

Southwestern Pennsylvania Commission
Minutes of the Meeting of
June 28, 2007 – 4:30 p.m.
31st Floor – Regional Enterprise Tower – 425 Sixth Avenue – Pittsburgh, PA 15219

The sixty-third meeting of the Southwestern Pennsylvania Commission was called to order by Chairman Bracken Burns.

Commission members present were: Tom Balya, Stephen Bland, Andrew Boni, Bracken Burns, Charles Camp, Eric Carlson, Tom Ceraso, Daniel Cessna, Dave Coder, Patricia Evanko, Patrick Ford, Jim Gagliano, Jr., Kevin Gray, Lynn Heckman, David Johnston, James Kennedy, Patricia Kirkpatrick, Phil Light, Larry Maggi, Robbie Matesic, Kevin McCullough, David Miller, Larry Morris, William Peduto, Andrew Quinn, Rodney Ruddock, Daniel Santoro, James Scahill, Mark Schneider, Michael Silvestri, Pam Snyder, Joe Spanik, Anthony Spossey, Gealy Wallwork, and Norma Wintermeyer.

Commission members absent were: Glenn Anderson, Orlando Capretto, James Cheatham, Steve Craig, Robert DeLotto, Dan Donatella, Joseph Dubovi III, Richard Fink, Edward Fosnaught, David Frick, Judy Gardner, Joseph Hardy, Dana Henry, Allen Kukovich, Mark Lay, Scott Lowe, Terry McMillen, Henry Nutbrown, Dan Onorato, Luke Ravenstahl, Jim Ritzman, Carmen Rozzi, Richard Shaw, Herman Shipman, Mark Snyder, Byron Stauffer, Jr., Joe Szczur, Vincent Vicites, Daniel Vogler, Jake Wheatley, and Angela Zimmerlink.

Others: Karen Rollins-Fitch, Daniel Lavelle and Darell Smith representing Rep. Jake Wheatley; John Verbanac, SPC Consultant; and Will Burns, Pepper Hamilton .

Staff: Jim Hassinger, Kirk Brethauer, Carolyn Carney, Jamie Colecchi, Chuck DiPietro, Kurt Fruhlinger, Chuck Imbrogno, Mike Lincheck, Vince Massaro, Marge Nalesnick, Shannon O'Connell, Dee Pamplin, Chris Sandvig, (Intern), Evan Schoss, Tom Straw, Kay Tomko, Carol Uminski, Sara Walfort, and Lew Villotti.

1. Action on Minutes of the April 30th Meeting

The minutes of the April 30, 2007 meeting of the Southwestern Pennsylvania Commission were approved on a motion by Commissioner Maggi which was seconded by Commissioner Camp. The affirmative vote was unanimous.

2. Public Comment

None.

3. Financial Report

Mr. Massaro highlighted the financial report for the SPC Corporation, SPC Commission and the operations of the Regional Enterprise Tower through May 31, 2007. The Corporation Board of Directors/Commission Executive Committee adopted the fiscal year budget for 2007-2008 at there 2:30 p.m. meeting. Within that budget includes revenue and expenditure items in the current year that carry-over into the new fiscal year. The financial report was approved on a

motion by Commissioner Maggi which was seconded by Commissioner Camp. The affirmative vote was unanimous.

4. Report on Public Comment Period Response on the 2035 Transportation and Development Plan, Environmental Justice Benefits and Burdens Assessment, Public Participation Plan, Interim Southwestern Pennsylvania Public Transit-Human Services Coordinated Transportation Plan and Air Quality Conformity Determination

Dr. Hassinger reported that the presentation of these draft documents is a culmination of a process that has been among the most aggressive and expansive public participation efforts that has ever been undertaken by any regional planning agency. We used a wide variety of meeting formats, technology applications, and information gathering and dissemination techniques. Extensive Project Region Meetings took place in 2006 and 2007, including the Regional Town Meeting linked via web at eleven regional sites, created a regional consensus on transportation and development vision for the region. There were formal public comment periods on the draft documents. PPP meetings were held in each county with featured presentations and information stations with representatives from SPC, PennDOT, the planning departments, member jurisdictions, and transit agencies. There were over 200 participants with many more comments via mail, fax and e-mail. Included in the Public Participation Report is a complete set of materials documenting the public participation and the comment process. This report is a complete compilation of the whole process in addition to the specific comments received and responses.

5. Action on Resolution 5-07 to Adopt the Public Participation Plan

A Resolution was presented to adopt an updated Public Participation Plan. It complies with the requirements of SAFETEA-LU, and will replace the previous public involvement policy (adopted October 24, 2005).

