cities of Tulare, Visalia, and Porterville) increases and possibly

expands over time, this would meet or connect with development in an adjoining non-urban, rural area; the effect of night sky lighting experienced outside of the region may increase in the form of larger and/or more intense nighttime glow in the viewshed. Although growth envisioned in the proposed 2022 RTP/SCS is primarily focused on infill areas, development outside of those geographies with long-distance views may result in nighttime lighting becoming more visible, covering a larger area and/or appearing in new areas as a result of projected development under the proposed 2022 RTP/SCS.

- a. **Mitigation.** Mitigation Measures AES-1(a), AES-1(b), AES-2, AES-3(a), and AES-3(b))
- b. **Findings and Rationale.** With regard to the visual environment experienced throughout the cumulative impact analysis area, as planned cumulative development occurs over time the overall visual environment will change. The combination of forecasted development in the TCAG region and planned development in neighboring counties would result in a different visual environment than currently exists. The cumulative impacts associated changes in the visual environment (including scenic vistas and scenic resources) and night sky lighting and are considered significant and the contribution of the proposed 2022 RTP/SCS to these impacts is cumulatively considerable. Mitigation measures described earlier in this section would reduce impacts to aesthetics; however, even with implementation of those mitigation measures, impacts of the proposed 2022 RTP/SCS would remain cumulatively considerable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce these impacts to a less than significant level, these impacts remains significant and unavoidable.
- c. **Supportive Evidence.** Please refer to pages 4.1-18 of the Draft EIR.

Agriculture and Forestry

Future development within the cumulative impact analysis area would convert agricultural land, including Important Farmland, to non-agricultural uses and may result in conflicts with agricultural zoning and Williamson Act contracts. In addition, future development adjacent to agricultural land has the potential to result in a loss of agricultural land due to land use conflicts, which adds to the cumulative conversion of agricultural lands, including areas designated as Important Farmland by the FMMP. Cumulative impacts to agricultural resources would be significant.

- a. **Mitigation.** Mitigation Measure AG-1
- b. **Findings and Rationale.** Implementation of Mitigation Measure AG-1 would reduce the contribution of the proposed 2022 RTP/SCS to cumulative agricultural land impacts. However, the mitigation would not ensure that the future land use and transportation projects could feasibly relocate or realign to avoid impacts, and impacts would remain significant and unavoidable. The contribution of the proposed 2022 RTP/SCS to cumulative impacts to agricultural and Williamson Act lands would therefore remain cumulatively considerable post-mitigation. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no

feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.2-15 of the Draft EIR.

Air Quality

For the purposes of evaluating cumulative impacts to air quality, the geographic scope of the cumulative impacts analysis is the SJVAB, which includes the TCAG planning region as well as Kern, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties. As detailed in Draft EIR Section 4.3.1(d), *Current Air Quality*, of the Draft EIR Tulare County is in nonattainment for federal ozone and PM_{2.5} standards and state ozone, PM₁₀, and PM_{2.5} standards. Because Tulare County is in nonattainment for these air quality standards, a cumulative air quality impact currently exists. Any growth within Tulare County would contribute to existing exceedances of ambient air quality standards. SJVAPCD has prepared air quality plans for both ozone and particulate matter to address this cumulative impact, improve conditions, and meet federal and state air quality standards. As stated in the SJVAPCD GAMAQI (2015), any proposed development project that would individually have a significant air quality impact related to criteria air pollutant emissions would also be considered have a cumulatively considerable contribution to existing significant cumulative impacts related to criteria air pollutant emissions. For TACS, the SJVAPCD GAMAQI (2015) states that because impacts from TACs are localized and the thresholds of significance for TACs have been established at such a conservative level, risks over the individual thresholds of significance are also considered cumulatively significant.

- a. **Mitigation.** Mitigation Measures AQ-2(a), AQ-2(B), AQ-2(c), AQ-3, AQ-5, GHG-1, GHG-4(a), and GHG-4(b).
- b. **Findings and Rationale.** As discussed under Impact AQ-3, regional ozone precursor and PM emissions from on-road mobile sources would decrease by 2046 with the proposed 2022 RTP/SCS compared to existing 2021 conditions. As a result, the long-term operational mobile source emissions under the proposed 2022 RTP/SCS would not result in a cumulatively considerable contribution to existing significant cumulative air quality impacts. However, land use operational emissions would be cumulatively considerable before and after mitigation because land use projects under the proposed 2022 RTP/SCS may contribute to an increase in ozone precursor and PM emissions. As discussed under Impact AQ-5, impacts from TAC emissions would be cumulatively considerable despite a decrease in TAC emissions from existing 2021 conditions because TAC impacts are localized and dependent on proximity to sources, prevailing wind, and other factors. The proposed 2022 RTP/SCS may result in the siting of sensitive receptors in close proximity to existing or new sources of TACs. Mitigation Measure AQ-5 would reduce impacts from TACs however it cannot be guaranteed that impacts resulting from the proposed 2022 RTP/SCS can be mitigated to a less-than-significant level and therefore the impact would remain cumulatively considerable. As discussed under Impact GHG-1, reduction measures for off-road construction vehicles during construction would also reduce emissions, and VMT reducing measures discussed in GHG-4 would also reduce emissions using technologies and design measures. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to

reduce these impacts to a less than significant level, these impacts remain significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.3-35 through 4.3-36 of the Draft EIR.

Biological Resources

The cumulative impact analysis area for biological resources consists of the TCAG region and the adjoining counties, as further described in Section 3.3.4.1, *Cumulative Impact Methodology*, and Table 3-1 in the Draft EIR. This geographic scope is appropriate for biological resources because it encompasses the mosaic of representative land cover and habitat types (and associated biological resources) affected by the proposed 2022 RTP/SCS, including creeks and drainages, natural communities, and agricultural land uses. Future transportation projects and growth in the region, including growth in adjoining counties, could impact resources in the surrounding counties, and the interaction between the affected environment and the proposed 2022 RTP/SCS projects would occur throughout this larger cumulative impact analysis area. Cumulative impacts on special-status species and their habitats; riparian, wetland, or other sensitive natural communities; and wildlife movement would be significant.

- a. **Mitigation.** Mitigation Measures BIO-1(a) through BIO-1(i), BIO-2(a) through BIO-2(f), and BIO-3(a), through BIO-3(c)
- b. **Findings and Rationale.** Mitigation Measures BIO-1(a) through BIO-3(c) presented above in 5 set requirements for surveys and actions to be taken if biological resources have potential to be impacted by the proposed 2022 RTP/SCS transportation and land use projects. However, as discussed above, impacts to special-status species and their habitats; riparian, wetland, or other sensitive natural communities; and wildlife movement would be significant and unavoidable. The contribution of the proposed 2022 RTP/SCS to cumulative impacts would therefore remain cumulatively considerable post-mitigation. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce these impacts to a less than significant level, these impacts remain significant and unavoidable.
- c. **Supportive Evidence.** Please refer to pages 4.4-43 through 4.4-44 of the Draft EIR.

Cultural Resources

The cumulative impact analysis area for cultural resources consists of the TCAG region and the adjoining counties, based on the historic, ethnographic, and prehistoric period use patterns of the region. Information regarding these adjoining counties can be found in Section 3.3.4 *Approach for Cumulative Analysis*, and Table 3-1 in the Draft EIR. This is appropriate because cultural resources identified in this larger region will be similar in type and style to those that are or may be present in the TCAG region. As discussed in Draft EIR Section 4.5.3, the transportation projects and land use scenario envisioned in the proposed 2022 RTP/SCS could require substantial ground disturbance in undisturbed areas or in infill areas, which could impact historic built environment resources and archaeological resources.

- a. **Mitigation.** Mitigation Measures CR-1, CR-2(a), and CR-2(b)

- b. **Findings and Rationale.** The increase in growth in previously undisturbed areas contributes to regional impacts on existing and previously undisturbed and undiscovered historic and archaeological resources, including CEQA-defined “historical resources.” While most cultural resources are site specific, with impacts that are project specific, others may have regional significance; for example, an historic structure that represents the last known example of its kind would constitute a regional impact if it were affected by future 2022 RTP/SCS project implementation. In addition, there are historic districts or areas that can be affected by multiple or successive projects, over time, resulting in a cumulative impact to the historic resource. For such resources, cumulative impacts would be significant, and the 2022 RTP/SCS contribution to them would be cumulatively considerable, since Impacts CR-1 and CR-2 are significant. Mitigation Measures CR-1, CR-2(a), and CR-2(b) would reduce impacts associated with 2022 RTP/SCS projects through impact minimization for historical and archaeological resources. However, it cannot be guaranteed that all future project level impacts can be mitigated to a less than significant level. As such, the 2022 RTP/SCS contribution would remain cumulatively considerable after mitigation. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce these impact to a less than significant level, these impacts remain significant and unavoidable.
- c. **Supportive Evidence.** Please refer to page 4.5-23 of the Draft EIR.

Geology and Soils (Paleontological Resources)

The cumulative impact analysis area for paleontological resources consists of the TCAG region and adjoining counties. Information regarding these adjoining counties can be found in Draft EIR Section 3.1, *Environmental Setting*. Future development in this region that could impact paleontological resources.

- a. **Mitigation.** Mitigation Measures GEO-5
- b. **Findings and Rationale.** Development and construction in the cumulative impacts analysis area would require excavation and ground disturbance. Excavation and ground disturbance could encounter and damage or destroy subsurface paleontological resources, depending on underlying geologic units and soils. While most paleontological resources are typically site specific, with impacts that are project specific, others may have regional significance. For example, fossils may capture a particular type of organism that was endemic to a region and therefore have regional significance. Due to the potential for a fossil of regional significance to be uncovered during excavation and ground disturbing activities of projects in the cumulative impact analysis area, cumulative impacts would be significant.

The proposed 2022 RTP/SCS could cause a substantial adverse change in or disturb known and unknown paleontological resources and would therefore result in a cumulatively considerable contribution to the significant impact. Mitigation measures outlined in Impact GEO-5, would reduce paleontological resource impacts associated with implementing proposed 2022 RTP/SCS projects. However, the proposed 2022 RTP/SCS contribution would remain cumulatively considerable after mitigation because it cannot be guaranteed that all future project level impacts can be mitigated to a less than significant level. As such, the proposed 2022 RTP/SCS

contribution to cumulative impacts to paleontological resources would remain cumulatively considerable after mitigation. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.7-28 through 4.7-29 of the Draft EIR.

Greenhouse Gas Emissions and Climate Change

The impacts of GHG emissions are, by definition, cumulative impacts, as they add to the global accumulation of greenhouse gases in the atmosphere. The cumulative impact analysis area for GHG emissions consists of the TCAG region, adjoining counties, and the entire State of California. The entire state is included in the analysis area because GHG emissions from the TCAG region and adjoining counties would influence the ability for the State to achieve its GHG reduction targets. The analysis presented in Draft EIR Section 4.8.3, *Impact Analysis*, evaluates both plan-level impacts as well as the contribution of the proposed 2022 RTP/SCS to the existing cumulative impact related to GHG emissions, the effects of which are outlined in Draft EIR Section 4.8.1(c), *Potential Effects of Climate Change*.

- a. **Mitigation.** Mitigation Measures AQ-2(b), AQ-2(c), GHG-1, GHG-2, GHG-4, T-2(a), and T-2(b)
- b. **Findings and Rationale.** As discussed under Impact GHG-1, construction activities associated with transportation improvement projects and future land use projects envisioned by the proposed 2022 RTP/SCS would generate temporary GHG emissions. The temporary construction GHG emissions would occur concurrent with ongoing GHG emissions in the cumulative impact analysis area, such as GHG emissions ongoing agricultural activities in surrounding Valley counties such as Fresno County, Kern County, and Kings County. As described under Impact GHG-1, construction-related GHG emissions associated with buildout under the proposed 2022 RTP/SCS would be significant even after implementation of Mitigation Measure GHG-1. In addition, as discussed in Impact AQ-2, for Mitigation Measures AQ-2(b), AQ-2(c), feasible construction mitigation measures and technologies would be implemented to reduce emissions at the project level.. However, these mitigation measures may not be feasible or effective for all projects. Therefore, the contribution of the proposed 2022 RTP/SCS construction emissions to the cumulative impact of total GHG emissions would be cumulatively considerable, pre- and post-mitigation.

As discussed under Impacts GHG-2 through GHG-4, the transportation projects and land use scenario envisioned in the proposed 2022 RTP/SCS would also generate operational GHG emissions. Overall, implementation of the proposed 2022 RTP/SCS would reduce total regionwide mobile emissions; however land use emissions may increase compared to existing conditions. Implementation of Mitigation Measure GHG-2 would reduce GHG emissions from land use projects, however impacts would remain significant and unavoidable. Therefore, the contribution of land use project emissions to the cumulative impact of total GHG emissions would be cumulatively considerable, pre- and post-mitigation.

The proposed 2022 RTP/SCS would not conflict with SB 375 because per capita emissions reductions would exceed the regional target of a 16 percent reduction by 2035 compared to 2005 levels. However, reductions achieved by the proposed 2022 RTP/SCS would not be sufficient to achieve the

2030 target of a 40 percent reduction in overall emissions set forth by SB 32, and therefore would also be inconsistent with EO S-3-05 and B-55-18 goals. Other ongoing land uses and operation of future development in the cumulative impact analysis area would also generate GHG emissions. Implementation of Mitigation Measures GHG-2 and GHG-4 would reduce the proposed 2022 RTP/SCS impacts related to consistency with state GHG reduction targets and goals. Also, as discussed in Impact T-2, Mitigation Measures T-2(a), and T-2(b) require the implementation of VMT reduction strategies through various ways including impact fee programs, mitigation banks, exchange programs, and others, that would reduce GHG emissions. However, even with implementation of these mitigation measures, emissions would still be inconsistent with these state targets and goals. Therefore, the proposed 2022 RTP/SCS would have a cumulatively considerable contribution to the cumulative impact of inconsistency with state GHG reduction targets and goals, both pre- and post- mitigation. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce the impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to page 4.8-25 through 4.8-26 of the Draft EIR.

Hazardous and Hazardous Materials

The cumulative impact analysis area for the hazards and hazardous materials analysis consists of the TCAG region and adjoining counties. Information regarding these adjoining counties can be found in Draft EIR Section 3, *Environmental Setting*, Table 3-1. Future development in this region relative to exposure to hazards is considered in the analysis. This cumulative extent is used to evaluate potential impacts from the increase of hazards and hazardous materials within the context of regional development.

- a. **Mitigation.** Mitigation Measures HAZ-3
- b. **Findings and Rationale.** The potential impacts related to hazards and hazardous materials are generally related to site specific and project specific characteristics and conditions; however, hazardous sites or releases can occur across multiple adjoining properties or jurisdictions.. Transportation projects and land use development envisioned as part of the proposed 2022 RTP/SCS could result in the development of sites listed in environmental databases pursuant to Government Code Section 65962.5. Although development of listed sites would be required to undergo remediation and comply with Mitigation Measure HAZ-3, cumulative impacts related to hazards and hazardous materials would be significant, and implementation of the proposed 2022 RTP/SCS would result in cumulatively considerable impacts pre-mitigation, and less-than-cumulatively considerable post-mitigation. Mitigation includes reducing site-related hazardous materials to less than significant as projects would be identified prior to construction. Known sites would require measures to remediate contamination, thereby resulting in a less-than-cumulatively considerable impact post-mitigation as impacts related to hazards and hazardous materials are generally related to site specific and project specific characteristics and conditions that are not cumulatively considerable when mitigation is adhered to.
- c. **Supportive Evidence.** Please refer to pages 4.9-23 of the Draft EIR.

Hydrology and Water Quality

The cumulative impact analysis area for hydrology and water quality encompasses the watersheds and groundwater basins affected by the transportation projects and land use pattern envisioned in the proposed 2022 RTP/SCS, including creeks and drainages, floodplains, and aquifers. Therefore, the cumulative impact assessment area consists of the TCAG region and the adjoining counties, which encompasses the applicable watersheds and basins. Although there is some surface water connectivity between the TCAG region and Inyo County through Sierra Nevada watersheds, neither area is hydrologically connected.

- a. **Mitigation.** Mitigation Measures HYD-2(a), and HYD-2(b)
- b. **Findings and Rationale.** Development within the cumulative impact area would substantially decrease groundwater supplies by increasing the amount of overdraft throughout critically over-drafted basins, impeding sustainable groundwater management. Therefore, cumulative impacts related to groundwater supply would be significant and the proposed 2022 RTP/SCS contribution to this impact would be cumulatively considerable pre -mitigation. Mitigation measures HYD-2(a) and HYD-2(b) would reduce this impact, but it would remain cumulatively considerable after mitigation.

There are dozens of individual GSAs within the cumulative impact area. Each development within the cumulative area would only fall under management actions required by the GSA's GSP approved within its individual area. Although each GSP is local, some of the groundwater basins within the cumulative impact area are hydrologically connected. Each individual basin has multiple GSPs covering different portions of the basin which could create significant cumulative impacts among adopted GSPs, specifically through groundwater overdraft as identified in HYD-2. Although projects implementing the 2022 RTP/SCS would only conflict with those GSPs in their basin, this cumulative impact would be significant across the entire basin. Cumulative impacts related to conflicts with GSPs would be significant and the proposed 2022 RTP/SCS contribution to this impact would be cumulatively considerable pre -mitigation. Mitigation measures HYD-2(a) and HYD-2(b) would reduce this impact, but it would remain cumulatively considerable after mitigation.

The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce these impacts to a less than significant level, these impacts remain significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.10-32 through 4.10-34 of the Draft EIR.
Inyo. The land between each of these counties and the TCAG region is largely undeveloped

Noise

Noise resulting from roadway improvement projects envisioned in the proposed 2022 RTP/SCS could influence ambient noise levels in adjoining counties, if and where the projects are located in proximity to adjoining counties. Therefore, the cumulative impact analysis area for noise consists of the TCAG region and the adjoining counties. Future development in this region that would result in cumulative significant and unavoidable noise impacts is considered in the analysis.

- a. **Mitigation.** Mitigation Measures N-1, N-2, N-3(a), N-3(b), N-4, and N-5

- b. **Findings and Rationale.** Construction of the transportation projects and the land use scenario envisioned in the proposed 2022 RTP/SCS would generate temporary noise impacts. The transportation projects are generally far enough away from adjoining counties that construction noise would generally not combine with ambient noise levels in these counties. The proposed 2022 RTP/SCS concentrates development in urban areas of the TCAG region, which is also generally far enough from adjoining counties that construction noise would not affect these counties. However, construction noise resulting from either the transportation projects or the land use scenario could combine with other ongoing noise or additional construction noise within the TCAG region, resulting in localized construction noise levels exceeding local standards. Cumulative impacts of construction noise would be significant. Implementation of Mitigation Measure N-1 would reduce some construction noise impacts; however, the proposed 2022 RTP/SCS contribution to the cumulative impact would be cumulatively considerable pre- and post-mitigation.

Operation of the transportation projects would generate noise. Noise would predominantly be from vehicles, such as the noise of engines or the noise generated from the friction between tires and the roadway surface. Generally, these noises affect ambient noise levels near the roadways. However, some of the proposed 2022 RTP/SCS transportation projects would increase inter-regional travel, because the proposed 2022 RTP/SCS addresses accommodating projected growth and because some projects are on regional roadways, such as Interstate 5 or SR 99. Therefore, the proposed 2022 RTP/SCS would contribute to traffic noise outside the region. The cumulative impact would be significant, and the overall contribution of the proposed 2022 RTP/SCS to significant cumulative traffic noise impacts, despite implementation of Mitigation Measures N-2 and N-4, would be cumulatively considerable pre- and post-mitigation.

Impacts associated with vibration related to implementation of the proposed 2022 RTP/SCS would be generally experienced locally and are not cumulative in nature. These effects occur independently of one another, related to site-specific and project-specific characteristics and conditions. However, increased traffic from implementation of the proposed 2022 RTP/SCS could contribute to a significant increase in vibration levels on roadway segments throughout the cumulative impact analysis area, beyond accepted thresholds in various communities outside of the region. With implementation of Mitigation Measures N-3(a) and N-3(b) the proposed 2022 RTP/SCS contribution to this cumulative impact would be cumulatively considerable pre- and post-mitigation.

Given the regional scale of the proposed 2022 RTP/SCS, it is possible that the plan's forecasted land use development pattern could result in exposure to exterior and interior noise levels from existing airports or airstrips that exceed applicable thresholds. People residing or working in close proximity to existing airports could be exposed to excessive noise levels. Therefore, the proposed 2022 RTP/SCS would contribute to the exposure of people residing or working in the area to excessive noise levels. The cumulative impact would be significant, and the overall contribution of the proposed 2022 RTP/SCS to exposure of people residing or working in the area to excessive noise levels, despite implementation of Mitigation Measure N-5. Impacts would be cumulatively considerable pre- and post-mitigation.

The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce these impacts to a less than significant level, these impacts remain significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.12-24 through 4.12-25 of the Draft EIR.

Public Services and Recreation

The cumulative impact analysis area for public services and recreation consists of the TCAG region and adjoining counties. Information regarding these adjoining counties can be found in Draft EIR Section 3.1 – *Environmental Setting*, Table 3-1. However, in the cumulative impact analysis, please note that there is no direct transportation route between Tulare County, Kings County, and Fresno County to Inyo County as there is no direct passage through the Sierra Nevada Mountains. Future development in this region that could impact public services and recreation and is considered in the analysis. This cumulative extent is used to evaluate impacts from the expansion of public services and recreation facilities within the context of regional development.

- a. **Mitigation.** Mitigation Measures PS-1, REC-1,
- b. **Findings and Rationale.** As described in Draft EIR Section 4.12, *Population and Housing*, between 2020 and 2046, the TCAG region is forecasted to grow by 85,734 people; 40,774 housing units; and 31,709 jobs. Similar growth is anticipated in the surrounding Valley counties. This combined level of growth would generate demand for fire protection, police services, parks and recreational facilities, schools, and other public facilities to the extent that the construction of new or expanded facilities would be required, the construction of which would cause significant environmental impacts. It would also increase the use of existing parks and recreational facilities. Cumulative impacts to public services and recreation would therefore be significant, and the proposed 2022 RTP/SCS contribution to these impacts would be cumulatively considerable. The above mitigation measures would reduce these impacts. However, it cannot be guaranteed that all future project level impacts can be mitigated to a less than significant level. The proposed 2022 RTP/SCS contribution to cumulative public services and recreation impacts would therefore remain cumulatively considerable after mitigation. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce these impacts to a less than significant level, these impacts remain significant and unavoidable.
- c. **Supportive Evidence.** Please refer to pages 4.14-19 of the Draft EIR.

Transportation

The cumulative impact analysis area for transportation consists of the TCAG region and adjoining counties. Information regarding these adjoining counties can be found in Draft EIR Section 3.1 – *Environmental Setting*, Table 3-1. However, in the cumulative impact analysis, please note that there is no direct transportation route between Tulare County, Kings County, and Fresno County to Inyo County as there is no direct passage through the Sierra Nevada Mountains.

