



San Diego Region Conformity Working Group Agenda

Wednesday, March 2, 2022

10:30 a.m.

****Teleconference Meeting****

MEETING ANNOUNCEMENT AMIDST COVID-19 PANDEMIC:

The San Diego Region Conformity Working Group meeting scheduled for Wednesday, March 2, 2022, will be conducted virtually in accordance with Governor Newsom’s State of Emergency declaration regarding the COVID-19 outbreak, Government Code Section 54953(e), Assembly Bill 361 (Rivas, 2021), and the COVID-19 Emergency Temporary Standards issued by the California Department of Industrial Relations. Working Group members will primarily participate in the meeting virtually, while practicing social distancing, from individual remote locations.

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Vision Statement

Pursuing a brighter future for all.

Mission Statement

We are the regional agency that connects people, places, and innovative ideas by implementing solutions with our unique and diverse communities.

Our Commitment to Equity

We hold ourselves accountable to the communities we serve. We acknowledge we have much to learn and much to change; and we firmly uphold equity and inclusion for every person in the San Diego region. This includes historically underserved, systemically marginalized groups impacted by actions and inactions at all levels of our government and society.

We have an obligation to eliminate disparities and ensure that safe, healthy, accessible, and inclusive opportunities are available to everyone. In 2021, SANDAG will develop an equity action plan that will inform how we plan, prioritize, fund, and build projects and programs; frame how we work with our communities; define how we recruit and develop our employees; guide our efforts to conduct unbiased research and interpret data; and set expectations for companies and stakeholders that work with us.

We are committed to creating a San Diego region where every person who visits, works, and lives can thrive.



San Diego Region Conformity Working Group

Wednesday, March 2, 2022

Item No.		Action
1.	Welcome and Introductions	
+2.	Meeting Minutes The San Diego Region Conformity Working Group (CWG) is asked to review the minutes from its January 5, 2022, meeting.	Information
3.	Public Comments/Communications/Member Comments Members of the public shall have the opportunity to address the CWG on any issue within the jurisdiction of SANDAG that is not on this agenda.	
Reports		
+4.	2023 Regional Transportation Improvement Program: Conformity Criteria and Procedures <i>Richard Radcliffe, David Tedrow, Ziyang Ouyang, and Sam Sanford, SANDAG</i> The CWG will discuss the conformity criteria and procedures to be followed to determine conformity of the 2023 Regional Transportation Improvement Program (2023 RTIP) and redetermine conformity of the 2021 Regional Plan. The CWG is asked to provide input on the following: <ol style="list-style-type: none">1. 2023 RTIP Schedule2. Revenue-Constrained Financial Assumptions3. 2050 Regional Growth Forecast4. Travel Demand Model5. Latest Emission Model and Emission Budgets6. Transportation Control Measures7. Public Involvement and Outreach	Information
5.	2020 Ozone State Implementation Plan Update <i>Nick Cormier, San Diego County Air Pollution Control District and John Kelly, U.S. Environmental Protection Agency</i> San Diego County is designated as a non-attainment area for the federal 2008 and 2015 ozone standards, requiring the development of a revised SIP. The San Diego County Air Pollution Control District prepared the 2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County (2020 SIP) demonstrating attainment of both standards by mandated Clean Air Act deadlines. On October 19, 2021, the motor vehicle emissions budgets from the 2020 SIP were found adequate by U.S. Environmental Protection Agency for transportation conformity purposes (86FR 54692). This item provides updates on the approval process and implementation of this plan.	Information

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|-----|---|-------------|
| 6. | <p>Draft 2022 State Strategy for the State Implementation Plan
 <i>Nesamani Kalandiyur, California Air Resources Board</i>
 California Air Resources Board (CARB) has released the draft 2022 State Strategy for the SIP for public review. The 2022 State SIP Strategy identifies the control measures and emissions reductions from state-regulated sources to support attainment the 2015 Ozone standard. Comments on the draft plan are requested by March 4, 2022.</p> | Information |
| 7. | <p>EMFAC 2021 Update
 <i>Nesamani Kalandiyur, California Air Resources Board</i>
 An update on the status of EMFAC2021 will be presented.</p> | Information |
| 8. | <p>Reconsideration of Safe Vehicles Rule Part One
 <i>Sam Sanford, SANDAG</i>
 On December 21, 2021, the Deputy Administrator of the National Highway Traffic Safety Administration signed the Final Rule repealing the Safer Affordable Fuel-Efficient Vehicle Rule Part One (86 FR 74236). The repeal has an effective date of January 28, 2022.
 On December 30, 2021, U.S. EPA produced a final rule revising Greenhouse Gas (GHG) standards under the Clean Air Act (86 FR 74434). The standards apply to 2023 and later model year light duty vehicles. This rule has an effective date of February 28, 2022.
 An overview of these efforts will be presented.</p> | Information |
| 9. | <p>Upcoming Meetings
 The next CWG meeting is scheduled for Wednesday, April 6, 2022, at 10:30 a.m.</p> | Information |
| 10. | <p>Adjournment</p> | |

+ next to an item indicates an attachment

March 2, 2022

Action: **Information**

January 5, 2022, Meeting Minutes

Sam Sanford (SANDAG), called the meeting of the San Diego Region Conformity Working Group (CWG) to order at 10:35 a.m.

1. Welcome and Introductions

Sam Sanford facilitated introductions. The attendance sheet for this meeting is included.

2. Meeting Minutes (Information)

Sam Sanford asked the CWG to review the minutes from its November 3, 2021, meeting. No comments or corrections were made.

3. Public Comments/Communications/Member Comments (Discussion)

No comments from the public or CWG members.

Reports

4. San Diego Forward: The 2021 Regional Plan (Information)

Phil Tom (SANDAG) provided an update on the 2021 Regional Plan adoption. The adopted plan was distributed to federal, state, and local partners including the plan's conformity determination as appropriate. Appendix C of the plan contains the air quality conformity demonstration and documentation. Appendix B contains information on near-term actions for the next four years.