Ms. Heckman moved:

WHEREAS, the Southwestern Pennsylvania Commission (SPC) is the designated Metropolitan Planning Organization (MPO) for the ten-county metropolitan area and is responsible for regional transportation planning activities; and

WHEREAS, SPC recognizes that public participation is the cornerstone of an effective transportation planning process; and

WHEREAS, SPC communicates with interested parties to ensure effective and innovative transportation planning that is representative of and responsive to the needs of the entire region; and

WHEREAS, SPC conducts an open process that actively involves all affected individuals, groups and communities from the earliest stages, including identifying needs and resources, developing alternatives, and deciding to implement solutions; and

WHEREAS, a defined Public Participation Plan is necessary and desirable as it provides a framework to ensure that the participation activities of SPC's transportation planning processes comply with the proactive public involvement requirements of Title 23 Code of Federal Regulations, Section 450.316, the participation plan requirements of the federal Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) (Title 23 United States Code, Section 134(i)(5)), and other applicable federal regulations and guidelines on metropolitan transportation planning and programs; and

WHEREAS, the Public Participation Plan was developed in consultation with interested parties consistent with SAFETEA-LU guidance and details the strategies and procedures SPC will utilize to achieve its long-standing commitment to public participation in regional transportation planning; and

WHEREAS, it is necessary and desirable to coordinate when appropriate public involvement activities with other transportation planning agencies; and

WHEREAS, the Commission recognizes that a Public Participation Plan is a required element of the 2035 Transportation and Development Plan for Southwestern Pennsylvania and the Transportation Improvement Program under the provisions of federal transportation planning legislation (SAFETEA-LU); and

WHEREAS, the Commission is committed to "periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process" (23CFR 450.316(a)(1)(x)); and

WHEREAS, an approved draft updated Public Participation Plan has been made available for public review and comment for a period of 45 days, a public meeting was held, and comments were received and considered as required by federal transportation planning legislation and SPC's existing Public Involvement Policy.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission hereby adopts the updated Public Participation Plan dated May 2007. This Public Participation Plan replaces the previous Public Involvement Policy (adopted October 24, 2005).

Commissioner Scahill seconded and the affirmative vote was unanimous.

6. Action on Resolution 6-07 to Adopt the Interim Southwestern Pennsylvania Public Transit-Human Services Coordinated Transportation Plan

Dr. Hassinger stated that SAFETEA-LU requires that a Public Transit-Human Services Coordinated Transportation Plan be developed that is consistent with the regional long-range plan and it should be coordinated with PennDOT statewide efforts. The interim plan document presents the process that will be used to develop the final Public Transit-Human Services Plan by December 2007. The request today is for adoption of the Interim Southwestern Pennsylvania Public Transit-Human Services Coordinated Transportation Plan.

Commissioner Camp moved:

WHEREAS, Federal Transit Law as amended by the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) requires that projects funded under the Section 5310 Elderly Individuals and Individual with Disabilities, Section 5316 Job Access and Reverse Commute (JARC), and Section 5317 New Freedoms Initiative programs be derived from a locally developed, coordinated public transit-human services transportation plan and that the plan be developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public; and

WHEREAS, The Pennsylvania Department of Transportation (PennDOT), as the designated recipient of Section 5310 funds statewide, directed the transportation planning organizations (TPOs) to adopt a coordinated plan, as well as to review and rank the Section 5310 applications for this region, has established that the local coordinated plan boundaries be the same boundaries as the TPOs across the state; and

WHEREAS, SPC is the Metropolitan Planning Organization for the region; and

WHEREAS, SPC developed the Interim Southwestern Pennsylvania Public Transit-Human Services Coordinated Transportation Plan satisfying the requirements of federal law and the regulations promulgated by USDOT and EDA and PennDOT for the Section 5310 Program; and

WHEREAS, SPC released the Interim Southwestern Pennsylvania Public Transit-Human Services Coordinated Transportation Plan for public review and comment in May consistent with SPC's established public review procedures; the public review period has passed, and public comments on the Plan and responses to them have been presented to the Commission and final revisions to the Plan have been recommended; and

WHEREAS, SPC has issued a Request for Proposals to solicit proposals to develop the fully integrated Interim Southwestern Pennsylvania Public Transit-Human Services Coordinated Transportation Plan” by December 2007.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission adopts the ten-county Interim Southwestern Pennsylvania Public Transit-Human Services Coordinated Transportation Plan.

Commissioner Kennedy seconded and the affirmative vote was unanimous.

7. Action on Resolution 7-07 to Make A Finding of Air Quality Conformity for the 2035 Transportation and Development Plan for Southwestern Pennsylvania and the 2007-2010 Transportation Improvement Program

Dr. Hassinger explained that it is necessary for the Commission to make a finding of air quality conformity that the 2035 Transportation and Development Plan for Southwestern Pennsylvania (the 2035 Plan) and the 2007-2010 Transportation Improvement Program (TIP) for the Pittsburgh Transportation Management Area (TMA) are in compliance with the requirements of the federal Clean Air Act (as amended). The technical air quality analysis demonstrated conformity for the 2035 Plan and reaffirms finding of conformity for the current TIP.

