



# INYO COUNTY LOCAL TRANSPORTATION COMMISSION

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Michael Errante, Executive Director

## Minutes

### INYO COUNTY LOCAL TRANSPORTATION COMMISSION

## On-line Only

Topic: Inyo County Local Transportation Commission Meeting  
Time: May 18, 2022, 09:00 AM Pacific Time (US and Canada)

### May 18, 2022

#### 9:06 a.m. Open Meeting

1. Roll Call
2. **Commissioners Present:**

Stephen Muchovej  
Jennifer Roeser  
Celeste Berg  
Rick Pucci

#### **Others Present**

Justine Kokx Inyo County Public Works  
John Pinckney Inyo County Public Works  
Phil Moores ESTA  
Deston Dishion City of Bishop  
Adam Weitzmann of Caltrans  
Kirsten Helton of Caltrans  
Denee Alcala of Caltrans  
Jenny Parks of IMAH

3. Public Comment  
None

### **ACTION ITEMS**

4. Consent Agenda
  - a. Request your Commission authorize future meetings during a state of emergency to be conducted virtually, in accordance with AB 361.

- b. Secretary of the Local Transportation Commission - Request approval of the minutes of the meeting of March 16, 2022.
- c. Secretary of the Local Transportation Commission - Request approval of the minutes of the special meeting of April 13, 2022.
- d. Request your Commission approve Resolution No. 2022-03, allocating \$45,209 of Inyo County LCTOP funds to ESTA and, authorize the Executive Director to execute all required documents thereto.

**\*Motion to approve was made by Commissioner Muchovej and seconded by Commissioner Roeser. All in favor.**

5. Request Commission approve and adopt 1) Unmet Transit Needs Findings, and 2) Resolution No. 2022-01, a Resolution regarding unmet transit needs.
- Justine Kokx provided a summary of the 2022 Unmet Needs finding process, including the initial SSTAC meeting held on February 9<sup>th</sup>; the public hearing held during the March LTC meeting; and the final public hearing held on April 20<sup>th</sup>. No public comments were made; therefore staff requested the Commission approved the draft Unmet Needs findings presented at the March LTC meeting.

**\*Motion to approve was made by Commissioner Muchovej and seconded by Commissioner Roeser. All in favor.**

6. Request Commission approve Resolution No. 2022-02, a resolution to 1) approve the Overall Work Program for the Inyo County LTC for FY 2022/2023, 2) authorize the Executive Director to sign related documents and 3) allow staff to make minor technical changes if required.

Justine Kokx summarized the purpose of the Overall Work Program, the types and amounts of funding sources, which include, \$230K of RPA, \$156K of PPM, and \$89K of TDA funding. Some anticipated Fiscal Year 2022-2023 OWP activities include 1/3 data collection of the Pavement Management Program; participation in the scoring of ATP grant Cycle 6 process to better position ourselves for future grant cycles; complete LRSP and apply for HSIP grant based on LRSP data; prepare project study reports for Horseshoe Meadows Rd, and Old Spanish Trail; prepare quarterly invoices, monthly transfers of TDA funds, attend monthly and quarterly meetings and trainings as needed.

**\*Motion to approve was made by Commissioner Roeser and seconded by Commissioner Muchovej. All in favor.**

### **DISCUSSION ITEMS**

7. Request Commission provide direction to staff regarding how to proceed with the Successor MOU and negotiations between Inyo County LTC, Mono County LTC and Kern COG.

Justine Kokx provided a summary of the history of the Tri-County MOU and the benefits obtained by the three entities leveraging IIP and their RIP shares during STIP cycles. Several corridor enhancing projects were completed via this funding mechanism, which was 40% IIP,

40% home county, 10% remaining two counties. In 2016, the counties agreed to deviate from this formula, Inyo and Mono fronted the Freeman Gulch Phase 1 widening project. As a result, both counties are owed \$6.3 and \$5.8 million respectively. MOU states that Kern is obligated to reimburse both counties in the event of termination of MOU, or if remaining phases of Freeman Gulch are not programmed by 2022 STIP cycle. Both situations apply now. Due to IIP funding being re-directed to GHG and VMT reductions, it is unlikely Freeman Gulch widening will occur via the STIP. A summary of the ensuing discussion follows:

Commissioner Muchovej began discussion by acknowledging the grim picture of being owed \$6.3 million and having a \$15.5 million negative STIP balance, what are our options if MOU goes away? What avenues for payment exist? John Pinkney responded by reminding the group that Kern Cog has a lot of STIP funding, but also a lot of transportation needs. He asked District 9 if they had any insight into how IIP funding is distributed. His understanding is that CALSTA and Governor have control over the IIP funds, and they are being reprogrammed away from widening. There's money but it has been reprioritized to SHOPP for operations and maintenance and away from widening. Commissioner Muchovej: Do we want to extend or renew the Tri County MOU? John: The minute we terminate the MOU, no more ability to leveraging IIP funds. Inyo and Kern counties have gotten projects out the agreement, but not Mono. Recommends Commission speak with Mono County to determine if they have gotten enough benefit out of the MOU. Justine brought up the enforceable repayment language. John stated that prior counsel believed that it was indeed enforceable. Phil of ESTA shared that he had attended the Mono County LTC meeting and that they had decided to ask Kern Cog about potential repayment. Recommends Commission join that effort. It's a lot of money and deserves some inquiry. John mentioned that if Doug were here he would have a lot of input on this. Mono isn't as concerned because they are not in a negative balance. Your Commission's 2022 STIP was denied Lone Pine town streets because we are too far in the hole. He asked Denee to provide input. She agreed with John, District 9 is at the whims of higher agencies. Adding lanes equates to adding to capacity. Never? Maybe not, but the brakes are on for now. Are expiration and termination equal? End date is unclear, whether it expired or terminated, not sure there's a difference. If Commission doesn't want to extend or renew a MOU, then Inyo is owed \$6.3M. Commissioner Muchovej asked for clarification: The MOU was put in place so that we could do projects that benefit the three counties. In particular at the time, focus was put on Freeman Gulch, right? John: there were several; N. Mojave four-Lane, Olanca Cartago, High point in Mono. It was the Tri-County agreement that got the State to the table to fund these projects at 40%. Without the MOU, it would have been up to each county to fund 100% of each project. Muchovej: So, no IIP funds are available for these projects. Inyo County is in such a hole because we decided to take an advance with the expectation that the remaining phases would pan out, but they haven't. Options are to try to renew the MOU, in which case it might just sit there in limbo until the state decides that IIP can be used, or we can terminate the MOU, try to collect the \$6.3M, and still be \$9M in the hole. Kirsten Helton mentioned that Mono County was discussing the possibility of extending the MOU just in case future funding might come down the pike, but no one knows when that might happen right now. She also mentioned other projects that benefitted the corridor. Added that Caltrans is directing SHOPP funding to do some other improvements on Freeman Gulch, short of widening. Chair Berg asked for additional clarification. If we were to renew the MOU how would that impact repayment? Does extending

the MOU extend the limbo? John replied that Kern is going to be reticent to repay any of these funds. They feel like they haven't gotten enough money from the state to take care of the minimum. Extending the MOU, we would be at the mercy of the IIP, Kern would have the excuse to not repay the \$6.3 M. If you allow the agreement to terminate expire, then we would need to engage in productive conversations with Kern Cog to ensure that Inyo and Mono are repaid. Justine brought up the possibility of a payback at STIP cycle intervals. Chair Berg: if we accept termination/expiration, would it be an effective strategy to pursue another one in the future to take advantage of state funding when dynamics are different? Denee: Good question, D-9 is hopeful that the MOU or successor can be achieved, but understands that with the uncertainty of state funding, is up to the three counties. Districts' marching orders are that IIP monies are not moving in the widening direction. Commissioner Muchovej question: we focused on Mono's interest in renewing this, do we have sense of Kern's interest? Justine and John relayed that it is their understanding that Kern is not willing to repay. Commissioner Muchovej expressed interested in not losing the \$6.3M. They owe us money. Regardless of the MOU, I don't think the Commission should just sit back idly and say well, let's just let it go. Chair Berg: Functionally, what is the deadline? Mono is in the exploratory phase, when do we have to decide? Does it seem a positive next step would be a conversation with Mono County and Kern Cog? The engagement needs to happen but need to concur with Mono County. How do we engage with Kern Cog, how to come up with a plan? Mono county was potentially willing to move on, but they are not in a negative share balance. Phil Moores: Suggests Commissioners call their cohorts at Kern and Mono, to be able to gauge what to expect. Commissioner Muchovej: Do the remaining areas of Freeman Gulch pose safety hazards? Denee: Yes, we have a history of run off the road, and unsafe passing and collisions. Commissioner Muchovej: So, why do these sorts of projects have to come from a pot of money that is dedicated to "capacity building" when there's a clear safety need? Can IIP funds be used for safety projects? Denee: Good question, Olancha Cartago was almost shelved, but we were lucky it had already begun construction. Headquarters is saying that when you are adding lanes that have to be maintained as state highway in the future, these are being looked at as capacity enhancing. Districts have to prove to Headquarters that project is not capacity enhancing. Kirsten: We're looking at options to improve safety that don't include increasing capacity, using SHOPP finding to do this. Yes, IIP funds can be used to fund safety projects. Commissioner Muchovej: So, we can make a strong case for continuing the MOU and still be able to apply for IIP funds for safety projects. John: SHOPP funds is where most of the loss of the STIP has gone. It used to be that the Inyo STIP would get 4-6 million, now we're getting 1.5 million. District 9 advocating to use their sorely needed SHOPP funds to improve safety along Freeman Gulch is a huge benefit to our region. It will be problematic to gain STIP funding for this project in the future. Kirsten: Exactly right, ability to use STIP finding in this manner is severely limited. But we do have the option to use SHOPP finds. Commissioner Muchovej: Do we want to extend or terminate? Would like to get feelers out to the other commissions. Prefers not to terminate the MOU, because it provides a mechanism to leverage future funding. Would like a payback timeline. Chair Berg: We are in the situation already of extending the MOU without the IIP funds. John: Really, the issue falls between the Commissioners of Kern Cog and Inyo, ask how they intend to proceed, repay us or not. Commissioner Muchovej is willing to do that. Chair Berg: Agreed. Is that the direction we want to take in terms of next steps? Meeting with Mono County LTC and Kern Cog? Commissioner Roeser would also like to hear back from current