- a. **Mitigation.** Mitigation Measures T-2(a), T-2(b).
- b. **Findings and Rationale.** Development in the cumulative impact analysis area would result in significant and unavoidable increase in regional VMT as well as daily VMT per capita from baseline (2021) conditions, partially due to commuters travelling to and from employment in the adjoining counties. One example is the City of Fresno that attracts workers from the surrounding counties choosing to live in more rural and affordable regions in the Valley. Likewise, people residing outside of but close to the TCAG region may commute into the TCAG

region for outdoor recreation. For example, Sequoia National Forest and Sequoia National Park are very popular recreational weekend destinations for residents throughout California and beyond. These trips contribute to VMT in the cumulative impact analysis area.

The proposed 2022 RTP/SCS would increase daily VMT by 1,624,691 miles compared to the baseline 2021 conditions, which would be an approximately 15 percent increase over baseline conditions. While the majority of the VMT would be expected to remain within the TCAG region, some portion of the VMT would inevitably extend to areas within adjoining counties, such as Kern County, Kings County, and Fresno County. The most reasonable assumption is that VMT to adjoining counties would be concentrated to the most heavily traveled roadways in the counties with the highest relative employment, such as SR 99 and SR 65 into Kern County, SR 43 and SR 198 into Kings County, and SR 99 into Fresno County. The increased VMT in adjoining areas would be in addition to the VMT generated from the increased population growth of these counties into the future. Per capita VMT in the cumulative impact area would be unlikely to reach 15 percent below the baseline VMT per capita by 2046 due to increased VMT in the region even without implementation of the proposed 2022 RTP/SCS. The implementation of project-level VMT-reducing measures in Mitigation Measure T-2(b), such as mixed uses and transit-oriented development (TOD), may not be feasible and cannot be guaranteed on a project-by-project basis. Regional VMT reduction programs, such as VMT banks, in Mitigation Measure T-2(a) may also not be feasible as there are no procedures or policies in place to establish such facilities. Thus, cumulative impacts on VMT would be significant, the proposed 2022 RTP/SCS contribution to cumulative VMT impacts would be cumulatively considerable, and this contribution would remain cumulatively considerable post-mitigation.

The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce this impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.15-32 through 4.15-33 of the Draft EIR.

Tribal Cultural Resources

The cumulative impact analysis area for tribal cultural resources consists of the TCAG region and the adjoining counties, Fresno, Kings, Kern, and Inyo. Information regarding these adjoining counties can be found in Draft EIR Section 3.1, *Environmental Setting*, Table 3-1. Tribal cultural resources are regionally specific and determined by the local tribes. However, development in the cumulative impact analysis area would increasingly extend into previously undeveloped areas near or bordering the TCAG region that could have an impact on tribal cultural resource in the TCAG region by impacting the serenity of the tribal site or views from the resource, or projects in the TCAG region having a similar impact to tribal cultural resources in any of the adjacent counties. The TCAG region would continue to develop under the SCS and could result in expansion of urban areas into undeveloped land and that development could encourage development in adjoining counties that have the potential to impact tribal cultural resources. Tribal cultural resources are often associated with areas near water, such as rivers, because Native American Tribes congregated near water such as the Kings River that travels through Fresno, Tulare, and Kings counties. The increase in growth in previously undisturbed areas would contribute to regional impacts on tribal cultural resources.

- a. **Mitigation.** Mitigation Measures CR-2(b) and TCR-1
- b. **Findings and Rationale.** Development in the TCAG area would increase under the 2022 RTP/SCS by increasing mobility and growth. The increase in growth in previously undisturbed areas contributes to regional impacts on tribal cultural resources. If there may be tribal cultural resources at the location of a project site, tribal consultation in accordance with AB 52 would help ensure protection of tribal cultural resources. However, tribal territory often crosses the boundaries of multiple jurisdictions within and outside of the TCAG region, and there could be several minor impacts to tribal cultural resources that together would result in a significant cumulative impact. The cumulative impact would be significant, and the overall contribution of the proposed 2022 RTP/SCS to significant cumulative tribal cultural resources impacts, and the 2022 RTP/SCS contribution to them would be cumulatively considerable, since Impact TCR-1 is significant. Mitigation Measures CR-2(b) and TCR-1 would reduce impacts associated with 2022 RTP/SCS projects. However, it cannot be guaranteed that all future project level impacts can be mitigated to a less than significant level. As such, the proposed 2022 RTP/SCS contribution would remain cumulatively considerable after mitigation. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce this impact to a less than significant level, this impact remains significant and unavoidable.
- c. **Supportive Evidence.** Please refer to pages 4.16-11 of the Draft EIR.

Utilities and Service Systems

As shown in Table 3-1 in Draft EIR Section 3, *Environmental Setting*, the population for adjoining counties (Fresno, Inyo, Kern, and Kings) is projected to increase from approximately 2.1 million people in 2020 to approximately 2.6 million people by 2050. This level of growth would require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which would cause significant environmental effects. This development may also generate solid waste in excess of the capacity of local infrastructure and increase water demand in such that water supplies may be insufficient to serve envisioned development. Cumulative impacts to utilities would therefore be significant.

- a. **Mitigation.** Mitigation Measures UTIL-1(a), UTIL-1(b), UTIL-1(c), UTIL-1(d), UTIL-2, UTIL-4
- b. **Findings and Rationale.** As described above, implementation of the proposed 2022 RTP/SCS may require new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities or the relocation of existing facilities, the construction of which would result in significant effects. The proposed 2022 RTP/SCS contribution to cumulative utilities impacts would be cumulatively considerable. Although mitigation measures described in this section would reduce impacts associated with proposed 2022 RTP/SCS projects, it cannot be guaranteed that all future project level impacts would be mitigated to a less than significant level, and the mitigation measures do not preclude any new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities or the relocation of existing facilities, the construction of which would result in significant effects. Therefore, the proposed 2022 RTP/SCS utilities impacts would

remain cumulatively considerable after mitigation. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce these impacts to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce these impacts to a less than significant level, these impacts remain significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.17-27 of the Draft EIR.

Wildfire

The proposed 2022 RTP/SCS is not expected to substantially increase wildfires, but the occurrence of wildfires always exists within the TCAG region and transportation and land use projects under the proposed 2022 RTP/SCS could place people and structures within or less than two miles from an SRA or very high fire hazard severity zones. Construction and operation of projects would risk exacerbating these existing fire hazards by creating additional potential sources of fire ignition.

- a. **Mitigation.** Mitigation Measures WF-1(a) and WF-1(b)
- b. **Findings and Rationale.** During construction and operation of the proposed 2022 RTP/SCS projects, if one of these cumulative projects were to simultaneously result in a wildland fire ignition during construction, they could combine and increase the severity of wildland fires beyond existing conditions. The combination of these projects being constructed concurrently could substantially increase the frequency of fire in the area above natural conditions. Cumulative impacts would be significant.

The land use scenario envisioned in the proposed 2022 RTP/SCS would result in some projects located within or less than two miles from an SRA or very high fire hazard severity zones, causing significant wildfire impacts, as existing codes and regulations cannot fully prevent wildfires from being generated and damaging structures or populations. These projects would increase the potential to ignite fires and therefore risk exacerbating the potential for loss or damage from wildfire. This added risk could start wildfires that could spread outside the TCAG region impacting adjacent counties and communities. As a result, the land use scenario envisioned in the proposed 2022 RTP/SCS could result in a cumulatively considerable increase in wildfire risk. Mitigation measures described earlier in this section would minimize the contribution to this cumulative impact. However, the overall cumulative increase in fire frequency would continue to be substantial and the proposed 2022 RTP/SCS's contribution would be cumulatively considerable. The TCAG Board of Directors finds that no other mitigation measures or alternatives are feasible that would reduce this impact to less than cumulatively considerable levels. The TCAG Board of Directors finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make certain mitigation measures or alternatives identified in the EIR infeasible. Since no feasible mitigation measures or project alternatives have been found to reduce this impact to a less than significant level, this impact remains significant and unavoidable.

- c. **Supportive Evidence.** Please refer to pages 4.18-16 of the Draft EIR.

9 Findings on Responses to Comments on the Draft EIR, Revisions to the Final EIR, and Recirculation

No comments were received on the Draft EIR during the public review period. Therefore, no responses to comments on the Draft EIR were provided in the Final EIR.

Section 3 of the Final EIR provides text amendments to the Draft EIR. All amendments are minor corrections to typographical errors identified in the Draft EIR. None of the changes would warrant recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 due to the addition of “significant new information.” The amendments serve to clarify the content of the EIR, but do not introduce any new information. The TCAG Board of Directors finds that amendments to the Final EIR merely clarify, amplify, or make insignificant modifications to the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines Section 15088.5.

10 Finding on Mitigation Monitoring and Reporting Program

The TCAG Board of Directors finds that a Mitigation Monitoring and Reporting Program (MMRP) for the 2022 RTP/SCS has been prepared for the project and has been adopted concurrently with these Findings of Fact (Public Resources Code, Section 21081.6(a)(1)).

CEQA requires that an agency adopt an MMRP prior to approving a project that includes mitigation measures. The MMRP for the project has been prepared in compliance with the requirements of Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines.

The purpose of the MMRP is to ensure the adopted mitigation measures adopted in the Findings of Fact for 2022 RTP/SCS are implemented, in accordance with CEQA requirements. The Findings of Fact adopt feasible mitigation measures to reduce the significant environmental impacts of the 2022 RTP/SCS. The mitigation measures adopted in the 2022 RTP/SCS EIR Findings are listed in Section 5 of these Findings of Fact.

Statement of Overriding Considerations

As required by Public Resources Code §21081(b) and CEQA Guidelines § 15093, the TCAG Board of Directors adopts and makes this statement of overriding considerations concerning the 2022 RTP/SCS' (project's) unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts.

The EIR has identified and discussed significant effects that may occur as a result of the project. As set forth in the CEQA Findings of Fact, TCAG has made a reasonable and good faith effort to eliminate or substantially mitigate the significant impacts resulting from the project and has made specific findings on each of the project's significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the EIR, many of the project's effects cannot be mitigated to a level of less than significant. Even with implementation of all feasible mitigation, the project will result in significant and unavoidable impacts as follows:

Aesthetics

Impact AES-1. The proposed transportation projects and land use projects envisioned under the proposed 2022 RTP/SCS would have a substantial adverse effect on scenic vistas and substantially damage scenic resources within highways identified to have high scenic qualities or designated by the State as eligible scenic highways. Impacts are significant and unavoidable.

Impact AES-2. The proposed transportation projects and land use patterns envisioned by the proposed 2022 RTP/SCS would in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site or its surroundings, and in an urbanized area, would conflict with applicable zoning and other regulations governing scenic quality. Impacts are significant and unavoidable.

Impact AES-3. Development of proposed transportation improvement projects and land use patterns envisioned under proposed 2022 RTP/SCS would create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. Impacts are significant and unavoidable.

Cumulative impacts. Aesthetic impacts that may be additive in nature and thus cumulative: night sky lighting and overall changes in the visual environment as the result of increasing urbanization of the larger urban areas in the TCAG region. Growth envisioned in the proposed 2022 RTP/SCS is primarily focused on infill areas, development outside of those geographies with long-distance views may result in nighttime lighting becoming more visible, covering a larger area and/or appearing in new areas as a result of projected development under the proposed 2022 RTP/SCS. This impact is cumulatively considerable post-mitigation, and therefore is significant and unavoidable.

Agricultural & Forestry Resources

Impact AG-1. Proposed transportation projects and land use projects envisioned by the proposed 2022 RTP/SCS would result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use, and/or conflict with existing zoning for agriculture or a Williamson Act contract. This is a significant and unavoidable impact.

Cumulative impacts. Future development within the cumulative impact analysis area would convert agricultural land, including Important Farmland, to non-agricultural uses and may result in conflicts with agricultural zoning and Williamson Act contracts. Future development adjacent to agricultural land also has the potential to result in a loss of agricultural land due to land use conflicts, which adds to the cumulative conversion of agricultural lands, including areas designated as Important Farmland by the FMMP. Cumulative impacts to agricultural resources are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

Air Quality

Impact AQ-2. Construction activities associated with transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would result in a cumulatively considerable net increase in criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard. This impact is significant and unavoidable.

Impact AQ-3. Operation of the proposed transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Impacts are significant and unavoidable.

Impact AQ-5. The transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would expose sensitive receptors to substantial TAC concentrations. Impacts are significant and unavoidable.

Cumulative impacts. Tulare County is in nonattainment for federal ozone and PM_{2.5} standards and state ozone, PM₁₀, and PM_{2.5} standards. Because Tulare County is in nonattainment for these air quality standards, a cumulative air quality impact currently exists. Any growth within Tulare County would contribute to existing exceedances of ambient air quality standards. Any proposed development project that would individually have a significant air quality impact related to criteria air pollutant emissions would also be considered have a cumulatively considerable contribution to existing significant cumulative impacts related to criteria air pollutant emissions. TAC risks over an individual threshold of significance are also considered cumulatively significant. Cumulative impacts to air quality are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

Biological Resources

Impact BIO-1. Implementation of transportation projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Impacts are significant and unavoidable.

Impact BIO-2. Implementation of transportation projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would result in substantial adverse impacts on sensitive habitats, including sensitive natural communities, and state and federally protected wetlands. This impact is significant and unavoidable.

Impact BIO-3. Implementation of transportation projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory

wildlife corridors or impede the use of native wildlife nursery sites. This impact is Significant and Unavoidable.

Cumulative impacts. The affected cumulative area from the proposed 2022 RTP/SCS includes creeks and drainages, natural communities, and agricultural land uses in the TCAG region and surrounding counties. Future transportation projects and growth in the TCAG region and growth in adjoining counties, could impact resources in the surrounding counties, and the interaction between the affected environment and the proposed 2022 RTP/SCS projects would occur throughout this larger cumulative impact analysis area. Cumulative impacts on special-status species and their habitats; riparian, wetland, or other sensitive natural communities; and wildlife movement are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

Cultural Resources

Impact CR-1. Transportation improvement projects and the land use scenario envisioned by the proposed 2022 RTP/SCS would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5. This impact is significant and unavoidable.

Impact CR-2. Construction activity associated with transportation improvement projects and the land use scenario envisioned by the proposed 2022 RTP/SCS may cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. Potential impacts to archaeological resources are significant and unavoidable.

Cumulative impacts. Cultural resources identified in the TCAG cumulative region will be similar in type and style to those that are or may be present in the TCAG region. Transportation projects and the land use scenario envisioned in the proposed 2022 RTP/SCS could require substantial ground disturbance in undisturbed areas or in infill areas, which could impact historic built environment resources and archaeological resources. Cumulative impacts to archaeological and historical resources are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

Geology and Soils

Impact GEO-5. Implementation of proposed transportation improvements and the land use scenario envisioned by the proposed 2022 RTP/SCS would directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Impacts are significant and unavoidable.

Cumulative impacts. Future development in the TCAG region and adjoining counties could impact paleontological resources, known or unknown. This cumulative impact is cumulatively considerable post-mitigation, and therefore is significant and unavoidable.

Greenhouse Gas Emissions and Climate Change

Impact GHG-1. Construction of the transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would generate GHG emissions that may have a significant impact on the environment. Impacts are significant and unavoidable.

Impact GHG-2. Proposed transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would result in a net increase in GHG emissions by 2046 compared to the

existing baseline conditions and would therefore have a significant impact on the environment. Impacts are significant and unavoidable.

Impact GHG-4. Implementation of the proposed 2022 RTP/SCS would conflict with the State's ability to achieve SB 32, EOs S-3-05 and B-55-18, and applicable local GHG reduction plan targets and goals. Impacts are significant and unavoidable.

Cumulative impacts. The 2022 RTP/SCS would have cumulatively considerable contributions to short term construction GHG emissions, and to inability to meet long-term State GHG reduction targets. This cumulative impact is cumulatively considerable post-mitigation, and therefore is significant and unavoidable.

Hazards and Hazardous Materials

Impact HAZ-3. The proposed 2022 RTP/SCS includes transportation improvement projects and land use scenario projects that could be located on sites on the list of hazardous material sites compiled by Government Code Section 65962.5, and therefore create a significant hazard to the public or environment. This impact is significant and unavoidable.

Hydrology and Water Quality

Impact HYD-2. Transportation and land use projects implementing the proposed 2022 RTP/SCS would substantially decrease groundwater supplies and interfere with groundwater recharge such that it may impede sustainable groundwater management of the basin. Impacts are significant and unavoidable.

Impact HYD-5. Transportation and land use projects implementing the proposed 2022 RTP/SCS could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plans. Impacts are significant and unavoidable.

Cumulative impacts. Development within the cumulative impact area would substantially decrease groundwater supplies by increasing the amount of overdraft throughout critically over-drafted basins, impeding sustainable groundwater management. Therefore, cumulative impacts related to groundwater supply would be significant and the proposed 2022 RTP/SCS contribution to this impact would be cumulatively considerable. These cumulative impacts are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

Noise

Impact N-1 Construction activity associated with transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would generate a substantial temporary increase in ambient noise levels in excess of standards established in local general plans or noise ordinances and would generate a substantial absolute noise increase over existing noise levels. This impact is significant and unavoidable.

Impact N-2. Transportation improvements envisioned by the proposed 2022 RTP/SCS would generate a substantial permanent increase in ambient noise levels in excess of standards or over existing noise levels and generate a substantial absolute noise increase over existing noise levels. This impact is significant and unavoidable.

Impact N-3. Construction activities associated with transportation projects under the proposed 2022 RTP/SCS would generate excessive groundborne vibration levels. New truck, bus, and train

traffic resulting from the proposed 2022 RTP/SCS would generate excessive vibration levels. These impacts are significant and unavoidable.

Impact N-4. Land use projects envisioned by the proposed 2022 RTP/SCS may place sensitive receptors in areas with noise levels in excess of standards established in the local general plan or noise ordinance. This impact is significant and unavoidable.

Impact N-5. Transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would be located in close proximity to existing airports such that applicable exterior and interior noise thresholds would be exceeded. Impacts are significant and unavoidable.

Cumulative impacts. Development in the cumulative impact analysis area would result in Cumulative significant and unavoidable impacts related to construction and operational noise when combined with other ongoing noise or additional construction noise and excessive noise in proximity to airports. Increased traffic from implementation of the proposed 2022 RTP/SCS could contribute to a significant increase in vibration levels on roadway segments throughout the cumulative impact analysis area, beyond accepted thresholds in various communities outside of the region. The 2022 RTP/SCS contribution to cumulative impacts are cumulatively considerable pre- and post-mitigation. These impacts are therefore significant and unavoidable.

Public Services and Recreation

Impact PS-1. Transportation and land use projects implementing the proposed 2022 RTP/SCS would result in new or expanded governmental facilities, the implementation of which would result in substantial physical impacts. This impact is significant and unavoidable.

Impact PS-3. Transportation and land use projects implementing the proposed 2022 RTP/SCS would increase the use of existing parks and recreational facilities, resulting in substantial physical deterioration, and would include recreational facilities that would have an adverse physical effect on the environment. This impact is significant and unavoidable.

Cumulative impacts. Growth is anticipated in the TCAG region and surrounding counties. This combined level of growth would generate demand for fire protection, police services, parks and recreational facilities, schools, and other public facilities to the extent that the construction of new or expanded facilities would be required, the construction of which would cause significant environmental impacts. It would also increase the use of existing parks and recreational facilities. The proposed 2022 RTP/SCS contribution to cumulative public services and recreation impacts would therefore be cumulatively considerable. These impacts are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

Transportation

Impact T-2. The proposed 2022 RTP/SCS would result in an overall increase in regional VMT above baseline (2021) conditions. The proposed 2022 RTP/SCS would result in a small decrease in VMT per capita below baseline (2021) conditions. Regional VMT and VMT per capita impacts from implementation of the proposed 2022 RTP/SCS are significant and unavoidable.

Cumulative impacts. Development in the cumulative impact analysis area would result in significant and unavoidable increase in regional VMT as well as daily VMT per capita from baseline (2021) conditions, partially due to commuters travelling to and from employment in the adjoining counties. People residing outside of but close to the TCAG region may also commute into the TCAG region for outdoor recreation to enjoy the National Parks within the TCAG region. These

trips contribute to VMT in the cumulative impact analysis area. cumulative impacts on VMT would be significant, the proposed 2022 RTP/SCS contribution to cumulative VMT impacts would be cumulatively considerable. These impacts are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

Tribal Cultural Resources

Impact TCR-1. Transportation projects and the land use scenario envisioned in the proposed 2022 RTP/SCS would cause a substantial adverse change in the significance of a tribal cultural resource. This impact is significant and unavoidable.

Cumulative impacts. The increase in growth in previously undisturbed areas contributes to regional impacts on tribal cultural resources. tribal territory often crosses the boundaries of multiple jurisdictions within and outside of the TCAG region, and there could be several minor impacts to tribal cultural resources that together would result in a significant cumulative impact. The cumulative impact is cumulatively considerable post-mitigation, and therefore is significant and unavoidable.

Utilities and Service Systems

Impact UTIL-1. Proposed transportation projects and future land use scenario of the proposed 2022 RTP/SCS would require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which would cause significant environmental effects. This impact is significant and unavoidable.

Impact UTIL-2. Transportation projects and land use projects implementing the proposed 2022 RTP/SCS would generate solid waste in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals. This impact is significant and unavoidable.

Impact UTIL-4. Implementation of proposed transportation projects and future land use scenario in the proposed 2022 RTP/SCS would increase water demand in the TCAG region, resulting in insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts are significant and unavoidable.

Cumulative impacts. Implementation of the proposed 2022 RTP/SCS may require new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities or the relocation of existing facilities, the construction of which would result in significant effects. The proposed 2022 RTP/SCS contribution to cumulative utilities impacts would be cumulatively considerable. These impacts are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

Wildfire

Impact WF-1. Proposed transportation improvements and land use projects envisioned by the proposed 2022 RTP/SCS would be located in or near an SRA or very high fire hazard severity zone, and significant risks of loss, injury, or death from wildfires or downstream flooding or landslides would occur. Impacts are significant and unavoidable.

Cumulative impacts. During construction and operation of any proposed 2022 RTP/SCS project, if one of these cumulative projects were to simultaneously result in a wildland fire ignition during construction, they could combine and increase the severity of wildland fires beyond existing

conditions. The combination of these projects being constructed concurrently could substantially increase the frequency of fire in the area above natural conditions. Cumulative impacts would be significant. The proposed 2022 RTP/SCS's contribution to wildfire impacts would be cumulatively considerable. These impacts are cumulatively considerable post-mitigation, and therefore are significant and unavoidable.