Commissioner Maggi 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 federal 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 “Air Quality Designations and Classifications for the 8-Hour Ozone NAAQS” (40 CFR Part 81), published as a Final Rule in the April 30, 2004 Federal Register and effective on June 15, 2004, designated three ozone nonattainment areas in the SPC planning region; these included the Pittsburgh-Beaver Valley nonattainment area (comprised of the seven counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland); the Greene County nonattainment area; and the Clearfield-Indiana nonattainment area (comprised of Clearfield County, which is outside of SPC’s planning area, and Indiana County which is within SPC’s planning area); and

WHEREAS, the EPA, in the “Air Quality Designations and Classifications for the Fine Particles (PM_{2.5}) NAAQS” (40 CFR Part 81), published as a Final Rule in the January 5, 2005 Federal Register and effective on April 5, 2006, designated three PM 2.5 nonattainment areas in the SPC planning region; these included the Liberty-Clairton nonattainment area (comprised of five municipalities within Allegheny County); the Pittsburgh-Beaver Valley nonattainment area (comprised of Beaver, Butler, Washington, and Westmoreland counties in their entirety and parts of Allegheny, Armstrong, Greene, and Lawrence counties); and the Johnstown nonattainment area (portions of Indiana County within SPC’s planning area, and all of Cambria County which is in the planning area of the Johnstown MPO); 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 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 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, SPC has conducted a qualitative and quantitative analysis for the PM_{2.5} and 8-Hour Ozone nonattainment areas within the SPC region in accordance with the applicable criteria and procedures of the Clean Air Act (as amended) and the Transportation Conformity Rule, and has demonstrated conformity of the 2035 Plan and the continued conformity of the 2007-2010 TIP to the Clean Air Act; and

WHEREAS, the results of the conformity analysis were made available for public review and comment consistent with SPC's established public review procedures from May 29, 2007 through June 27, 2007 including a public meeting held in downtown Pittsburgh on June 13, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission finds that the region's 2035 Plan and the 2007-2010 TIP conform to 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 2035 Plan and the 2007-2010 TIP are consistent with the Clean Air Act (as amended) and Transportation Conformity Rule; no goals, directives, recommendations, or projects in the Plan or TIP contradict in a negative manner any specific requirements or commitments of applicable State Implementation Plans (SIPs).

RESOLVED FURTHER that assessment of the PM 2.5 and 8-Hour Ozone nonattainment areas within the SPC region demonstrates that the transportation plans, programs, and projects for those areas conform with the provisions of the Clean Air Act and the applicable criteria and procedures of the Transportation Conformity Rule.

Commissioner Camp seconded and the affirmative vote was unanimous.

8. Action on Resolution 8-07 to Adopt the 2035 Transportation and Development Plan for Southwestern Pennsylvania

Dr. Hassinger summarized the extensive public outreach in the development and review of the 2035 Transportation and Development Plan for Southwestern Pennsylvania. In the development and review of a companion document to the 2035 Plan, the Environmental Justice Benefits and Burdens Assessment, evaluates the relative equity of the long range plan projects on the diverse demographic groups in the region. Of special concern are the region's low income, minority, elderly, disabled and non-English speaking residents.

Mr. Miller asked how the projects were determined in the plan.

Mr. Villiotti talked about the way that the projects were reviewed in terms of their relationship to the policies. For example, the Comprehensive Economic Development Strategy projects, called CEDS, are listed accordingly with the policy statements that they match.

Mr. Schneider commented that the Plan's direction should guide development of the next TIP. Over the next year we should use this Plan's direction to be more selective about the projects and investment strategies and initiatives we advance to ensure we are moving in the right direction, as detailed in the Plan's goals and policy statements.

Commissioner Ruddock moved:

WHEREAS, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) continues the requirements established in earlier federal legislation that Metropolitan Planning Organizations (MPOs) conduct a comprehensive transportation planning process that includes developing and maintaining a Long Range

Transportation Plan consistent with federal metropolitan and statewide transportation planning regulations promulgated by the United States Department of Transportation (USDOT) and published in the February 14, 2007 Federal Register; and

WHEREAS, the Economic Development Administration Reform Act of 1998 requires economic development districts to develop a Comprehensive Economic Development Strategy (CEDS) to qualify for assistance under most Economic Development Administration (EDA) programs; and

WHEREAS, EDA will continue to direct its investments based on strategies resulting from locally controlled participatory planning processes established to develop and maintain the Comprehensive Economic Development Strategy (CEDS); and

WHEREAS, SPC is the Metropolitan Planning Organization and the Economic Development District for the region; and

WHEREAS, SPC developed the 2035 Transportation and Development Plan for Southwestern Pennsylvania satisfying the requirements of federal law and the regulations promulgated by USDOT and EDA; and

WHEREAS, updated population and employment forecasts were prepared by SPC during the Plan development process and are included as part of the Plan; and

WHEREAS, SPC's *Environmental Justice Benefits and Burdens Assessment for the 2035 Plan* report summarizes multiple analyses, outcomes, and activities that have been conducted as part of the region's planning process in accordance with environmental justice; and

WHEREAS, SPC released the ten-county 2035 Transportation and Development Plan for Southwestern Pennsylvania for public review and comment in May consistent with SPC's established public review procedures; the public review period has passed, and public comments on the Plan and responses to them have been presented to the Commission and final revisions to the Plan have been recommended; and

WHEREAS, SPC's Transit Operators Committee and SPC's Transportation Technical Committee recommend Commission adoption of the 2035 Transportation and Development Plan for Southwestern Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission adopts the ten-county "2035 Transportation and Development Plan for Southwestern Pennsylvania" as the Long Range Transportation Plan required by USDOT and as the Comprehensive Economic Development Strategy required by EDA.