County Counsel regarding language. Commissioner Pucci: Would like to know what the legal risk vs. reward is for pursuing litigation. The issue began a long time ago, there was a give and take between and among counties to ensure the Olancho Cartago project was funded. Could not have been done without their allocations. Commissioners asked John to contact County Counsel and report back. After hearing the latest legal interpretation, the Commissioners will next reach out to the other counties to get a feel for how they might want to proceed.

**8. Virtual vs. in-person/hybrid meeting discussion.**

Chair Berg summarized the existing options for meeting in person, City of Bishop chambers and Independence BOS chambers (2 x per year). Muchovej: depends on how much driving we want to do. He also mentioned that if not for virtual meeting today there would not have been a quorum. Chair Berg favors virtual but sees upsides and down sides to both. Commissioner Roeser agreed but thinks an in-person meeting should occur now and then. Perhaps quarterly, bi-annual in person meetings. Commission agreed to continue virtual meetings until further notice.

**INFORMATIONAL ITEMS**

**9. Receive invoices of Rural Planning Assistance funds for second & third quarters of Fiscal Year 2021-2022.**

Justine didn't have a report but did share that she is assessing the state of RPA funds and is trying to determine if we may lose a little RPA funds this year.

**10. ESTA Report**

- ESTA Executive Director's Report

Phil briefly updated the Commission. Still trying to get back to normal on ridership.

**11. Tribal Report**

**12. DVNP Report**

**13. Caltrans Report**

- Caltrans 2022 Construction Maps

Adam provided the 2022 construction maps; he pasted a spring quarterly report into chat. May is bike month, check out the scavenger hunt (see the chat). This Friday is the State Bicycle and Pedestrian Plan webinar. Commissioner Roeser asked for a status report on Manzanar and Fish Springs paving project. Final environmental documented anticipated for Fish Springs end of June. Manzanar is in final design.

**14. City of Bishop Report**

Deston Dishion reported that he had a meeting with Ryan Dermody about revisiting a discussion of the Truck Route. Caltrans would provide support but thinks the LTC should be the lead on this. To start this off we would need to create a project initiation document, which is basically a PSR. During the Downtown specific plan meeting, getting trucks off Main St. was the number one issue. Commissioners generally agreed, Commissioner Muchovej thought timing is good now with the commercial airport. Deston added the addition of a truck stop would be a benefit, something Caltrans has been supportive of. John added that the LTC cannot take on such a large

project. There is not enough funding, staffing, and engineering staff. This magnitude of project would require a planning grant and hiring a consultant. All concurred.

**15. Executive Director's Report**

John Pinckney provided report on behalf of Mike Errante: A lot going on at the Bishop Airport terminal expansion. The Independence wind event will require demolishing a hangar at the Independence airport. Having problems with Lone Pine Airport renewing leases. Working on PSR's for Horseshoe Meadows Road and Old Spanish Trail. Submitted payment to FHWA to begin State Line Road grant project. Continued discussion with Matt Kingsley regarding having RCRC advocate to designate that portion of State Line Road to Caltrans. Been having meetings regarding OHV combined use. US BR 85 designation has had problems in San Bernardino and LA. Looking at moving it down 395 to 58. Onion Valley guard rail project moving forward. Lone Pine ATP project requested a 6-month extension. Lone Pine Town streets – hired a consultant. N. Round Valley Bridge is moving along, all the piles are complete.

**16. Reports from all members of the Inyo County LTC**

Commissioner Muchovej read the March minutes and noticed the EV discussion lacked all the City of Bishop charging station locations. There are three EV charging locations at the City of Bishop: a Tesla station on Warren St., a charging station in the Vons parking lot, and a fast charging station at the Caltrans office.

Chair Berg asked if we had made any progress on a secretary. John replied we are down three positions. We have filled Cynthia's position but are shorthanded throughout.

**CORRESPONDENCE**

**ADJOURNMENT**

Adjourned at 10:41 am, until 9 a.m., Wednesday June 15, 2022