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the significant environmental effects of the project to the extent feasible, having considered the entire administrative record on the project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, the TCAG Board of Directors hereby finds that the following legal, economic, social, technological, and environmental benefits of the project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact:

- a. The implementation of 2022 RTP/SCS transportation projects will provide for a comprehensive transportation system of facilities and services that meets the public's need for the movement of people and goods and that is consistent with the social, economic and environmental goals and policies of the region. (See Draft EIR Chapter 2.)
- b. The SCS will contribute to a reduction in per capita GHG emissions from passenger vehicles and light trucks, helping the Tulare County region achieve the regional GHG reduction targets set by the CARB. (See Impact GHG-3.)
- c. The project will promote consistency between the California Transportation Plan 2050, the 2022 RTP/SCS, other plans developed by cities, the County, districts, Native American tribal governments and State and Federal agencies in responding to Statewide and interregional transportation issues and needs.
- d. The construction of transportation projects will result in both short-term and long-term economic benefits to the TCAG region and its residents. Transportation projects will indirectly provide for a number of jobs relating to construction and maintenance. The 2022 RTP/SCS program includes over \$2 billion of transportation investments (see TCAG RTP Action Element) in the region which will result in direct and indirect employment benefits.

Mitigation Monitoring and Reporting Program

CEQA requires that a monitoring or reporting program (MMRP) be adopted for EIR mitigation measures that are necessary to avoid or substantially lessen the project's significant effects on the environment (Public Resources Code 21081.6, *CEQA Guidelines* Section 15097); the MMRP for the project has been prepared in compliance with these requirements. This MMRP is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure in the Final Environmental Impact Report (Final EIR), the following table shows the action required, timing, the monitoring that must occur, and the agency or department responsible for oversight. TCAG and/or implementing agencies would periodically report on mitigation measure implementation.

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
Aesthetic and Visual Resources				
AES-1 (a) Tree Protection and Replacement				
The implementing agency for new roadways, extensions and widenings of existing roadways, trails and facility improvement projects shall, or can and should, avoid the removal of existing mature trees to the extent possible consistent with adopted local City and County policies as applicable. The implementing agency of a particular proposed 2022 RTP/SCS project shall replace any trees lost at a minimum 2:1 basis and incorporate them into the landscaping design for the roadway when feasible, or as required by local or County requirements. The implementing agency also shall ensure the continued vitality of replaced trees through periodic maintenance.	Grading and site plans shall avoid the removal of existing mature trees to the extent possible. Place conditions of approval on project to require tree replacement at a minimum 2:1 ratio. Maintain replacement trees to ensure their success.	During project permitting and environmental review.	Once during environmental review. Monitor survivability of replacement trees periodically following construction.	Implementing agencies/project sponsor
AES-1 (b) Discouragement of Architectural Features that Block Science Views				
The implementing agency shall, or can and should, design projects to minimize contrasts in scale and massing between the project and surrounding natural forms and development. Setbacks and acoustical design of adjacent structures shall be preferentially used as mitigation for potential noise impacts arising from increased traffic volumes associated with adjacent land development. The use of sound walls, or any other architectural features that could block views from the scenic highways or other view corridors, shall be discouraged to the extent possible. Where use of sound walls is found to be necessary, walls shall incorporate offsets, accents, and landscaping to prevent monotony. In addition, sound walls shall be complementary in color and texture to surrounding natural features	Confirm that architectural plans, noise walls, and building plans satisfy the design standards, components and materials incorporate offsets, accents, and landscaping to prevent monotony. In addition, confirm sound walls shall be complementary in color and texture to surrounding natural features Confirm structures and walls are constructed consistent with plans.	During project permitting and environmental review.	Once during environmental review. During construction.	Implementing agencies/project sponsor
AES-2 Design Measures for Visual Compatibility				
The implementing agency shall, or can and should, require measures that minimize contrasts in scale and massing between the project and surrounding natural forms and developments. Strategies to achieve this include: <ul style="list-style-type: none"> ▪ Siting or designing projects to minimize their intrusion into important viewsheds; ▪ Avoiding large cuts and fills when the visual environment (natural or urban) would be substantially disrupted; ▪ Ensuring that re-contouring provides a smooth and gradual transition between modified landforms and existing grade; 	Ensure grading plans and landscape plans avoid large cut and fills, provide re-contouring, replace trees and restore vegetation cover. Confirm that architectural plans and building plans incorporate design compatible with surrounding existing structures.	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> Developing transportation systems to be compatible with the surrounding environments (e.g., colors and materials of construction material; scale of improvements); Designing and installing landscaping to add natural elements and visual interest to soften hard edges, as well as to restore natural features along corridors where possible after widening, interchange modifications, re-alignment, or construction of ancillary facilities; and Designing new structures to be compatible in scale, mass, character, and architecture with existing structures. 				
AES-3(a) Roadway and Project Lighting				
<p>The implementing shall, or can and should, minimize roadway lighting to the extent possible, consistent with safety and security objectives, and shall not exceed the minimum height requirements of the local jurisdiction in which the project is proposed. This may be accomplished through the use of back shields, hoods, low intensity lighting, and using as few lights as necessary to achieve the goals of the project. As part of planning, design, and engineering for projects, project sponsors shall ensure that projects proposed near light sensitive uses avoid substantial spillover lighting. Potential design measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> Lighting shall consist of cutoff-type fixtures that cast low-angle illumination to minimize incidental spillover of light into adjacent properties and undeveloped open space. Fixtures that project light upward or horizontally shall not be used. Lighting shall be directed away from habitat and open space areas adjacent to the project site. Light mountings shall be downcast, and the height of the poles minimized to reduce potential for backscatter into the nighttime sky and incidental spillover of light onto adjacent private properties and undeveloped open space. Light poles will be 20 feet high or shorter. Luminary mountings shall have non-glare finishes. Exterior lighting features shall be directed downward and shielded in order to confine light to the boundaries of the subject project. Where more intense lighting is necessary for safety purposes, the design shall include 	<p>Confirm that site plans satisfy the lighting requirements listed in the mitigation measure.</p> <p>Confirm lights are installed as described and shown on site plans.</p>	<p>During project permitting and environmental review.</p>	<p>Once during environmental review.</p> <p>Once at completion of construction.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
landscaping to block light from sensitive land uses, such as residences.				
AES-3(b) Glare Reduction Measures				
Implementing agencies shall, or can and should, minimize and control glare from transportation and land use projects near glare-sensitive uses through the adoption of project design features such as:	Confirm that development and building plans satisfy the lighting requirements listed in the mitigation measure. Confirm lights are installed as described and shown on plans.	During project permitting and environmental review.	Once during environmental review. Once at completion of construction.	Implementing agencies/project sponsor
<ul style="list-style-type: none"> Planting trees along transportation corridors to reduce glare from the sun; Creating tree wells in existing sidewalks; Adding trees in new curb extensions and traffic circles; Adding trees to public parks and greenways; Landscaping off-street parking areas, loading areas, and service areas; Limiting the use of reflective materials, such as metal; Using non-reflective material, such as paint, vegetative screening, matte finish coatings, and masonry; Screening parking areas by using vegetation or trees; Using low-reflective glass; Complying with applicable general plan policies, municipal code regulations, city or local controls related to glare; and Tree species planted to comply with this measure shall provide substantial shade cover when mature. Utilities shall be installed underground along these routes wherever feasible to allow trees to grow and provide shade without need for severe pruning. 				
Agriculture and Forestry Resources				
AG-1 Agricultural Land Impact Avoidance and Minimization				
Implementing agencies shall implement measures, where feasible based on project-and site-specific considerations that include but are not limited to those identified below.	Require project relocation or corridor realignment into project-specific design plans or environmental review.	During project permitting and environmental review.	Once during environmental review	Implementing agencies/project sponsor
<ul style="list-style-type: none"> Require project relocation or corridor realignment, where feasible, to avoid Important Farmland, agriculturally zoned land and/or land under Williamson Act contract. Manage project construction to minimize the introduction of invasive species or weeds that may affect agricultural production on agricultural land adjacent to project sites. 	Require use of BMPs to minimize invasive species introduction during construction. Require the use of design features to protect surrounding agriculture. Require acquisition of conservation easements at a minimum 1:1 ratio.			

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>Managing project construction may include washing construction equipment before bringing equipment on-site, using certified weed-free straw bales for construction Best Management Practices (BMPs), and other similar measures.</p> <ul style="list-style-type: none"> Provide buffers, berms, setbacks, fencing, or other project design measures to protect surrounding agriculture, and to reduce conflict with farming that could result from implementation of transportation improvements and/or development included as a part of the RTP/SCS. 				
Air Quality				
AQ-2 (a) Application of SJVAPCD Feasible Mitigation Measures				
<p>For all projects, the implementing agency shall incorporate the most recent SJVAPCD feasible construction mitigation measures and/or technologies for reducing inhalable particles based on analysis of individual sites and project circumstances. Additional and/or modified measures may be adopted by SJVAPCD prior to implementation of individual projects under the proposed 2022 RTP/SCS; therefore, the most current list of feasible mitigation measures at the time of project implementation shall be used. The current SJVAPCD feasible mitigation measures include the following (SJVAPCD 2015b):</p> <ul style="list-style-type: none"> All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. 	<p>Construction plans shall show SJVAPCD standard dust control measures; implementing agency shall ensure implementation.</p>	<p>During project permitting and environmental review.</p> <p>Prior to issuance of grading permits; during construction</p>	<p>Once during environmental review; periodically during construction</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> An owner/operator of any site with 150 or more vehicle trips per day, or 20 or more vehicle trips per day by vehicles with three or more axles shall implement measures to prevent carryout and trackout. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use. 				
AQ-2 (b) Diesel Equipment Emissions Standards				
The implementing agency shall ensure, to the maximum extent feasible, that diesel construction equipment meeting CARB Tier 4 emission standards for off-road heavy-duty diesel engines is used. If use of Tier 4 equipment is not feasible, diesel construction equipment meeting Tier 3 (or if infeasible, Tier 2) emission standards shall be used. These measures shall be noted on all construction plans, and the implementing agency shall perform periodic site inspections.	Construction plans shall ensure that that construction equipment is subject to the CARB Regulation for In-use Off-road Diesel Vehicles and, if feasible, construction equipment meets Tier 4 standards or at least Tier 2 standards with retrofitted Level 3 VDECS, if available; and perform periodic site inspections.	During project permitting and environmental review. Prior to issuance of grading permits; during construction.	Once during environmental review; periodically during construction	Implementing agencies/project sponsor
AQ-2 (c) Electric Construction Emissions Standards				
The implementing agency shall ensure that to the extent feasible, construction equipment utilizes electricity from power poles rather than temporary diesel power generators and/or gasoline power generators.	Construction plans shall ensure that electricity from power poles is used to the extent feasible.	During project permitting and environmental review. Prior to issuance of grading permits; during construction	Once during environmental review; periodically during construction	Implementing agencies/project sponsor
AQ-3 Long-term Regional Operational Emissions				
Implementing agencies can and should implement long-term operational emissions reduction measures. Such reduction measures include the following: <ul style="list-style-type: none"> Require that all interior and exterior architectural coatings for all developments utilize coatings following SJVAPCD Rule 4601, Architectural Coatings. Increase building envelope energy efficiency standards in excess of applicable building standards and encourage new development to achieve zero net energy use. Install energy-efficient appliances, interior lighting, and building mechanical systems. Encourage installation of solar panels for new residential and commercial development. 	Require coatings compliant with SJVAPCD Rule 4601.	During project permitting and environmental review. Periodically during operation.	Once during environmental review; periodically during operation.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> ▪ Locate sensitive receptors more than 500 feet of a freeway, 500 feet of urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. ▪ Locate sensitive receptors more than 1,000 feet of a major diesel rail service or railyards. Where adequate buffer cannot be implemented, implement the following: <ul style="list-style-type: none"> □ Install air filtration (as part of mechanical ventilation systems or stand-alone air cleaners) to indoor reduce pollution exposure for residents and other sensitive populations in buildings that are close to transportation network improvement projects. □ Use air filtration devices rated MERV-13 or higher. ▪ Plant trees and/or vegetation suited to trapping roadway air pollution and/or sound walls between sensitive receptors and the pollution source. The vegetation buffer should be thick, with full coverage from the ground to the top of the canopy. Install higher efficacy public street and exterior lighting. ▪ Use daylight as an integral part of lighting systems in buildings. ▪ Use passive solar designs to take advantage of solar heating and natural cooling. ▪ Install light colored “cool” roofs, cool pavements. ▪ Install solar and tankless hot water heaters. ▪ Exclude wood-burning fireplaces and stoves. ▪ Incorporate design measures and infrastructure that promotes safe and efficient use of alternative modes of transportation (e.g., neighborhood electric vehicles, bicycles) pedestrian access, and public transportation use. Such measures may include incorporation of electric vehicle charging stations, bike lanes, bicycle-friendly intersections, and bicycle parking and storage facilities. ▪ Incorporate design measures that promote ride sharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides). 				

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
AQ-5 Health Risk Reduction Measures				
<p>Transportation project sponsor agencies shall implement the following measures:</p> <ul style="list-style-type: none"> During project-specific design and CEQA review, the potential localized particulate (PM₁₀ and PM_{2.5}) impacts and their health risks shall be evaluated for individual projects. Localized particulate matter concentrations shall be estimated using procedures and guidelines consistent with U.S. EPA 2015's <i>Transportation Conformity Guidance for Quantitative Hot-Spot Analyses in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas</i>. If required based on the project-level hotspot analysis, project-specific mitigation shall be added to the project design concept or scope to ensure that local particulate (PM₁₀ and PM_{2.5}) emissions would not reach a concentration at any location that would cause estimated cancer risk to exceed the SJVAPCD threshold of 20 in one million. Per the U.S. EPA guidance (2015), potential mitigation measures to be considered may include but shall not be limited to: providing a retrofit program for older higher emitting vehicles, anti-idling requirements or policies, controlling fugitive dust, routing traffic away from populated zones and replacing older buses with cleaner buses. These measures can and should be implemented to reduce localized particulate impacts as needed. For projects that do not meet screening criteria, retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with CARB and OEHHA requirements to determine the exposure of nearby residents to TAC concentrations. If impacts result in increased risks to sensitive receptors above significance thresholds, plant trees and/or vegetation suited to trapping TACs and/or sound walls between sensitive receptors and the pollution source. <p>In addition, consistent with the general guidance contained in CARB's <i>Air Quality and Land Use Handbook</i> (2005) and Technical Advisory on <i>Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways</i> (2017), appropriate and feasible measures shall be incorporated into project building design for land use projects including residential, school and other sensitive uses located within 500 feet (or other appropriate distance as determined by the lead</p>	<p>Retain air quality consultant to conduct project-level hot spot analysis.</p> <p>Ensure a project-level HRA is prepared by a qualified air quality consultant.</p> <p>Ensure project-level environmental review and site plans incorporate the measures to reduce particulate impacts, as listed in this mitigation measure</p>	<p>During project permitting and environmental review; during construction as applicable; during operation.</p>	<p>Once during environmental review; periodically during construction; following construction, during operation.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>agency) of freeways, heavily travelled arterials, railways and other sources of diesel particulate matter, including roadways experiencing significant vehicle delays. The appropriate measures shall include one or more of the following methods, as applicable and as determined by a qualified professional. The implementing agency shall incorporate health risk reduction measures based on an analysis of individual sites and project circumstances. These measures may include:</p> <ul style="list-style-type: none"> ▪ Avoid siting new sensitive land uses within 500 feet of a freeway or railway. ▪ Require development projects for new sensitive land uses to be designed to minimize exposure to roadway-related pollutants to the maximum extent feasible through inclusion of design components including air filtration and physical barriers. ▪ Do not locate sensitive receptors near the entry and exit points of a distribution center. ▪ Locate structures and outdoor living areas for sensitive uses as far as possible from the source of emissions. As feasible, locate doors, outdoor living areas and air intake vents primarily on the side of the building away from nearby high volume roadways or other pollution source. As feasible, incorporate dense, tiered vegetation that regains foliage year-round and has a long life span between the pollution source and the project. ▪ Maintain a 50-foot buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year). ▪ Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets the efficiency standard of the MERV 13. The HV system should include the following features: <ul style="list-style-type: none"> □ Installation of a high efficiency filter and/or carbon filter-to-filter particulates and other chemical matter from entering the building. □ Use of either HEPA filters or ASHRAE 85 percent supply filters. □ Completion of ongoing maintenance. ▪ Retain a qualified HV consultant or Home Energy Rating Systems rater during the design phase of the project to locate 				

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>the HV system based on exposure modeling from the mobile and/or stationary pollutant sources.</p> <ul style="list-style-type: none"> ▪ Maintain positive pressure within the building. ▪ Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air. ▪ Achieve a performance standard of at least four air exchanges per hour of recirculation. Achieve a performance standard of 0.25 air exchanges per hour of unfiltered infiltration if the building is not positively pressurized. ▪ Require project owners to provide a disclosure statement to occupants and buyers summarizing technical studies that reflect health concerns about exposure to highway/freeway exhaust emissions. 				
Biological Resources				
BIO-1 (a) Biological Resources Screening and Assessment				
<p>The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. On a project-by-project basis, a preliminary biological resource screening shall be performed to determine whether the project has any potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a biological resources assessment (BRA) or similar type of study to document the existing biological resources within the project footprint plus an appropriate buffer determined by a qualified biologist and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all sensitive biological resources including, but not limited to special-status species, nesting birds, wildlife movement, sensitive plant communities/critical habitat and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (i.e., protocol surveys) and/or consultations with the USFWS, CDFW and/or other local, state, and federal agencies may be required. The following Mitigation Measures [BIO-1(b) through BIO-1(i)] shall be incorporated, only as applicable, into the BRA and/or the project CEQA document for projects where specific resources are present,</p>	<p>Ensure preliminary biological resource screening to determine whether the project has any potential to impact biological resources and incorporate measures listed in this mitigation measure if impacts are found. Retain a qualified biologist to conduct a biological resources assessment (BRA) if the project would have potential to impact biological resources.</p>	<p>During project permitting and environmental review.</p>	<p>Once during environmental review.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
or may be present, and may be impacted by the project. Note that specific surveys described in the mitigation measures below may be completed as part of the BRA where suitable habitat is present.				
BIO-1(b) Special-Status Plant Species Surveys				
If completion of the project-specific BRA determines that special-status plant species have potential to occur on-site, the implementing agency shall contract a qualified biologist to complete surveys for special-status plants prior to any vegetation removal, grubbing, or other construction activity of each project (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species identified in the project-specific BRA. Whenever practicable, surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency for review. If special-status plant species are identified, mitigation measure BIO-1(c) shall apply.	If there is a potential for special-status plant species to occur on site, surveys for special status plants shall be completed. Ensure a report of the survey is provided to the implementing agency for review.	During project permitting and environmental review; prior to construction but no earlier than one year before construction commences.	Once during environmental review.	Implementing agencies/project sponsor
BIO-1(c) Special-Status Plant Species Avoidance, Minimization, and Mitigation				
If state or federally listed and/or CRPR 1 and 2 species are found during special-status plant surveys [pursuant to mitigation measure BIO-1(b)], then the implementing agency shall redesign the project to avoid impacting these plant species to the maximum extent feasible. Occurrences of these species that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm. If CRPR 3 and 4 species are found, the qualified biologist contracted to conduct the plant surveys [pursuant to mitigation measure BIO-1(b)] shall evaluate to determine if they meet criteria to be considered special-status, and if so, the same process as identified for CRPR 1 and 2 species shall apply. If special-status plants species cannot be avoided and would be impacted by a project implemented under the proposed 2022 RTP/SCS, the implementing agency shall require all impacts shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for each species as a component	Ensure redesign of the project to avoid impacting rare plant species if state or federally listed and/or CRPR 1 and 2 species are found. Ensure biologist evaluates CRPR 3 and 4 species to determine whether special-status. If avoidance is not possible, mitigation to fully offset project impacts shall be required pursuant to a qualified biologist. Ensure a restoration plan is developed for the project.	During project permitting and environmental review; prior to issuance of project construction permits and approvals.	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
of habitat restoration. A restoration plan shall be prepared and submitted to the implementing agency.				
BIO-1(d) Endangered/Threatened Animal Species Habitat Assessment and Protocol Surveys				
<p>If the results of the BRA determine that suitable habitat may be present for federally and/or state endangered or threatened animal species, the implementing agency shall require habitat assessments/surveys. Whenever practicable the surveys shall be completed in accordance with CDFW and/or USFWS/NMFS protocols prior to issuance of any construction permits/project approvals.</p> <p>Alternatively, in lieu of conducting protocol surveys, the implementing agency may choose to assume presence within the project footprint and proceed with development of appropriate avoidance measures, consultation, and permitting, as applicable.</p> <p>If the target species is detected during protocol surveys, or protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure BIO-1(e) shall apply</p>	<p>If suitable habitat for federally and/or state endangered or threatened animal species exists, unless presence is assumed, protocol habitat assessments/ surveys shall be completed in accordance with CDFW and/or USFWS/NMFS protocols.</p>	<p>During project permitting and environmental review; prior to commencement of project construction.</p>	<p>Once during environmental review.</p>	<p>Implementing agencies/project sponsor</p>
BIO-1 (e) Endangered/Threatened Animal Species Avoidance and Compensatory Mitigation				
<p>If habitat is occupied or presumed occupied by federal and/or state listed species and would be impacted by the project, the implementing agency shall redesign the project in coordination with a qualified biologist to avoid impacting occupied/presumed occupied habitat to the extent feasible. If occupied or presumed occupied habitat cannot be avoided, the implementing agency shall estimate the total acreages for habitat that would be impacted prior to the issuance of construction permits/approvals.</p> <p>Compensatory mitigation shall be achieved through purchase of credits at a USFWS, NMFS and/or CDFW approved conservation bank if available for the affected species, and/or through providing compensatory mitigation to offset impacts to federal and/or state listed species habitat. Compensatory mitigation shall be provided at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist for permanent impacts. Compensatory mitigation may be combined/nested with special-status plant species and sensitive community restoration where applicable. Temporary impact areas shall be restored to pre-project conditions.</p> <p>If on and/or off-site compensatory mitigation sites are identified, the implementing agency shall retain a qualified biologist to</p>	<p>If habitat is occupied by federal and/or state listed species, implementing agency shall require project plans include project-specific mitigation measures to avoid and minimize impacts to habitat for endangered or threatened species.</p> <p>If avoidance is not possible, credits shall be purchased according to the mitigation measure, and for compensatory mitigation a qualified biologist must provide a HMMP.</p>	<p>During project permitting and environmental review; prior to issuance of construction permits and approvals.</p>	<p>Once during environmental review.</p> <p>In accordance with project HMMP, as applicable.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites that are to be conserved for compensation of permanent impacts to federal and/or state listed species. The HMMP shall identify long term site management needs, routine monitoring techniques, techniques, and success criteria, and shall determine if the conservation site has restoration needs to function as a suitable mitigation site. If restoration is required on the conservation site, the HMMP shall contain the restoration components outlined under the Restoration Plan listed in measure BIO-1(c). The HMMP shall be submitted to the implementing agency.				
BIO-1(f) Endangered/Threatened Species Avoidance and Minimization During Construction				
<p>The implementing agency shall apply the following measures to aquatic and terrestrial species, where appropriate. Implementing agencies shall select from these measures as appropriate depending on site conditions, the species with potential for occurrence and the results of the biological resources screening and assessment (Measure BIO-1[a]).</p> <ul style="list-style-type: none"> Preconstruction surveys for federal and/or state listed species with potential to occur shall be conducted where suitable habitat is present by a qualified biologist not more than 48 hours prior to the start of construction activities. The survey area shall include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of federal and/or state listed species is found within the survey area, the qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. The results of the pre-construction surveys shall be submitted to the implementing agency for review and approval prior to start of construction. Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern shall have highly visible orange construction fencing. All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between April 1 and October 31, to avoid impacts to sensitive aquatic species. 	<p>If applicable, project plans and CEQA documents shall include project-specific mitigation measures to avoid and minimize impacts to endangered or threatened species.</p> <p>Implement the mitigation measures preconstruction and during construction of the project, and conduct post construction monitoring as required.</p>	<p>During project permitting and environmental review; prior to and ongoing throughout project construction.</p>	<p>Once during environmental review. Periodically through construction.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> ▪ All projects occurring within or adjacent to sensitive habitats that may support federally and/or state endangered/threatened species shall have a qualified biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of the CDFW and/or USFWS/NMFS or as outlined in project permits, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are begin fully implemented. ▪ No endangered/threatened species shall be captured and relocated without authorization from the CDFW and/or USFWS. ▪ If pumps are used for dewatering activities, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system. ▪ If at any time during construction of the project an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. At that point, a qualified biologist shall recommend an appropriate course of action, which may include consultation with USFWS, NMFS and/or CDFW. ▪ All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. ▪ No equipment shall be permitted to enter wetted portions of any affected drainage channel. ▪ All equipment operating within streambeds (restricted to conditions in which water is not present) shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access. ▪ At the end of each workday, excavations shall be secured with a cover, or a ramp shall be provided to prevent wildlife entrapment. 				

