

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

**A. GENERAL INFORMATION**

1. Date

May 10, 2016

2. Department

California Transportation Commission

3. Organizational Placement (Division/Branch/Office Name)

Executive Branch

4. CEA Position Title

Deputy Director - Transportation Finance and Legislation

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The California Transportation Commission's (Commission) Deputy Director of Transportation Finance and Legislation is responsible for developing policy recommendations for Commission consideration with respect to (1) existing and emerging transportation financing mechanisms to meet the state transportation highway, local streets & roads, transit, rail, bike, pedestrian and other needs, (2) innovative finance proposals, (3) fund estimates, and budgets, and (4) transportation financing restrictions, limitations, and uses. The proposed CEA will replace a position currently classified as the Assistant Executive Director (AED). The AED classification is an obsolete classification unique to the Commission. Converting this position to a CEA is necessary given the significant policy creation, program management and program oversight responsibilities of the position and associated statewide consequences that can have long-term repercussions for all Californians. This request is also consistent with the State's efforts to streamline the classification system.

6. Reports to: (Class Title/Level)

California Transportation Commission Chief Deputy Director, CEA C

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st  2nd  3rd  4th  5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Serves as the principle policy maker formulating and implementing statewide transportation financing policy. Also is the principle legislative advocate providing strategy, advice and recommendations on bills introduced in the Legislature that directly affect transportation on a statewide basis.

#### 1. Budget Analysis/Fund Estimate/Funding Policies

Analyzes status and adequacy of transportation revenues to meet state transportation funding plans approved in the State Transportation Improvement Program (STIP), the State Highway Operation and Protection Program (SHOPP), Proposition 116 (Clean Air and Transportation Improvement Act of 1990), the Traffic Congestion Relief Program (TCRP), Proposition 1B (Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006), Proposition 1A (The Safe, Reliable Highway-Speed Passenger Train Bond Act of 2008), the Aeronautics Program, the Elderly and Disabled Specialized Transit Program, the Environmental Enhancement and Mitigation Program, and the Active Transportation Program (ATP). Therefore, the Deputy Director recommends estimates to assure that all available funds are fully programmed, allocated, and expended so as to maximize the benefit returned for the State's investment in its transportation programs. Analyses performed are extremely complicated, controversial and time sensitive.

Advises the Commission, Administration and Legislature on the status and adequacy of transportation revenues and formulates policies/recommendations on current and future transportation financing issues, that could impact the state's ability to deliver the transportation program. This includes legislation on the state and federal level, local propositions, or state initiatives. Most recently the financial, political and social impacts of a proposed indexed vehicle licensing fee proposal and Mileage-Based Usage Fee concepts and considerations were evaluated by this Deputy Director.

Develops policy and methodologies for estimating revenues available for current and future fiscal years. These estimates, once adopted by the Commission, constrain the amount of funding available for projects that are approved in various transportation programs throughout the state. For example, revenue assumptions are based in part on the Price-Based Excise Tax (PBET) Rate projections by the Department of Finance and the California Department of Transportation (Caltrans). In recent months, the PBET rate was estimated to be significantly lower than originally estimated. This caused the Deputy Director to recommend a revision in the methodology applied when estimating available funds for the STIP, which in turn identified a \$1.5 billion funding shortfall resulting in previously committed projects not being funded.

Responsible for assessing the accuracy of fund estimates, budget reports, and allocation reports prepared by Caltrans and others. Prepares and presents recommendations responding to such financial projections and reports for Commission adoption and/or approval.

Works regularly with Caltrans, Metropolitan Planning Organizations, Regional Transportation Planning Agencies and other potential funding recipients on the condition of state and federal transportation funding to maximize existing financial resources.

Advises the Chief Deputy Director and coordinates with the Caltrans Chief Financial Officer and Deputy Director of Programming, and others to ensure that resources are not under or over utilized in any given year.

#### 2. Innovative Finance

Develops, manages, and oversees alternative delivery programs such as the Public Private Partnership (P3) Program, the Design-Build Demonstration Program, and Toll Facilities. These programs provide alternative financing structures within the state that require the Deputy Director to develop process policies and statewide guidelines for each program in cooperation with other state, local, and regional agencies, oversee financial consultants, develop recommendations for Commission consideration in the approval of projects; report on the progress of each project, and prepare policy recommendations for Commission consideration in understanding the long term financial consequences.

#### 3. Legislative Program

Develops, implements, and monitors the Commission's legislative program analyzing those bills introduced in the Legislature that influence the following areas:

- Funding/Financing – funding or a funding mechanism for transportation (capital and operations)
- Environmental Mitigation – implementation of greenhouse gas emissions reduction and transportation (e.g., AB 32), and/or involve the environmental process and transportation (e.g., CEQA)
- Planning-implementation of transportation, land use and planning (e.g., SB375)

Project Delivery – changes to the way transportation projects are delivered.

The Deputy Director will monitor or bring forward a bill(s) that directly impacts any changes in Commission responsibility, policy impact or operations and any bill recommended by a Commissioner for consideration by the Commission. Additionally, the Deputy Director will develop legislative policy recommendations to make transportation programs more accountable, transparent and efficient.

Communicates the Commission's position on bills that impact the financial development, operation, and administration of transportation programs to the Legislature, Governor, State Transportation Agency and other state, federal, and local agencies.

Evaluates legislative needs in order to make recommendations to the Commission on needed actions and assists the Executive Director in finding a sponsor(s) for the bill(s).