Nick Cornier raised a question regarding SANDAG's Board of Directors request to review the Vehicle Miles Travelled (VMT) funding source in the next 6 months. Elisa Arias (SANDAG) shared further information regarding the discussion to explore other funding sources to support the plan.

5. 2023 Regional Transportation Improvement Program Adoption Schedule (Information)

Richard Radcliffe (SANDAG) shared key dates for the 2023 Regional Transportation Improvement Program (RTIP) schedule. On February 2, 2022, the initial consultation with the CWG will take place. On April 1, 2022, the draft 2023 RTIP project list will be shared with the CWG for interagency consultation. On April 6, 2022, the draft project list will be discussed at the CWG meeting. April 16, 2022, will be the end of the interagency consultation period on conformity criteria. On May 20, 2022, the draft conformity analysis will be submitted for a 30-day review and comment period. On June 1, 2022, the draft conformity analysis will be discussed at the CWG meeting. June 20, 2022, will be the end of the 30-day CWG review and comment period on the draft conformity analysis. On July 22, 2022, SANDAG's Board of Director's will release draft 2023 RTIP and draft air quality analysis for 30-day public comment period that will end on August 22, 2022. On September 23, 2022, the SANDAG Board will be asked to adopt the program and its conformity determination. On September 30, 2022, the statewide public review process will begin. The 2023 RTIP is expected to be federally approved by December 16, 2022.

6. 2020 Ozone State Implementation Plan Update (Information)

Nick Cormier (APCD) provided an update on the 2020 Ozone State Implementation Plan (SIP) that it is still under review by the U.S. Environmental Protection Agency (EPA). Nick shared updates on the process for withdrawing the previous SIP. John Kelly (EPA) shared information on the process to approve 2020 SIP with a tentative timeframe for a final review in late spring/summer 2022 and a final action in fall 2022.

7. EMFAC 2021 Update (Information)

Nesamani Kalandiyur (CARB) provided an update on the development and approval process for EMFAC2021. CARB anticipates approval in March-April 2022. CARB is still working with U.S. EPA legal team to submit additional documentation for EMFAC modeling. . CARB is in the process of submitting paperwork this month. Sam Sanford (SANDAG) raised question regarding EMFAC2021 timeline. Nesamani shared that CARB requested a 24-month grace period after approval, however, US EPA determines grace period duration.

8. Reconsideration of SAFE Vehicles Rule Part One (Information)

Sam Sanford (SANDAG) shared updates on the Reconsideration of SAFE Vehicles Rule Part One. U.S. Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA) released a final rule on December 21, 2021, repealing their section of the SAFE Vehicles Rule. The repeal has an effective date of January 28, 2022. On December 30, 2021, U.S. EPA produced a final rule revising Greenhouse Gas (GHG) standards under the Clean Air Act. Both administrations submitted their sections in 2021. Nick Cornier (APCD) asked if there is any information regarding the Safe Vehicles Rule Part Two. There was no further information from the group regarding Part Two.

9. Upcoming Meetings

The next CWG meeting is scheduled for March 2, 2022, at 10:30 a.m.

10. Adjournment

Sam Sanford adjourned meeting at 11:25 a.m.

Confirmed Attendance at SANDAG San Diego Region Conformity Working Group Meeting

January 5, 2022

Jurisdiction	Name	Attended	Comments
California Air Resources Board	Kevin Hendrawan	Yes	
	Nesemani Kalandiyur	Yes	
	Stephanie Parent	Yes	
Caltrans	Abhijit Bagde	Yes	
	Jaqueline Kahrs	Yes	
	Erika Espinosa Araiza	Yes	
	Diane Vermeulen	Yes	
	Lexie Arellano	Yes	
	Maurice Eaton	Yes	
Caltrans District 11			
Federal Highway Administration			
Federal Transit Administration			
U.S. EPA	John Kelly	Yes	
San Diego County Air Pollution Control District	Nick Cormier	Yes	
San Diego County	Rouya Rasoulzadeh	Yes	
	Natalia Hentschel	Yes	
Other Attendees			
	Joshua Zajdel	Yes	
SANDAG Staff			
	Elisa Arias	Yes	
	Phil Trom	Yes	
	Richard Radcliff	Yes	
	Sam Sanford	Yes	
	Sue Alpert	Yes	
	Tim Garrett	Yes	
	America Aceves	Yes	

Financial Capacity Assumptions

For nonattainment and maintenance areas, the Regional Transportation Improvement Program (RTIP) must be a revenue constrained document with programmed projects based upon committed funding for the first two fiscal years, and/or reasonably available funding for the remaining years. Funding assumptions are generally based upon: (1) authorized or appropriated levels of federal and state funding from current legislation; (2) conservative projections of future federal and state funding based upon a continuation of current funding levels; (3) the most current revenue forecasts for the *TransNet* program; and (4) the planning and programming documents of the local transportation providers.