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> All trenches, pipes, culverts, or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. 				
BIO-1(g) Non-Listed Special-status Animal Species Avoidance and Minimization				
Depending on the species identified in the BRA, the implementing agency shall select from among the following to reduce the potential for impacts to non-listed special-status animal species:	If applicable, project plans and CEQA documents shall include project-specific mitigation measures to reduce impacts to non-listed special status species.	During project permitting and environmental review; prior to, during and after project construction.	Once during environmental review. During all initial ground disturbance, as applicable.	Implementing agencies/project sponsor
<ul style="list-style-type: none"> Preconstruction clearance surveys shall be conducted within 14 days prior to the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 100-foot buffer and shall identify all special-status animal species that may occur on-site. All non-listed special-status species shall be relocated from the site either through direct capture or through passive exclusion. A report of the preconstruction survey shall be submitted to the implementing agency for their review and approval prior to the start of construction. A qualified biologist shall be present during all initial ground disturbing activities, including vegetation removal, to recover special-status animal species unearthed by construction activities. Upon completion of the project, a qualified biologist shall prepare a final compliance report documenting all compliance activities implemented for the project, including the preconstruction survey results. If special-status bat species may be present and impacted by the project, within 30 days of the start of construction a qualified biologist shall conduct presence/absence surveys for special-status bats, in consultation with the CDFW, where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. If active bat roosts or colonies are present, the biologist shall evaluate the type of roost to determine the next step. <ul style="list-style-type: none"> If a maternity colony is present, all construction activities shall be postponed within a 250-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed or as recommended by CDFW through consultation. Once it has been 	Implementation of the mitigation measures.			

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>determined that the roost is clear of bats, the roost shall be removed immediately.</p> <ul style="list-style-type: none"> □ If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), alternative roosts, such as bat boxes if appropriate for the species, shall be designed and installed near the project site. The number and size of alternative roosts installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW. □ If other active roosts are located, exclusion devices such as valves, sheeting or flap-style one-way devices that allow bats to exit but not re-enter roosts discourage bats from occupying the site. 				
BIO-1(h) Preconstruction Surveys for Nesting Birds				
<p>The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the CFGC, the MBTA, and Bald and Golden Eagle Protection Act shall be conducted by a qualified biologist no more than 10 days prior to vegetation removal activities.</p> <p>A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of bald and golden eagles shall cover all areas within of the disturbance footprint plus a one-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.</p> <p>If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. All buffers shall be marked using high visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the qualified biologist has verified that young have fledged from the nest, or the nest fails.</p> <p>For bald or golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS and CDFW.</p>	<p>If applicable, a survey for nesting birds shall be completed; if necessary, a buffer shall be created.</p> <p>Submit report of preconstruction nesting bird surveys and nest monitoring (if applicable).</p>	<p>During project permitting and environmental review; prior to construction activities; during construction activities if required.</p>	<p>Once during environmental review.</p> <p>Once prior to construction; as needed during construction activities.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>The size of the buffer may be influenced by the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected disturbance. The buffer shall be established between February 1 and September 15; however, buffers may be relaxed earlier than September 15 if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged, and the nest is no longer in use.</p> <p>A report of these preconstruction nesting bird surveys and nest monitoring (if applicable) shall be submitted to the implementing agency for review and approval prior to the start of construction.</p>				
BIO-1 (i) Worker Environmental Awareness Program (WEAP)				
<p>The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist retained by the implementing agency, to aid workers in recognizing special-status resources and review of the limits of construction and mitigation measures required. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them.</p>	<p>Construction personnel shall attend WEAP training prior to working on the project and receive a fact sheet. Fact sheet to be made available at the project site.</p>	<p>Prior to start of construction and as new construction staff start working on project.</p>	<p>Once during environmental review. Once prior to construction.</p>	<p>Implementing agencies/project sponsor</p>
BIO-2(a) Aquatic Resources Jurisdictional Delineation and Impact Avoidance				
<p>The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. If the results of measure BIO-1(a) indicates projects implemented under the proposed 2022 RTP/SCS occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, and/or RWQCB, a qualified biologist shall complete an aquatic resources delineation in accordance with the requirement set forth by each agency. The result shall be submitted to the implementing agency, USACE, RWQCB, and/or CDFW, as appropriate, for review and approval, and the project shall be designed to avoid and minimize impacts to jurisdictional areas to the extent feasible. The delineation shall serve as the basis to</p>	<p>If applicable, a jurisdictional delineation shall be completed and submitted to the applicable agencies listed in this mitigation measure. Design project to avoid and minimize impacts to jurisdictional areas to the extent feasible.</p>	<p>During project permitting and environmental review.</p>	<p>Once during environmental review.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
identify potentially jurisdictional areas to be protected during construction, through implementation of the avoidance and minimization identified in measure BIO-2(f).				
BIO-2(b) Wetland, Drainages, and Riparian Habitat Restoration				
The implementing agencies shall, or can and should, implement the following measures during CEQA review of projects implementing the proposed 2022 RTP/SCS. Unavoidable impacts to jurisdictional wetlands, drainages, and riparian habitat shall be mitigated at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist retained by the implementing agency and shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan consistent with regulatory agency requirements shall be developed by a qualified biologist and submittal to the regulatory agency overseeing the project for approval. Alternatively, mitigation shall be accomplished through purchase of credits from an approved wetlands mitigation bank.	<p>Ensure, if applicable, CEQA documents mitigate impacts to jurisdictional wetlands and riparian habitats at a ratio to fully offset project impacts, as determined by a qualified biologist.</p> <p>Ensure a mitigation and monitoring plan is developed by a qualified biologist.</p>	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor
BIO-2(c) Landscaping Plan				
If landscaping is proposed for a specific project, a qualified biologist/landscape architect retained by the implementing agency shall prepare a landscape plan. Drought tolerant, locally native plant species shall be used. Noxious, invasive and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List and/or California Invasive Plant Council Inventory shall not be permitted. Species selected for planting shall be regionally appropriate native species that are known to occur in the adjacent native habitat types.	Retain a qualified biologist/landscape architect, if applicable, to prepare a landscaping plan that includes all requirements in this mitigation measure; species shall be regionally appropriate native species found in adjacent native habitats.	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor
BIO-2(d) Sensitive Natural Community Avoidance and Mitigation				
<p>If the results of measure BIO-1(a) indicates projects implemented under the proposed 2022 RTP/SCS would impact sensitive natural communities, the implementing agency shall avoid impacts to sensitive natural communities through final project design modifications if feasible.</p> <p>If the implementing agency determines that sensitive natural communities cannot be avoided, impacts shall be mitigated on-site or offsite at an appropriate ratio to fully offset project impacts, as determined by a qualified biologist based on any applicable resource agency guidelines. Temporarily impacted areas shall be restored to pre-project conditions. A Restoration Plan shall be</p>	<p>If applicable, project plans shall include final project design modifications shall be developed to avoid impacts to sensitive vegetation communities. If avoidance is not possible, impacts shall be mitigated at a ratio to fully offset project impacts, as determined by a qualified biologist.</p> <p>Ensure temporarily impacted areas are restored to pre-project conditions.</p> <p>Ensure a qualified biologist develops a Restoration Plan.</p>	During project permitting and environmental review.	Once during environmental review and then, when applicable, in accordance with the Restoration Plan.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
developed by a qualified biologist and submitted to the implementing agency.				
BIO-2(e) Invasive Weed Prevention and Management Program				
<p>Prior to start of construction for each project that occurs within or adjacent to native habitats, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist retained by the implementing agency to prevent invasion of native habitat by non-native plant species. The plan shall be submitted to the implementing agency for review and approval. A list of target species shall be included, along with measures for early detection and eradication.</p> <p>The plan, which shall be implemented by the implementing agency, shall also include, but not be limited to, the following measures to prevent the introduction of invasive weed species:</p> <ul style="list-style-type: none"> ▪ During construction, limit the use of imported soils for fill. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species. ▪ To minimize colonization of disturbed areas and the spread of invasive species, the contractor shall stockpile topsoil and redeposit the stockpiled soil after construction or transport the topsoil to a permitted landfill for disposal. ▪ All erosion control materials, including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed. ▪ Exotic and invasive plant species shall be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project. ▪ All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. 	Retain a qualified biologist to develop an Invasive Weed Prevention and Management Program if project is in or next to native habitats.	During project permitting and environmental review; prior to construction activities; during construction activities.	Once during environmental review. Once prior to construction; ongoing during construction.	Implementing agencies/project sponsor
BIO-2(f) Wetlands, Drainages, and Riparian Habitat Best Management Practices During Construction				
<p>The following best management practices shall be required by the implementing agency for development within or adjacent to wetlands, drainages, or riparian habitat:</p> <ul style="list-style-type: none"> ▪ Access routes, staging and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access 	If applicable, ensure project plans incorporate the best management practices listed in this mitigation measure.	During project permitting and environmental review; prior to construction activities; during	Once during environmental review and prior to construction; ongoing during construction.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>routes and ancillary construction areas outside of jurisdictional areas.</p> <ul style="list-style-type: none"> To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project. Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year, or as otherwise directed by the regulatory agencies. During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site. Raw cement, concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project related activities, shall be prevented from contaminating the soil and/or entering wetlands, drainages, or riparian habitat. All refueling, maintenance and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. 		construction activities.		
BIO-3(a) Project Design for Wildlife Connectivity				
<p>The implementing agency shall implement the following measures. All projects including long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Where fencing or other project components is required for public safety concerns, these project components shall be designed to permit wildlife movement by incorporating design features such as:</p> <ul style="list-style-type: none"> A minimum 16 inches between the ground and the bottom of the fence to provide clearance for small animals; A minimum 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled; 	<p>Project plans for projects with fencing and lighting shall be designed to minimize impacts to wildlife.</p> <p>Project plans shall incorporate wildlife crossing structures when a crossing is applicable.</p>	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> If privacy fencing is required near open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement, or the fence may be installed with the bottom at least 16 inches above the ground level; If fencing or other project components must be designed in such a manner that wildlife passage would not be permitted, wildlife crossing structures shall be incorporated into the project design as appropriate; and Lighting installed as part of any project shall be designed to be minimally disruptive to wildlife (see mitigation measure AES-3(a) Roadway Lighting for lighting requirements). 				
BIO-3 (b) Maintain Connectivity in Drainages				
<p>The implementing agency shall implement the following measures. Permanent structures shall be avoided to the extent feasible within any drainage or river that serves as a wildlife migration corridor that would impede wildlife movement.</p> <p>In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded passage through the area once the work has been complete.</p> <p>If water is to be diverted around work sites, a diversion plan shall be submitted to the implementing agency for review and approval prior to issuance of project construction permits/approvals. The diversion shall be designed in a way as to not impede movement while the diversion is in place.</p>	<p>Ensure construction plans and building plans avoid placement of permanent structures in drainages or rivers such that wildlife movement would be impeded.</p> <p>Ensure temporary impacts to stream channels are restored.</p> <p>If applicable, ensure a diversion plan is provided for the project.</p>	<p>During project permitting and environmental review.</p> <p>Ensure temporary impacts to stream channels are restored after construction is completed.</p>	<p>Once during environmental review.</p> <p>Once post-construction.</p>	Implementing agencies/project sponsor
BIO-3 (c) Construction Best Management Practices to Minimize Disruption to Wildlife				
<p>The following construction best management practices shall be incorporated by the implementing agency into all grading and construction plans to minimize temporary disruption of wildlife, which could hinder wildlife movement:</p> <p>Designation of a 20 mile per hour speed limit in all construction areas.</p> <ul style="list-style-type: none"> Daily construction work schedules shall be limited to daylight hours only. Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition. 	<p>Ensure construction plans incorporate best management practices to minimize disruption to wildlife.</p>	<p>During project permitting and environmental review; prior to issuance of grading and construction permits.</p>	<p>Once during environmental review.</p> <p>Periodically during construction.</p>	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week. No pets are permitted on project site during construction. 				
Cultural Resources				
CR-1 Built Environment Historical Resources				
<p>Prior to individual project permit issuance, the implementing agency of a 2022 RTP/SCS project involving earth disturbance or construction of permanent above ground structures or roadways shall prepare a map defining the project area. This map shall indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known and potential historical resources are located within the project area. If a structure greater than 45 years in age is within the identified impact zone, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic preservation criteria shall be conducted. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards (PQS) as defined in 36 CFR Part 61. All buildings and structures 45 years of age or older within the project area shall be evaluated in their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the implementing agency for review and concurrence.</p> <p>If historical resources are identified within the project area of a proposed project, efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the implementing agency for review.</p> <p>To the greatest extent possible the relocation, rehabilitation, or alteration of the resource shall be consistent with the <i>Secretary of</i></p>	<p>Prepare a map defining the Area of Potential Effects.</p> <p>Retain an architectural historian, or historical architect, to determine eligibility of structure for recognition under state, federal, or local historic preservation criteria, if applicable.</p> <p>Implement identified historical resource mitigation measures.</p>	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p><i>the Interior's Standards for the Treatments of Historic Properties</i> (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the implementing agency for review and concurrence.</p> <p>If significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey-Like report. The report shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS and submitted to the implementing agency prior to issuance of any permits for demolition or alteration of the historical resource.</p>				
CR-2(a) Archaeological Resources Impact Minimization				
Before construction activities, implementing agencies shall, or can and should, retain a qualified archaeologist to conduct a record search at the Northwest Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, implementing agencies shall, or can and should, retain a qualified archaeologist to conduct archaeological surveys before construction activities. Implementing agencies shall, or can and should, follow recommendations identified in the survey, which may include, but would not be limited to subsurface testing, designing, and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, avoidance of sites and preservation in place, and/or data recovery if avoidance is not feasible. Recommended mitigation	Retain a qualified archaeologist to conduct a record search to determine whether the project area has been previously surveyed and whether resources were identified. Implement recommendations identified in the survey. Project construction plans shall include required components to stop work if archaeological resources are uncovered.	During project permitting and environmental review; prior to construction activities; during construction activities.	Once during environmental review. Ongoing throughout construction.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
measures shall be consistent with <i>State CEQA Guidelines</i> Section 15126.4(b)(3) recommendations and may include but not be limited to preservation in place and/or data recovery. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.				
CR-2(b) Unanticipated Discoveries During Construction				
During construction activities, implementing agencies shall, or can and should, implement the following measures. If evidence of any prehistoric or historic-era subsurface archaeological features, deposits or tribal cultural resources are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity proximate to the discovery shall be halted until a qualified archaeologist (36 CFR Section 61) can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the implementing agency to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area. If the find is a prehistoric archaeological site, the culturally affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work could continue in other parts of	Place conditions of approval on project to ensure that if archaeological resources are uncovered work is halted until the procedures described in this mitigation measure have been completed.	During project permitting and environmental review; prior to construction activities; during construction activities.	Once during environmental review. Ongoing throughout construction.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
the project area that are distant enough from the find not to impact it, as determined by the qualified archaeologist.				
Geology and Soils				
GEO -5 Paleontological Resources Mitigation and Monitoring Program				
<p>The implementing agency of a proposed 2022 RTP/SCS project involving ground disturbing activities (including grading, trenching, foundation work and other excavations) shall, or can and should, retain a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for Qualified Professional Paleontologist (SVP 2010), to conduct a Paleontological Resources Assessment (PRA). The PRA shall determine the age and paleontological sensitivity of geologic formations underlying the proposed disturbance area, consistent with SVP Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP 2010) guidelines for categorizing paleontological sensitivity of geologic units within a project area. If underlying formations are found to have a high potential (sensitivity) for paleontological resources and/or could be considered a unique geologic feature, the following measures shall apply:</p> <ul style="list-style-type: none"> ▪ Avoidance. Avoid routes and project designs that would permanently alter unique paleontological and unique geological features. If avoidance practices cannot be implemented, the following measures shall apply. ▪ Retention of a Qualified Paleontologist. A Qualified Paleontologist shall be retained to create a Paleontological Resources Monitoring and Mitigation Program (PRMMP) to direct all mitigation measures related to paleontological resources. The Qualified Paleontologist shall meet the qualifications for a Qualified Professional Paleontologist, which is defined by the SVP as an individual, preferably with an M.S. or Ph.D. in paleontology or geology, who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010). ▪ Paleontological Worker Environmental Awareness Program (WEAP). Prior to the start of ground disturbance activity, construction personnel shall be informed on the appearance of 	<p>Retain a qualified paleontologist to conduct a PRA.</p> <p>Place conditions of approval on project to ensure procedures described in this mitigation measure are completed before and throughout construction, if the project area is underlying high sensitivity or unique geologic features.</p>	<p>During project permitting and environmental review; prior to construction activities; during construction activities.</p>	<p>Once during environmental review.</p> <p>Ongoing throughout construction.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.</p> <ul style="list-style-type: none"> ▪ Paleontological Monitoring. Paleontological monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the SVP (2010) for a Paleontological Resources Monitor. The duration and timing of the monitoring will be determined by the Qualified Paleontologist based on the observation of the geologic setting from initial ground disturbance. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions once the full depth of excavations has been reached, they may recommend that monitoring be reduced to periodic spot-checking or ceased entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following measures to mitigate impacts to significant fossil resources: <ul style="list-style-type: none"> □ Fossil Salvage. If significant fossils are discovered, the implementing agency shall be notified immediately, and the qualified paleontologist (or paleontological monitor) shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. □ Preparation and Curation of Recovered Fossils. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, 				

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>and curated in a scientific institution with a permanent paleontological collection, such as the Natural History Museum of Los Angeles County, along with all pertinent field notes, photos, data, and maps.</p> <p>▪ Final Paleontological Resources Mitigation and Monitoring Report. Upon completion of ground disturbing activity (and curation of fossils, if necessary) the Qualified Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the PRMMP. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated. The report shall be submitted to the implementing agency. If the monitoring efforts recovered fossils, then a copy of the report shall also be submitted to the designated museum repository, such as the Natural History Museum of Los Angeles County</p>				
Greenhouse Gas Emissions and Climate Change				
GHG –1 Construction GHG Reduction Measures				
<p>The project sponsor shall incorporate the most recent GHG emission reduction measures for off-road construction vehicles during construction. The measures shall be noted on all construction plans, and the implementing agency shall perform periodic site inspections. Current GHG-reducing measures include the following:</p> <p>▪ Use of diesel construction equipment meeting CARB's Tier 4 certified engines wherever feasible for off-road heavy-duty diesel engines and comply with the State Off-Road Regulation. Where the use of Tier 4 engines is not feasible, Tier 3 certified engines shall be used; where the use of Tier 3 engines are not feasible, Tier 2 certified engines shall be used;</p> <p>▪ Use of on-road heavy-duty trucks that meet CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;</p> <p>▪ Minimizing idling time (e.g., five-minute maximum). Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the five-minute idling limit;</p> <p>▪ Use of electric-powered equipment in place of diesel-powered equipment when feasible;</p>	<p>Ensure construction plans specify construction equipment is subject to the CARB Regulation for In-use Off-road Diesel Vehicles and, if feasible, construction equipment meets Tier 4 standards; or at least Tier 2 standards; and perform periodic site inspections.</p> <p>Ensure periodic site inspections are conducted.</p>	<p>During project permitting and environmental review</p>	<p>Once during environmental review; periodically during construction.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> Use of alternatively fueled or catalyst-equipped diesel construction equipment when feasible, to the extent electric powered equipment is not feasible; Substitute gasoline-powered in place of diesel-powered equipment, when neither electric-powered equipment or alternatively fueled or catalyst-equipped diesel equipment is feasible; and Project proponents shall incentivize that construction workers carpool, and/or use electric vehicles to commute to and from the project site. 				
GHG-2 Land Use Project Energy Consumption and Water Use Reduction Measures				
<p>For land use projects under their jurisdiction, cities and the County can and should implement measures to reduce energy consumption, water use, solid waste generation, and VMT, all of which contribute to GHG emissions. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions. These measures include, but are not limited to:</p> <ul style="list-style-type: none"> Require new residential and commercial construction to install solar energy systems or be solar-ready Require new residential and commercial development to install low flow water fixtures Require new residential and commercial development to install water-efficient drought-tolerant landscaping, including the use of compost and mulch Require new development to exceed the applicable Title 24 energy-efficiency requirements Require new development to be fully electric Require new residential and commercial development to offer information on recycling, composting, and disposal of household hazardous waste and e-waste Require new development to implement circulation design elements in parking lots for no-residential uses to reduce vehicle queuing and improve the pedestrian environment 	<p>Use project-level analysis of energy consumption, solid waste generation, and water use and incorporate mitigation measures as needed to specifications described in measure.</p> <p>Place conditions of approval on the project requiring energy- and water-saving measures.</p>	<p>During project permitting and environmental review.</p>	<p>Once during environmental review and discretionary approval decisions for land use projects.</p> <p>Once prior to issuance of an occupancy permit.</p>	<p>Implementing agencies/project sponsor</p>
GHG-4(a) Transportation-Related GHG Reduction Measures				
<p>The implementing agency shall incorporate the most recent GHG emission reduction measures and/or technologies for reducing</p>	<p>Place conditions of approval on project requiring implementation of GHG and/or</p>	<p>During project permitting and</p>	<p>Once during environmental review and</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>VMT and associated transportation related GHG emissions. Current GHG-reducing measures include the following:</p> <ul style="list-style-type: none"> ▪ Installation of electric vehicle charging stations beyond those required by State and local codes ▪ Utilization of electric vehicles and/or alternatively fueled vehicles in company fleet ▪ Provision of dedicated parking for carpools, vanpool, and clean air vehicles ▪ Provision of vanpool and/or shuttle service for employees ▪ Implementation of reduced parking minimum requirements ▪ Implementation of maximum parking limits ▪ Provision of bicycle parking facilities beyond those required by State and local codes ▪ Provision of a bicycle-share program ▪ Expansion of bicycle routes/lanes along the project site frontage ▪ Provision of new or improved transit amenities (e.g., covered turnouts, bicycle racks, covered benches, signage, lighting) if project site is located along an existing transit route ▪ Expansion of existing transit routes ▪ Provision of transit subsidies ▪ Expansion of sidewalk infrastructure along the project site frontage ▪ Provision of safe, pedestrian-friendly, and interconnected sidewalks and streetscapes ▪ Provision of employee lockers and showers ▪ Provision of on-site services that reduce the need for off-site travel (e.g., childcare facilities, automatic teller machines, postal machines, food services) ▪ Provision of alternative work schedule options, such as telework or reduced schedule (e.g., 9/80 or 10/40 schedules), for employees ▪ Implementation of transportation demand management programs to educate and incentivize residents and/or employees to use transit, smart commute, and alternative transportation options 	VMT reduction measures described in this mitigation.	environmental review.	discretionary approval decisions for land use projects	

