

Southwestern Pennsylvania Commission
Minutes of the Meeting of
June 30, 2005
Regional Enterprise Tower - 425 Sixth Avenue - Pittsburgh, PA 15219
4:30 p.m.

The forty-eighth meeting of the Southwestern Pennsylvania Commission was called to order by the Chairman, Dave Coder.

Commission Commissioners present were: Tom Balya, Karen Bennett, Bracken Burns, Andrew Boni, Eric Carlson, Dan Cessna, Tom Ceraso, Dave Coder, Steve Craig, Robert DeLotto, James Gagliano, Jr., James Kennedy, Ellen Kight, Larry King, Larry Maggi, Robbie Matesic, Kevin McCullough, David Miller, Larry Morris, Henry Nutbrown, William Peduto, Carmen Rozzi, James Scahill, Michael A. Silvestri, Paul Skoutelas, Bernie Smith, Pam Snyder, Gealy Wallwork, Joseph Widmer, and Norma Wintermyer.

Commission Commissioners absent were: Glenn Anderson, Susan Borinsky, Charles Camp, Orlando Capretto, James Cheatham, Dan Donatella, Richard Fink, Edward Fosnaught, David Frick, John Gardner, Susan Golomb, Joseph Hardy, Dana Henry, Richard Hogg, Jay Jabbour, David Johnston, Patricia Kirkpatrick, Allen Kukovich, Scott Lowe, Terry McMillen, Tom Murphy, Michael O'Barto, Dan Onorato, Andrew Quinn, Rodney D. Ruddock, Daniel Santoro, Mark C. Schneider, Richard Shaw, Mark Snyder, Joe Spanik, Anthony Spossey, Byron Stauffer, Jr., Joe Szczur, Sala Udin, Vincent Vicites, Daniel Vogler, Charles Zappala, and Angela Zimmerlink.

Others: Dave Ginns, Sustainable Pittsburgh, Lynn Heckman, Allegheny County Economic Development Department; Marilyn Skolnick, Sierra Club; Michael Dufalla, Washington County, John Verbanac, SPC Consultant; Glenn A. Walsh, citizen; Jim Ritchie, Pittsburgh Tribune-Review; and Jon Smith, ACTC.

Staff: Jim Hassinger, Kirk Brethauer, Stan Caldwell, Chuck DiPietro, Vince Massaro, Lew Villotti, Chuck Imbrogno, Shannon O'Connell, Carol Uminski, Kay Tomko, Debbie Tritsch, and Dee Pamplin.

1. Action on Minutes of the April 25th Meeting

The minutes of the April 25, 2005 meeting of the Southwestern Pennsylvania Commission were approved on a motion by Commissioner Kennedy which was seconded by Commissioner Scahill. The affirmative vote was unanimous.

2. Public Comment

Glenn A. Walsh of Mt. Lebanon commented that next month, again, you will consider a short-term solution to the financial problems of the Port Authority of Allegheny County. Governor Ed Rendell has proposed to "flex" \$113.5 million in funds, originally proposed for highway spending, for Port Authority operating needs. This time, instead of a three-month "fix," this will resolve PAT's operating problems for a year-and-a-half.

Hopefully, this will be the last temporary fix needed by PAT, as the Governor has set-up a blue-ribbon panel to come up with permanent, long-term solutions to transit funding in the Commonwealth. The year-and-a-half temporary fix should be enough time for fact-finding and recommendations by this blue-ribbon panel, and for the General Assembly to act on those recommendations.

In general, State Representative Sam Smith makes a valid observation, in his letter to SPC, that short-term fixes will not result in a long-term solution. However, in calling for an end to such short-term fixes, he

does not present any long-term, or even short-term, solution. Practically, to follow his advice, to the letter, would mean a great deal of pain and inconvenience by transit users, while legislative politics slowly grinds to a long-term transit funding solution.

Rep. Smith's suggestion does not recognize the time it will take for the blue-ribbon panel to conduct its work, and the time it will take for the General Assembly to implement the panel's recommendations.

