



Mike Leonardo
Executive Director

April 6, 2023

The Honorable Joaquin Arambula
Assemblymember, 31st District
1021 O Street, Suite 8130
Sacramento, CA 95814

Re: AB 558 (Arambula) Fresno County Transportation Authority Membership - OPPOSE

Dear Assemblymember Arambula:

On behalf of the Fresno County Transportation Authority (FCTA), I write to you in **OPPOSITION** to AB 558, your measure that proposes to alter the composition of the FCTA Board of Directors in response to unfounded concerns over the process that our agency followed to develop the most recent transportation sales tax measure in Fresno County that sought local voter approval on the November 2022 ballot for a 30-year extension of our current Measure C (half-cent sales tax). This measure ultimately fell short of the necessary votes for extension.

FCTA was established in 1986 as a part of Fresno County's first county-wide locally funded transportation sales tax measure (Measure C). At that time, the FCTA Board consisted of two members from the City of Fresno, two members of the Fresno County Board of Supervisors, an Eastside and Westside City representative, and a City of Clovis representative. In 2006, Measure C was extended for an additional 20 years and remains in place until 2027 unless extended. In 2006, two additional members were added to the FCTA Board; an urban and a rural Member-At-Large with the rural member appointed by the Board of Supervisors and the urban member appointed jointly by the Cities of Fresno and Clovis. The two additional members were requested locally and were added just prior to the 2006 reauthorization. The new Board membership was then included in the 2006 ballot materials approved by the voters of Fresno County. This was not a top-down change but rather a local request. These at-large positions have been filled with individuals of various backgrounds. The two current at-large members come from the disabled community and the goods movement industry.

AB 558 proposes to add four additional non-elected members to the FCTA Board from various backgrounds, would purportedly extend prevailing wage requirements to projects that are not in their entirety a public works project, and would require Measure C projects to adhere to the California Environmental Quality Act (CEQA). These proposed changes rest on the assumption that these additional members are necessary because the constitution of the existing Board does not adequately represent people in underserved communities and current FCTA Board agendas are not inclusive. We strongly disagree with this perspective. Please note that the existing Board represents all of Fresno County, including the 15 incorporated cities, the unincorporated communities, as well as the rural unincorporated areas.

Approximately 65% of the Fresno County population is within the Fresno-Clovis metropolitan area. The other incorporated cities make up 18% while the unincorporated areas and communities make up the remaining 17%. The Fresno-Clovis metro area has four members on the Board. The smaller unincorporated cities have two (or three depending on how the Rural-At-Large member is considered), while the unincorporated areas have two (or three, again depending on how the Rural-At-Large is considered). While not an exact match, this Board composition does well at ensuring adequate representation for all of Fresno County.

During recent efforts to renew Measure C for an additional 30 years, certain groups opposed to the renewal effort claimed that FCTA staff, consultants and the Board did not authentically engage with the public, especially in regard to disadvantaged areas of Fresno County. This could not be further from the truth. FCTA, in partnership with the Fresno County Council of Governments (Fresno COG), engaged in extensive public outreach and engagement. This effort was unprecedented in Fresno County, especially considering it occurred during the height of the COVID-19 pandemic. In summary:

- The renewal effort was guided by two diverse committees consisting of a total of approximately 85 members. These two committees consisted of representatives from local government, health, business, agriculture, goods movement, education, disabled, youth, labor, chambers of commerce, public safety, ADA & Seniors, non-motorized modal advocates, transit advocates, air quality advocates and eight different community-based organizations representing a broad cross section of disadvantaged and underserved communities and groups. (Complete membership of these committees is included as an attachment to this letter).
- During 2021 and 2022, FCTA conducted two public opinion polls of close to 6000¹ residents. Each area of the County, including rural unincorporated areas were represented by a statistically valid number of people contacted. Oversampling was done in rural areas in order to ensure each area was statistically valid.
- Approximately 2800 informal surveys were collected, some online due to COVID but many done face to face in the rural disadvantaged areas. These face-to-face surveys were conducted in English or Spanish depending on the stated desires of the residents.
- Seven in-person workshops throughout the country plus one virtual workshop were held. These meetings typically included transportation, food, and child care to ensure disadvantaged community members had the opportunity to fully participate.
- Attendance and presentations at various community events throughout the County, including disadvantaged communities
- Multiple presentations at the FCTA Board, the Board of Supervisors meetings, Fresno Council of Governments, and at every incorporated City within the County.