Ms. Heckman seconded and the affirmative vote was unanimous.

9. Action on Resolution 9-07 to Approve and Endorse the Region's Area Development Project Priority Listing and Authorize Submission of the Application for Funds

Mr. Villotti stated that we will begin to go right into the implementation of the Plan with the Area Development Projects. Every year, as part of the LDD, SPC and its member counties

are eligible to apply for Appalachian Regional Commission funding. As an LDD, we are given the ability through our Area Development Program to look at the projects and prioritize them and submit them to the state who submits them to the federal government for further consideration. The final approval is made by the federal government and it is very seldom different from our ranking. This year the projects were considered consistent with those policy statements that are included in the Plan.

Commissioner Silvestri moved:

WHEREAS, the Appalachian Regional Commission (ARC) provides funding for projects through the 201 Local Access Road program; and,

WHEREAS, the Appalachian Regional Commission (ARC) provides funding for projects through the 214 Construction and 302 Non-Construction programs; and,

WHEREAS, it is the responsibility of the Local Development District (LDD) to establish a process for submitting construction and non-construction projects to ARC for funding; and,

WHEREAS, this is a competitive process for limited funding wherein county projects are prioritized and submitted to the State; projects from across Pennsylvania compete for prioritization and are submitted to ARC for funding; and projects from all thirteen states in the Appalachian region compete for ARC funds; and,

WHEREAS, the eligibility and the ratio of funding is dependent upon the level of economic distress, as determined by ARC, of the county in which the project is located; and,

WHEREAS, SPC facilitated a meeting of its Area Development Committee, comprised of the Planning Directors in each county, on June 20, 2007 to establish a ranked regional project list; and,

WHEREAS, SPC's regional Enterprise Development Program (EDP) approved by Southwestern Pennsylvania Corporation Board of Directors Resolution 13-07 and Southwestern Pennsylvania Commission Executive Committee Resolution 4-07 on April 30, 2007 is the top regional project for ARC's 302 Non-Construction funds and will provide direct hands-on assistance to businesses through international trade assistance, low interest loans, government procurement, and electronic commerce, and will provide direct assistance to communities through economic planning and research, and technology assistance; and,

WHEREAS, the 201 Local Access Road projects, priority ranked by the region's Area Development Committee, include:

1. Indiana County Jimmy Stewart Airport – AirPark Access Road - \$320,000
This project will attract businesses to an existing KOZ zone at the Indiana County Airport by providing an adequate access road. The development of the site will further leverage the highway infrastructure investments made along the U.S. Route 119 corridor over the last several years.

2. Starpointe Business Park Access Road, Washington County - \$250,000
This project is for construction of an access road to accompany other infrastructure expansions into the Phase IB portion of the Starpointe Business Park to attract new private investment in the park and expand employment opportunities, especially in manufacturing and other light industrial enterprises.

WHEREAS, the 214 Construction and 302 Non-Construction projects, priority ranked by the region's Area Development Committee, include:

1. Downtown West Newton "Bridge to Tomorrow" Project, Westmoreland County - \$250,000
This project will increase economic opportunities and commercial revitalization for West Newton by connecting the downtown area with the Great Allegheny Passage (GAP). This development will capitalize on the growing tourism market
2. Hope for the Homeless in Our Community, Fayette County - \$140,000
This project in the City of Uniontown involves the construction of a four unit apartment building to serve as permanent supportive housing for homeless families.
3. Strategic Community Planning in Pittsburgh, Allegheny County - \$50,000
This project includes the development of comprehensive community plans for neighborhoods in the City of Pittsburgh and will create a framework for the development of a city-wide comprehensive plan.
4. Cabbage Flats/Mapletown Sewer Project - \$250,000
This project entails expansion of a sewer treatment and collection system to serve the Cabbage Flats and Mapletown areas of Monongahela Township in Greene County, which are plagued with malfunctioning on-lot septic systems.

NOW, THEREFORE, BE IT RESOLVED that the Members of the Southwestern Pennsylvania Commission adopt and approve the aforementioned lists and projects, and authorize the Commission Executive Director and the Corporation President to submit all necessary applications and enter into all agreements and contracts pursuant thereto.

Commissioner Balya seconded and the affirmative vote was unanimous.

10. Action on Resolution 10-07 to Endorse Application by Southside Local Development Company to Add East Carson Street (McArdle to Hot Metal Street) in the City of Pittsburgh to the Pennsylvania State Byways Program

Mr. DiPietro stated that this is a revision to an action we took back in spring of 2005. The Southside Local Development Company has worked with the Commonwealth. After PennDOT review of the application, change to the length of the byway was recommended. Originally the proposed byway ran from McArdle Roadway south to Becks Run Road. With the new application, the request is to revise the limits to extend from McArdle Road to Hot Metal Street at the Hot Metal Bridge.