Next month, I urge you to give the time needed for the blue-ribbon panel to complete its assigned task and the time needed for the General Assembly to implement their recommendations. Vote *yes*, on the \$113.5 million "flex" funds, as requested by State Transportation Secretary Allen Biehler, on behalf of Pennsylvania Governor Ed Rendell.

Mr. Silvestri asked if there is any representation on this blue-ribbon panel from SPC. Is there a way we could ask to be represented? Larry King said the Executive Order that created the Commission specified nine members and how they would be appointed among the governor and leadership of the General Assembly. Those nine members have been appointed.

3. Financial Report

Mr. Massaro presented an eleven month report for the Corporation, Commission and the operations of the Regional Enterprise Tower. Revenues pertaining to the UPWP and the economic development program activities continue to move forward as budgeted. Total project related revenues reported as of May 31st is \$6,406,720 versus annual budgeted revenues for a 12 month period of \$8,872,471 or 72% of the budget recorded to date. On carryover projects and revenues, we have \$180,252 recorded for the eleventh month period and \$644,022 for the 12 month period or 28% of the budget recorded and utilized. Two carryover projects that make up a majority of the funding in the expenses are the Transportation Model Development, Year 4 Program and the Port of Pittsburgh Commission, Transit Assessment Project. PennDOT has authorized the extension of those projects. We anticipate those projects being completed by June 30, 2006. Building operations recorded to date, rents collected are \$4,195,000 with \$5,049,020 budgeted or 83%. We are a little behind because of lease renewal and change over of new management. The Regional Enterprise Tower is currently at 86% occupancy with new tenants expected by the end of December taking occupancy up to about 89%. On the endowment we budgeted \$425,000 and actually received \$449,000 for 106% of the budget. Total revenues budgeted \$14,990,513 versus \$11,231,917 to date, or 75% of the budget. On the expenditures, \$8,884,922 budgeted versus \$6,428,512 recorded or 72% of the budget. Total expenditures \$16,577,963 budgeted versus \$12,245,667 recorded or 74% of the budget.

4. Action on Resolution 13-05 to Amend the 2005-2006 Unified Planning Work Program to include: a) Develop a Standards Plan for BCTA's ITS Projects; and b) Transitional Analysis to Locally Preferred Alternatives

Mr. Imbrogno explained the two projects proposed for addition to the UPWP. The first is BCTA who will be doing ITS projects in the near future. They want to ensure that Beaver County Transit Authority's Mobility Manager Project will meet regional and national ITS standards and is fully integrated with other regional and national projects in the future. The total cost is about \$40,000 for this three to four month effort. The second project, Transitional Analysis to Locally Preferred Alternatives, will take recommendations from the recently completed Eastern Corridor Transit Study and advance through a collaborative process involving US DOT, state agencies, the public and local agencies. This would put projects in priority order so we can move some of those into more detailed study in the future. Both projects were put on the TIP by the TTC and TOC and requested to be added to the UPWP.

Commissioner Balya moved:

WHEREAS, the Transportation Equity Act for the Twenty-First Century (TEA-21) authorizes funding and support of transportation planning, research and demonstration activities; and

WHEREAS, the following new transportation planning projects are proposed for funding in the 2005-2006 Program:

1. "Standards Plan for Beaver County Transit Authority ITS Projects" at a total cost not to exceed \$40,000 (\$32,000 Federal Section 5307 Formula Program funds; \$8,000 non-federal match) to identify and document existing and proposed ITS standards in order to insure that Beaver County Transit Authority's Mobility Manager Project will meet regional and national ITS standards and fully integrate with other regional and national projects in the future. This 3 to 4 month project will be conducted by the Beaver County Transit Authority
2. "Transitional Analysis to Locally Preferred Alternatives" at a total cost not to exceed \$100,000 (\$40,000 Federal Section 5307 Formula Program funds; \$40,000 FHWA STP funds; \$20,000 non-federal match). The project will review the findings and recommendations from the Eastern Corridor Transit Study (ECTS), and select one or more Locally Preferred Alternatives from the transportation investments recommended in the ECTS for further detailed analysis in future studies. This 4 to 6 month project will be conducted by SPC in partnership with the Westmoreland County Transit Authority and Port Authority of Allegheny County.