FUNDING TRENDS

SANDAG has been conservative with the assumptions being used to develop the 2023 RTIP to mitigate some of the risks to financial constraint detailed below. Some of the steps taken include holding federal funds flat and adjusting near term *TransNet* and TDA forecasts to be more conservative.. Other current impacts to funding assumptions include:

- Infrastructure Investment and Jobs Act (IIJA)/Bipartisan Infrastructure Law (BIL) (DeFazio, 2021): On November 15, 2021, the IIJA was signed into law, providing approximately \$318.8 billion¹ to roads, bridges, and other major projects. While the IIJA provides new and/or additional funding for various programs under the Act, Congress has failed to pass an appropriations bill for FY 2022 and appropriations and forecasts are based on the Continuing Resolution². The IIJA reauthorizes for FY2023-FY2026 several surface transportation programs, including the federal-aid highway program, transit programs, highway safety, motor carrier safety, and rail programs; and directs the Department of Transportation (DOT) to establish a pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system.
- COVID-19: When the pandemic and public health emergency hit, the United States was in a slowing economic expansion. The shutdown of the economy, record unemployment, and economic recession have impacted not only fuel consumption and gas tax, but also the ½ cent regional *TransNet* Sales tax for transportation. Despite the ongoing pandemic, sales tax revenue collections have been considerably higher in the first half of FY 2022 than the prior year, with a remarkable 23% jump in the first quarter, and strong growth continuing into the second quarter. Revenues have benefitted from higher-than-expected spending on taxable items because of public income support (stimulus checks and supplemental unemployment benefits), the fast recovery in high-paying jobs, a general wage increase (especially

¹ This figure comes from the Bipartisan Infrastructure Law Guidebook (<https://www.whitehouse.gov/build/>)

² Continuing Resolution (CR) refers to legislative action that provides for continuing appropriations to government agencies for a defined period or until the enactment of the applicable appropriations act. A CR funds programs at prior year levels to provide funding flexibility and additional appropriations for various programs.

among lower-income workers), price increases, and a strong stock market. Behavioral changes have led to strong increases in spending on taxable goods, while spending on non-taxable services decreased due to COVID-related restrictions. While the nation appears to be recovering and there is a possibility of a return to pre-COVID purchasing patterns, unvaccinated populations and new, more contagious variants provide ongoing uncertainty.

- Oil Market: In the first quarter of 2022, crude oil was trading at around \$91 per barrel. Changes in the per barrel price are expected to affect California's gas prices, because of underinvestment in U.S. oil production, and an increased reliance on foreign oil production. Oil prices are expected to increase as production continues to fall below surging demand. Russian aggression in Ukraine also threatens oil supplies as approximately 1/12th of U.S. oil supply comes from Russia³. Oil drillers are facing increasing costs as it becomes increasingly expensive to extract oil. Higher prices could expedite the shift to alternative fuels in the short term. There may be a delay in fleet turnover, as the fuel economy of combustion vehicles continues to improve, and new and used vehicle prices continue to increase due to economic stagnation and uncertainty.
- Competitive Funding Programs: The trend in funding has been toward more competitive grant programs. Competitive programs give the funding agency more control in project selection to meet the program objectives and provide better feedback in project reporting to track program success. The IJA includes several new competitive funding programs for which SANDAG will be eligible. In the three years prior to the pandemic, SANDAG applied for an average of \$500 million per year in competitive grants with an average funding success of 37%. In 2021, SANDAG established a dedicated department to consolidate grant application activity in the agency and hired a consultant to support project managers in grant writing. SANDAG is prepared to continue and surpass prior success in competitive grant awards to bring more funds to the region. Funds from competitive grants are not programmed until awarded.

Inflation Assumptions

U.S. headline inflation accelerated from 7 percent in December 2021 to 7.5 percent year-over-year in January 2022. California headline inflation, which is only available for even months, increased from 5.6 percent in October 2021 to 6.5 percent year-over-year in December 2021. For both the state and the nation, inflation was broad-based, with transportation and shelter prices being major contributors. Economists expect this to be a temporary surge in inflation, returning to typical levels by FY 2024.

The projects programmed in the 2023 Regional Transportation Improvement Program (RTIP), covering FY 2022/23 to FY 2026/27 are expressed in future dollars. That is, they have been

³ <https://www.independent.co.uk/news/world/americas/us-oil-russia-ukraine-gas-prices-b2022630.html>

escalated based upon anticipated inflation and other factors to the expected year of obligation or expenditure.

The State Transportation Improvement Program (STIP) is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources. For the STIP and State Highway Operations and Protection Program (SHOPP), the revenues and program are based on the 2022 STIP Fund Estimate (STIP FE) adopted by the California Transportation Commission (CTC) in August 2021. The 2022 STIP FE includes applicable resources provided by Senate Bill 1 (SB1) (Beall, 2017). The FE includes total STIP program capacity over the five-year FE period of \$2.1 billion including \$808 million of new programming capacity, and SHOPP capacity of \$21.8 billion which includes new capacity of \$13.4 billion. All of the new STIP capacity is in the State Highway Account and represents a 98% increase from the new capacity available for the 2020 STIP. Beginning in 2021, the California Department of Finance recommends that local agencies use a price escalation rate of 2.9% per year for operating expenses, and a rate of 3.2% per year for capital costs. Increases in funding provided through SB1 are legislatively tied to the California Consumer Price Index, however, fuel consumption is tied to volatile energy pricing which can cause a shift in demand.

For the major transportation projects funded with the County transportation sales tax, *TransNet*, the San Diego Association of Governments (SANDAG) inflation rate considers recent trends showing economic growth, a declining unemployment rate, and an increase in the number of available job openings. This is offset by significant price increases to housing, and to goods consumers purchase frequently, such as fuel, food, and other essentials. Stimulus spending, as well as COVID-related supply chain and production issues are contributing to the rise in prices. This spike in inflation is expected to be temporary with a return to low inflation rates expected in FY 2023. The SANDAG Board of Directors approved a revenue forecast for the County transportation sales tax, *TransNet*, on February 25, 2022.

Program Revenues

Federal Revenues

Federal funds programmed are based on the federal authorizing legislation; the Fixing America's Surface Transportation (FAST) Act was signed into law by the President on December 4, 2015, covering FY 2016/17 to FY 2019/20. While the Infrastructure Investment and Jobs Act adds significant funding, estimates are held at FAST Act levels until Congress passes a new appropriations bill. The 2023 RTIP will be amended when new estimates are available.