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Deputy Director's work with the legislature is critical to the Commission's primary statutory mission of advising and assisting the Legislature and providing recommendations to the Legislature. The Commission's statutory role includes advising and assisting the Secretary of Transportation and the Legislature in formulation and evaluating state policies and plans for transportation programs in the state (Government Code 14520). The Commission is required by statute to report annually to the legislature on any significant upcoming transportation issues anticipated to be of concern to the public and the Legislature and to include specific, action-oriented, and pragmatic recommendations for legislation to improve the transportation system [Government Code 14536(b)].

**B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Deputy Director has a major role in developing sensitive and complex policies and guidelines regarding the Commission's mission. The Commission requires that the Deputy Director possess the necessary skills and expertise to work alongside Executive Directors of State, Region, Local, and other entities to understand statewide transportation policy, project needs, financial constraints, specific project requirements, etc.

The role of the Commission and the Deputy Director has significantly evolved in recent years. Since the civil service AED classification was created, the Commission has been charged with administering an increasingly more complex state transportation improvement program, new programs such as the finance programs under the P3, toll facility, and Design Build authorities. For example, the Commission has been delegated many legislative responsibilities such as approving the tolling of transportation facilities in California and providing direct oversight of programs administered by Caltrans. Furthermore, the Commission is increasingly charged with the administration of more complex and competitive programs with specific performance outcomes and accountability requirements. These functions require the Deputy Director to have specialized and diverse policy making skills and abilities and a proven knowledge in developing and implementing multi-modal transportation projects with innovative financing plans and delivery methods.

The Deputy Director is the principal policy advisor regarding financial issues related to statewide transportation funding programs and legislative proposals. The Deputy Director advises the Executive Director, Chief Deputy Director, and other governmental agencies and policy bodies affected by the state's transportation funding decisions, provides policy direction on the implementation of programs, develops and establishes strategic direction for financing programs, and participates in policy development to guide financial plans, programs and projects. The Deputy Director interacts with the state legislature, all levels of federal, state, regional, and local transportation entities, as well as the general public. Policy decision and recommendations the Deputy Director makes directly affect the expenditure of state, federal and local funds, and very often involves private sector involvement and large sums of public indebtedness, and therefore the consequence of error is very high.

This position is an ongoing critical and vital component in delivering the state's transportation program. Failure to perform this function impacts the Commission's mission with impacts to all Californians. The Deputy Director's recommendations and advice significantly impact the state's transportation system, the state's economy, and services to the public.

### **C. ROLE IN POLICY INFLUENCE**

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

As the Deputy for Legislation, this position is responsible for developing annual legislative recommendations, assisting Legislators with drafting language, working closely with staff and stakeholders to identify successful strategies for eventual passage of bills, and working with the Legislature to successfully implement new legislation. Unlike other departments in the Administration that work through the Governor's Office to develop legislation, the Commission is independent and therefore develops and proposes its own legislative agenda in order to improve the statewide transportation program. This broad responsibility means that the Deputy is uniquely positioned to make a profound impact on the state transportation policy.

In addition, this position is responsible for overseeing the Commission's role in various innovative financing methods. For example, existing law authorizes Caltrans and regional agencies to enter into Public-Private Partnership agreements. Further, statute requires the Commission to select and approve projects early in the process; to certify the terms in the Department's lease agreements; and to adopt criteria for evaluating proposals based on qualifications and best value. These agreements typically involve hundreds of millions to billions of dollars over long periods of time. Establishing proper criteria, and helping to ensure appropriate projects are selected are critical to the state's transportation programs. This position is the principle policy maker for this effort at the Commission.

Recent legislation delegated to the Commission the legislative responsibility to approve the tolling of transportation facilities in California. Before 2016, tolling authority was typically granted only through legislation specifically authorizing some entity to implement the tolled facility. These toll facilities are large, expensive undertakings that require substantial consideration before approval because, if not done correctly, they could end up undermining the state transportation system and costing the state significant amounts of money. The most recent application was for a \$1.7 billion express lane facility in Orange County. Again, this position is the principle policy maker for this review process at the Commission.

**C. ROLE IN POLICY INFLUENCE (continued)**

13. What is the CEA position's scope and nature of decision-making authority?

The Deputy Director serves a critical role in developing sensitive and complex policies and guideline recommendations for advising the Commission's Executive Director and Commission. The Commission requires that the Deputy Director possess the necessary skills and expertise to work alongside Executive Directors of State, Region, Local, and other entities to understand statewide project needs, financial constraints, specific project requirements, etc. Policy decisions and recommendations directly affect the implementation of transportation projects and the expenditure of billions in state, federal and local funds. During the 2014-15 fiscal year alone, transportation programs falling within the Commission's purview were valued in excess of \$25 billion and the Commission allocated over \$4.6 billion in state and federal transportation funding. Ineffective policies can lead to an inefficient transportation system, project implementation delays, increased project expenditures, and potential loss of funding. Failure to fund the most important projects can lead to increased congestion and greenhouse gas emissions, increased travel time, safety concerns, and other serious consequences to California's economy and quality of life. The Deputy Director exercises independent decision making in developing individual transportation programs and in making recommendations for the programming and allocation of funds.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The Deputy Director must develop new policy on a regular basis. Key to the Deputy Director's role is developing transportation policies in the form of pragmatic, action-oriented recommendations for the legislature, and working with the Legislature to see the Commission's recommendations developed into bills. In the current legislative session alone, more than a dozen bills have been introduced to implement Commission recommendations.