WHEREAS, the Transit Operators Committee and the Transportation Technical Committee acted at their respective June 1, 2005 and June 23, 2005 meetings to include the projects on the 2005-2008 Transportation Improvement Program for FY 2005 funding; and

WHEREAS, planning projects must also be included on an approved Unified Planning Work Program before federal funding can be approved.

NOW THEREFORE BE IT RESOLVED that the Southwestern Pennsylvania Commission approves revisions to the 2005-2006 UPWP to include the planning projects "Standards Plan for Beaver County Transit Authority ITS Projects", and "Transitional Analysis to Locally Preferred Alternatives".

Commissioner Scahill seconded and the affirmative vote was unanimous.

5. Action on Resolution 14-05 to Update the Air Quality Conformity Determination for the Pittsburgh Transportation Management Area to Include Cherrington Parkway Extension and Collier Crossing Connector and I-79 at Kirwan Heights Interchange Improvements in Allegheny County

Mr. Imbrogno said both projects are proposed to be privately funded and both add some new capacity to the region's transportation system. One project would provide access to a developing area in Collier Township which will also reconstruct the I-79 Kirwan Heights Interchange and add some intersection improvements on Route 50 in Bridgeville. The other project would extend the Cherrington Parkway in Moon Township again providing access to a developing area in Moon Township off of the old business Route 60. In order to receive federal approvals for design and environmental documentation both projects have to be a part of a conforming regional transportation system. The completed technical analysis has gone through our public comment process which ended last week.

Mr. Miller asked for clarification of the requested action of the Commission. Mr. Imbrogno responded that we have demonstrated that adding these two projects to the region's transportation system will not

adversely affect regional air quality. Adding these two projects does not take us out of compliance with regional air quality.

Commissioner Burns moved:

WHEREAS, the Congress of the United States enacted the Clean Air Act of 1964 (CAA) and amended the Act in 1977 (CAAA 77) and 1990 (CAAA 90); and

WHEREAS, the Clean Air Act authorizes the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS), to define the boundaries of areas not in attainment of the Standards, and to establish criteria and procedures for attaining and maintaining the Standards; and

WHEREAS, the EPA, in the Transportation Conformity Rule (40 CFR Part 93), as amended, provides criteria and procedures to be followed by Metropolitan Planning Organizations (MPOs) in making conformity determinations regarding transportation plans, programs, and projects within designated nonattainment and maintenance areas; and

WHEREAS, the Southwestern Pennsylvania Commission (SPC), as the MPO for the Pittsburgh Transportation Management Area, is responsible under Section 134 of Title 23, U.S.C. and Section 8 of Title 49, U.S.C. for carrying out a continuing, cooperative, and comprehensive transportation planning process; Section 174 of the Clean Air Act designates this same organization as responsible for the transportation-related air quality planning within designated nonattainment and maintenance areas to achieve and maintain NAAQS; and

WHEREAS, the Transportation Conformity Rule and Sections 174 and 176(c) and (d) of the Clean Air Act (Sections 7504 and 7506(c) and (d) of Title 42 U.S.C.) require that the MPO not approve any plan, program, or project which does not conform with the Clean Air Act; and

WHEREAS, the Transportation Conformity Rule identifies projects and project types which are “exempt” from regional conformity analysis; and

WHEREAS, the Transportation Conformity Rule requires a new finding of conformity by the MPO prior to an action to adopt or amend the Transportation Plan or TIP when that action involves projects or project types which are not “exempt” from regional conformity analysis or, for “non-exempt” projects not required to be programmed on the regional Plan or TIP, prior to any federal action to approve project designs, environmental documents, or other aspects of those projects; and