These federal funding programs include the following:

- **Congestion Mitigation and Air Quality (CMAQ)/Regional Surface Transportation Block Grant (RSTBG) Program:** Both the CMAQ and RSTP formula programs are estimated and apportioned by Caltrans for the San Diego region. By SANDAG Board practice, 90 percent of

these funds are allocated to supplement and match the *TransNet* Major Corridors program funds to complete regionally significant projects in the San Diego region. These programs are continued under the IIJA with minor changes.

- **Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), (2021):** The CRRSAA was passed in 2021 to support the transit industry during the COVID-19 public health emergency. Under CRRSAA, the COVID Relief Funds can be used for surface transportation purposes, and are meant to prevent, prepare for, and respond to the coronavirus. CRRSAA funds are currently programmed on three SANDAG bicycle/pedestrian projects.
- **Demonstration/High-Priority Projects:** The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) included several San Diego region projects under the High-Priority Project Authorizations program. Projects are funded from the previous authorization; however, no new funds are included in the FAST Act. Annually since 2016, the FHWA releases guidance regarding repurposing projects funded with these discretionary funds; new projects may be proposed for these funds contingent upon approval by the FHWA
- **Federal Railroad Administration:** The FAST Act includes authorization for rail programs for the first time in the surface transportation bill, which includes competitive discretionary grants and financing. SANDAG continues to apply for these competitive grants made available through the Consolidated Rail Infrastructure and Safety Improvement grant program, and the Federal-State Partnership for State of Good Repair Grant Program. SANDAG has been awarded an FRA State of Good Repair grant for the Del Mar Bluffs Stabilization project.
- **FTA (Federal Transit Administration) Urbanized Area Formula (Section 5307):** The FTA Section 5307 is a formula-based program. Section 5307 funds ongoing preventive maintenance, bus acquisition programs, the Regional Vanpool Program, office and shop equipment, and transit capital projects.
- **FTA (Federal Transit Administration) Capital Investment Grant (Section 5309):** The FTA Section 5309 is a competitive program commonly referred to as New Starts to fund capital investment in heavy rail, commuter rail, light rail, streetcars and bus rapid transit. FTA and SANDAG entered into a full funding grant agreement in September 2016, with revenue operations commencing in November 2021.

- **FTA Formula Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310):** This program provides formula funding to increase the mobility of seniors and persons with disabilities. Eligible projects include both “traditional” capital investment and “non-traditional” investment beyond the Americans with Disabilities Act (ADA) complementary paratransit services. Eligible uses of these funds include capital and operating expenses for new public transportation services and alternatives beyond those required by the ADA, designed to assist individuals with disabilities and seniors.
- **FTA Rural Area Formula Grants (Section 5311) Program:** Section 5311 is administered by Caltrans and provides capital, planning, and operating assistance to support transit services in the non-urbanized areas of the region. Caltrans provides the estimates of revenues for the formula program and announces the award under the discretionary program on an annual basis.
- **FTA State of Good Repair (Section 5337) Program:** Section 5337 is a formula program. Eligible uses of the funds include replacement and rehabilitation of fixed Guideway assets including railcars, ferry vessels, buses operating in high occupancy vehicle lanes and related infrastructure.
- **FTA Bus and Bus Facilities (Section 5339) Program:** Section 5339 is a formula program. Eligible uses of these funds include bus and bus facility replacement, rehabilitation, expansion, and enhancement projects. These funds are distributed through formula based on urbanized areas by FTA based population, vehicle revenue miles and passenger miles as well as competitive grants for bus and bus facility projects that support low and zero-emission vehicles.
- **Corridors and Borders Infrastructure:** Under the FAST Act, up to 5 percent of the state’s “any area” Regional Surface Transportation Program funds may be set aside for border projects. San Diego, as a major border region, has been highly competitive for these funds and continues to assume an 80 percent share of the state’s set aside. The funds are awarded through the California Transportation Commission.
- **Highway Bridge Program/High Risk Rural Roads/Highway Safety Improvement Program:** These programs are administered by Caltrans at the statewide level. All funding is provided by Caltrans and programmed as a lump sum. The most recent cycle of Highway Safety Improvement Program (HSIP) funding is funded with 100% state dollars. These projects are programmed to support the RTIP’s progress towards achieving Performance Management Goals for safety. Under the IIJA, up to 10 percent of HSIP funds can be used for non-infrastructure safety projects. It remains to be seen if California will continue to substitute state funds for HSIP.

State Revenues

State revenues are based on programming actions by the CTC and/or California State Transportation Agency.

- **Active Transportation Program (ATP):** This program is to provide for a variety of alternative transportation projects, including many that were previously eligible activities under separately funded programs. The ATP consolidates existing federal and state transportation programs, including the Transportation Alternatives Program, Bicycle Transportation Account, and Safe Routes to School Program, into a single program. This program is nearly doubled with funding available from SB1. ATP funds are administered by the CTC, and the designated Metropolitan Planning Organization. Projects are selected through a multi-tier competitive process.
- **California Air Resources Board's Cap-and-Trade Program:** Funding from this program will go toward direct investments in transit programs that reduce Greenhouse Gas emissions and benefit disadvantaged communities throughout California and is supplemented with funds from SB1. The LOSSAN Corridor continues to receive funds from this program.
- **Freeway Service Patrol:** Funds are provided through the state legislature and supplemented by SB1. The Freeway Service Patrol (FSP) program costs and revenue estimates have been developed jointly by SANDAG, Caltrans, and the California Highway Patrol based upon the most current statewide FSP Act funding levels.
- **STIP and SHOPP:** The CTC programs the STIP and SHOPP on a statewide basis. The San Diego projects will be programmed in the RTIP based upon the approved 2022 STIP and 2022 SHOPP. The CTC staff recommendations for the 2022 STIP include programming through FY 2027 and cover the entire duration of this RTIP.
- **Senate Bill 1 (SB1):** Signed by the governor in April of 2017, the Road Repair and Accountability Act provides the first significant, stable, and on-going increase in the state's transportation funding in more than two decades. Guidelines have been developed for a variety of different funding programs with targeted objectives to relieve congestion, improve freight movement, provide local funds for roadway maintenance, and provide funds for regional projects to self-help areas. Funds are provided through both formula and competitive programs and are programmed based on CTC approved funding levels or awarded funds. SANDAG is preparing to apply for awards in the 2022 program Cycle and anticipates a high success rate. Grant funds are programmed once they have been awarded by the CTC.
- **Formula Programs:** The Local Partnership Program (LPP) directs approximately \$100 million annually through a 60%/40% split between a formulaic and competitive program for self-help counties. The State Rail Assistance program provides a consistent fund source for intercity rail and commuter rail. Funds are programmed for both capital and operations.