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
Hazards and Hazardous Materials				
HAZ-3 Site Remediation				
If an individual project included in the proposed 2022 RTP/SCS is located on or near a hazardous materials and/or waste site compiled by Government Code Section 65962.5, the implementing agency shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented. Examples of typical recommendations provided in Phase I/II ESAs include removal of contaminated soil in accordance with a soil management plan approved by the local environmental health department; covering stockpiles of contaminated soil to prevent fugitive dust emissions; capturing groundwater encountered during construction in a holding tank for additional testing and characterization and disposal based on its characterization; and development of a health and safety plan for construction workers.	Where applicable, prepare a Phase I ESA meeting the specifications of this mitigation measure. Place conditions of approval on project requiring incorporation of recommendations of the Phase I ESA, and if applicable, Phase II ESA.	During project permitting and environmental review.	Once during environmental review. Once prior to issuing grading or demolitions permits; periodically during construction.	Implementing agencies/project sponsor
Hydrology and Water Quality				
HYD -2(a) Construction Dust Suppression Water Supply				
For all proposed 2022 RTP/SCS projects, where feasible, reclaimed and/or recycled water shall be used for dust suppression during construction activities. This includes use of such reclaimed water in water trucks utilized for project construction occurring outside developed areas and away from water infrastructure which would otherwise provide such reclaimed water. This measure shall be noted on construction plans and shall be spot checked by the local jurisdiction.	Place conditions of approval of individual projects requiring implementation of mitigation detailed in this measure.	During project permitting and environmental review; during construction.	Once during environmental review. Ongoing throughout construction.	Implementing agencies/project sponsor
HYD -2(b) Landscape Watering				
In jurisdictions that do not already have an appropriate local regulatory program related to landscape watering, proposed 2022 RTP/SCS projects that include landscaping shall be designed with drought tolerant plants and drip irrigation. When feasible, native plant species shall be used. In addition, landscaping associated with	If applicable, place conditions of approval requiring landscaping features described in this mitigation.	During project permitting and environmental review; during construction.	Once during environmental review. Ongoing throughout construction.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
proposed improvements shall be maintained using reclaimed water when feasible. If reclaimed water could feasibly be utilized for project landscape watering due to proximity of reclaimed water sources but is unavailable due to lack of connecting infrastructure, local agencies or transportation sponsors shall conduct an analysis of the upgrades needed to provide such infrastructure, which will include the potential for new connections to existing reclaimed water systems to provide reclaimed water to other nearby sources besides the proposed project in the analysis, and shall perform such steps as necessary to utilize available reclaimed water if feasible.				
Noise				
N -1 Construction Noise Reduction				
<p>To reduce construction noise levels to achieve applicable standards, implementing agencies for transportation and land use projects shall implement the measures identified below where feasible and necessary.</p> <p>a. Compliance with local Construction Noise Regulations. Implementing agencies shall ensure that, where residences or other noise sensitive uses are located within 800 feet of construction sites without pile driving, appropriate measures shall be implemented to ensure consistency with local noise ordinance requirements relating to construction. Specific techniques may include, but are not limited to, restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.</p> <p>b. Noise Complaint and Enforcement Manager. Designate an on-site construction complaint and enforcement manager for projects within 800 feet of sensitive receivers. Implementing agencies shall post phone numbers for the on-site enforcement manager at construction sites along with complaint procedures and who to notify in the event of a problem.</p> <p>c. Pile Driving. For any project within 3,200 feet of sensitive receptors that requires pilings, the implementing agency shall require caisson drilling or sonic pile driving as opposed to pile driving, where feasible. This shall be accomplished through the placement of conditions on the project during its individual environmental review.</p>	<p>Ensure consistency with local noise ordinance requirements relating to construction for sensitive uses.</p> <p>Place conditions of approval on project to require construction noise reduction measures detailed in this mitigation.</p>	<p>During project permitting and environmental review; prior to construction; during construction activities.</p>	<p>Once during environmental review.</p> <p>Ongoing throughout construction.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>d. Construction Equipment Noise Control. Implementing agencies shall ensure that equipment and trucks used for project construction utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).</p> <p>e. Impact Equipment Noise Control. Implementing agencies shall ensure that impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for project construction be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.</p> <p>f. Construction Activity Timing Restrictions. The following timing restrictions shall apply to proposed 2022 RTP/SCS activities creating noise levels at or above 65 dBA at a nearby dwelling unit, except where timing restrictions are already established in local codes or policies. Construction activities shall be limited to:</p> <ul style="list-style-type: none"> ▪ Monday through Friday: 7 a.m. to 6 p.m. ▪ Saturday: 9 a.m. to 5 p.m. <p>g. Placement of Stationary Noise Sources. Locate stationary noise sources as far from noise-sensitive receptors as possible. Stationary noise sources that must be located near existing receptors will be equipped with the best available mufflers</p>				
N -2 Noise Assessment and Control for Mobile and Point Source Reduction				
<p>Implementing agencies for 2022 RTP/SCS projects shall complete detailed noise assessments using applicable guidelines (e.g., Caltrans Traffic Noise Analysis Protocol) for roadway projects that may impact noise sensitive receptors. The implementing agency shall ensure that a noise survey is conducted that, at minimum:</p> <ul style="list-style-type: none"> ▪ Determines existing and projected noise levels ▪ Determines the amount of attenuation needed to reduce potential noise impacts to applicable State and local standards 	<p>Prior to issuance of grading or building permits, ensure noise assessments have been completed. Place conditions of approval to require implementation of recommendations in project-specific noise assessments.</p>	<p>During project permitting and environmental review.</p>	<p>Once during environmental review.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> ▪ Identifies potential alternate alignments that allow greater distance from, or greater buffering of, noise-sensitive areas ▪ If warranted, recommends methods for mitigating noise impacts, including: <ul style="list-style-type: none"> □ Appropriate setbacks □ Sound attenuating building design, including retrofit of existing structures with sound attenuating building materials □ Use of sound barriers (earthen berms, sound walls, or some combination of the two) □ Locate transit-related passenger stations, central maintenance facilities, decentralized maintenance facilities, and electric substations away from sensitive receptors to the maximum extent feasible. <p>Where new or expanded roadway projects are found to expose receptors to noise exceeding normally acceptable levels, the individual project lead agency shall implement techniques as recommended in the project-specific noise assessments. The preferred methods for mitigating noise impacts shall include the use of appropriate setbacks and sound attenuating building design, including retrofit of existing structures with sound attenuating building materials where feasible. In instances where use of these techniques is not feasible, the use of sound barriers (earthen berms, sound walls, or some combination of the two) shall be considered. Whenever possible, a combination of elements shall be used, including open grade paving, solid fences, walls, and landscaped berms. Other techniques such as rubberized asphalt or “quiet pavement” shall be used where feasible to reduce road noise for new roadway segments or modifications requiring repaving. The effectiveness of noise reduction measures shall be monitored by taking noise measurements and installing adaptive mitigation measures to achieve applicable standards.</p>				
N-3(a) Vibration Mitigation for Construction of Transportation Projects				
Where local vibration and groundborne noise standards do not apply, implementing agencies of proposed 2022 RTP/SCS projects utilizing heavy construction equipment shall estimate vibration levels generated by construction activities and use the Caltrans vibration damage potential threshold criteria to screen for and	If applicable, place conditions of approval on project to require construction noise reduction measures detailed in this mitigation.	During project permitting and environmental review and during;	Once during environmental review. Ongoing throughout construction.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>screen out projects as to their potential to damage buildings on site or near a project.</p> <p>If construction equipment would generate vibration levels exceeding acceptable levels as established by Caltrans, implementing agencies of the proposed 2022 RTP/SCS shall, or can and should, complete the following tasks:</p> <ul style="list-style-type: none"> ▪ Prior to construction, survey the project site for vulnerable buildings, and complete geotechnical testing (preconstruction assessment of the existing subsurface conditions and structural integrity), for any older or historic buildings within 50 feet of pile driving. The testing shall be completed by a qualified geotechnical engineer and qualified historic preservation professional and/or structural engineer. ▪ Prepare and submit a report to the lead agency that contains the results of the geological testing. If recommended by the preconstruction report implementing agencies shall require ground vibration monitoring of nearby historic structures. Methods and technologies shall be based on the specific conditions at the construction site. The preconstruction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities and identify corrective measures to be taken should monitored vibration levels indicate the potential for building damage. In the event of unacceptable ground movement with the potential to cause structural damage, all impact work shall cease, and corrective measures shall be implemented to minimize the risk to the subject, or adjacent, historic structure. ▪ To minimize disturbance withing 550 feet of pile-driving activities, implement "quiet" pile-driving technology, such as predrilling of piles and the use of more than one pile driver to shorten the duration of pile driving), where feasible, in consideration of geotechnical and structural requirements and conditions as defined as part of the geotechnical testing, if testing was feasible. ▪ Use cushion blocks to dampen noise from pile driving. ▪ Phase operations of construction equipment to avoid simultaneous vibration sources 		during construction activities.		

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
N -3(b) Vibration Mitigation for Operation of Transportation Projects				
Where local vibration and groundborne noise standards do not apply, implementing agencies of proposed 2022 RTP/SCS projects shall comply with all applicable local vibration and groundborne noise standards, or in the absence of such local standards, comply with guidance provided by the FTA in Transit Noise and Vibration Impact Assessment (FTA 2018) to assess impacts to buildings and sensitive receptors and reduce vibration and groundborne noise. FTA recommended thresholds shall be used except in areas where local standards for groundborne noise and vibration have been established. Methods that can be implemented to reduce vibration and groundborne noise impacts include, but are not limited to: <ul style="list-style-type: none"> ▪ Bus and Truck Traffic ▪ Constructing of noise barriers ▪ Use noise reducing tires and wheel construction on bus wheels ▪ Use vehicle skirts (i.e., a partial enclosure around each wheel with absorptive treatment) on freight vehicle wheels 	Prior to issuance of grading or building permits, ensure noise assessments have been completed. Place conditions of approval to require implementation of recommendations in project-specific noise assessments.	During project permitting and environmental review	Once during environmental review.	Implementing agencies/project sponsor
N –4 Noise Mitigation for Land Uses				
If a land use project is located in an area with exterior ambient noise levels above local noise standards, the implementing agency shall ensure that a noise study is conducted to determine the existing exterior noise levels in the vicinity of the project. If the project would be impacted by ambient noise levels, feasible attenuation measures shall be used to reduce operational noise to meet acceptable standards. In addition, noise insulation techniques shall be utilized to reduce indoor noise levels to thresholds set in applicable State and/or local standards. Such measures may include but are not limited to dual-paned windows, solid core exterior doors with perimeter weather stripping, air conditioning system so that windows and doors may remain closed, and situating exterior doors away from roads. The noise study and determination of appropriate mitigation measures shall be completed during the project's individual environmental review.	Comply with all applicable local and/or FTA vibration and groundborne noise standards. Place conditions of approval to require implementation of recommendations in project-specific noise studies.	During project permitting and environmental review.	Once during environmental review. Open during project operation.	Implementing agencies/project sponsor
N-5 Noise Mitigation Near Airports				
Implementing agencies for all new development proposed to be located within an existing airport influence zone, as defined by the locally adopted ALUCP or local general plan, or within two miles of a private use airport, shall require a site-specific noise compatibility	If applicable, require a site-specific noise compatibility study. Place conditions of approval on adherence to recommendations to site design and	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
study. The study shall consider and evaluate existing aircraft noise, based on specific aircraft activity data for the airport in question, and shall include recommendations for site design and building construction. Such measures may include but are not limited to dual-paned windows, solid core exterior doors with perimeter weather stripping, air conditioning system so that windows and doors may remain closed, and situating exterior doors away from roads, such as dual paned windows. The noise study and determination of appropriate mitigation measures shall be completed during the project's individual environmental review.	building construction, as recommended in the study.			
Public Services and Recreation				
PS -1 Increased Public Service Demand				
During the CEQA review process for individual public services facilities, the implementing agency with responsibility for construction of new public service facilities or the expansion of existing facilities, including those of fire and police services, parks, and other public facilities, can and should apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. Cities and the County can and should recognize the need for these measures in CEQA reviews of land use projects. The environmental impacts associated with such construction or expansion of public services facilities should be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions should include those necessary to avoid or reduce significant impacts associated with air quality, noise, transportation, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, and others that apply to specific construction or expansion of new public or expanded public service facilities.	Require mitigation to avoid or reduce significant environmental impacts related to project-specific construction and expansion of public service facilities.	During project permitting and environmental review	Once during environmental review.	Implementing agencies/project sponsor
REC-1 Impact Reduction from New Recreational Facilities				
During project specific design and CEQA review, the County and cities, and other agencies with responsibility for the construction of new or expanded recreation facilities, can and should apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction of such facilities. The environmental impacts associated with such construction should be avoided or reduced through the imposition	Require mitigation to avoid or reduce significant environmental impacts related to project-specific construction and expansion of recreation facilities, including recreational trails.	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions should include those necessary to avoid or reduce significant impacts associated with air quality, noise, transportation, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, and others that apply to specific construction of new or expanded recreation facilities, including recreational trails.				
Transportation				
T -2(a) Regional VMT Reduction Programs				
<p>Implementing agencies shall require implementation of VMT reduction strategies through TDM programs, impact fee programs, mitigation banks or exchange programs, in-lieu fee programs, and other land use project conditions that reduce VMT. Programs shall be designed to reduce VMT from existing land uses, where feasible, and from new discretionary residential or employment land use projects. The design of programs and project specific mitigation shall focus on VMT reduction strategies that increase travel choices and improve the comfort and convenience of sharing rides in private vehicles, using public transit, biking, or walking. Modifications may include but are not limited to:</p> <ul style="list-style-type: none"> ▪ Provide car-sharing, vanpool, bike sharing, and ride-sharing programs ▪ Implement or provide access to commute reduction programs ▪ Provide a bus rapid transit system ▪ Improve pedestrian or bicycle networks, or transit service ▪ Provide transit passes ▪ Encourage telecommute programs ▪ Incorporate affordable housing into the project ▪ Increase density ▪ Increase mixed uses within the project area ▪ Incorporate improved pedestrian connections within the project/neighborhood ▪ Incentivize development in low VMT communities ▪ Incentivize housing near commercial and offices ▪ Increase access to goods and services, such as groceries, schools, and daycare ▪ Incorporate neighborhood electric vehicle network 	Require the inclusion VMT reduction strategies included in this mitigation measure at a program and project-level.	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> ▪ Orient the project toward transit, bicycle, and pedestrian facilities ▪ Provide traffic calming ▪ Provide bicycle parking ▪ Limit parking ▪ Separate out parking costs ▪ Provide parking cash-out programs 				
T-2(b) Project Level VMT Analysis and Reduction				
<p>Transportation project sponsor agencies shall evaluate transportation projects that involve increasing roadway capacity for their potential to increase VMT. Where project-level increases are found to be potentially significant, implementing agencies shall, or can and should, identify and implement measures that reduce VMT. Examples of measures that can reduce the VMT associated with increases in roadway capacity include tolling new lanes to encourage carpools and fund transit improvements; converting existing general-purpose lanes to high occupancy vehicle lanes; VMT banks; and implementing or funding offsite travel demand management.</p> <p>Implementing agencies shall evaluate VMT as part of project specific CEQA review and discretionary approval decisions for land use projects. Where project level significant impacts are identified, implementing agencies shall identify and implement measures that reduce VMT. Examples of measures that reduce VMT include infill development, mixed use and transit-oriented development, TDM strategies, complete streets, reduced parking requirements, and providing alternative transportation facilities, such as bike lanes and transit stops</p>	Evaluate the potential for projects to increase VMT. Where project-level significant impacts are identified, develop and implement mitigation measures to reduce VMT.	During project permitting and environmental review	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
Tribal Cultural Resources				
TRC-1 Tribal Cultural Resources Impact Minimization				
Implementing agencies shall, or can and should, comply with AB 52, which may require formal tribal consultation. If the implementing agency determines that a project may cause a substantial adverse change to a tribal cultural resource, they shall implement mitigation measures identified in the consultation process required under PRC Section 21080.3.2, or shall implement the following measures where feasible to avoid or minimize the project-specific significant adverse impacts:	Ensure compliance with AB 52; and when applicable, implement measures identified in this mitigation measure.	During project permitting and environmental review. During construction.	Once during environmental review. Ongoing throughout project construction.	Implementing agencies/project sponsor
<ul style="list-style-type: none"> ▪ Avoidance and preservation of the resources in place, including, but not limited to: designing and building the project to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space to incorporate the resources with culturally appropriate protection and management criteria. ▪ Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following: <ul style="list-style-type: none"> □ Protecting the cultural character and integrity of the resource □ Protecting the traditional use of the resource □ Protecting the confidentiality of the resource ▪ Establishment of permanent conservation easements or other culturally appropriate property management criteria for the purposes of preserving or utilizing the resources or places ▪ Native American monitoring by the appropriate tribe during soil disturbance for all projects in areas identified as sensitive for potential tribal cultural resources and/or in the vicinity (within 100 feet) of known tribal cultural resources. 				
Utilities and Service Systems				
UTIL -1(a) Water and Wastewater Facilities				
During the CEQA review process for individual facilities, TCAG and transportation project sponsor agencies, and cities in the TCAG region, Tulare County, and other utility providers with responsibility for the construction of new water or wastewater treatment and collection facilities or the expansion of existing facilities shall, or can and should, apply necessary mitigation measures to reduce	Require mitigation to avoid or reduce significant environmental impacts related to project-specific construction and expansion of wastewater treatment and collection facilities.	During project permitting and environmental review	.Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce impacts associated with air quality, noise, traffic, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality and others that apply to specific construction or expansion of water or wastewater treatment and collection facilities projects.				
UTIL -1 (b) Stormwater Facilities				
During the CEQA review process for individual facilities, TCAG and transportation project sponsor agencies, and cities in the TCAG region, Tulare County, and other special districts with responsibility for the construction of new stormwater drainage facilities or the expansion of existing facilities to adequately meet projected capacity needs shall, or can and should, apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce impacts associated with air quality, noise, traffic, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, and others that apply to specific construction or expansion of storm water drainage facilities projects	Require mitigation to avoid or reduce significant environmental impacts related to project-specific construction and expansion of stormwater facilities.	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor
UTIL -1 (c) Stormwater Control Methods				
During the CEQA review process for individual projects, TCAG and transportation project sponsor agencies, and cities in the TCAG region and Tulare County shall, or can and should, implement the following measures where feasible: <ul style="list-style-type: none"> For transportation projects, incorporate stormwater control, retention, and infiltration features, such as detention basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure such features are analyzed during environmental review. Implement mitigation 	Require incorporation of stormwater controls detailed in this measure for the construction and expansion of individual facilities.	During project permitting and environmental review.	Once during environmental review.	Implementing agencies/project sponsor