WHEREAS, two privately-funded “non-exempt” projects have been proposed in Allegheny County (Cherrington Parkway Extension, Moon Township; Collier Crossing Connector and I-79 Kirwan Heights Interchange Improvements, Collier Township); and

WHEREAS, SPC has conducted a qualitative and quantitative analysis consistent with the applicable criteria and procedures of the Clean Air Act (as amended) and the Transportation Conformity Rule, and has demonstrated that the 2005-2008 TIP and the region’s 2030 Long Range Plan will continue to conform with the Clean Air Act upon implementation of the two proposed privately-funded projects; and

WHEREAS, because the proposed projects do not involve federal or state transportation funding, the projects are not required to be programmed on the Plan or TIP, and amendments to the TIP and Long Range Plan are not needed; and

WHEREAS, the results of the conformity analysis were made available for public review and comment consistent with SPC’s established public review procedures.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission finds that, upon completion of the two proposed privately-funded projects (Cherrington Parkway Extension, Moon Township; Collier Crossing Connector and I-79 Kirwan Heights Interchange Improvements, Collier Township), the region's 2030 Long Range Plan and the 2005-2008 TIP will continue to conform with the Clean Air Act (as amended) by supporting its intention of achieving and maintaining the NAAQS; and

BE IT FURTHER RESOLVED that the region's 2030 Long Range Plan and the 2005-2008 TIP will continue to be consistent with the Clean Air Act (as amended) and Transportation Conformity Rule; no goals, directives, recommendations, or projects in the TIP or Long Range Plan contradict in a negative manner any specific requirements or commitments of the applicable State Implementation Plan.

RESOLVED FURTHER that technical analysis has demonstrated that the region's transportation plans, programs, and projects conform with the provisions of the Clean Air Act and the applicable criteria and procedures of the Transportation Conformity Rule.

Mr. A. J. Boni seconded and the affirmative vote was unanimous.

6. Action on Resolution 15-05 to Certify the Transportation Planning Process

Mr. DiPietro said that self-certification is a yearly activity required by the federal regulation under the Metropolitan Transportation Planning Process. Certification requires that both the state and MPO annually certify to the US Department of Transportation that the planning processes are addressing the major issues within the region and are being conducted in accordance with all applicable regulations.

Commissioner Burns asked what our efforts were to assure minority representation in our planning process. Mr. DiPietro responded that through time SPC's many ongoing corridor and subarea studies are designed to target a wide range of outreach and audiences. We also use the PPPs in an attempt to expand the participation to our communities. SPC's planning process is multifaceted in its approach and we're always trying to do more to make it better.

Commissioner Scahill moved:

WHEREAS, the U. S. DOT Transportation Equity Act for the 21st Century (TEA-21) legislation requires a Metropolitan Planning Organization (MPO) to certify that its transportation planning process is in conformance with regulations; and

WHEREAS, the Federal regulations specify that the transportation planning process be in conformance with Section 134 of Title 23 U.S.C., Part 450.220 of Title 23 CFR and the Federal Transit Act 49 U.S.C. 5323(k), which require that a continuing, cooperative and comprehensive planning process be carried out by the State and Local officials; and

WHEREAS, the requirements of Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under Section 324 of Title 23 and under Section 794 of Title 29 have been met and the requirements of Executive Order #12898 (Federal Order to Address Environmental Justice in Minority Populations and Low Income Populations) are being addressed; and

WHEREAS, the requirements of Section 1101 of TEA-21 (Public Law 105-178) regarding the involvement of disadvantaged or minority business enterprises in FHWA and FTA funded planning projects (Section 105(f), Public Law 97-424, 96 Stat. 2100; 49 CFR Part 23) have been met; and

WHEREAS, the provisions of the Americans with Disabilities Act of 1990 (Public Law 101- 336, 104 Statute 327, as amended) and U.S. DOT regulations entitled "Transportation for Individuals with Disabilities" (49 CFR, Parts 27, 37 and 38) have been met; and