Commissioner Schneider moved:

WHEREAS, the Commonwealth of Pennsylvania State Byways Program (patterned after the federal Scenic Byways program) identifies transportation corridors with scenic, natural, historic, and cultural features and provides assistance in preserving and promoting these community assets; and

WHEREAS, East Carson Street offers a unique and noteworthy historic corridor in the City of Pittsburgh with an abundance of scenic, natural, cultural, recreational and historic features and amenities; and

WHEREAS, the Southside Local Development Company has submitted an application to the Pennsylvania State Byways Program that meets program requirements for designation as a scenic byway and has gained endorsement of their application by the City of Pittsburgh; and

WHEREAS, SPC's Transportation Technical Committee has reviewed and recommended Commission endorsement of East Street Byway designation; and

WHEREAS, SPC endorsement of this application does not commit or obligate the current or future uses of any federal or state funding streams under the authority of the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission heartily endorses and supports designation of the East Carson Street Byway as an official Pennsylvania State Byway.

Commissioner Camp seconded and the vote was unanimous.

11. Action on Resolution 11-07 and 12-07 to Amend the Unified Planning Work Program to include:

- a. SPC Support to PennDOT's Pilot Roadside Beautification Project
- b. Port Authority of Allegheny County's Transit Development Plan

Regarding the first UPWP amendment request, Mr. DiPietro stated that PennDOT asked SPC to assist them with a pilot program called Roadside Beautification. They would like SPC to assist in marketing the program to a higher level. PennDOT is looking for our help to find sponsors that would be willing to enter into the program across our region.

Commissioner Ceraso moved:

WHEREAS, the SPC 2007-2008 Unified Planning Work Program is the federally-required planning document that identifies transportation-related planning tasks performed between July 1, 2007 and June 30, 2008 in the Southwestern Pennsylvania Transportation Management Area; and

WHEREAS, in order to be eligible to receive federal funding a transportation planning project must be identified in the UPWP; and

WHEREAS, the Pennsylvania Department of Transportation (PennDOT) has identified available federal Special Planning & Research Funds (SPR) for use by SPC Support to PennDOT's Pilot Roadside Beautification Project; and

WHEREAS, the Roadside Beautification Project is a collaboration between PennDOT's Agility Center and FHWA that involves using PennDOT's District Roadside Specialists and a state approved contractor who designs and installs the beautification sites, and in turn, hands them over to sponsor groups to be maintained; and

WHEREAS, under this project SPC will market the Pilot Roadside Beautification Project throughout the SPC region for the PennDOT Agility Center by utilizing SPC's various outreach mechanisms and forums that are currently in place as the region's MPO and LDD.

NOW, THEREFORE, BE IT RESOLVED, that the Southwestern Pennsylvania Commission hereby amends the 2007-2008 Unified Planning Work Program to add SPC Support to PennDOT's Pilot Roadside Beautification Project; and

BE IT FURTHER RESOLVED that the Executive Director, on behalf of SPC, is hereby authorized to enter into Agreements and/or Supplements with the Federal Highway Administration of the U.S. Department of Transportation and the Pennsylvania Department of Transportation related to contracting the approved projects.

Commissioner Boni seconded and the affirmative vote was unanimous.

The second UPWP amendment request is to add the Port Authority of Allegheny County's Transit Development Plan. This project will review and evaluate Port Authority's existing fixed-route transit services and develop a plan for transit service that best meets current and future needs for transit service within available and anticipated financial resources. It will also work to advance coordination and improve service for potential new markets. A companion TIP action was also needed and has already occurred. The Transit Operators Committee has identified that source and through our amendment procedures has amended the TIP to put money in place for the study. It would begin this fall and extend through 2008.

Commissioner Gagliano moved:

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorizes funding and support of transportation planning, research and demonstration activities; and

WHEREAS, the SPC 2007-2008 Unified Planning Work Program (UPWP) is the federally-required planning document that identifies transportation-related planning tasks to be initiated between July 1, 2007 and June 30, 2008 in the Southwestern Pennsylvania Transportation Management Area; and

WHEREAS, the following new transportation planning project is proposed for funding in the 2007-2008 Program by the Port Authority of Allegheny County:

1. "Transit Development Plan" at a total cost not to exceed \$600,000 (\$480,000 Federal Section 5307 Formula Program funds; \$120,000 non-federal match) for Port Authority of Allegheny County to prepare a plan for allocating transit resources to provide the greatest utility to the community, as defined by the community, and to review and evaluate Port Authority's existing

fixed-route transit services and develop a plan for transit service that best meets current and future needs for transit service within available and anticipated financial resources. This effort will also involve improving coordination and improving service to emerging population and activity centers; and building community support to develop a consensus for Port Authority's redesigned transit system. This project is expected to be completed by December 2008.

WHEREAS, the members of the Transit Operators Committee acted at their June 13, 2007 meeting to include the project on the 2007-2010 Transportation Improvement Program for FY 2007 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 2007-2008 UPWP to include the planning project "Transit Development Plan" for Port Authority of Allegheny County.