- **Competitive Programs:** SBI provides several competitive programs and adds funds to several other existing programs such as the Active Transportation Program. The Solutions for Congested Corridor Program (SCCP) provides funds to enhance transportation performance improvements in corridors that are part of a comprehensive multi-modal corridor plan. The Local Partnership Program (LPP) competitive portion is available to agencies that have approved or imposed taxes or fees solely for transportation purposes. Finally, the Trade Corridor Enhancement Program (TCEP) provides funding for infrastructure improvements along corridors with a high volume of freight movement. All competitive funds are programmed once they have been awarded by the CTC.
- **State Transit Assistance:** The State Transit Assistance (STA) budget provides funding for allocation to local transit agencies to fund a portion of the operations and capital costs associated with local mass transportation programs. STA allocations are based on sales tax generated from consumption of diesel fuel and pursuant to AB 1113 (Bloom, 2017) funds are allocated based upon the respective population of the two transit agencies' service areas. The State Controller's office is responsible for providing the estimates in January of each year. SBI augmented STA funding by creating the State of Good Repair program within the STA Account. Eligible projects for SGR include transit maintenance, rehabilitation, and capital projects.

Local Revenues

The *TransNet* Ordinance specifies several sub-programs that augment the major transportation projects in the region including Major Corridors, Bicycle/Pedestrian, and local Transit programs, Local System Improvements, and an innovative program for early mitigation for projects – Environmental Mitigation Program – the first in the state to purchase Right-of-Way (ROW) early to reduce the cost of projects in the future while preserving the ecology of the region.

- ***TransNet* Local Transportation Sales Tax Program:** *TransNet* revenues are estimated based upon taxable retail sales forecasts derived from three factors influencing the growth in taxable retail sales: (1) the population forecast from the California Department of Finance; (2) a consensus (simple average) of three independent national forecasts of real rates of growth in per-capita retail sales (nationally recognized forecasts by IHS Markit, Moody's, and Oxford Economic Forecasting); and (3) the average projected inflation rates from the same independent sources.
- **Local Agency Funding:** The local agency revenues programmed are based on reasonably expected revenues as submitted by local agencies. Some local funding may include city and county local gas tax subventions, SBI local streets and roads funds, developer fees, local public funds, and Proposition 42 funds administered by local agencies.

- **Local Privatization/Toll Revenues:** State Route 125 is a privatization/toll revenue road that provides toll revenues which fund other projects in the 2023 RTIP.
- **Transportation Development Act:** Although this is a state program, the Transportation Development Act (TDA) is administered locally. Funds are based on a one-fourth percent state sales tax, with revenues made available primarily for transit operating and capital purposes. The San Diego County Auditor's office estimates the apportionment for the upcoming fiscal year. SANDAG prepares forecasts of TDA based on a forecast of sales tax revenues for San Diego County which tie to the methodology used to forecast *TransNet*.

Other Transportation Program Revenues

- **Other Funds:** These funds include contributions from various state funding sources, local agency contributions, federal discretionary grants, private sector funding, advertising income, investment earnings, passenger fare revenue, and other miscellaneous income. Revenues from these sources are based upon funding commitments from local agencies. SANDAG has recently shifted focus on obtaining competitive grant funding
- **Financing:** The SANDAG Board issues long-term debt backed by *TransNet* in order to complete major transportation projects early including a Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for the Mid-Coast project.



BOARD POLICY NO. **025**

PUBLIC PARTICIPATION PLAN POLICY

Purpose

This policy establishes a process for obtaining input from and providing information to the public concerning agency programs, projects, and program funding in order to ensure the public is informed and has the opportunity to provide SANDAG with input so plans can reflect the public's desire. SANDAG will review and update its Public Participation Plan and this policy periodically as required by law, but no less often than every five years. Various federal and state laws and regulations require that an agency such as SANDAG conduct and establish a Public Participation Plan to ensure that the public is involved and that community concerns are addressed. For example, planning of mass transit capital projects, development of short-range service policies and plans, and fare policy and structure changes to public transportation require public participation. The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) also have public information components that require an agency such as SANDAG to conduct public participation programs to ensure that the public is involved and that community concerns are addressed.

A significant component of the SANDAG mission is a strong commitment to public participation and involvement to include all residents and stakeholders in the regional planning process. SANDAG recognizes that the public has a right to expect the business of SANDAG to be conducted with efficiency, fairness, impartiality, and integrity. SANDAG's work carries with it an obligation to the public interest. SANDAG officials and employees are expected to have high standards of honesty and professionalism, as well as a straightforward and transparent communication approach, in order to promote and maintain public confidence and trust.

This policy is consistent with the requirements of Section 450.316(a)(1)(x) of Title 23 in the Code of Federal Regulations and Public Utility Code Section 132360.1, which reads as follows:

(c) The agency shall engage in a public collaborative planning process; recommendations from that process shall be made available and considered for integration into the plan. A procedure to carry out this process including a method of addressing and responding to recommendations from the public shall be adopted.

