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Open Forum Commentary By Terry Kayes, District 3

Failed Government Ethics Lead to Mistrust and Bad Ends

On July 23th, in Open Forum, I began what I expect to be the first in a series of what I hope will be judicious critical commentaries — after over 2 years (430 hours) of investigation — regarding what I consider to be California's most inept, costly, often damaging and danger-causing government agency, the California Department of Transportation (by which I mean "Caltrans").

For similar reasons, I consider the California Air Resources Board and the California Department of Water Resources to be leading contenders with Caltrans in ineptitude and the harm they can do to people, often through inaction or mistaken actions. Among the entrenched traits common to these agencies, in my opinion, are machine-like lockstep thinking (or lack of thinking) that does not take into account often very different situations, often fails (due to agency insularity) to keep up with more recent scientific knowledge gained and technical advances made elsewhere by others, and organizational structures that have the effect of suppressing professional ethics, ingenuity, and sense of responsibility by their employees for their individual decisions and actions.

Add to these traits a seeming inability or an unwillingness on the part of many Caltrans administrators and staff to be fully truthful in many situations (often withholding important information from policy makers and stakeholders), combined with their releasing of reports to the public that too often contain irrelevant, or arguably bogus, language and numbers, under legalistic titles — and, in my opinion, you have good reason for mistrust."

On July 23th, I handed out copies of an online 2016 Los Angeles CITYWATCH article by State Senator John Moorlach of Costa Mesa, a nationally recognized "budget, finance, and fiscal policy expert," who characterized Caltrans as one of the "worst managed, most

inefficient government agencies in the nation," while at the same time pointing out that the State Auditor had recently reported to the Legislature that Caltrans had been lying about its operations and its cost-control methods.

Today, I am handing out copies of two online early-2014 articles on the highly critical 2014 external assessment done on Caltrans by the State Smart Transportation Initiative (SSTI), based at the University of Wisconsin-Madison. As it has done for other states, the SSTI investigated and reported on Caltran — and like earlier studies before found it to be parochial, highly inflexible, resistant to change, and often ethically and professionally deficient.

One lamentable example of such traits, in my opinion, is Caltrans' last spring apparent convincing of this board to endorse a plainly bogus wildlife undercrossing beneath Highway 50 between 5 Mile Road and Braeburn Lane to provide for the ready passage of deer from one side of the highway to the other, supposedly to mitigate for deer-motor vehicle collisions, as presumably an add-on to the U.S. Highway 50-Camino Safety Project.

Guess what! Since the 2000s, there has been a proven research-based body of technical literature on the effective design of deer-crossing structures — much of which has been reported through the National Academies of Science and Engineering and Western Transportation Institute in Bozeman, Montana, and adopted by a rapidly growing number of states and Canadian provinces (now well over a dozen) — that clearly indicates that Caltrans' planned box-culvert undercrossing will not work as Caltrans claims — and could make the incidence of deer-caused freeway-speed multiple-vehicle collisions far worse. I suggest Caltrans wants to locate a large box culvert at the place it identified, mainly to move large volumes of runoff during times of heavy rain or snow melt from the steeply-upslope north side of the highway to its down-slope south side. Naming this a "wildlife undercrossing," I believe, is a deceptive tactic to cut costs, while appearing to provide a safety-enhancing deer crossing. It's a bad idea.

<https://www.citywatchla.com/index.php/important-reads-for-rss/10770-caltrans-is-worst-managed-most-inefficient-it-s-time-to-shift-road-funding-to-counties>

## CITYWATCH (Los Angeles)

# ‘Caltrans is Worst Managed, Most Inefficient’ ... It’s Time to Shift Road Funding to Counties

JOHN MOORLACH

24 MARCH 2016



GUEST COMMENTARY – Last week, yet another high-profile scandal involving mismanagement rocked the California Department of Transportation (Caltrans) and this week I introduced Senate Bill 1141, which would launch a pilot program shifting road funds and maintenance duties from Caltrans to county governments.

Caltrans is one of the worst managed, most inefficient government agencies in the nation. Just look at the metrics. Californians pay among the highest gas taxes and the highest per-mile road maintenance, yet we also have the nation’s fifth worst



roads. Those are clear signs that Caltrans is dysfunctional and wasting taxpayer money. If Caltrans was a private company, it would have been out of business long ago.

SB 1141 would launch a pilot program that would allow two California counties to handle their own road maintenance needs, and to directly receive the road funding that typically would have been administered by Caltrans for those maintenance needs. County governments are much more accountable to the taxpayers than the bureaucracy at Caltrans. County governments know their needs and have a history of getting the job done. Senate Bill 1141 will allow counties to prove they can do much better than Caltrans.