WHEREAS, the Transportation Improvement Program (TIP) continues to be financially constrained as required by Section 450.324(e) of the Final Rulemaking issued on October 28, 1993, and the Federal Transit Administration (FTA) policy on the documentation of financial capacity, published in FTA Circular 7008.1; and

WHEREAS, the provision of 49 CFR part 20 regarding restrictions on influencing certain activities has been met; and

WHEREAS, the requirements of Sections 174 and 176(c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506(c) and (d)) have been met for non-attainment and maintenance areas; and

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission, the Metropolitan Planning Organization (MPO) for the Pittsburgh Transportation Management Area (TMA) certifies that the planning process is being carried out in conformance with all of the applicable federal requirements and certifies that the local process to enhance the participation of the general public, including the transportation disadvantaged, has been followed in developing all plans and programs, including the FFY 2005-2008 Transportation Improvement Program (TIP).

Commissioner Widmer seconded and the affirmative vote was unanimous.

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Commissioner Coder called on David Miller to introduce our guest from Serbia. Mr. Miller said GSPIA has been part of a program for three years where young professionals from Serbia are connected with institutions of local government in southwestern Pennsylvania. Developing local government capacity in eastern European countries is an important initiative to bring future leaders here to observe and work in with our public institutions for work experience. Ms. Jelena Lausev, a teaching assistant from Serbia, thanked GSPIA and the Faculty of Political Science University of Belgrade for allowing her the opportunity to observe our system and intergovernmental relationships in the United States.

7. Action on Resolution 16-05 to Adopt a Meeting Schedule for 2005-2006

Dr. Hassinger directed the Committee to the meeting packet with a schedule of next year's set of standing committee meetings. There are about 73 meetings spread over the next 52 weeks. This does not include special meetings that might be called.

Commissioner Scahill moved:

WHEREAS, the Pennsylvania Sunshine Law 84 requires that a Schedule of all Commission, Executive Committee and Advisory Committee Meetings for the fiscal year be adopted.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission adopts the attached Meeting Schedule.

Commissioner Kennedy seconded and the affirmative vote was unanimous.

8. Update on Project Region

Mr. Villotti stated that in a recent meeting with potential funders, the SPC Chairman and Vice Chairman there seems to be a commitment for support of this project. SPC recently participated in two meetings, in which Project Region was a primary topic, the University of Pittsburgh at Greensburg, the Transportation, Economic Development and Land Use Summit and the Sustainable Smart Growth Conference held at the Omni William Penn Hotel. At that Smart Growth Conference the entire afternoon session was based on SPC and Project Region. SPC staff took about 200 people through a workshop which was an opportunity for us to take some of the things we've learned in practice onto larger groups throughout the region. The workshop was very well received.

9. Other Business

Commissioner Coder asked to introduce some new employees of PennDOT. Mr. King acknowledged PennDOT employees Dan Cessna, District Executive of District 11-0, after Karl Ishman's retirement and Kevin McCullough, MPO Manager, in Harrisburg.

Mr. Silvestri asked for an update on what is happening with the State Transportation Commission hearings? Mr. DiPietro reported that the State Transportation Commission is holding seven public hearings across the state to begin the update of the 2007 State Transportation Program (including individual MPO TIPs). The last hearing will be here at SPC on Friday, September 23rd on the 31st floor. We will be using a different format this year to collect testimony and input for these hearings. The county PennDOT Districts, planning departments, transit authorities and SPC staff will be partnering and sharing information at scheduled meetings in July and August of our individual Public Participation Panels.

Dr. Hassinger congratulated ACCESS Transportation System and the Port Authority who were honored by the Federal Interagency Coordinating Council on Access and Mobility with a 2005 United We Ride National Leadership Award. It recognizes the Access and Port Authority work done to meet the needs of disadvantaged individuals.

10. New Business

No new business.

11. Adjourn

There being no further business to come before the Commission the meeting adjourned at 5:30 p.m.

Respectfully submitted,

Dan Onorato
Secretary-Treasurer