Social Equity and Environmental Justice

Ensuring the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities is a key component of SANDAG public participation activities. SANDAG policies, procedures, and programs are consistent with federal and state environmental justice laws, regulations, and requirements, Title VI, related nondiscrimination requirements, and reflect the principles of social equity and environmental justice. Social equity means ensuring that all people are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind. Environmental justice means ensuring that plans, policies, and actions do not disproportionately affect low income and minority communities.

Data Collection

SANDAG collects and uses racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance through SANDAG programs and projects. The agency uses the data to confirm that populations protected by Title VI are not subject to discrimination or disparate impacts by SANDAG.

Title VI Training

SANDAG provides training on Title VI, social equity, and environmental justice matters to its employees near the time of hire. Updates to Title VI training are provided periodically thereafter on an as-needed basis.

Complaint Process and Title VI Compliance Officer Contact Information

SANDAG does not discriminate on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, veteran status, or sexual orientation in conducting government business. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations required by law, have the right to use the discrimination complaint procedures in Board Policy No. 009. The SANDAG Office of General Counsel is the Title VI Compliance Officer for this policy and is responsible for administering this complaint procedure, as well as ensuring compliance with applicable laws. The Compliance Officer can be reached at: SANDAG, 401 B Street, Suite 800, San Diego, California 92101; (619) 699-1900.

Scope of Public Participation Efforts

The policy addresses public participation policies and public information efforts in the following areas:

- A. Overall Public Participation Plan
- B. Short Range Program – Regional Transportation Improvement Program
- C. Development Planning
- D. Design and Construction
- E. Fare Changes
- F. Short Range Transit Planning
- G. Native American Consultation

A. Overall Public Participation Plan -- *Unless otherwise noted or required, the Public Participation Plan provides SANDAG general policies for public participation for major planning initiatives such as the Regional Plan, Regional Short Range Transit Plan, and other planning and programming projects, including any tailored public involvement plans associated with them.*

1. The SANDAG Public Participation Plan is designed to inform and involve the region's residents in the decision-making process on issues such as growth, transportation, environmental management, housing, open space, air quality, energy, fiscal management, economic development, and public safety.

2. The Public Participation Plan seeks to involve all citizens, including but not limited to low income households, limited English proficient individuals, Hispanic, African American, Asian, Native American, senior, and other communities, persons with disabilities, as well as community and civic organizations, public agencies, business groups and associations, environmental organizations, and other stakeholders.
3. SANDAG Board meetings provide the public forum and decision point for significant regional issues. SANDAG Directors usually hold one or two Board meetings each month: a Board Policy Meeting the second Friday of each month and a Board Business Meeting the fourth Friday of each month. Meetings held at the SANDAG office are accessible by public transit. During these meetings, Directors adopt plans, allocate transportation funds, approve transit construction plans, approve transit fare changes, and establish policies and develop programs that are used by local governments as well as other public and private organizations.
4. The SANDAG Public Participation/Involvement Program shall comply with the Americans with Disabilities Act (ADA). SANDAG shall hold public meetings in buildings, rooms, or locations that are accessible to persons with disabilities. SANDAG shall provide public meeting information in alternate formats and shall provide special accommodations at public meetings with three business days notice.
5. The SANDAG Public Participation Plan is carried out as an integrated work element of the agency's Overall Work Program and Budget and as part of other programming, development, and implementation processes such as the Regional Plan, Regional Short Range Transit Plan, Regional Transportation Improvement Program, Environmental Impact Reports, transit capital project development, project construction, transit fare changes, corridor studies, and other projects.
6. SANDAG shall proactively seek and promote public participation in SANDAG workshops and public hearings, as well as participation and attendance at committees, working groups, and task forces. SANDAG shall follow local, state, and federal guidelines for posting public meeting and hearing notices. Depending upon the specific project, SANDAG shall endeavor to hold meetings at times that can attract as many participants as possible, including evenings and weekends and at locations in communities throughout the region. SANDAG shall endeavor to hold these meetings in locations that are accessible by public transit.
7. SANDAG shall inform the public in a timely manner about regional issues, actions, and pending decisions through a number of efforts. As needed or required, SANDAG shall post public notices in newspapers of general circulation for publication of legal notices. Other publication and distribution efforts can include mail distribution to residents, agencies, and city/county governments, the SANDAG website, email lists, text messaging, the SANDAG social media channels, and Region – the SANDAG monthly electronic newsletter. As needed, SANDAG also shall distribute press releases and media alerts to local, regional, and Mexico border area print and broadcast media.
8. SANDAG shall regularly inform local print, online, and broadcast media about SANDAG decisions, events, research, and other issues. SANDAG shall regularly

distribute press releases to news services, Daily Transcript, East County Californian, El Latino, La Prensa, Los Angeles Times, San Diego Business Journal, San Diego Metropolitan, San Diego Union-Tribune, San Diego Voice & Viewpoint, The Star News, and numerous community newspapers. SANDAG shall also distribute information to local and Mexico radio and television stations.

9. SANDAG shall use its website and social media channels to provide the public with useful and timely information, including: project updates and construction information; meeting schedules and agendas; plans and environmental documents; reports and other publications; demographic profiles and data downloads; and interactive database and mapping applications.
10. As appropriate and as required by local, state, and federal guidelines, SANDAG shall translate into Spanish, and other languages, publications, announcements, and web content. In addition, numerous staff members are bilingual Spanish-English speakers and participate in public outreach and conduct presentations in Spanish. Translators shall be hired as outlined in the SANDAG Language Assistance Plan and as required by local, state, and federal guidelines to provide services in Spanish and other languages as appropriate.
11. SANDAG conducts periodic public opinion surveys as part of the outreach and citizen participation component of the SANDAG work program. These surveys shall be designed to include the San Diego region's residents in the regional planning process and to keep SANDAG officials aware of issues that are of concern to the people who live here.
12. SANDAG will endeavor to respond to general comments received by phone, fax, letter, or email within five (5) business days of receipt. Comments shall be routed to the SANDAG staff person who is responsible for that issue. Comments may be responded to in writing (email or letter) or may be resolved with the initial phone call. Some comments may need to be resolved by another agency or jurisdiction so the customer is referred to the appropriate entity. When a comment is submitted as part of a public review process (e.g., a plan or environmental report) the comment and response is logged into a database. Comments, concerns, and responses received as part of a public review process shall be included in the final plan or report. Comments received via SANDAG social media channels will be addressed as stated in the SANDAG Social Media Policy.