Last week, the State Auditor found that Caltrans had deliberately lied to legislators about implementing the results of a 2009 efficiency study – one that recommended moving money and manpower to the highest need areas and managing efficiencies to help fix roads with the existing resources.

Caltrans management reassured legislators that they were implementing the study's recommendations, when, in fact, they had ignored them altogether and continued with an inefficient, labor-union friendly resource allocation.

Auditors also found that Caltrans has little, and often no, cost control measures, and that Caltrans often fails to even track project costs. The State Auditor is telling it straight when she says there are 'weak cost controls' that 'create opportunities for fraud, waste and abuse.' Sixty-two percent of Caltrans projects are over budget, and now we are beginning to know why. We can no longer tolerate this nonsense. It's time to provide constructive and necessary solutions.

SB 1141 would provide a real-world study on moving resources to counties and making our road dollars stretch much further. More information on SB 1141 can be found HERE.

*(State Senator John Moorlach (R-Costa Mesa) represents CA District 37. He is a nationally recognized budget, finance, and fiscal policy expert. This piece was first posted at Fox & Hounds Daily.)*

*Prepped for CityWatch by Linda Abrams.*

<https://nextcity.org/daily/entry/report-finds-caltrans-incompetent-and-lagging-behind-sustainability-trends>

# NEXT CITY

## Report Finds Caltrans Incompetent and Lagging Behind Sustainability Trends

STEPHEN J. SMITH    JANUARY 31, 2014



As it had done in many states before, the State Smart Transportation Initiative (SSTI), housed at the University of Wisconsin–Madison, was asked to assess the performance of the California Department of Transportation, popularly known as Caltrans. Its findings, released this month, aren't pretty.

“This report is quite critical of Caltrans’ management and operations,” SSTI states bluntly. The authors try to soften the blow — “we note at the outset that almost all the problems we point to are longstanding, so should not be

blamed on Caltrans' current management" — but the report is scathing nonetheless.

In the 2000s, California passed legislation to promote smart growth and reductions in greenhouse gas emissions from transportation. But Caltrans, once charged only with rural and intercity routes but whose mandate has grown with California's sprawl to include thoroughly local ones, doesn't appear to have gotten the message. "These outcomes are precisely the opposite of what Caltrans was set up to do — foster higher auto-mobility," SSTI writes, "and the department has not adapted to them."

From 2003 to 2011, for example, lane-miles of non-Interstate freeways in California grew by 6 percent, while vehicle-miles traveled fell across the state over the same period. Caltrans is lagging behind an obvious trend in transportation management at the national level.

"Sustainability initiatives frequently have worked around, not through, Caltrans — even when transportation is the topic," reads the report. "The department has not come to grips with the reality of induced traffic and the relationship between transportation and land use." The SSTI authors note that Caltrans was specifically not chosen as the agency to carry out the California Environmental Quality Act reform legislation passed last year, probably for a good reason. "That lack of confidence may be well-founded," they write, "as our interviews disclosed substantial resistance to change."

"On critical policy issues that would logically involve Caltrans, such as creating a high-speed rail network and reducing transportation climate effects, the legislature has worked around the department," they add.

The authors identify the rise of so-called "self-help" counties — local sales tax measures that affect nearly all Californians — as a major complicating factor, sapping power from the once-mighty road-building department and making it difficult to carry out state policy on sustainable transportation. After California's highway network was built out, Caltrans retreated and local priorities took over.

Sales tax funding, per the report, leads to certain democratic pressures on

spending priorities that “appeal to specific interest groups — highway users, transit advocates, environmentalists, etc. — and to meet expectations for geographic equity,” but which are “not necessarily the most appropriate based on technical analysis or environmental policy concerns.”

SSTI makes clear its clear dislike for a 1997 law that cemented local and regional transportation planning control, passed by then-State Senator and recurring California transportation figure Quentin Kopp.

After interviewing more than 100 current Caltrans employees, the SSTI investigators — among them three former state DOT secretaries — found that Caltrans management at all levels failed to “motivate staff and to hold them accountable,” and that the “interviewees told many stories of under-performing employees who stayed on the job.”

Early on, the investigators note that SSTI is far from the first consultant or government report to tell Caltrans that it needs to broaden its overly narrow perspective, raising the obvious question of how effective this report will be. A recent internal review of the department led to the creation of all sorts of new committees, offices and surveys to fix its issues, but SSTI finds that “in all cases, however, these efforts have not yet delivered the ultimate desired outcomes.”