Mr. Peduto asked Mr. Bland a three fold question. What is it specifically that the Port Authority is attempting in the effort? Does this include a traffic reconfiguration of buses in Downtown Pittsburgh? Does this also include the investigation of creating a regional transit authority? Mr. Bland responded first that it would be a market based study using active public participation and general market research on what the travel demand looks like for public transportation. The specific focus would be predominately the bus network. Our expectation is that there would be an overall coordination framework for a study—using groups like SPC and PennDOT on a regional level as to what the overall process looks like and then picking some spot groups for the local level. In terms of the regional network there is active effort and discussion within the TOC about inviting suburban carriers who have an interest in looking at how services tie together and coordinate.

Mr. Miller seconded and the affirmative vote was unanimous.

12. Action on Resolution 13-07 to Endorse Regional Operations Plan for Southwestern Pennsylvania

Mr. DiPietro explained that PennDOT's Regional Operations Plan initiative is a statewide effort. It is an effort of the Commonwealth to move ahead with the operation tenants in ISTEA-“LC” safety, security and changing investment emphasis by use of technology to address some of the problems. Priority areas for operations identified through SPC's work groups include traffic signals, incident and emergency management, traveler information, and institutional (funding, manpower and communications).

Ms. Heckman moved:

WHEREAS, the high cost of infrastructure, increasing vehicle-miles of travel for freight and passenger vehicles, and the diminished buying power of transportation dollars has resulted in an increased emphasis on transportation operations and safety, with focus on maximizing the efficiency and effectiveness of existing infrastructure; and,

WHEREAS, since 1991 and the passage of ISTEA, Congress has placed added emphasis on the safety and security of the transportation system and the utilization of advancements in technology and innovative approaches to transportation planning; and,

WHEREAS, SPC, Member Planning Departments, PennDOT, and other regional partners and stakeholders have collaboratively developed the Regional Operations Plan to address priority areas such as traffic signals, incident and emergency management, traveler information, and institutional issues; and,

WHEREAS, the Regional Operations Plan advances the statewide goals and direction established in PennDOT's Mobility Plan and Transportation Systems Operations Plan; and,

WHEREAS, the Regional Operations Plan advances the regional goals and direction established in SPC's 2035 Transportation and Development Plan and the Southwestern Pennsylvania Regional ITS Architecture; and

WHEREAS, SPC's Transportation Technical Committee and SPC's Transportation Operations and Safety Committee have reviewed and recommend Commission endorsement of the Regional Operations Plan.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission endorses the Regional Operations Plan for Southwestern Pennsylvania and will work to advance implementation through SPC's Transportation Operations and Safety Committee and future Unified Planning Work Programs and Transportation Improvement Programs.

Commissioner Scahill seconded and affirmative vote was unanimous.

13. Action on Resolution 14-07 to Adopt a Meeting Schedule for 2007-2008

Commissioner Camp 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.

14. National Interest Electric Transportation Corridor Designation

The Chairman introduced Will Burns of The Pepper Hamilton law firm to talk about why this is important to Pennsylvania.

Mr. Burns showed slides of some proposed large transmission lines now in front of the Pennsylvania Public Utility Commission for their approval. Pepper Hamilton represents over 700 people on a pro-bono basis who are opposed to this line. Part of the line is in Pennsylvania which they say there is a local need for, but we strongly disagree. The rest of the line goes out from Pennsylvania to Washington, D.C. What is important to know is that three other major lines across Pennsylvania are also being considered. They are planning to ship power from outside Pennsylvania to New Jersey and New York. None of this benefits Pennsylvania. It increases electric rates, is bad for business, and increases pollution. Legislative resolutions

House Resolution 297 and Senate Resolution 129 both passed which call for the repeal of the 2005 Energy Policy Act Section 1221. The resolution we ask you to adopt today is identical to what the House and Senate have enacted and it also says that our Commissioners object to that first line.

Commissioner Snyder emphasized that if the draft corridors go through, it's us today but the rest of you tomorrow. For a for-profit utility company to be able to go to the PUC and be told no this is not good for Pennsylvania—and then be able to turn around and go to our federal government and use federal eminent domain to build this line, is unacceptable. Please vote yes on Resolution 15-07.

Commissioner Coder moved:

WHEREAS, the Energy Policy Act of 2005 (EPAAct) was passed by the Congress on July 29, 2005, and signed into law on August 8, 2005; and

WHEREAS, provisions of the omnibus legislation touch on nearly every segment of energy production and use, including nuclear power, electricity, natural gas, fossil fuels, renewable energy and competitive generation; and

WHEREAS, a provision of Title XII of the EPAAct, Electricity, however, preempts what have long been fundamental powers of state and local governments; and

WHEREAS, Section 1221, for example, transfers the authority to approve the siting of certain transmission lines from state governments and their political subdivisions to agencies of the Federal Government; and

WHEREAS, Section 1221 (a) of EPAAct Directs the United States Secretary of Energy to, in consultation with states, conduct periodic nationwide studies of electric transmission congestion; and