B. Short Range Program – Regional Transportation Improvement Program (RTIP) – *document updated every two years outlining major transportation projects to be implemented during a five-year period.*

1. SANDAG shall follow the latest federal and state regulations regarding participation by interested parties.
2. As the document that implements the long range plan, the RTIP shall be incorporated as part of the Board-adopted public involvement process established for the Regional Plan, including participating in public outreach efforts, providing adequate public notice (legal notice publications), employing visualization techniques, and holding

public meetings at convenient and accessible locations.

3. SANDAG shall respond to any significant public input or comment received during the development of the biennial update and/or during the amendment cycle as part of its report to the Board or Transportation Committee (as appropriate).
4. The biennial RTIP update will be noticed in newspapers of general circulation, including in alternate languages, and a public hearing shall be held prior to final adoption by the Board of Directors.
5. During the amendment cycle, SANDAG will provide a draft of the amendment to all interested parties for a 15-day comment period.

C. Development Planning – *Planning, environmental, preliminary engineering activities on major capital projects.*

1. SANDAG shall follow current federal and state regulations regarding public involvement processes and procedures. SANDAG shall develop public involvement programs tailored to meet specific project needs which address the unique challenges presented by each project. Programs shall be developed using the joint Federal Highway Administration and Federal Transit Administration (FHWA/FTA) guidelines titled “Public Involvement Techniques for Transportation Decision-Making.”
2. The public involvement program shall set objectives, identify people to be reached, develop public involvement strategy, and define specific outreach techniques.
3. The public involvement program shall be developed so that critical community concerns and technical issues are identified in the study. The issues need to address the engineering, environmental, economic, and financial analyses that respond effectively to community needs and preferences and satisfy local, state, and federal environmental clearance requirements.
4. To facilitate community participation, lists of individuals, agencies, and organizations shall be developed for distribution of agency materials. These lists will include persons who have indicated an interest in transportation planning projects during previous public information efforts and/or focused on the specific project. Project information will be distributed to the persons on this list in conjunction with public meetings and workshops, to solicit comments and recommendations.
5. Environmental documents shall be prepared in accordance with California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), as appropriate, and in coordination and consultation with various federal, state, and local agencies, and with elected officials, community leaders, organizations, and other individuals from the neighborhoods and communities potentially affected by the proposed action. Coordination and public involvement shall be achieved through a variety of means, such as formal public hearings and meetings, circulation of draft documents, mailings, focus group meetings, workshops, and individual/group contacts.

6. Formal scoping meetings, public hearings, and/or other meetings during the comment period and environmental document certification shall be held in accordance with the requisite environmental document. As required, meetings shall be announced in the Federal Register, local publications, and on the SANDAG website. Persons and organizations on the project mailing list and social media channels also will be notified. SANDAG shall endeavor to hold public meetings in locations accessible by public transit.
7. SANDAG shall prepare and distribute appropriate notices and communications to comply with CEQA and NEPA requirements.
8. A public information program shall be developed to inform the community of factors related to the project. The information program may include briefings for the news media, informational meetings, presentations to include community and professional associations and educational institutions, business groups and associations, environmental organizations, outreach via social media, and other public forums.
9. A project working group may be organized to review and comment on the project to build understanding and identify support for feasible alternatives. This group may consist of various elected officials/staff, community and neighborhood organizations, business organizations, property owners, and other stakeholders and interested parties. This group would be formed to provide comment and guidance regarding technical issues, review study alternatives and evaluation results, and provide community input regarding the alternatives. This iterative process would allow for identified issues and concerns to receive follow-up responses. Meeting summaries of project working group activities shall be produced. Meeting notices, agendas, and/or other information shall be posted to the SANDAG website.
10. Other public input opportunities include SANDAG Board of Directors meetings and meetings of SANDAG policy committees: Executive, Transportation, Regional Planning, Borders, and Public Safety. Other opportunities for public participation are at working group meetings, general public meetings, and presentations to planning and community groups.

D. Design and Construction – *Design and construction of capital projects.*

1. For all capital improvement projects with significant community impacts, SANDAG shall provide opportunities for members of the public to provide input and express concerns. SANDAG also shall implement a program designed to inform the public of progress, as well as safety and community impacts in the event of construction.
2. SANDAG shall hold publicly noticed meetings at key stages of project development and implementation in the area(s) being impacted. The location of the meetings shall depend upon the geographic location of the project. Meetings concerning projects exclusively within the North County Transit District (NCTD) service area shall be held in North County locations, and if appropriate, at SANDAG offices. Meetings concerning projects exclusively within the Metropolitan Transit System (MTS) service area shall be held in MTS service areas affected, and if appropriate, at SANDAG offices. Meetings concerning all other projects shall be held at SANDAG offices or other

locations specified in SANDAG agendas. SANDAG, MTS, and NCTD offices are accessible by public transit. SANDAG shall endeavor to hold off-site public meetings at locations accessible by public transit.

