

Southwestern Pennsylvania Commission
Minutes of the Meeting of
November 17, 2008 – 4:30 p.m.
31st Floor – Regional Enterprise Tower – 425 Sixth Avenue – Pittsburgh, PA 15219

The seventy-first meeting of the Southwestern Pennsylvania Commission was called to order by Chairman Dan Onorato.

Commission Members present were: Tom Balya, Shirl Barnhart, Peter Behrman, Bracken Burns, Charles Camp, Tom Ceraso, Daniel Cessna, Dave Coder, Steve Craig, Terry Daughenbaugh, Karl Eisaman, James Gagliano, Kevin Gray, Jessica Greathouse, Lynn Heckman, David Johnston, James Kennedy, Allen Kukovich, Jack Machek, Larry Maggi, Robbie Matesic, Kevin McCullough, Larry Morris, Dan Onorato, William Piper, Andrew Quinn, Carmen Rozzi, Rodney Ruddock, Daniel Santoro, James Scahill, Robert Schiffbauer, Mark Schneider (phone), Kelly Shroads, Pam Snyder, Joe Spanik, Gealy Wallwork, Norma Wintermeyer, and Yarone Zober.

Commission Members absent were: Tony Amadio, Stephen Bland, Eric Carlson, Rick DeBlasio, Joseph Dubovi III, Patricia Evanko, Richard Fink, Patrick Ford, David Frick, Dana Henry, Michael Herron, Patricia Kirkpatrick, James Lokhaiser, David Miller, William Peduto, Dale Pinkerton, Luke Ravenstahl, James Ritzman, Richard Shaw, Michael Silvestri, Mark Snyder, Anthony Spossey, Byron Stauffer, Jr., Joe Szczur, Letitia Thompson, Vincent Vicites, Daniel Vogler, Jake Wheatley, Jr., Vincent Zapotosky, and Angela Zimmerlink.

Staff: Jim Hassinger, Kirk Brethauer, Chuck DiPietro, Linda Duffy, Tom Klevan, Vince Massaro, Marge Nalesnick, Shannon O'Connell, Matt Pavlosky, Kay Tomko, and Lew Villotti.

Others: Erin Genest, Delta Development Group; Karen Rollins-Fitch, representing Jake Wheatley Jr.; Jon Smith and John Verbanac, SPC Consultant

1. Action on Minutes of the July 28th Meeting

A motion was made to approve the minutes of the July 28, 2008 meeting of the Southwestern Pennsylvania Commission by Commissioner Ceraso which was seconded by Commissioner Balya. The affirmative vote to approve the minutes was unanimous.

2. Public Comment – None

3. Financial Report

Mr. Massaro said this report is for the fiscal period July 2008 through September 2008. The report reflects the operations of the Corporation, the Commission, and the Regional Enterprise Tower. The detailed financial report is included in your agenda packet. Total Project Related Revenues recognized and recorded to date including encumbrances are \$2,437,082 vs. the annual budget of \$9,654,863 or 25.24 % of the budget recognized for the reporting period. These items relate to the 2008-09 program year and to date all funded projects are proceeding as budgeted. Other Project Cash Match relates to the local match requirement for the *Regional Traffic Signal Design and Construction* project. Project design continues, including screening of applicants received, while we proceed with finalizing contract arrangements with PennDOT. CMAQ funds will be used in this project. Pass-Through Funding relates to the *e-Commonwealth* project and the *KOZ* project, both of which are funded through pass-through agreements with the NWRPDC and Apollo Borough respectively. Carryover Project Related Revenues

recognized and recorded revenues to date including encumbrances are \$114,750 vs. the annual budget of \$204,460 or 56.12% of the budget recognized for the reporting period. The carryover projects include the *Project Planning and Evaluation* project and the *Multi-Jurisdictional Transportation and Land Development Planning* project. These items relate to the 2007-08 program year and these projects are proceeding as scheduled and expect to be completed by June 2009.

Revenues relating to the operations of the Regional Enterprise Tower to date are \$1,344,022 in rents recorded vs. annual budget of \$5,424,934 or 24.77% of the budget. As of September 30th, the building tenant occupancy is at 87%. The leasing agent continues to market space in the building and currently is negotiating with a number of current tenants on lease renewals. Cash Flow from operations remains positive. The current budget does not reflect a draw down from the Endowment and as of September 30, 2008 the ENDOWMENT FUND balance is \$4,210,212.

