

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

2020-08-25

2. Department

California Transportation Commission

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

Executive Branch

4. CEA Position Title

Deputy Director - SB 1 Programming

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

The California Transportation Commission (Commission) is statutorily responsible for programming, allocating and reporting billions of dollars annually for the construction of roadways, intercity passenger rail, active transportation, aeronautics, transit, and other transportation improvements throughout California. The Commission is responsible for the accountability and transparency of the Senate Bill 1 program funds under its purview. The Deputy Director for Senate Bill 1 Programming (Deputy Director) will carry out the Commission's responsibilities for programing, adopting, allocating, and reporting on projects funded through Senate Bill 1, managing new programs, including the Trade Corridor Enhancement Program, the Solutions for Congested Corridors Program, the Local Partnership Program, the Local Street and Roads Program and the Short-Line Railroad Improvement Program.

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.

The proposed Deputy Director will manage the development of policies, guidelines, recommendations and administration of state transportation programs. The proposed Deputy Director will be responsible for implementing the statutory Senate Bill 1 (SB 1) accountability requirements, managing new programs: including the Trade Corridor Enhancement Program, the Solutions for Congested Corridors Program, the Local Partnership Program, the Local Street and Roads Program and the Short-Line Railroad Improvement Program. The Deputy Director will serve as California's principle policy maker responsible for policy recommendations influencing the selection of projects to be funded or not to be funded with state and federal funds, as well as the principal policy maker for recommending allocations for, and reporting on the use of state and federal transportation funds subject to the Commissioner oversight. In this capacity, the proposed Deputy Director will shape decisions on how and where to invest \$4.9 billion in state and federal funding.

The proposed Deputy Director will be responsible for consulting with local jurisdictions, conducting public hearings and formulating project funding approval recommendations to the Commission. The Deputy Director will also be responsible for developing policies that influence statewide guidelines for the programming of state and federal funds and ensuring the funds are effectively directed to projects in accordance with statute. Policy decisions and recommendations made by the Deputy Director directly affect the expenditure of state, federal and local funds, therefore the consequence of error is very high since the function of the position is essential to the mission of the Commission.

In managing new and existing programs, the proposed Deputy Director will be required to solicit input from the California Department of Transportation (Caltrans), other state departments, 18 Metropolitan Planning Organizations, 26 Regional Transportation Planning Agencies, hundreds of local jurisdictions, transportation agencies, legislative staff, federal partners, sales tax authorities, and other interested parties when developing program policies, guidelines, and formulating recommendations for the programming and allocation of funds to transportation projects throughout the state.

The proposed Deputy Director will be required to: independently analyze and disseminate input provided by Caltrans and other state departments, regional agencies, local jurisdictions, transportation agencies, sales tax authorities, legislative staff and other interested parties; develop policies and guidelines and present recommended policies and guidelines at public hearings, Commission meetings and various other local and regional meetings, as well as respond to issues raised, determine the validity of the issues, and revise the policies and/or guidelines as appropriate.

In performing these duties, the proposed Deputy Director will interact with all levels of public officials involved in planning, programming, funding, and delivering transportation projects. The Deputy Director will review, analyze, and make policy recommendations at the highest level for the programming and allocation of funds to capital transportation projects by consulting with local jurisdictions, leading public hearings, and formulating project funding recommendations to the Commission.

The proposed Deputy Director will be required to identify priorities for, and critically evaluate, project funding requests. The Deputy Director will develop and present recommendations for Commission consideration to rescind, delay or program project funding requests. The Deputy Director will be required to use expertise in transportation programming; have knowledge of statewide and regional transportation needs and priorities; and communicate with executives proposing projects to make the final project determination regarding which projects receive funding and which projects should be delayed due to a lack of resources.

The proposed Deputy Director will analyze the demand for project allocations compared to the anticipated funding, and develop allocation plans for Commission action, if necessary, to meter the allocation of funds.

The proposed Deputy Director will review requests for funding allocations and recommend allocations to the Commission. This includes evaluation of requests to advance funds programmed in future years to the current year; extend the time-line for construction contract award, and/or contract completion, expend local or other funds for later reimbursement with state funds, and other complex funding requests.

The proposed Deputy Director will be required to ensure transparent and accountable reporting of billions of dollars programmed and allocated by the Commission at public hearings, public workshops, public meetings, on-going reporting, and annual reporting to the Legislature and Administration, and in interaction with the media.