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>measures identified for such features on a project specific basis, where feasible and necessary based on project and site-specific considerations.</p> <ul style="list-style-type: none"> For land use projects, incorporate stormwater control, retention, and infiltration features, such as use of permeable paving materials, dry wells, bioswales, or green roofs, early into the design process to ensure such features are analyzed during environmental review. Implement mitigation measures identified for such features on a project specific basis, where feasible and necessary based on project and site-specific conditions. 				
UTIL -1 (d) Electric Power, Natural Gas, or Telecommunications Facilities				
<p>During the CEQA review process, cities, Tulare County, and TCAG region energy and telecommunications providers and other agencies with responsibility for the construction or approval of new electric power, natural gas, or telecommunications facilities or the expansion of existing facilities to adequately meet projected capacity needs shall, or can and should, apply necessary mitigation measures to avoid or reduce significant environmental impacts associated with the construction or expansion of such facilities. The environmental impacts associated with such construction or expansion shall be avoided or reduced through the imposition of conditions required to be followed by those directly involved in the construction or expansion activities. Such conditions shall include those necessary to avoid or reduce impacts associated with air quality, noise, traffic, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, and others that apply to specific construction or expansion of natural gas and electric facilities projects.</p>	<p>Require mitigation to avoid or reduce significant environmental impacts related to project-specific construction and expansion of electric power, natural gas, or telecommunications facilities.</p>	<p>During project permitting and environmental review.</p>	<p>Once during environmental review.</p>	<p>Implementing agencies/project sponsor</p>
UTIL -2 Solid Waste Generation and Disposal				
<p>During the CEQA review process for individual facilities, TCAG and transportation project sponsor agencies, cities in the TCAG region, and Tulare County shall, or can and should, implement the following measures where feasible:</p> <ul style="list-style-type: none"> Provide an easily accessible area that is dedicated to the collection and storage of non-hazardous recycling materials. Maintain or reuse existing building structures and materials during building renovations and redevelopment. 	<p>Place conditions of approval of individual projects on the implementation of mitigation detailed in this measure.</p>	<p>During project permitting and environmental review</p>	<p>Once during environmental review.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> ▪ Use salvaged, refurbished, or reused materials to help divert such items from landfills. ▪ Divert construction waste from landfills, where feasible, through means such as: <ul style="list-style-type: none"> □ Submitting and implementing a construction waste management plan that identifies materials to be diverted from disposal; □ Establishing diversion targets, possibly with different targets for different types and scales of development; □ Helping project sponsors and implementing agencies share information on available materials with one another, to aid in the transfer and use of salvaged materials. 				
UTIL -4 General Conservation Measures				
<p>During the CEQA review process for individual projects, TCAG and transportation project sponsor agencies, and cities in the TCAG region and Tulare shall, or can and should, implement water conservation measures to reduce water demand. They shall, or can and should, coordinate with relevant water services to ensure demand can be accommodated and identify a water consumption budget. Any water conservation measures that reduce demand for potable water, such as reducing water use for landscape irrigation for transportation projects or use of water-conserving fixtures in envisioned land use projects, shall be employed. Reclaimed water shall be used when possible. Specific conservation measures that shall be implemented may include, but would not be limited to:</p> <ul style="list-style-type: none"> ▪ Limiting planting to native and non-native plants appropriate for the project microclimate so no water beyond natural rainfall is required for healthy plant survival after the plant establishment period ▪ Limiting supplemental water provided by irrigation to non-potable, unless not practicable ▪ Submitting written documentation of water availability prior to issuance of grading permits 	<p>Coordinate with water services to ensure demand can be accommodated, identify a water consumption budget, and implement the use of water conservation measures identified in this mitigation.</p>	<p>During project permitting and environmental review.</p>	<p>Once during environmental review.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
Wildfire				
WF -1 (a) Wildfire Risk Reduction				
<p>If an individual transportation or land use project included in proposed 2022 RTP/SCS is located within or less than two miles from an SRA or very high fire hazard severity zones, the implementing agency shall require appropriate mitigation to reduce the risk. Examples of mitigation to reduce risk of loss, injury or death from wildlife include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ Require the use of fire-resistant vegetation native to Tulare County and/or the local microclimate of the project site and discourage the use of fire-prone species especially nonnative, invasive species. ▪ Enforce defensible space regulations to keep overgrown and unmanaged vegetation, accumulations of trash and other flammable material away from structures. ▪ Provide public education about wildfire risk, fire prevention measures, and safety procedures and practices to allow for safe evacuation and/or options to shelter-in-place. ▪ Require adherence to the local hazard mitigation plan, as well as the local general plan policies and programs aimed at reducing the risk of wildfires through land use compatibility, training, sustainable development, brush management, public outreach, and service standards for fire departments. ▪ Ensure sufficient emergency water supply. ▪ Encourage the use of fire-resistant vegetation native to Tulare County and/or the local microclimate of the project site and discourage the use of fire-prone species especially non-native, invasive species. ▪ Require a fire safety plan be submitted to and approved by the local fire protection agency. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. The local fire protection agency may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase of the project. ▪ Prohibit certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National 	<p>If a project is within two miles of an SRA or VHFHSZ, the implementing agency shall require appropriate mitigation to reduce the risk.</p>	<p>During project permitting and environmental review. Additional measures listed should be implemented prior to and during construction.</p>	<p>During environmental review. Ongoing throughout project construction.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<p>Weather Service for the project site location. Example activities that should be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings.</p> <ul style="list-style-type: none"> Require fire extinguishers to be onsite during construction of projects. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher. Smoking and open fires shall be prohibited at individual transportation or land use projects sites included in proposed 2022 RTP/SCS during construction and operations. A copy of the notification to all contractors regarding prohibiting smoking and burning shall be provided to the County. 				
WF -1 (b) Fire Protection Plan				
<p>Individual transportation or land use projects included in 2022 RTP/SCS shall prepare a Fire Protection Plan that meets TCFD requirements. The plan shall contain (but not be limited to) the following provisions:</p> <ul style="list-style-type: none"> All construction equipment shall be equipped with appropriate spark arrestors and carry fire extinguishers. A fire watch with appropriate firefighting equipment shall be available at the Project site at all times when welding activities are taking place. Welding shall not occur when sustained winds exceed that set forth by the TCFD unless a TCFD-approved windshield is on site. A vegetation management plan shall be prepared to address brush clearance around all WTGs and a regularly scheduled roads, power lines, and other facilities. Operational fire water tanks shall be installed prior to construction. Provisions for fire/emergency services access if roadway blockage occurs due to large loads during construction and operation Cleared, maintained parking areas shall be designated; no parking shall be allowed in non-designated areas. The need for and/or use of dedicated repeaters for emergency services. 	<p>If a project is within two miles of an SRA or VHFHSZ, implement mitigation described in this measure, such as maintaining and enforcing defensible space.</p>	<p>During project permitting and environmental review.</p>	<p>Once during environmental review.</p>	<p>Implementing agencies/project sponsor</p>

Mitigation Measure	Action Required	Timing	Monitoring Requirements	Responsible Agency
<ul style="list-style-type: none"> ▪ Appropriate Hot Work permits (such as cutting and welding permits) shall be obtained from the jurisdictional fire agency. ▪ Individual transportation or land use projects included in proposed 2022 RTP/SCS shall participate in the Red Flag Warning program with local fire agencies and the National Weather Service. The Applicant shall stop work during Red Flag conditions to reduce the risk of wildlife ignition. ▪ Compliance with California PRC sections 4291, 4442, and 4443. 				

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AGENDA ITEM VIII-B

August 15, 2022

Prepared by Benjamin A. Kimball, TCAG Staff

SUBJECT:

Action: Adoption of Resolution: Adopting the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Final 2023 Federal Transportation Improvement Program (FTIP), and the Corresponding Air Quality Conformity Analysis

BACKGROUND:

The Regional Transportation Plan (RTP) is a 20-year planning document that TCAG updates at least once every four years. The RTP is the highest level and most comprehensive planning document prepared by TCAG. The 2022 RTP outlines transportation improvements and other related planning elements through the year 2046. Planned transportation improvements are financially constrained based on funding estimates. Elements of the RTP include: the Executive Summary, Policy Element, Action Element, Financial Element, Sustainable Communities Strategy, Goods Movement Chapter, and a Valleywide Chapter. There are also numerous appendices and associated documents and plans including the Regional Transit Plan, Regional Active Transportation Plan, and the Air Quality Conformity Analysis. A 2022 RTP/SCS Environmental Impact Report (EIR) has also been prepared for the 2022 RTP/SCS.

As the federally designated Metropolitan Planning Organization (MPO) for Tulare County, TCAG is also responsible for preparing and adopting the Federal Transportation Improvement Program (FTIP). The 2023 FTIP is required to be adopted and submitted to Caltrans, FHWA, and FTA by October 1, 2022. The 2023 FTIP covers projects in the 2022 RTP/SCS programmed in fiscal years 2022/23 through 2024/25 and must identify all federal funding sources that are scheduled for implementation over the next four fiscal years. The FTIP serves as a reference document that the federal government and the public can review to understand where, when, and how federal transportation funds are being spent in Tulare County. The document is required to be financially constrained which means that programmed expenditures must be balanced with estimated revenues.

Tulare County is part of the San Joaquin Valley Air Basin (SJVAB) that is federally designated as a nonattainment region for ozone (O₃) and particulate matter under 2.5 microns (PM_{2.5}), and a maintenance region for particulate matter under 10 microns (PM₁₀). Through preparation of the Air Quality Conformity Analysis, TCAG has determined as required by Section 176(c) of the Federal Clean Air Act that the 2022 RTP/SCS and 2023 FTIP conform to the applicable State Implementation Plan for air quality and do not interfere with the timely implementation of applicable Transportation Control Measures.

The Draft 2022 RTP/SCS, Draft 2023 FTIP and corresponding Draft Air Quality Conformity Analysis were circulated and posted to TCAG's website (<http://www.tularecog.org>) for 30 days. A public hearing on these documents was held on June 27, 2022 in Visalia at which time any and all oral and written testimony was accepted, only comment, complimentary of the Draft RTP/SCS, was received.

DISCUSSION:

The comment period for the Draft 2022 RTP/SCS closed on July 14, 2022. Two comment letters were received on the RTP/SCS from the Leadership Counsel and Caltrans; no comments were received on the Draft 2023 FTIP or Draft Conformity Analysis. TCAG staff has responded to the RTP/SCS comments as shown in the attachments to this report and prepared the Final 2022 RTP/SCS. The final versions of the FTIP and Air Quality Conformity Analysis are the same as the draft versions, since no comments on the draft versions were received and therefore no changes were made.

Changes to the Draft RTP/SCS as a result of the Caltrans letter are focused on amending the RTP Checklist that is used to submit the documents to the Federal Highway Administration (FHWA) and Caltrans after approval by the Board. The checklist is part of the document listed on the TCAG Website and has been amended to reflect the desired changes. Other changes are minor editorial changes which are also reflected in the corresponding documents on the TCAG Website. The documents on the website being used for review and approval by the TCAG Board are considered the final version of the RTP/SCS and include the minor changes that came up during the review processes. Minor editorial changes, such as minor administrative and technical changes that do not alter RTP/SCS intent, may occur post-adoption as staff continues to compile the documents that will be sent to FHWA and Caltrans for approval.

The Final 2022 RTP/SCS, along with the Final 2022 FTIP, Draft and Final EIR, and Final Air Quality Conformity Analysis can be viewed at the TCAG website at: <https://tularecog.org/tcag/planning/rtp/>.

Attachments 3 and 5 are responses to comments received and contain a description of the changes made to the Draft RTP/SCS that led to the final version on the website. Because no additional comments were received and no additional changes were made to the draft documents, the documents contained on the TCAG website are considered final versions. This includes RTP/SCS Appendix 2-P and FTP Appendix H, which are the Air Quality Conformity Analysis.

Greenhouse Gas Emissions Reduction Targets

The California Air Resources Board (ARB) has set regional targets for greenhouse gas (GHG) emissions reductions from passenger vehicles that, through the transportation modeling process and via policies included in the RTP/SCS, must be shown to be met if the Sustainable Communities Strategy (SCS) is fully implemented.

The SCS, which is included in the RTP, was selected by the TCAG Board after a long period of development and outreach. In addition to typical outreach, such as presentations at city councils and public workshops and hearings, TCAG created a Roundtable with members from many different sectors who recommended scenarios to evaluate, reviewed them, and then selected a preferred one. The preferred SCS scenario recommended by the Roundtable was the one selected by the TCAG Board.

The selected SCS meets TCAG's targets set by ARB to reduce GHG emissions per capita by 13% in 2020 and 16% in 2035 from 2005 baseline amounts. The TCAG transportation model and the air quality emissions model actually show the SCS exceeds these targets, resulting in a GHG reduction of 13.7% per capita in 2020 and 16.2% in 2035.

RECOMMENDATION:

Adopt the attached resolution that adopts the 2022 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS), Final 2023 Federal Transportation Improvement Program (FTIP), and the Corresponding Air Quality Conformity Analysis.

ALTERNATIVES:

Approve, approve as modified, or defer approval of the RTP/SCS, FTIP, and Air Quality Conformity Analysis. Deferral of these approvals may jeopardize transportation funding for current and future projects if the deferral causes late submission of these documents or companion documents in a manner that violates state and federal schedule requirements.

FISCAL IMPACT:

The RTP/SCS is the basic foundation for transportation planning in Tulare County. It is required to be updated every four years and is directly tied to other funding. An RTP/SCS must be updated at least every four years in order for project funding and approvals to move forward.

ATTACHMENTS:

1. Resolution adopting the 2022 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS), Final 2023 Federal Transportation Improvement Program (FTIP), and the Corresponding Air Quality Conformity Analysis
2. Comment Letter Received from the Leadership Counsel for Justice and Accountability.
3. Responses to the Comment Letter Received from the Leadership Counsel for Justice and Accountability
4. Comment Letter Received from the California Department of Transportation (Caltrans)
5. Responses to the Comment Letter from Caltrans

BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the matter of:

ADOPTING THE TULARE COUNTY)	
ASSOCIATION OF GOVERNMENTS (TCAG))	
2022 REGIONAL TRANSPORTATION PLAN/)	
SUSTAINABLE COMMUNITIES STRATEGY)	
(RTP/SCS), THE 2023 FEDERAL)	Resolution No. 2022-xxx
TRANSPORTATION IMPROVEMENT)	
PROGRAM (FTIP), AND THE)	
CORRESPONDING AIR QUALITY)	
CONFORMITY ANALYSIS)	

WHEREAS, the Tulare County Association of Governments (TCAG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization (MPO), pursuant to state and federal designation; and

WHEREAS, Title 23 Part 450 and Title 49 Part 613 of the Code of Federal Regulations (CFR) require MPOs such as TCAG to prepare and adopt a long range Regional Transportation Plan (RTP) every four years; and

WHEREAS, California Government Code Section 65080 requires MPOs such as TCAG to prepare and update a long-range RTP and Sustainable Communities Strategy (SCS) every four years; and

WHEREAS, Senate Bill (SB) 375 (Steinberg, 2008) requires that MPOs prepare a Sustainable Communities Strategy (SCS) as part of the RTP that demonstrates how the region will reduce the greenhouse gas emissions (GHG) from automobiles and light trucks to achieve, if there is a feasible way to do so, the applicable greenhouse gas emission reduction targets approved by the California Air Resources Board (ARB), and

WHEREAS, pursuant to SB 375, the California Air Resources Board has set per capita GHG emission reduction targets for TCAG of 13% below 2005 per capita emissions levels by 2020 and 16% below 2005 per capita emissions levels by 2035; and

WHEREAS, pursuant to SB 375, the SCS must: (1) identify the general location of uses, residential densities, and building intensities within the region; (2) identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth; (3) identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Government Code Section 65584; (4) identify a transportation network to service the transportation needs of the region; (5) gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (1) and (b) of the Government Code Sections 65080 and 65581; and (6) consider the statutory housing goals specified in Sections 65580 and 65581, (7) set forth a forecasted development pattern for the region which when integrated with the transportation network, and other transportation measures and

policies, will reduce the GHG emissions from automobiles and light trucks to achieve the GHG reduction targets, and (8) allow the RTP to comply with air quality conformity requirements under the federal Clean Air Act; and

WHEREAS, pursuant to Government Code Section 65080(b)(2)(B)(vii), the TCAG SCS sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve the regional greenhouse gas emission targets set by ARB; and

WHEREAS, the 2022 RTP/SCS has been prepared in accordance with state guidelines adopted by the California Transportation Commission and;

WHEREAS, a 2022 RTP/SCS has been prepared in full compliance with federal and state statutes, regulations, and guidance; and

WHEREAS, federal planning regulations require that MPOs prepare and adopt a short range Federal Transportation Improvement Program (FTIP) for their region; and

WHEREAS, projects submitted in the 2023 FTIP must be financially constrained and the financial plan affirms that funding is available; and

WHEREAS, the 2023 FTIP has been prepared to comply with federal and state requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staffs, and public owner operators of mass transportation services acting through the TCAG forum and general public involvement; and

WHEREAS, the 2023 FTIP program listing is consistent with: 1) the 2022 RTP/SCS; 2) the 2022 State Transportation Improvement Program; and 3) the corresponding Conformity Analysis; and

WHEREAS, the 2023 FTIP contains the MPO's certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

WHEREAS, the 2023 FTIP meets all applicable transportation planning requirements per 23 Code of Federal Regulations (CFR) Part 450; and

WHEREAS, TCAG has established performance targets in its metropolitan transportation planning process that address the performance standards per 23 CFR Part 490, 49 United States Code (U.S.C.) 5326(c), and 49 U.S.C. 5329(d) to use in tracking progress toward attainment of critical outcomes for the region of the MPO; and

WHEREAS, TCAG has integrated into its metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other state transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. Chapter 53 by providers of public transportation, required as part of a performance-based program; and

WHEREAS, under Clean Air Act Section 176(c), the MPO must demonstrate conformity with the State Implementation Plan for the 2022 RTP/SCS and 2023 FTIP per 40 CFR Part 93; and

WHEREAS, the 2022 RTP/SCS and 2023 FTIP include a new Conformity Analysis; and

WHEREAS, the 2022 RTP/SCS and 2023 FTIP conform to the applicable SIPs; and

WHEREAS, the 2022 RTP/SCS and 2023 FTIP do not interfere with the timely implementation of the Transportation Control Measures; and

WHEREAS, the 2022 RTP/SCS, 2023 FTIP, and corresponding Conformity Analysis have been widely circulated and reviewed by the TCAG advisory committees representing the technical and management staffs of the member agencies; representatives of other governmental agencies, including State and Federal; representatives of special interest groups; representatives of the private business sector; and residents of Tulare County consistent with the public participation process adopted by TCAG; and

WHEREAS, a public hearing was conducted on June 27, 2022 to hear and consider all written and oral comments on the Draft 2022 RTP/SCS, Draft 2023 FTIP, and corresponding Draft Conformity Analysis; and

WHEREAS, by separate resolution on this date, the TCAG Board of Directors certified the Final EIR for the 2022 RTP/SCS, and adopted Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, as required by the California Environmental Quality Act (CEQA); and

WHEREAS, prior to taking action on the 2022 RTP/SCS, the TCAG Board of Directors has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings.

NOW, THEREFORE BE IT RESOLVED, that TCAG finds that the 2022 RTP/SCS and 2023 FTIP are in conformity with the applicable requirements of the Federal Clean Air Act Amendments and applicable State Implementation Plans for air quality.

BE IT FURTHER RESOLVED, that TCAG finds that the 2022 RTP/SCS meets the SB 375 GHG reduction targets of 13% below 2005 per capita emissions levels by 2020 and 16% below 2005 per capita emissions levels by 2035.

BE IT FURTHER RESOLVED, that TCAG adopts the 2022 RTP/SCS, 2023 FTIP, and corresponding Conformity Analysis

The foregoing Resolution was adopted upon motion of _____, seconded by Member _____, at a regular meeting held on the 15th day of August, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Amy Shuklian
Chair, TCAG

Ted Smalley
Executive Director, TCAG



Tulare County Association of Governance

July 14, 2022

Re: Action Element of the Regional Transportation Plan 2022

Leadership Counsel for Justice and Accountability (LCJA) is actively engaged in communities in Tulare County such as Tooleville, Matheny Tract, Pixley, and Ivanhoe. Through community engagement and conversation many residents have expressed the need for infrastructure improvements including, transportation access, road improvements, and basic updates on traffic safety measures. Many of the communities we work with are surrounded by agriculture industries that have a direct impact on infrastructural development in the various communities. Many are forced to travel outside of their rural communities into larger cities for their basic necessities, however without reliable transportation many residents are left struggling to obtain their needs. In an effort to address transportation needs in these rural, unincorporated communities, we offer the following project recommendations and revisions to ensure that the Regional Transportation Plan for 2022 includes projects that align with communities priorities, as well as acknowledges the communities needs that have been identified in the 2022 Action Element of the Regional Transportation Plan.

Future Transportation Projects

As a long term planning document, the RTP must include a discussion of future street improvements and connectivity in disadvantaged communities. As such, we urge that the RTP include the community of Matheny Tract to receive future funding from the Active Transportation Program, local funds, and other funding sources to implement the complete streets project. The Tulare County Resource Management Agency developed a Complete Streets Plan in 2021 that identified streets to be improved. We urge that this project be included in the RTP to ensure it will be completed. The Community of Matheny, like many unincorporated communities in Tulare County, lacks basic infrastructure, including sidewalks and bike lanes, leaving residents without access to safe walking routes. Many residents have shared the fear of allowing their children to bike in the community. Moreover, the lack of sidewalks and bike lanes hinder folks from accessing public transit due to poor road conditions and minimal lighting in the afternoons.

The community of Tooeville was identified as a recipient of Cycle 1 for sidewalk improvements, although we agree that sidewalks are of great importance for residents we urge that the RTP include road improvements, and more lighting within the two block community. Residents have shared concerns around the condition of the roads and lack of sidewalks for safe walking. Residents have shared the need for a turning lane on Morgan Ave due to high speed traffic, and reduction of traffic speed on Spruce Rd to ensure residents can safely walk by and for children in the community to safely access their school bus. The community of Pixley have shared the need for updated infrastructural changes such as safety signals, sidewalks and road improvements. The streets that residents have identified which need improvements are Elm St, Maple St, and Main St. Residents have also shared the need for sidewalk improvements throughout the community and the need for more lighting on the street of Court Ave, and Ellsworth Ave.

Clean Air Act

As stated RTP aims to integrate transportation and air quality during the planning process to be eligible to receive funds for the Clean Air Act. As part of our recommendation is to address this process we recommend for more access to public transportation. In the community of Tooeville residents are left with no bus transportation and folks either use their personal vehicles or are left to walk into the nearby city of Exeter for necessities. There is a need for a vanpool service in the community that residents can rely on in both communities. Elderly folks in the community of Pixley can also greatly benefit from a vanshare program that will allow them free transportation access without the need to walk to nearby bus stops that can be inaccessible due to medical issues.

Thank you for the opportunity to engage in this process and consider our recommendations in the 2022 RTP to develop a comprehensive plan that prioritizes rural communities and invests in local streets and developments. We look forward to seeing these policy recommendations included in the 2022 RTP.

Sincerely,

Elvia Olea, Policy Advocate for Tulare County.

Emma De La Rosa, Regional Policy Manager

Comments are repeated in this attachment for the convenience of the reader. Responses follow each comment and are italicized.

1. As a long term planning document, the RTP must include a discussion of future street improvements and connectivity in disadvantaged communities. As such, we urge that the RTP include the community of Matheny Tract to receive future funding from the Active Transportation Program, local funds, and other funding sources to implement the complete streets project. The Tulare County Resource Management Agency developed a Complete Streets Plan in 2021 that identified streets to be improved. We urge that this project be included in the RTP to ensure it will be completed. The Community of Matheny, like many unincorporated communities in Tulare County, lacks basic infrastructure, including sidewalks and bike lanes, leaving residents without access to safe walking routes. Many residents have shared the fear of allowing their children to bike in the community. Moreover, the lack of sidewalks and bike lanes hinder folks from accessing public transit due to poor road conditions and minimal lighting in the afternoons.

Active Transportation Projects in the Regional Transportation Plan are listed in Appendix 1-C of the Regional Active Transportation Plan. This plan was used to organize the effort to pursue funding for active transportation projects. It is a statement to the public of the importance of active transportation to the Tulare County Association of Governments.

Page 58 of Appendix 1-C contains a list of county projects that include desired active transportation improvements in Matheny Tract under the title of "Matheny Tract Roadway Improvements." To clarify, these are not improvements to the roads themselves, but active transportation projects along those roads. Additional detail on these projects is provided on page 98 and include the following for Matheny Tract:

- *Sidewalks*
- *Curbs*
- *Gutters*
- *Asphalt pave-outs*
- *Markings*
- *Striping*
- *Drainage facilities*
- *American Disabilities Act compliant curb ramps*
- *Construction of new bus pads (transit stops)*

Funding in the Active Transportation Program, local funds, begins with the agency (in this case Tulare County) submitting a formal application within the deadlines established by the State of California Transportation Commission. Applications are received and scored by the state and awarded accordingly. Applications that do not get state funding are then eligible for the local funds (Local MPO Program).