WHEREAS, the Secretary of Energy released its initial National Electric Transmission Congestion study in August 2006; and

WHEREAS, based upon the findings of any congestion study, the Secretary of Energy may designate “any geographical area experiencing electric energy transmission capacity constraints or congestion that adversely affects customers” as a “national interest electric transmission corridor” or national corridor; and

WHEREAS, Section 1221 (b) further conveys to the Federal Energy Regulatory Commission (FERC) the authority to issue permits for construction or modification of electric transmission facilities situated or proposed to be situated in any Department of Energy designated national interest electric transmission corridor; and

WHEREAS, the FERC would be able to override the authority of the Pennsylvania Public Utility Commission to issue a certificate of public convenience to approve and locate a transmission line in a Department of Energy designated national interest electric transmission corridor; and

WHEREAS, the Pennsylvania Public Utility Commission and its predecessor, the Public Service Commission, have had jurisdictional and regulatory authority over public utilities and public utility service, including the review and approval of applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania since 1913, or for 94 years; and

WHEREAS, the designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania, coupled with FERC “backstop” authority to issue permits to site a transmission line and thereby override the recommendations of the Pennsylvania Public Utility Commission, would give electric utilities access to Federal eminent domain authority; and

WHEREAS, on April 26, 2007, the United States Department of Energy released drafts of two national interest electric transmission corridor designations, including the Mid-Atlantic Area National Corridor including counties in Ohio, West Virginia, Pennsylvania, New York, Maryland, Virginia and includes all of New Jersey, Delaware and the District of Columbia; and 50 of Pennsylvania’s 67 counties, or 75% of the land within the Commonwealth’s geographic borders, are included in the Mid-Atlantic Area National Corridor designation; and

WHEREAS, the 60-day comment period for the Mid-Atlantic Area National Corridor designations is scheduled to end on July 6, 2007; and

WHEREAS, it is alleged that the transmission lines proposed to be located and constructed in the Mid-Atlantic Area National Corridor would be used to relieve energy congestion and constraints and improve electric reliability in population centers of the East Coast; and

WHEREAS, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania could diminish or eliminate the role of the Pennsylvania Public Utility Commission, the administrative agency of the Commonwealth that has regulatory authority over the approval of applications for the location and construction of transmission lines; and

WHEREAS, designation of national interest electric transmission corridors and FERC’s accompanying “backstop” authority could diminish or even eliminate the roles of other administrative agencies of the Commonwealth of Pennsylvania that were established for the express purpose of protecting Pennsylvania’s economic, natural, historical, cultural and recreational resources, including the Departments of Environmental Protection, Conservation and Natural Resources, Agriculture and Transportation as well as the Game Commission and the Historical and Museum Commission; and

WHEREAS, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania would undermine and in some cases eliminate the Commonwealth’s ability to determine, manage and control land use policies.

NOW THEREFORE BE IT RESOLVED, that the Southwestern Pennsylvania Commission believes that demand for energy continues to be a concern nationwide, especially in major population centers, and that an effective national energy policy must include increased emphasis on conservation, renewable energy, energy-efficient alternatives, demand-side management, innovations and new technologies while simultaneously providing incentives to increase domestic production and supply; and

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission recognizes that an effective energy policy must be addressed nationally but should reflect traditional state and local authority over environmental and energy matters; and

BE IT FURTHER RESOLVED, that the Commission does support the ability to generate additional electric load in Southwestern Pennsylvania if appropriate.

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission opposes the provisions of EPAct which preempt the authority of the Commonwealth of Pennsylvania and its political subdivisions to determine land use policies and which usurp the traditional and fundamental authority of

the Pennsylvania Public Utility Commission to review and approve applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania; and

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission urge the repeal of Section 1221 of EPAct and thereby preserve the fundamental rights of the Commonwealth of Pennsylvania and its people to determine the future of land use policies; and

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission opposes construction of the Trans-Allegheny Interstate Line (TrAIL) a new 500-kV transmission line, new 138 kV transmission lines, and related substation facilities within Allegheny Power's transmission zone; and

BE IT FURTHER RESOLVED, that the Southwestern Pennsylvania Commission urges Pennsylvania's Metropolitan Planning Organizations and Local Development Districts to support the development of a balanced and progressive US Energy Policy that provides strong incentives for conservation of resources, advanced energy technologies, competitive energy supply markets and protects the public interest and quality of life of the residents of this nation; and

RESOLVED FURTHER, that copies of this resolution will be transmitted to all Pennsylvania State Senators and House members, National Association of County Commissioners, Pennsylvania Association of County Commissioners and Pennsylvania's regional planning organizations.

Mr. Wallwork seconded and the affirmative vote was unanimous.

15. Staff Report/Other Business/Announcements

Dr. Hassinger noted that the Commission has taken action on some very important items. The SPC staff performed a great deal of work along with you, your staffs, our planning partners, PennDOT, and the TOC, other agencies in state government, funding partners and the public. The Region's Plan is a means of dealing with change and we have a good Plan. I want to thank all that had anything to do with its completion particularly the SPC staff.