While the proposed Deputy Director will not supervise a large staff, the proposed Deputy Director will be required to work with, and utilize, Caltrans staff to accomplish assigned responsibilities. Specifically, Government code section 14512 states "The Commission may request the department [Caltrans]...to perform such work as the Commission deems necessary to carry out its duties and responsibilities. The Commission shall consider the expertise and resources available to the department for the purpose of carrying out its duties and responsibilities." As a result, the proposed Deputy Director will function more like an agency Deputy Secretary than the supervisor of a large staff at a state department.

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 work this Deputy Director will cover is critical to the Commission's statutory requirement to program and allocate funds for various transportation related projects throughout California. For example, under the Road Repair and Accountability Act of 2017, Senate Bill (SB) 1, requires the Commission to ensure program accountability by tracking the performance of all SB 1 funded programs under its purview and reporting to the public how well recipients of SB 1 funds are delivering on promises made to the taxpayers.

Further, SB 1 established the Trade Corridor Enhancement Account and SB 103 requires the Commission to adopt program guidelines and policies, evaluate project proposals, adopt a program of projects, allocate the Trade Corridor Enhancement Account funds and the federal National Highway Freight Program funds, review and approve project amendment requests, and evaluate the program and report to the legislature, providing approximately \$300 million annually for infrastructure improvements.

In another example, SB 1 created the Local Partnership Program and continuously appropriates \$200 million annually from the Road Maintenance and Rehabilitation Account to local and regional transportation agencies that have sought and received voter approval of taxes or that have imposed fees that are dedicated solely to transportation improvements.

All programs under the purview of the Commission call for public hearings, allocation of funds and reporting on program performance to the Legislature. The Deputy Director will be essential to ensuring the Commission meets its statutorily required programming, allocating and reporting requirements.

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.

In 2016, the Commission submitted a request and received the approval from the California Human Resources (CalHR) for establishing a CEA B position for Deputy Director – Transportation Programming. At that time, the Deputy Director – Transportation Programming, was responsible for the programing, adopting, allocating, and reporting on projects funded primarily through the State Transportation Improvement Program (STIP) and the Active Transportation Program (ATP). In 2016, funding managed by the Deputy Director was approximately \$2.4 billion annually.

The role of the Commission and the Deputy Director of Programming has evolved significantly since 2016. Specifically, the Commission is now charged with the administration of more complex and competitive programs with specific performance outcomes and accountability requirements. These functions require the Deputy Director of Programming 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 of Programming is directly responsible to the Executive Director and Chief Deputy Director for the successful development and implementation of statewide polices, guidelines, and recommendations on programming and allocating state and federal transportation funds that support the mission of the Commission and the delivery of a statewide transportation system. A lack of accurate policy, guidelines and program development could result in violation of law, loss of federal funding, unwise investment of limited funding, and a loss of credibility with the Legislature, Administration, the Federal Highway Administration, metropolitan and regional planning agencies, and the public.

The Deputy Director of Programming's recommendations and advice significantly impact the state's transportation system, the state's economy, and services to the public. The Deputy Director of Programming manages the development of policies, guidelines, recommendations and administration of state transportation programs.

With the passage of SB 1, transportation funding has increased substantially. SB 1 significantly expanded the Commission's responsibilities by directing it to administer new programs and augment existing programs. In addition to managing programs such as the STIP and ATP (totaling approximately \$900 million annually), the Deputy Director of Programming is now responsible for the accountability and reporting of SB 1, managing new programs, including the Trade Corridor Enhancement Program, the Solutions for Congested Corridors Program, the Local Partnership Program, the Local Street and Roads Program, Short-Line Railroad Improvement Program (SB 87, 2019), and an expanded ATP (totaling approximately \$2 billion annually in new funding). Funding managed by the Deputy Director has more than doubled, increased from approximately \$2.4 billion annually to \$4.9 billion.

The increased number of programs and the associated increase in funding substantially increases the communications and interactions with all levels of federal, state, local/regional transportation entities as well as the general public. The Deputy Director of Programming is responsible for consulting with local jurisdictions, conducting public hearings, formulating project funding approval recommendations to the Commission, developing policy necessary to generate statewide guidelines for the programming of state and federal funds and ensuring the funds are effectively directed to projects in accordance with statute. Policy decisions and recommendations the Deputy Director of Programming makes directly affect the expenditure of state, federal and local funds, therefore the consequence of error is very high.