In addition to facilitating the application process for local agencies, TCAG has demonstrated a significant effort to prioritize both active transportation as a mode for getting around and work done in disadvantaged communities. For example:

- *Widening roads has been moved to the very last resort for improving the transportation system, only to be used when every other possible option has been attempted.*
- *All Cycle five and Cycle six (the most recent cycles) Active Transportation Program applications have been for projects in disadvantaged communities. All of the MPO program funding that resulted from those efforts was spent in disadvantaged communities.*
- *All Affordable Housing and Sustainable Communities funding received by TCAG has been directed to projects within disadvantaged communities.*

- *All funding for complete streets plans that help position communities for project funding from state competitive programs has been used for plans in disadvantaged communities, specifically, small unincorporated communities. Sixteen plans have been prepared so far in the unincorporated communities of Tulare County and are included in the RTP as separate appendices.*
- *Funding pursued by TCAG to construct new Transit Centers as part of the Cross Valley Corridor during the past four years has been directed to Farmersville and Lindsay, both being disadvantaged communities.*
- *The majority of Measure R projects identified in the Measure R Strategic Plan benefit disadvantaged communities, whether directly or indirectly.*
- *Recent efforts to consolidate transit agencies and reimagining transit to better include micro transit has far-reaching benefits to all residents, but especially to those who live in small, rural, disadvantaged communities that are difficult to serve with fixed-route transit. Those in disadvantaged communities who work as farm labor and whose job sites are in a continual state of rotation and change benefit the most from transitioning from fixed route buses to the more flexible micro transit solutions that are being developed.*
- *When completed, the Visalia trail system will be the most developed active transportation system in the San Joaquin Valley, the majority of which passes through the disadvantaged communities within the City of Visalia and neighboring unincorporated communities.*

The community of Tooleville was identified as a recipient of Cycle 1 for sidewalk improvements, although we agree that sidewalks are of great importance for residents we urge that the RTP include road improvements, and more lighting within the two block community. Residents have shared concerns around the condition of the roads and lack of sidewalks for safe walking. Residents have shared the need for a turning lane on Morgan Ave due to high speed traffic, and reduction of traffic speed on Spruce Rd to ensure residents can safely walk by and for children in the community to safely access their school bus. The community of Pixley have shared the need for updated infrastructural changes such as safety signals, sidewalks and road improvements. The streets that residents have identified which need improvements are Elm St, Maple St, and Main St. Residents have also shared the need for sidewalk improvements throughout the community and the need for more lighting on the street of Court Ave, and Ellsworth Ave.

Active Transportation Projects in the Regional Transportation Plan are listed in Appendix I-C of the Regional Active Transportation Plan. This plan was used to organize the effort to pursue funding for active transportation projects. It is as a statement to the public of the importance of active transportation to the Tulare County Association of Governments.

The first steps for Tooleville to have a Complete Streets Study is for Tulare County to initiate that process with TCAG and begin the search for planning funds to conduct it. Also, it is necessary for Tulare County to inform TCAG that they want the Regional Active Transportation Plan updated to include specific projects in Tooleville.

Pages 58 and 59 of Appendix I-C contains a list of county projects that include desired active transportation improvements in Pixley labeled as three different complete streets projects. Great project details are contained in Appendix 2-f titled Pixley Complete Streets Policy, prepared by Tulare County with funding from the Tulare County Association of Governments. Both of those planning documents were prepared with extensive community input. Proposed changes are possible, with the suggestions being first submitted to Tulare County who would then work with TCAG to update needed plans and develop strategies for funding procurement.

Road projects that are small are not included in the RTP but are part of the City's or County's General Plan unless they are regional in nature.

In addition to facilitating the application process for local agencies, TCAG has demonstrated a significant effort to prioritize both active transportation as a mode for getting around and work done in disadvantaged communities in the same ways listed in the response to the previous comment.

Clean Air Act

As stated RTP aims to integrate transportation and air quality during the planning process to be eligible to receive funds for the Clean Air Act. As part of our recommendation is to address this process we recommend for more access to public transportation. In the community of Tooleville residents are left with no bus transportation and folks either use their personal vehicles or are left to walk into the nearby city of Exeter for necessities. There is a need for a vanpool service in the community that residents can rely on in both communities. Elderly folks in the community of Pixley can also greatly benefit from a vanshare program that will allow them free transportation access without the need to walk to nearby bus stops that can be inaccessible due to medical issues.

Chapter B – the Policy Element contains numerous goals and policies along this line. Page B-1 through B-15 contain such policies that include, but are not limited to:

- *Preventing discrimination*
- *Helping disadvantaged communities provide input on plans and projects*
- *Conducting outreach to disadvantaged communities*
- *Providing full and fair participation*
- *Creating a jobs/housing balance*
- *Improving Air Quality and reducing GHG emissions*
- *Supporting electric vehicles and alternative fuels*
- *Encouraging rail development*
- *Supporting investments in bike infrastructure*
- *Implementing a complete streets program*
- *Coordinating and Evaluating circulation systems*
- *Encouraging alternate transportation systems*
- *Coordinating alternate modes into analysis and modeling*
- *Intelligent transportation systems using latest technologies*
- *Incentivizing the use of alternative modes of travel*
- *Supporting safe, coordinated and efficient transit systems*

Also included in the RTP as Appendix 1-D is the Tulare County Long Range Transit Plan which lays out the regions transit efforts and includes explanations of issues and strategies how to best proceed to meet transit goals and policies. Specific projects within the community of Tooleville or Pixley are not included in this document but are left to the City's or County's General plan. Specific project are initiated by the City or County and then coordinated with TCAG to assist with funding.

DISTRICT 6 OFFICE
 1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
 (559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov

July 21, 2022

DRAFT 2022 RTP/SCS

Mr. Ted Smalley
 Executive Director
 Tulare County Association of Governments
 210 N. Church Street, Suite B
 Visalia, CA 93291

Dear Mr. Smalley:

Thank you for the opportunity to review the Tulare County Association of Governments' (TCAG) Draft 2022-2046 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). Caltrans, at District 6 and various divisions within our department have reviewed the Draft RTP and collectively offers the following comments.

TRANSPORTATION PLANNING-DISTRICT 6

TCAG has demonstrated a strong commitment to support their 20-year planning horizon with focus on the region's transportation options, sustainable growth, economy, improving air quality, promoting the conservation of natural resources and undeveloped land, building healthier communities, and a safer quality of life for community members.

TCAG addresses the four main required elements: Policy Element, Sustainable Communities Strategy (SCS), Action Element and Financial Element which conforms to the RTP Guidelines adopted by the California Transportation Commission (CTC) pursuant to Government Code 65080(d).

TCAG has encouraged public participation at every stage of the planning process. TCAG sustains the on-going partnership with federal, state, local partners, and stakeholders to consult and cooperate with the public to assist in understanding issues, options, and solutions. TCAG continues to work diligently to enhance their public outreach efforts to create a more diverse transportation system for their region. TCAG and its member agencies support the implementation of complete streets plans, active transportation projects, walking trails, and encourage employers to offer incentives for employees who walk and bike to work. Community engagement and outreach are fundamental to the development of the 2022 RTP/SCS.

TCAG has displayed their efforts in applying for SB1 – Caltrans Sustainable Transportation Planning Grants and being successful in receiving several awards in Sustainable Transportation Planning and Sustainable Transportation Planning Formula grants.

Caltrans recommends priority be given to actions that reduce vehicle miles traveled (VMT) to further reduce the region's greenhouse gas (GHG) emissions productions and that would serve to protect the state's most vulnerable populations such as Disadvantaged Communities

Caltrans concurs with health-promoting policies that encourage more transit, bicycling and walking. Policies and programs of this nature can foster more accessible, more livable, and healthier communities, especially vulnerable communities.

Caltrans agrees with policies and strategies that help achieve environmental goals to promote public health and quality of life for communities.

SYSTEM PLANNING-DISTRICT 6

On Page E-5 in Chapter E - Financial Element, please change Proposition 1b to Proposition 1B.

Regarding Goods Movement perspective, Caltrans applauds the progressive and robust approach of TCAG in recognizing goods movement significance and studies, and in supporting sustainable goods movement.

Regarding the Constrained Project list in Chapter D - Action Element, the following project have discrepancies:

Page D-72; TABLE D-15.1:

- ID# VI-RTP 11-008, SR 63 Mooney Boulevard, Avenue 272 to Avenue 276; 4C to 6C is not in our project look-up.

Page D-75, TABLE D-16.1:

- ID# CT-RTP07-004, the OT date should be 2030, not 2029. Post miles should be 25.2/30.6.
- ID# CT-RTP22-001, the OT date should be 2026, not 2029.
- ID# TUL12-122, it is an inactive project with OT date of 2028.

- ID# CT-RTP11-001, it is a FUTURE project as listed in project look-up with an OT date of 2029.
- ID# CT-RTP07-008, not in our project look-up. SR 190 PM 13..2/15.0.
- ID# CT-RTP07-013, OT date should be 2025, not 2024.
- ID# CT-RTP07-014, OT date should be 2030, not 2029.
- ID# CT-RTP07-021, not listed in our project look-up. May be due to OT date of 2046 which might be too far on the horizon. SR 198/Road 148 I/C
- ID# CT-RTP-022, inactive project.
- ID# PO-RTP-002, not in our project look-up. It is a Porterville project, but on SR 190 at the Tule River.

Page D-76, TABLE D-16.2:

- ID# CT-RTP07-015, not in project look-up. May be due to OT date of 2040—too far on the horizon. SR 99 south county I/Cs.
- ID# PO-RTP18-005, not in project look-up. It is a Porterville project, on SR 190, Main St and SR 65 WB auxiliary lane and ramp improvements. Listed as a SHOPP project. Is this part of the Porterville Intersections Improvement II project? Is it related to #CT-RTP-022?
- ID# CT-RTP07-019, Project has SHOPP funding but states downtown corridor I/Cs on SR 198. Please indicate which I/Cs?
- ID# TC-RTP18-001, not listed in project look-up. Possibly a long-range project as the OT date is 2031?
- ID# TC-RTP18-002, OT date should be 2024, not 2031.
- ID# TUL-18-102, OT date should be 2024, not 2023.
- ID# TUL-20-033, project is inactive. This is the Porterville Intersection Improvements II project.

Caltrans recommends the following Projects to be added to the Constrained List in Chapter D - Action Element:

- Terra Bella Expressway – Segment 3 SR 65 PM 6.1/11.4. From 0.6 mile north of the Orris UP to 0.4 mile south of Ave 95, 2C to 4E. OT 2028. Inactive.
- Terra Bella Expressway – Segment 4 SR 65 PM 0/6.6. From the Kern County line to 0.4 mile south of Ave 56, 2C to 4E. OT 2030. Inactive.
- Oak Avenue Roundabout – SR 65 PM 29.7/30.3. In Lindsay, from 0.1 mile south of Mariposa St to Cedar Ave, construct roundabout. OT 2028. Candidate phase. RIP funds.
- Tagus 6-Lane (Combined) Replacement Planting – SR 99 PM 30.6/35.2. In and near Tulare, from the Prosperity Ave OC to 1.2 miles south of the Ave 280 OC, highway replacement planting. OT 2024. PS&E/RW phase. IIP funds.
- Friant-Kern Canal Siphon – SR 190 PM 11.96. Near Porterville, construct canal siphon. OT 2024. PA&ED phase. Local funding.
- Farrar Estates – SR 137 PM 17.9/18. In Tulare, at Morrison St. OT after 2024. Candidate. Local funding.
- Visalia Parkway – SR 63 PM 2/2.5. In Visalia, at Visalia Pkwy, oversight of intersection signalization. OT 2025. PA&ED phase. Local funding.
- Tower Interchange – SR 198 PM 6.6/13.6. In Visalia, from Akers St to 0.2 mile west of the Rd 152 OC, widen from 4-6 lanes. No OT date. Candidate phase. Local funding.
- Bardsley I/C Operational Improvements PM 28.2/28.9. In Tulare, from 0.4 mile south of the Bardsley OC to 0.3 mile north of the Bardsley OC, interchange operational improvements. OT 2029. Candidate phase. Local funding. This Project is on the unconstrained list.
- Tulare SR 137 Complete Streets – SR 137 PM 14/15.38. In Tulare, from West St to “I” St, complete streets corridor. OT 2029. PID phase. IIP funding.
- Tulare County SR 99 Corridor – SR 99 PM 9.94/30.64. In Tulare County, along SR 99, Clean CA project. OT 2023. Candidate phase. Clean CA funding.
- Cutler-Orosi SR 63 Corridor – SR 63 PM 21.72/22.86. In Cutler-Orosi, Clean CA project. OT 2023. PA&ED phase. Clean CA funding.

- Tulare City Rehab BMMN – SR 99 PM 27.6/30.6. In Tulare, from the Paige Ave OC to the Prosperity Ave OC, install broadband middle-mile network. Candidate phase. Local funding.
- BMMN VAR Locations Tulare County – VAR PM 0/27.4. In Tulare County, at various locations, install broadband middle-mile network. OT 2027. Candidate phase. Local funding.
- BMMN SR 190 Tulare County – SR 190 PM 21.1/30.89. In Tulare County, from Rd 284 to 0.9 mile south of Tule River Dr, install broadband middle-mile network. OT 2027. Candidate phase. Local funding.

OFFICE OF REGIONAL PLANNING - HEADQUARTERS

The following comments are related to the RTP Checklist included in Appendix 1-A:

General Comments:

- Question #2, it is difficult to determine short versus long term strategies. Please clearly identify the strategies.
- Question #3, the pages listed need to match the titles on the documents provided.
- Question #4-b, the pages referenced do not match where the information is found.

Consultation/Cooperation:

- Question #1-vi, the referenced document could not be found.
- Question #2, the referenced document could not be found.
- Question #3, reference page D-35 does not provide the adequate information.
- Question #4, reference page D-35 does not provide the adequate information.
- Question #5, please cite the specific page numbers.
- Question #6, please cite the specific page numbers.
- Question #7, please cite the specific page numbers.

- Question #9, there is no discussion on the private sector involvement effort during the development of the plan as required per 23 CFR 450.316(a).

Programming/Operations

- Question #2, the referenced document could not be found.
- Question #3, it is difficult to read the listed projects when zooming in.

Thank you for considering our comments for inclusion in the Final TCAG 2022 Regional Transportation Plan. Caltrans acknowledges TCAGs continued partnership with all of their public and stakeholder involvement and by demonstrating their strategy in emission-reduction targets, analyzing projected growth, housing needs, and improving transportation in their region.

If you have any questions, please contact me at (559) 840-6066.

Sincerely,



LORENA MENDIBLES, Chief
Transportation Planning – South

Copy via email:

Caltrans D6 - Michael Navarro, Alec Kimmel, Albert Lee, Eric Olson, Shane Gunn,
Caltrans HQ - Jacob Lummen, Jennifer Duran, Kevin Mariant, Gilbert Valencia,
FTA - Ted Matley

July 25, 2022,

Lorena Mendibles, Chief
Transportation Planning – South
California Department of Transportation
District 6 Office
1352 West Olive Ave.
P.O. Box 12616
Fresno, CA 93778-2616

Dear Mrs. Mendibles,

The Tulare County Association of Governments (TCAG) has received the unified Caltrans comment letter for the 2022 Regional Transportation Plan and Sustainable Communities Strategy, dated July 21, 2022. Thank you for taking the time to review our plan and provide helpful comments. TCAG values the many years of successful partnerships in planning, programming and implementing projects throughout the region. TCAG remains a committed partner in project development and funding and looks forward to many more years of outstanding work together with Caltrans and our other state partners. TCAG has reviewed the comments with the collective efforts of its diverse staff and provides responses to you accordingly. The Caltrans comments are repeated in this letter for your convenience and the TCAG responses follow in italics.

1. TCAG has demonstrated a strong commitment to support their 20-year planning horizon with focus on the region's transportation options, sustainable growth, economy, improving air quality, promoting the conservation of natural resources and undeveloped land, building healthier communities, and a safer quality of life for community members.

Thank you. TCAG's commitment to excellence in this effort is constant. Your recognition of this effort is appreciated. TCAG agrees with this comment.

2. TCAG addresses the four main required elements: Policy Element, Sustainable Communities Strategy (SCS), Action Element and Financial Element which conforms to the RTP Guidelines adopted by the California Transportation Commission (CTC) pursuant to Government Code 65080(d).

Correct. TCAG agrees with this comment.

3. TCAG has encouraged public participation at every stage of the planning process. TCAG sustains the on-going partnership with federal, state, local partners, and stakeholders to consult and cooperate with the public to assist in understanding issues, options, and solutions. TCAG continues to work diligently to enhance their public outreach efforts to create a more diverse transportation system for their region. TCAG

and its member agencies support the implementation of complete streets plans, active transportation projects, walking trails, and encourage employers to offer incentives for employees who walk and bike to work. Community engagement and outreach are fundamental to the development of the 2022 RTP/SCS.

TCAG agrees with this comment.

4. TCAG has displayed their efforts in applying for SB1 – Caltrans Sustainable Transportation Planning Grants and being successful in receiving several awards in Sustainable Transportation Planning and Sustainable Transportation Planning Formula grants.

TCAG agrees with this comment.

5. Caltrans recommends priority be given to actions that reduce vehicle miles traveled (VMT) to further reduce the region's greenhouse gas (GHG) emissions productions and that would serve to protect the state's most vulnerable populations such as Disadvantaged Communities

TCAG agrees with this comment. Significant effort has been made to prioritize policies and actions that promote additional modes of travel beyond the use of the automobile. This is especially true with TCAG's efforts at the Tule River Tribe and in other disadvantaged communities. The vast majority of TCAG's spending on projects service the many disadvantaged communities in the region. Over the past two years all of our competitive grant funding from the Active Transportation Program and the Affordable Housing and Sustainable Communities Program have been directed to disadvantaged communities. Recent changes to the regional transit systems primarily benefit disadvantaged communities. All of our public outreach has included disadvantaged communities in their scope. All of our planning funding for creating complete streets plans and positioning communities for future grant funding have been directed to disadvantaged communities.

6. Caltrans concurs with health-promoting policies that encourage more transit, bicycling and walking. Policies and programs of this nature can foster more accessible, more livable, and healthier communities, especially vulnerable communities.

TCAG agrees with this comment.

7. Caltrans agrees with policies and strategies that help achieve environmental goals to promote public health and quality of life for communities.

TCAG agrees with this comment.

SYSTEM PLANNING-DISTRICT 6

8. On Page E-5 in Chapter E - Financial Element, please change Proposition 1b to Proposition 1B.

TCAG Agrees with this comment. The edit will be made as requested.

9. Regarding Goods Movement perspective, Caltrans applauds the progressive and robust approach of TCAG in recognizing goods movement significance and studies, and in supporting sustainable goods movement.

TCAG agrees with this comment.

10. Regarding the Constrained Project list in Chapter D - Action Element, the following project have discrepancies:

Thank you for your comments regarding 2022 RTP project tables. Some of the requested changes are not being made to the Final 2022 RTP/SCS for the following reasons. TCAG frequently meets with Caltrans District 6 project managers and executive team to discuss all Caltrans projects and plans to discuss the status of each of these projects with them. In fact, several conversations about these projects have already taken place. The projects in the RTP are based on the latest planning assumptions available at the time the plan is developed. This includes conditions that have occurred over the past year. Most notably, significant cost increases that are projected or have materialized as a result of inflation. Since the adoption of the last RTP in 2018, the State Transportation Agency in 2021 adopted the Climate Action Plan for Transportation Infrastructure (CAPTI). One of the key principles of CAPTI is to ensure widening is a “last resort”. Only critical widening projects were included in the plan primarily on State Route 99, a vital goods movement corridor, in order to meet more stringent SB 375 targets set by CARB for the 2022 RTP SCS consistent with TCAG goals and policies for GHG reduction.

For the 2022 RTP there were a few widening projects “removed” from the prior fiscally constrained list. This is consistent with CAPTI principles. In addition, the open to traffic dates are carefully reviewed. Often, Caltrans project summary sheets and tables show the “potential” open to traffic year that is oft times quite optimistic. TCAG along with Caltrans District 6 Project Management Staff review funding availability. The potential open to traffic dates need to align with state and local (Measure R) funding availability. As an example, The 2022 STIP first year of funding is 22/23. However, for new components the actual year is 25/26. If the date is moved up, then a form of advanced construction needs to be developed. This is the type of information that is reviewed to determine year of opening. The Financial Element projections for revenue and funding availability are weighed against potential project implementation timelines ultimately requiring project prioritization for funding.

There are also projects that are not capacity related such as beautification measures, that are important for everyone, but are nevertheless not typically included in the constrained list of projects. Most of the other comments relate to projects that aren’t typically individually listed in the RTP either. And several projects that are included in the Measure R Expenditure Plan, but aren’t necessarily near term, and consequently funding may not yet have been identified sufficient to remain on our financially constrained list.

RTPs are also revised every four years. As a result as conditions change the assumptions for capacity increasing projects and open to traffic dates also change. As stated above, TCAG regularly meets with District 6. As necessary changes are made to projects timelines. If an amendment is needed between RTPs, that can be accomplished.

Page D-72; TABLE D-15.1:

- ID# VI-RTP 11-008, SR 63 Mooney Boulevard, Avenue 272 to Avenue 276; 4C to 6C is not in our project look-up.

Mooney Boulevard operates as a local street. Widening happens with development and may not be located in Caltrans’ “lookup.” This project is current with the latest planning assumptions.

Page D-75, TABLE D-16.1:

- ID# CT-RTP07-004, the OT date should be 2030, not 2029. Post miles should be 25.2/30.6.

Comment noted. Based on the latest planning assumptions, the open to traffic date should be 2029. Edits to the post miles have been made and will be reflected on the final draft presented to the TCAG Board.

- ID# CT-RTP22-001, the OT date should be 2026, not 2029.

Based on the latest planning assumptions, the open to traffic date should be 2027.

- ID# TUL12-122, it is an inactive project with OT date of 2028.

This is a Measure R Project. Based on available funding, the open to traffic date should remain as it is.

- ID# CT-RTP11-001, it is a FUTURE project as listed in project look-up with an OT date of 2029.

This is a Measure R Project. Based on available funding, the open to traffic date should remain as it is.

- ID# CT-RTP07-008, not in our project look-up. SR 190 PM 13..2/15.0.

This is a Measure R Project.

- ID# CT-RTP07-013, OT date should be 2025, not 2024.

Based on the latest planning assumptions, the open to traffic date should remain as it is.

- ID# CT-RTP07-014, OT date should be 2030, not 2029.

Based on the latest planning assumptions, the open to traffic date should remain as it is.

- ID# CT-RTP07-021, not listed in our project look-up. May be due to OT date of 2046 which might be too far on the horizon. SR 198/Road 148 I/C

This is a project from the SR 190 Corridor Plan prepared by Caltrans.

- ID# CT-RTP-022, inactive project.

This is a project from the SR 190 Corridor Plan prepared by Caltrans.