3. SANDAG shall solicit input from the representatives of interest groups of the local population, such as community groups, planning groups, business groups and associations, business improvement districts, environmental organizations, neighborhood associations, limited English proficient populations, and senior and disabled riders. These stakeholders will be consulted during the design and construction of capital projects.
4. SANDAG shall work to advise the public regarding actual and perceived disruption during construction of capital projects by distributing informational, educational, and public information materials, and by using other traditional community relations tools.
5. SANDAG shall endeavor to meet citizen concerns as they arise and attempt to resolve those concerns.
6. For all projects requiring environmental review under CEQA and NEPA, such as major capital improvement projects, SANDAG shall provide opportunities for members of the public to provide input and comply with all related legal requirements.
 - 6.1 SANDAG shall solicit input from the representatives of interest groups of the local population, such as community groups, planning groups, business groups and associations, and neighborhood associations.
 - 6.2 SANDAG shall incorporate public input into project planning and development where practical and feasible.
 - 6.3 SANDAG shall hold a public hearing to seek public comment whenever required under CEQA and/or NEPA.
 - 6.3.1 Published notifications for such hearings shall be published in newspapers of general circulation for publication of legal notices. Notices also may be published in regional, community, or Spanish-language newspapers to reach the affected area.
 - 6.3.2 Any item subject to a public hearing will be listed and described in the Board's published agenda, which shall be posted at least 72 hours in advance of the meeting at the Board's meeting place and on the SANDAG website.
 - 6.3.3 Public hearings shall be conducted by SANDAG at the published date, time, and place. The public hearing will allow for interested parties to be heard. The Board also will consider any written comments that were forwarded to the Board prior to the hearing.

E. Fare Changes

1. SANDAG has adopted Board Policy No. 029 to provide policy guidance for fare changes. This section of this policy is designed to inform and involve public transit riders, stakeholders, and the general public about proposed changes in transit fares. It is not intended to apply to transit route changes within the purview of the transit operators.
 - 1.1 Consistent with Board Policy No. 004, SANDAG staff shall hold one or more public meetings to provide the public an opportunity to comment on proposed fare changes. A minimum of two public meetings shall be held prior to the first reading of any proposed fare change that affects services operating in both the MTS and NCTD service areas. At least one public meeting shall be held in the MTS service area, and at least one public meeting shall be held in the NCTD service area. If one or more public meetings are conducted by a public meeting officer pursuant to Board Policy No. 004, at least one of the public meetings shall be held with a starting time no earlier than 6 p.m. A public meeting for proposed fare changes that do not affect the entire region may be held exclusively within the general geographic area that is being affected by the fare change. Such public meeting shall be held at a time convenient for users and potential users of the affected service. Public meetings at which formal public testimony will be taken shall be held at locations that are accessible by users of public transit. An official transcriber or other means of recording all public input received shall be utilized at all public hearings, meetings, workshops or open-houses at which formal public testimony is taken. A record of the input received shall be provided to the Transportation Committee or Board of Directors at the time of the first and second readings of amendments to the fare ordinance for the purpose of adjusting fare prices.
 - 1.2 Public comments on proposed fare changes also shall be accepted at the SANDAG Board or Transportation Committee meeting before any final action is taken.
 - 1.3 *Take One*, Rider Alerts, or other public notices in both English and Spanish will be posted on all affected public transit vehicles within the affected area at least 15 calendar days prior to the public hearing and will include a description of the proposed fare change, the date, time, intent and location of the public meeting, and the deadline for written, email, and phone comments from the public. The notices will be posted to the SANDAG and Transit Agency website(s).
 - 1.4 Print notice of public meetings at which formal public testimony will be taken will be provided at least 15 calendar days prior to the public meeting date in newspapers of general circulation in the affected area(s), including appropriate minority and community publications. Public notices will be printed in Spanish in Spanish-language newspapers. Such public meeting notices will include a description of proposed fare changes, the date, time,

intent, and location of the public meeting(s), and the deadline for written, email, and phone comments from the public.

- 1.5 An open phone line will be made available to take public comments at least 15 calendar days prior to adoption of fare changes.
 - 1.6 A Transportation Committee and/or Board report (as appropriate) will be completed and available for public review at least 72 hours prior to the public meeting at which the fare changes are proposed for adoption and posted to the SANDAG website(s).
2. After a fare change is approved by SANDAG:
 - 2.1. The public will be notified via news release(s)
 - 2.2. *Take One*, Rider Alerts, or other public notices in both English and Spanish will be posted on all affected transit vehicles at least 15 calendar days prior to changes going into effect and posted to the SANDAG and Transit Agency website(s).
 3. SANDAG shall follow federal Title VI and environmental justice requirements when implementing transit fare changes.
 - 3.1. Residential, employment, and transportation patterns of low-income, limited English speaking, and minority populations shall be identified so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed. SANDAG shall endeavor to involve the affected communities in evaluating the benefits and burdens of transportation investments.
 - 3.2. SANDAG shall evaluate and - where necessary - improve the public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

F. Short Range Transit Planning

1. Public information and involvement programs for the Regional Short Range Transit Plan and the Coordinated Human Resources and Public Transit Transportation Plan shall be the responsibility of SANDAG.
2. Public information and involvement programs for transit service changes will fall under adopted policies of MTS and NCTD.

G. Native American Consultation

1. SANDAG shall establish and adhere to government-to-government relationships when interacting with Tribal Governments, acknowledging these tribes as unique and separate governments within the United States.

2. SANDAG shall recognize and respect important California Native American rights, sites, traditions, and practices.
3. SANDAG engages in “consultation” with Tribal Governments prior to making decisions, taking actions, or implementing programs that may impact their communities.
4. To facilitate effective consultation with Tribal Governments, SANDAG has established a Tribal Government Liaison. The Liaison shall serve as an initial contact for Tribal Governments and communicates with tribal governments regarding SANDAG activities.
 - 4.1. “Consultation” is the active, affirmative process of: (1) identifying and seeking input from appropriate American Indian government bodies, community groups, and individuals; and (2) considering their interests as a necessary and integral part of the decision-making process.

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