Additional resources were provided to the Commission in fiscal years 2017-18 and 2019-20 resulting in 12 additional staff positions for the programming team. Although the Deputy Director of Programming does not supervise a large staff in comparison to a large state department, the Deputy Director is required to work with and utilize Caltrans staff to accomplish assigned responsibilities, per Government code section 14512. As a result, the Deputy Director of Programming functions more like an agency Deputy Secretary than the supervisor of a large staff at a state department.

As a result of these significant increased responsibilities for the Deputy Director of Programming and the Commission, the Deputy Director of Programing's ability to manage professionally and effectively is compromised by reducing the time the Deputy Director of Programming has to supervise, mentor, guide and manage staff.

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.

Policy decisions and recommendations of the Deputy Director of SB 1 Programming directly affects the implementation of transportation projects and the expenditure of state, federal and local funds. The programming decisions of this position have a significant impact on Californians across the state. Examples include:

1. SB 1 created the \$250 million per year Solutions for Congested Corridors Program (Congested Corridors Program) to fund projects that reduce congestion in highly traveled and highly congested corridors through performance improvements that balance transportation improvements and community impacts, and that yield environmental benefits. The Deputy Director of SB 1 Programming will be responsible for the development of future Congested Corridors Program. The Deputy Director of SB 1 Programming will need to develop the future Congested Corridors Program Guidelines in consultation with the California Air Resources Board, regional transportation planning agencies, and other transportation stakeholder groups. Prior to adoption of future guidelines, the Deputy Director of SB 1 Programming will need to conduct numerous public workshops throughout the state to solicit input and feedback. This included two hearings as required by SB 1, one in northern California and one in southern California. The Deputy Director of SB 1 Programming will be required to develop policies for the adoption of future Congested Corridors Program funding, resulting in the allocation of \$250 million annually. COVID-19 has a significant impact throughout the state. The Deputy Director amended the application due date for the Program to address the impacts of COVID-19 by providing additional time for agencies to complete applications while still allowing for sufficient application evaluation time. The Deputy Director also developed the 2020 Interim Timely Use of Funds Policy to allow additional time for unforeseen and extraordinary circumstances beyond the control of the responsible agency due to COVID-19. The Deputy Director of SB 1 Programming will need to make other programming policy decisions in other situations that may have a significant impact on program.

2. The Short-Line Infrastructure Improvement Act of 2019, (SB 87, Statutes of 2019) created the Short-Line Railroad Improvement Program and provides a one-time appropriation, of \$7,200,000 for the program. The Deputy Director recently developed the Short-Line Railroad Improvement Program competitive program guidelines in cooperation with the California State Transportation Agency, Caltrans, Regional Transportation Planning Agencies, Class III rail industry representatives, and other transportation stakeholders. The Deputy Director conducted numerous public workshops throughout the state to solicit input and feedback. The program is intended to improve freight mobility, volume thresholds, and support modern rail freight traffic and the communities and industries they serve throughout California. The Deputy Director of SB 1 Programming will need to make programming decisions for other new programs.

3. The Local Partnership Program provides funding to local and regional agencies to improve aging Infrastructure, road conditions, active transportation, transit and rail, and health and safety benefits. The Deputy Director developed the program objective to be consistent with the intent behind SB 1, to balance the need to direct increased revenue to the state's highest transportation needs while fairly distributing the economic impact of increased funding. The Deputy Director of SB 1 Programming will need to develop or amend future Local Partnership Program Guidelines and Local Partnership Program Performance Metrics Instructions. The Deputy Director of SB 1 Programming will need to conduct a number of public workshops throughout the state to solicit input and feedback. COVID-19 has a significant impact throughout the state.

C. ROLE IN POLICY INFLUENCE (continued)

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

The Deputy Director of SB 1 Programming performs 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 of SB 1 Programming 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, and federal and state regulations, and mandates. Policy decisions and recommendations directly affect the implementation of transportation projects and the expenditure of billions of dollars in state, federal and local funds. During the 2018-19 fiscal year alone, the Commission allocated over \$9.3 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 of SB 1 Programming 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?

As new laws are enacted, the Deputy Director of SB 1 Programming must incorporate new statutory requirements in existing processes or implement a new program as required. The Deputy Director is responsible for conducting public workshops and hearings throughout the state to solicit input and feedback of proposed new policy or amending existing policy. All programs under the purview of the Commission call for public hearings, allocation of funds and reporting on program performance to the Legislature. The Deputy Director is responsible for ensuring the Commission meets its statutorily required programming, allocating and reporting requirements by incorporating new statutory requirements in existing processes or implement a new program as required.