- ID# PO-RTP-002, not in our project look-up. It is a Porterville project, but on SR 190 at the Tule River.

This is a project from the SR 190 Corridor Plan prepared by Caltrans.

Page D-76, TABLE D-16.2:

- ID# CT-RTP07-015, not in project look-up. May be due to OT date of 2040—too far on the horizon. SR 99 south county I/Cs.

Based on the latest planning assumptions, the open to traffic date should remain as it is.

- ID# PO-RTP18-005, not in project look-up. It is a Porterville project, on SR 190, Main St and SR 65 WB auxiliary lane and ramp improvements. Listed as a SHOPP project. Is this part of the Porterville Intersections Improvement II project? Is it related to #CT-RTP-022?

This is a project from the SR 190 Corridor Plan prepared by Caltrans.

- ID# CT-RTP07-019, Project has SHOPP funding but states downtown corridor I/Cs on SR 198. Please indicate which I/Cs?

This is a Measure R project that provides funding to partner for operational projects on the SR 198 Corridor. As the project is further defined and funding is secured, the scope will be updated.

- ID# TC-RTP18-001, not listed in project look-up. Possibly a long-range project as the OT date is 2031?

Based on the latest planning assumptions, this project is part of planned improvements on the SR 65 Corridor and has been discussed with Caltrans numerous times.

- ID# TC-RTP18-002, OT date should be 2024, not 2031.

Based on the latest planning assumptions, the open to traffic date should remain as it is.

- ID# TUL-18-102, OT date should be 2024, not 2023.

Based on the latest planning assumptions, the open to traffic date should remain as it is.

- ID# TUL-20-033, project is inactive. This is the Porterville Intersection Improvements II project.

TCAG does not agree with this comment. In partnership with Caltrans, this project is an active project and in the process of project delivery.

Caltrans recommends the following Projects to be added to the Constrained List in Chapter D - Action Element:

- Terra Bella Expressway – Segment 3 SR 65 PM 6.1/11.4. From 0.6 mile north of the Orris UP to 0.4 mile south of Ave 95, 2C to 4E. OT 2028. Inactive.

Based on the latest planning assumptions and according to guidance from the State Climate Action Plan for Transportation Infrastructure, this project is not fiscally constrained and therefore should not be in the RTP.

- Terra Bella Expressway – Segment 4 SR 65 PM 0/6.6. From the Kern County line to 0.4 mile south of Ave 56, 2C to 4E. OT 2030. Inactive.

Based on the latest planning assumptions and according to guidance from the State Climate Action Plan for Transportation Infrastructure, this project is not fiscally constrained and therefore should not be in the RTP.

- Oak Avenue Roundabout – SR 65 PM 29.7/30.3. In Lindsay, from 0.1 mile south of Mariposa St to Cedar Ave, construct roundabout. OT 2028. Candidate phase. RIP funds.

This project is already a constrained project (TUL 20-100). Oak Ave will be added to the project description.

- Tagus 6-Lane (Combined) Replacement Planting – SR 99 PM 30.6/35.2. In and near Tulare, from the Prosperity Ave OC to 1.2 miles south of the Ave 280 OC, highway replacement planting. OT 2024. PS&E/RW phase. IIP funds.

TCAG does not list these types of projects individually in the RTP constrained projects list.

- Friant-Kern Canal Siphon – SR 190 PM 11.96. Near Porterville, construct canal siphon. OT 2024. PA&ED phase. Local funding.

TCAG does not list these types of projects individually in the RTP constrained projects list.

- Farrar Estates – SR 137 PM 17.9/18. In Tulare, at Morrison St. OT after 2024. Candidate. Local funding.

This is listed as a local project under the City of Tulare in Table A-15.

- Visalia Parkway – SR 63 PM 2/2.5. In Visalia, at Visalia Pkwy, oversight of intersection signalization. OT 2025. PA&ED phase. Local funding.

This is a minor local operational improvement. TCAG does not list these types of projects individually in the RTP constrained projects list.

- Tower Interchange – SR 198 PM 6.6/13.6. In Visalia, from Akers St to 0.2 mile west of the Rd 152 OC, widen from 4-6 lanes. No OT date. Candidate phase. Local funding.

This is already included as a constrained project (SR 198/Road 148). "Tower" will be added to the project description to prevent confusion. As for the widening to six lanes, Caltrans has not determined feasibility of widening, therefore it is not fiscally constrained.

- Bardsley I/C Operational Improvements PM 28.2/28.9. In Tulare, from 0.4 mile south of the Bardsley OC to 0.3 mile north of the Bardsley OC, interchange operational improvements. OT 2029. Candidate phase. Local funding. This Project is on the unconstrained list.

This project is not fiscally constrained until full funding has been identified.

- Tulare SR 137 Complete Streets – SR 137 PM 14/15.38. In Tulare, from West St to “I” St, complete streets corridor. OT 2029. PID phase. IIP funding.

Active Transportation Projects are not currently listed individually in the RTP (they are contained in the Active Transportation Plan, Appendix 1-C).

- Tulare County SR 99 Corridor – SR 99 PM 9.94/30.64. In Tulare County, along SR 99, Clean CA project. OT 2023. Candidate phase. Clean CA funding.

Clean California funded projects are not individually listed in the RTP as capacity increasing projects.

- Cutler-Orosi SR 63 Corridor – SR 63 PM 21.72/22.86. In Cutler-Orosi, Clean CA project. OT 2023. PA&ED phase. Clean CA funding.

Clean California funded projects are not individually listed in the RTP as capacity increasing projects.

- Tulare City Rehab BMMN – SR 99 PM 27.6/30.6. In Tulare, from the Paige Ave OC to the Prosperity Ave OC, install broadband middle-mile network. Candidate phase. Local funding.

SHOPP projects are listed in Table F-2 of the Financial Element.

- BMMN VAR Locations Tulare County – VAR PM 0/27.4. In Tulare County, at various locations, install broadband middle-mile network. OT 2027. Candidate phase. Local funding.

SHOPP projects are listed in Table F-2 of the Financial Element.

- BMMN SR 190 Tulare County – SR 190 PM 21.1/30.89. In Tulare County, from Rd 284 to 0.9 mile south of Tule River Dr, install broadband middle-mile network. OT 2027. Candidate phase. Local funding.

SHOPP projects are listed in Table F-2 of the Financial Element.

OFFICE OF REGIONAL PLANNING - HEADQUARTERS

The following comments are related to the RTP Checklist included in Appendix 1-A:

General Comments:

- Question #2, it is difficult to determine short versus long term strategies. Please clearly identify the strategies.

Document A in the RTP Checklist refers to the Executive Summary. The checklist points to pages 1 through 5 to find the short and long term strategies requested. The first paragraph of page 1 (A-1) describes the long-range nature of the RTP, and a description of how the document is organized to communicate those strategies. The next paragraph walks the reader through the Congestion Management Process (CMP) which provides information on system performance and strategies to relieve congestion and improve mobility of people and goods. It identifies the process for deciding projects based on air quality and other needs. It then refers the reader to Appendix 2-Q for a more detailed review. To list all of the strategies in the CMP would make this a very lengthy response letter.

The RTP Guidelines cite a range of 0-10 years as “short range” and 10-20 years as “long range”. By these criteria, the 2022 RTP/SCS includes short term as well as long term considerations in identifying implementing strategies. Some strategies remain vague in time horizon due to uncertainty in forecasting availability of funding.

The CMP was completed in accordance with Federal and State Guidelines and contain both short and long-term strategies. Some highlights include:

Long Term:

- Fixed Route Transit
- Operational Improvements
- Transportation System Management
- Intelligent Transportation Systems
- Encouraging alternate modes of transportation
- Increasing transit capacity
- Optimizing safe and efficient goods movement
- Increasing the capacity of existing roads to eliminate demand for new ones
- Integrated corridor management
- Improve street circulation patterns
- Roundabouts
- Economic Development Oriented transportation policies
- Interregional Transportation coordination
- Carpool/Vanpool programs
- Emergency ride home services
- Ride matching
- Bicycle to Work programs
- Complete streets policies
- Revisions to existing land use/transportation regulations
- Telecommuting efforts
- Alternative Work Hours
- Improvements for walking
- Improvements for bicycling
- Improvements for non-motorized transportation
- Development of the Cross Valley Corridor
- Serving Disadvantaged communities
 - Completely transforming them like in the case with Lindsay and Woodlake
 - Direct Affordable Housing/Sustainable Communities funding to disadvantaged communities
 - Direct Transit Center funding to disadvantaged communities
 - Direct funding for complete streets plans to disadvantaged communities
 - Direct bike rodeos put on by TCAG to disadvantaged communities

Short Term:

- Mitigation Measures to relieve congested areas
- Fixed Route Transit
- CMP Transit Performance Measures
- LOS Performance Evaluation
- Highway Performance Monitoring System
- Travel Time Survey
- Traffic Count Collection Program
- Intersection Monitoring program
- Transit Monitoring
- Signage improvements
- Intersection improvements
- Safety improvement and programs
- Incident management programs
- Center turn lanes
- Channelization
- Left turn lanes
- Upgrading traffic signals

- Traveler information services
- Ramp metering
- Commercial vehicle operations
- Queue Warning
- Route Shield pavement marking
- Vehicle use limitations and restrictions
- Marketing/outreach for transit
- Electronic fare payments improvements
- Advanced transit system management

Additional strategies are found in the Health Impacts and Environmental Justice section located on page D-7 as indicated on the RTP Checklist. These include, but are not limited to:

- Communicating with local agencies (including the Tribe) to coordinate and communicate to avoid disturbing historical, indigenous or other significant cultural sites.
 - Avoid potential social impacts to communities and the environment.
 - Evaluate capacity increasing projects with a new procedure to insure environmental justice.
- Whether or not these are short or long term, is debatable. They are probably both.

The page numbers given on the RTP checklist properly direct readers to these sections in the Actual RTP Document. TCAG will add the appendix (CMP) as well for convenience.

- Question #3, the pages listed need to match the titles on the documents provided.

Correction noted. RTP Checklist updated to show correct reference. (The updated checklist has been posted on the TCAG website.)

- Question #4-b, the pages referenced do not match where the information is found.

Correction noted. RTP Checklist updated to show correct page numbers.

Consultation/Cooperation:

- Question #1-vi, the referenced document could not be found.

Correct. Question #1-vi is a request to demonstrate consideration and response to comments to public input received during the RTP and FTIP. TCAG typically does this through a separate appendix to the plan titled Response to Comments that is developed as part of the materials presented to the TCAG Board at the final meeting. The comments are received during the public review periods, the public hearings and the outreach efforts that end the day of the TCAG Board meeting. At the board meeting the final list of comments and responses will be presented. It will necessarily include this letter and the responses that we are providing here.

When the Board adopts the RTP after reviewing the comments, the complete list of comments and responses will be sent along with the RTP in its entirety to Caltrans and FHWA for their reviews.

The Public Outreach chapter Appendix 3-E which describes in detail the outreach the TCAG conducted and the responses received that were used to prepare the plan is part of the RTP and available for review on the TCAG website.

- Question #2, the referenced document could not be found.

Correct. Question #2 is a request to demonstrate consideration of written and oral comments received. TCAG typically does this through a separate appendix to the plan titled Response to Comments that is developed as part of the materials presented to the TCAG Board at the final meeting. The comments are received during the public review periods, the public hearings and the outreach efforts that end the day of the TCAG Board meeting. At the board meeting the final list of comments and responses will be presented. It will necessarily include this letter and the responses that we are providing here.

When the Board adopts the RTP after reviewing the comments, the complete list of comments and responses will be sent along with the RTP in its entirety to Caltrans and FHWA for their reviews.

The Public Outreach chapter Appendix 3-E which describes in detail the outreach the TCAG conducted and the responses received that were used to prepare the plan is part of the RTP and available for review on the TCAG website.

- Question #3, reference page D-35 does not provide the adequate information.

Pages 14-16 of Appendix 3-E contains a detailed description of consultation with the appropriate representatives. The other appendixes cited contain the original plans for consultations to illustrate the complete effort made. The RTP checklist was updated to better reflect that.

- Question #4, reference page D-35 does not provide the adequate information.

Pages 14-16 of Appendix 3-E contains a detailed description of consultation with the appropriate agencies. The other appendixes cited contain the original plans for consultations to illustrate the complete effort made. The RTP checklist was updated to better reflect that.

- Question #5, please cite the specific page numbers.

Pages 14-16 of Appendix 3-E contains a detailed description of consultation with the appropriate stakeholders. The other appendixes cited contain the original plans for consultations to illustrate the complete effort made. The RTP checklist was updated to better reflect that, including adding these page numbers.

- Question #6, please cite the specific page numbers.

Page numbers added to the RTP Checklist as requested.

- Question #7, please cite the specific page numbers.

Pages 14-16 of Appendix 3-E contains a detailed description of consultation with the appropriate tribal interests. The other appendixes cited contain the original plans for consultations to illustrate the complete effort made. The RTP checklist was updated to better reflect that.

- Question #9, there is no discussion on the private sector involvement effort during the development of the plan as required per 23 CFR 450.316(a).

Pages 14-16 of Appendix 3-E contains a detailed description of consultation with the appropriate private sector stakeholders. The other appendixes cited contain the original plans for consultations to illustrate the complete effort made. The RTP checklist was updated to better reflect that.

Programming/Operations

- Question #2, the referenced document could not be found.

The RTP Checklist has been updated to refer the reader to Appendix 2-Q, the Congestion Management Process that has the best description of the answer to that question.

- Question #3, it is difficult to read the listed projects when zooming in.

True. As a result, TCAG has loaded the table onto the RTP website as a stand-alone document that can be better zoomed in on for the convenience of the reader.

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AGENDA ITEM VIII-C

August 15, 2022

Prepared by Steven Ingoldsby, TCAG Staff

SUBJECT:

Action: Adopt the Final Regional Housing Needs Plan

BACKGROUND:

The Regional Housing Needs Assessment (RHNA) is a process by which the State Department of Housing and Community Development (HCD) predicts short-term housing needs for each region of the state using Department of Finance population and household growth projections (i.e., the RHNA Determination). The local Councils of Government (COGs) then work with member agencies to prepare a methodology to distribute the required household numbers (i.e., the RHNA Methodology). Through the RHNA process, each local agency receives a RHNA allocation, which is the number of housing units that each local agency must plan to accommodate during the RHNA planning period. This housing unit number is broken down into four income categories: very low-, low-, moderate-, and above moderate-income. The planning period for this RHNA cycle is June 30, 2023, to December 31, 2031 (8.5-year period).

Local agencies must have the RHNA allocation in order to update their General Plan Housing Elements. To get the Housing Elements certified, the State requires each agency to ensure that there is enough land with the proper zoning and infrastructure to allow those units to be constructed. Failure to have adequate sites zoned to the appropriate densities for low-income housing will generally lead to a Housing Element not being certified by HCD. This, in turn, usually leads to a loss of federal funding for housing projects and can expose local agencies to the threat of litigation.

TCAG has coordinated closely with the development of the RTP and SCS to develop a methodology to distribute the region-wide housing needs among the county agencies, consistent with the intent of State law. Generally, the total allocations to each agency have been divided up by population and historical housing trends in conjunction with the RTP and SCS.

The TCAG Board and HCD approved methodology includes a technique known as “regional income parity” that gives a smaller percentage of lower income housing units to jurisdictions that currently have a larger percentage of lower income households compared to the regional averages and ties the horizon year for regional income parity with the horizon year for the RTP/SCS.

DISCUSSION:

Regional Housing Needs Plan

The Regional Housing Needs Allocation (RHNA) methodology is incorporated into the Final Regional Housing Needs Plan (RHNP). The adoption of the allocation and Draft RHNP at the June 27, 2022 board meeting started a 45-day appeal period. No appeals or comments were received.

RECOMMENDATION:

Adopt the Final RHNP.

ATTACHMENTS:

Attachment 1 – Final RHNP (**Provided under separate cover**)

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Tulare County Association of Governments

AGENDA ITEM VIII-D

August 15, 2022

Prepared by Benjamin Kimball, TCAG Staff

SUBJECT:

Information: Legislative Update

BACKGROUND:

Prior to Covid 19, TCAG conducted one or more One Voice trips to Washington, D.C. to collaborate with administration and legislative bodies on matters of federal policy and financing. TCAG also participated in legislative efforts and Valley Voice trips conducted by the San Joaquin Valley Policy Council, both to Washington, D.C. for federal matters and Sacramento for state matters.

In addition, TCAG works with the California Councils of Government (CalCOG), the Self Help Counties Coalition (Self Help), the American Planning Association (APA) and the National Association of Regional Councils (NARC) to advance the regional agenda and get additional support from the federal and state government.

Assisting TCAG staff in these efforts is our federal lobbyist, Pace Government Solutions, and our State Lobbyist the Politico Group.

DISCUSSION:

STATE LEGISLATION

At the August 15 Board meeting, staff will provide an update ongoing legislation and various issues.

FINISH 99 EFFORT

TCAG is working with Madera and Merced on a "Finish the 99" campaign. A significant number of agencies, local businesses or organizations, and statewide advocates have provided support. As presented in prior meetings, Senator Hurtado led an effort to get the valley assembly and senate representatives to all sign a letter of support to Finish 99.

FEDERAL LEGISLATION

At the August 15 Board meeting, the TCAG federal lobbyist firm, Pace Government Relations firm will provide an update of ongoing legislation, funding and other issues.

As a result of the recent infrastructure bill TCAG continues to work with our consultant to review and comment as Federal Highway Administration develops implementation plans (called rule making). TCAG staff will also work to identify funding opportunities for our member agencies.

TCAG staff with the help of federal government relations firms continues to monitor the conditions back in DC, including the next round of appropriations requests. TCAG will be participating in a Valley trip to DC this fall. A review of the discussion issues will be shared when received by the Policy Council.

ATTACHMENT(S):

None

Work Element: 601.08 Advocacy

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Tulare County Association of Governments

AGENDA ITEM VIII-J

August 15, 2022

Prepared by Brideget Moore, TCAG Staff

SUBJECT:

Information: September is Railroad Safety Month

BACKGROUND:

California leads the nation in rail related fatalities, some of which could have been prevented by increased public awareness of the dangers associated with railroad crossings.

In 2016, several member agencies joined TCAG in drafting a proclamation to bring awareness to Railroad Safety. In August 2017, TCAG requested that the additional member agencies join the cities of Exeter, Lindsay, Farmersville and Dinuba in declaring September as Railroad Safety Month with a goal that all member agencies have proclamations in order to have a united effort in significantly reducing rail related death and injury.

2022 YTD Trespassing Casualties by State:

RANK	STATE	TOTAL CASUALTIES	DEATHS	INJURIES
1.	California	102	141	95
2.	Texas	50	30	20
3.	Florida	45	25	20

Source: Federal Railroad Administration Office of Safety Analysis, Trespasser Casualties by State/Railroad Report. Accident/Incident data current through April 30, 2022. Accessed 7/28/22.

DISCUSSION:

In Tulare County, there has been a significant increase in pedestrian related fatalities. Unfortunately, on July 15th in Tulare County, there were two train vs. pedestrian fatalities on the same day. TCAG continues to promote these types of safety concepts to those we encounter in our outreach endeavors. However, a more united approach can create greater awareness, impact and ultimately a culture shift as we work to navigate our communities safely.

TCAG partners with Operation Lifesaver, a nationwide railroad safety organization, to increase crossing danger awareness. Operation Lifesaver typically provides an annual presentation to the Active Transportation Advisory Committee to educate on our local rail safety issues and to share ideas to increase public awareness. For rail safety month, TCAG will be active on social media supporting safety concepts promoted by Union Pacific and Operation Lifesaver. One life lost is too many, and therefore TCAG would like all member agencies to join the effort next month, in solidarity, to proclaim September as Railroad Safety Month and reaffirm each September thereafter.

ATTACHMENTS:

None

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Tulare County Association of Government
Sitting as the Abandoned Vehicle Abatement Authority

AGENDA ITEM IX-A

August 15, 2022

Prepared by Michele Boling, TCAG Staff

SUBJECT:

Information: Abandoned Vehicle Abatement (AVA) 2021/2022 Third Quarter Report

BACKGROUND:

The Abandoned Vehicle Abatement (AVA) Program Third Quarter Report for FY 2021/2022 represents the period from January 1 to March 31, 2022.

DISCUSSION:

The State's quarterly disbursements are distributed according to the following formula:

- 1) Allocates 1% to the Tulare County Association of Governments (TCAG) for support of TCAG's role as Abandoned Vehicle Abatement Service Authority; and
- 2) Distributes 50% of the remaining quarterly allocation to the eight cities and county in direct proportion to their population as determined by State Department of Finance May 1, 2021 estimates; and
- 3) Distributes 50% of the remaining quarterly allocation to the eight cities and county in direct proportion to their share of the total number of abatements made during that quarter.
- 4) The amount received for 2021/2022 Third Quarter distribution is \$103,768.93. The distributed amount is based on the above criteria as represented on Attachment A.

ATTACHMENT:

1. Tulare County Abandoned Vehicle Abatement Third Quarter 2021/2022 FY Report

Tulare County Abandoned Vehicle Abatement Service Authority								
Report on Allocations for 3rd Quarter, January 1-March 31						2021-2022		
\$ 103,768.93	Authority's allocation of Abandoned Vehicle Abatement Funds from State							
\$ 1,037.69	1% administration fee levied by the Tulare County Association of Governments							
\$ 102,731.24	Funds distributed to Local Jurisdictions by the Authority this quarter							
Local Jurisdiction	Population as of 5/1/2020	Percentage of Population	Funding Allocation Based on Population	Total Number of Abatements	Percentage of Abatements	Funding Allocation Based on Abatements	Total Funding Allocation for Quarter	Total Number of Voluntary Abatements
Dinuba	26,517	5.50%	\$ 2,827.42	0	0.00%	\$0.00	\$ 2,827.42	0
Exeter	10,997	2.28%	\$ 1,172.57	0	0.00%	\$0.00	\$ 1,172.57	0
Farmersville	11,327	2.35%	\$ 1,207.76	0	0.00%	\$0.00	\$ 1,207.76	0
Lindsay	13,090	2.72%	\$ 1,395.74	0	0.00%	\$0.00	\$ 1,395.74	0
Porterville	59,571	12.37%	\$ 6,351.86	11	57.89%	\$29,735.56	\$ 36,087.42	82
Tulare	69,246	14.37%	\$ 7,383.48	0	0.00%	\$0.00	\$ 7,383.48	0
Visalia	139,254	28.91%	\$ 14,848.21	6	31.58%	\$16,221.26	\$ 31,069.47	153
Woodlake	8,054	1.67%	\$ 858.77	0	0.00%	\$0.00	\$ 858.77	8
Unincorporated	143,677	29.83%	\$ 15,319.81	2	10.53%	\$5,408.80	\$ 20,728.61	9
TOTALS	481,733	100.00%	51,365.62	19	100.00%	\$51,365.62	\$ 102,731.24	252