Commissioner Balya additionally suggested that the significant volume of material that documents our work in the full plan should be made available electronically to the members and that be the preferred method for transmission to the members.

Commissioner Scahill moved that we save countless trees by setting electronic transmission of Commission materials as the standard method.

Dr. Hassinger stated that this particular set of documents did demand a lot of documentation per federal requirements but all documents are now available electronically on the website and we welcome the willingness of the Commission to set electronic documents as the standard for their material on a regular basis.

Commissioner Maggi seconded and the affirmative vote was unanimous.

Next meeting date – August 27th.

16. New Business

None

17. Adjourn

The meeting adjourned at 5:35 p.m.

Respectfully submitted,

Charles A. Camp
Secretary-Treasurer

**2007/2008 MEETING SCHEDULE
SOUTHWESTERN PENNSYLVANIA COMMISSION/CORPORATION AND COMMITTEES**

2007	2008
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COMMITTEE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
Corporation Property Committee	30 @ 11:00 a.m.	27 @ 1:00 p.m.	24 @ 11:00 a.m.	29 @ 1:00 p.m.	No Meeting	10 @ 1:00 p.m.	28 @ 1:00 p.m.	25 @ 11:00 a.m.	24 @ 1:00 p.m.	28 @ 1:00 p.m.	19 @ 11:00 a.m.	30 @ 1:00 p.m.
Corporation Board of Directors/Commission Executive Committee	30 @ 1:00 p.m.	27 @ 2:30 p.m.	24 @ 1:00 p.m.	29 @ 2:30 p.m.	No Meeting	10 @ 2:30 p.m.	28 @ 2:30 p.m.	25 @ 1:00 p.m.	24 @ 2:30 p.m.	28 @ 2:30 p.m.	19 @ 1:00 p.m.	30 @ 2:30 p.m.
Commission	No Meeting	27 @ 4:30 p.m.	No Meeting	29 @ 4:30 p.m.	No Meeting	10 @ 4:30 p.m.	28 @ 4:30 p.m.	No Meeting	24 @ 4:30 p.m.	28 @ 4:30 p.m.	No Meeting	30 @ 4:30 p.m.
Corporation Members						10 @ 5:30 p.m.						
Intergovernmental Affairs Committee		17 @ 1:00 p.m.		5 @ 1:00 p.m.			11 @ 1:00 p.m.			4 @ 1:00 p.m.		
Regional Policy Committee			14 @ 1:00 p.m.			7 @ 1:00 p.m.			7 @ 1:00 p.m.			6 @ 1:00 p.m.
Transit Operators	18 @ 10:30 p.m. ¹	15 @ 1:00 p.m.*	12 @ 1:00 p.m.*	17 @ 1:00 p.m.*	14 @ 1:00 p.m.*	19 @ 10:00 a.m.*	16 @ 1:00 p.m.*	13 @ 1:00 p.m.*	19 @ 1:00 p.m.*	16 @ 1:00 p.m.*	14 @ 1:00 p.m.*	18 @ 1:00 p.m.*
Transportation Technical	19 @ 10:00 a.m.	16 @ 10:00 a.m.	13 @ 10:00 a.m.	18 @ 10:00 a.m.	15 @ 10:00 a.m.	20 @ 10:00 a.m.	17 @ 10:00 a.m.	14 @ 10:00 a.m.	20 @ 10:00 a.m.	17 @ 10:00 a.m.	15 @ 10:00 a.m.	19 @ 10:00 a.m.
Ped/Bike Committee		1 @ 10:00 a.m.		3 @ 10:00 a.m.				6 @ 10:00 a.m.		2 @ 10:00 a.m.		4 @ 10:00 a.m.
Freight Forum				2 @ 10:00 a.m.					4 @ 10:00 a.m.			
Loan Review	25 @ 12:00 p.m.	22 @ 12:00 p.m.	19 @ 12:00 p.m.	24 @ 12:00 p.m.	15 @ 12:00 p.m.	No Meeting	23 @ 12:00 p.m.	20 @ 12:00 p.m.	26 @ 12:00 p.m.	23 @ 12:00 p.m.	14 @ 12:00 p.m.	25 @ 12:00 p.m.

UNLESS OTHERWISE NOTED, ALL MEETINGS WILL BE HELD AT THE REGIONAL ENTERPRISE TOWER, 425 SIXTH AVENUE, PITTSBURGH

¹WESTMORELAND COUNTY TRANSIT AUTHORITY, 41 BELL WAY, GREENSBURG, PA 15601

***TRANSIT OPERATORS COMMITTEE MEETINGS ROTATE AROUND THE REGION. PLEASE CHECK SPC'S WEBSITE AT [WWW.SPCREGION.ORG](http://www.spcregion.org) OR CALL 412 391-5590 FOR MEETING LOCATION AND TIME.**

ADDITIONAL MEETINGS MAY BE CALLED AS NEEDED. MEETING DATES AND TIMES ARE SUBJECT TO CHANGE. PLEASE CHECK SPC'S WEBSITE AT www.spcregion.org OR CALL 412 391-5590 FOR MEETING CONFIRMATION.