As you can see, FCTA takes their public engagement responsibilities very seriously and additional Board members are not required in order to ensure that disadvantaged communities are represented in the process. As noted above, the makeup of the existing FCTA Board ensures that everyone in the County is represented. Almost all of rural Fresno County is considered disadvantaged as well as much of the urban area. Supervisors, Councilmembers, and Mayors are elected to represent all of their constituents within Fresno County. With rare exception, each of these elected officials represent disadvantaged areas and people. Further, these elected Board members are accountable to the people who elect them. That accountability does not exist with non-elected appointed Board members. As you are aware, local sales

¹ This polling sample size is unprecedented in Fresno County and larger than almost all other local transportation measure polls conducted throughout California.

tax measures are a careful balancing act that must consider the needs of the entire county in order to achieve the necessary two-thirds voter threshold. Because certain communities feel as though not enough investment was promised to them is not a reason to overhaul the FCTA Board, but rather an opportunity to engage through the public engagement process during the next attempt to extend Measure C. A full description of the Measure C Renewal public engagement effort is also attached to this letter.

In response to AB 558’s requirement to apply prevailing wage requirements, it is important to understand what Measure C does, how the money is allocated, and what is covered by existing prevailing wage requirements. Measure C’s major programs along with the current prevailing wage requirements are outlined in the following table:

PROGRAM	Percentage of Measure	Prevailing Wage Requirements
Regional Transportation Improvement Program	30.5%	Public Works projects, 100% prevailing wage.
Local Transportation Program, Street Maintenance	15%	Mostly public works projects which are subject to prevailing wage. Some pavement repairs done with in-house city/county maintenance crews. Most/all are union employees subject to prevailing wage
Local Transportation Program, Flexible and Bike/Ped/ADA	19.5%	Traffic signals, ped and bike facilities, safety improvements, etc. Nearly all public works projects (100% prevailing wage) with some minor work performed by in-house (union) staff.
Grade Separation Program	6%	Public Works Projects 100% prevailing wage.
Public Transit Program	24%	Transit projects are public works projects and subject to prevailing wage. Vast majority of funding covers transit operations. Most transit employees are union and subject to prevailing wage
Environmental Enhancement Program	3.5%	School Bus Replacements subject to public purchasing requirements. TOD incentive projects are typically public works projects and subject to prevailing wage.
Administration	1.5%	No prevailing wage requirements

As you can see, the addition of the prevailing wage language is unnecessary as there is little in Measure C that isn’t covered and all public works projects, state and local, are already covered by Section 1720 of the California Labor Code.

Finally, every project or program funded by Measure C is subject to a CEQA analysis. Some programs do not have CEQA implications and are legally exempt. All major projects do undergo a CEQA (and in most cases National Environmental Policy Act NEPA) analysis. Again, AB 558 unnecessarily re-states existing law.

In closing, we would like to reiterate that AB 588 is looking for a problem that simply does not exist. Within the framework of our existing measure, the FCTA Board has very little discretion in how funds are allocated, and which projects are funded, as the funding allocations and projects were set by voters in

AB 558

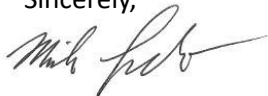
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the 2006 Expenditure Plan, and local projects are exclusively at the discretion of the County's various local agencies. FCTA has no role in which local projects are selected because those decisions are made by the cities themselves or the Board of Supervisors. Almost 60% of Measure C revenues are local agency pass through funds with no FCTA oversight except to ensure, through audits, that the expenditures were consistent with the program requirements. Another 30% are project specific funds included in the 2006 Expenditure Plan. There are two small grant programs totaling about 3% of the entire Measure C program that the FCTA Board makes funding decisions based on technical evaluation performed by local agency staff.

Our local governance structure was affirmed by local voters, should remain a local issue for the current Measure and any future measures. If you have any questions, please contact me at mike@thefcta.com. Thank you for your consideration.

Sincerely,



Mike Leonardo

Executive Director

Fresno County Transportation Authority

cc: The Honorable Cecilia Aguiar-Curry, Chair, Assembly Committee on Local Government
The Honorable Jim Patterson, Assemblymember, 8th District
The Honorable Devon Mathis, Assemblymember, 33rd District
The Honorable Esmerelda Soria, Assemblymember, 27th District
The Honorable Shannon Grove, Senator, 12th District
The Honorable Anna Caballero, Senator, 14th District
The Honorable Melissa Hurtado, Senator, 16th District