Referring to the most recent consultant’s report, the SSTI writers state that “in our interviews, a very high-level division manager, when asked about it, dismissed it as ‘just a document someone wrote.’”

Nevertheless, SSTI gives a comprehensive list of recommendations, starting with the suggestion that senior leaders and staff immediately release an updated mission statement emphasizing the department’s commitment to sustainability, clearly signaling a change in priorities.

It concludes that “modernizing is unlikely to occur simply through Caltrans’ own work, but will also require action by CalSTA” — the newly reformed cabinet-level agency that now controls Caltrans and which commissioned the report — as well as “the legislature, and other agencies and stakeholders, including local partners, with whom new relationships must be forged.”



<https://la.streetsblog.org/2014/02/13/senate-hearing-highlights-report-on-caltrans-car-centric-ways/>

*(Parts of the following text have been edited to reduce information that is no longer relevant. Text in blue print [my emphasis] warrants special attention, in my opinion. To read entire article, go to above Internet site. — T. Kayes)*

## STREETBLOG LA

# Senate Hearing Highlights Report on Caltrans' Car-Centric Ways

By Melanie Curry, February 13, 2014

With a recent report calling out the need for Caltrans to focus less on building highways and more on letting cities build people-friendly streets, state legislators have an eye trained on the agency's progress towards reform.

The California Senate's Transportation and Housing Committee held a hearing yesterday to discuss the new report, conducted by the State Smart Transportation Initiative and commissioned by the California Transportation Agency (CalSTA), which was formed by Governor Jerry Brown and CalSTA Secretary Brian Kelly last year to oversee all of the state's transportation agencies.

The report is sharply critical of Caltrans' "archaic" practices when it comes to imposing automobile-centric design standards on city streets, and says the department should reform its risk-averse culture, which often prevents local city planners from implementing modern designs for bicycle- and pedestrian-friendly streets.

Two of the report's authors, Joel Rogers and Eric Sundquist of SSTI, presented their findings to the committee, arguing that the way Caltrans is currently structured prevents it from helping meet state



goals like reducing greenhouse gas emissions, improving transit networks, and building complete streets. A complete, systemic reorganization of the agency is their recommended solution.

The report asks a series of questions on whether the agency has the right tools “to help it achieve the mobility, safety, and environmental stewardship goals that are expected from California’s transportation system.” The answer, the authors conclude, is a resounding “no.”

“Caltrans’ operative mission and goals are out of step and work at cross purposes with the transportation needs and policy framework of the state,” Rogers told the Senate committee. “The skills and technical expertise of its staff are not congruent with modern demands.”

The report criticizes the “rule-bound” culture at the agency that causes employees to focus on avoiding risk rather than streamlining projects that provide cities better transit and safe streets for walking and biking. And, Rogers told the committee, “You, the Legislature, have a heavy hand in making Caltrans as dysfunctional as you now find it.”

James Coffman, a contractor who has worked with Caltrans for many years, described an agency culture of “counterproductive denial and manipulation” that promotes the wrong people and rewards academic training over experience in the field. “Education isn’t a bad thing,” he said, “but a lot of engineers at Caltrans don’t know one thing about building a road.”

Committee Chair Mark DeSaulnier (D-Alameda/Contra Costa) expressed alarm at Coffman’s assertion that few suppliers and contractors are willing to bid for Caltrans jobs because they don’t trust the agency. “That says to me that the quality of the bids we do receive is probably not very good,” he said.

This is not the first official report recommending major changes at Caltrans, and it’s unclear whether this one will garner results or sit on the shelf with the rest. The fact that several committee members

wandered in late and some didn't show up at all could raise some doubt about the legislature's commitment.

Senator Jim Beall (D-Santa Clara) was skeptical about whether Caltrans would be able to change because there is little incentive for it to do so. "When we build transportation infrastructure," he said, "the value of that infrastructure is not captured by the transportation system, but by local jurisdictions."

Rogers called himself "cautiously optimistic" that Caltrans can change, for several reasons. CalSTA now provides unprecedented oversight by the governor and Secretary Kelly, who appears committed to bringing substantial change to the agency. There is a "collective hunger among Caltrans staff to modernize the department's mission and clarify the vision and goals to meet that mission," Kelly said.

Rogers also said other states have successfully reorganized their DOTs under similar circumstances. "All Caltrans has to do," said Rogers, "is be humble enough to admit there's maybe something to learn from others."

Asked what the legislature's role could be in reforming Caltrans, Rogers recommended reducing the number of written reports it requires Caltrans to produce every year. "This endless reporting is probably not the best use of resources," he pointed out.

The SSTI report lists 46 recommendations for Caltrans reform, including an "Early Action Plan."