Total Project Related Expenditures total Project Expenditures recorded and encumbered to date are \$2,430,497 vs. an annual budget of \$9,735,621 or 24.96% of the budget expended to date. Program expenses continue to be in line with the budget at this time. Equipment Purchase/Lease/Maintenance – this includes the purchase of web conferencing equipment for local governments to participate in meetings outside their jurisdiction. Subscriptions/Website – includes costs related to SPC webcast and teleconferencing and Temporary Personnel Services – includes costs relating to HPMS traffic count and data collection for the Regional Traffic Signal Program.

Total Carryover Project Related Expenditures recorded and encumbered to date are \$121,954 vs. the annual budget of \$123,702 or 98.59 % of the budget expended for the reporting period. The carryover projects include the *Project Planning and Evaluation* project and the *Multi-Jurisdictional Transportation and Land Development Planning* project. These items relate to the 2007-08 program year and these projects are proceeding as scheduled and expect to be completed by June 2009.

Expenses related to the operations of the RET, before depreciation and amortization expense are \$1,140,176 vs. the annual budget of \$5,059,143 or 22.54% of the budget expended for the reporting period.

Audit Update - The audit has been completed and a draft audit report will be issued and reviewed with the audit committee. The final audit report will be presented at the December 15th Commission meeting.

Commissioner Craig moved to approve the financial report and Mayor Eisaman seconded. The affirmative vote to approve the financial report was unanimous.

4. LRP/TIP Linkages Presentation

Dr. Hassinger said that Matt Pavlosky will present a requested overview of both the Long Range Plan and the Transportation Improvement Program processes, with emphasis on their linkages. He also informed the members that Mark Schneider would be joining the meeting by phone for this presentation. Mr. Pavlosky's presentation opened by reviewing the following key elements of the recent TIP development process (June 2008 action):

- Update to the 2035 Long Range Plan
- 2009-2012 Transportation Improvement Program
- Air Quality Conformity Determination for our region
- Assessment of Transportation Benefits and Burdens

Mr. Pavlosky's next chart depicted the statewide project development linkages between state & local programming process in the development of the 12-year program and TIPs throughout PA. It also

highlighted public involvement and project prioritization process and coordination. This process is applied throughout the State.

Mr. Pavlosky revisited the 2035 Transportation and Development Plan for Southwestern Pennsylvania adopted in Summer 2007. It takes into account the region's vision for the future; the next 27 years. And it identifies regional priorities and allocates money to project categories. The LRP's REGIONAL VISION transportation and land use that supports and enhances the regional economy and the communities within it." This vision is characterized by regional policy statements addressing the public interest in support of regional activities, places, and the connections among them.

Mr. Pavlosky then talked about the TIP – He said:

- Projects are included in the TIP consistent with the Long Range Plan Investment Guidance.
- The TIP is the “first stage” of the Long Range Plan.
- The TIP is the mechanism that delivers the vision outlined in the Plan – It identifies projects to be advanced in the next four years.
- Projects are advanced in phases due to completion time and cost considerations.
- TIP programming is both intermodal & multimodal in nature.
- 2009-2012 TIP became effective 10/1/2008.

Mr. Pavlosky highlighted the recently completed 2009-2012 TIP Update Cycle.

- Winter-Spring... SPC participated with statewide planning partners to develop procedural and financial guidelines.
- May July... the LRP went out for comment in the public & private sector.
- August saw the State Transportation Commission / joint SPC meeting held in Pittsburgh... and technical evaluation continued.
- Through Spring 2007-2008... SPC met with member planning departments, held meetings with partner agencies to develop the draft TIP.
- September to November... SPC updated project scopes and cost schedules for individual projects.
- In January 2008, SPC submitted the draft TIP to PennDOT for review.
- Subsequently, the Governor's Accelerated Bridge Program was announced in February. Could we have another intervention? We don't know... a variety of factors in the current economy could play a role.
- During February, PennDOT in turn, submitted comments & revisions back to us.
- In March we then conducted its Air Quality testing on the draft list.
- In May, SPC submitted the Draft TIP for Public Comment in our region using a series of meetings in each county to gather testimony to provide feedback to the Commission.
- The Commission then acted on the 2009-2012 TIP & Air Quality Conformity.
- SPC then submitted the elements of the TIP “package” to state & federal agencies.
- TIP became effective on October 1, 2008.

Mr. Pavlosky then explained the Evaluation Process in more detail.

- The evaluation process of the Long Range Plan and TIP are in place in order to help provide you with better information for your decision-making. This screen shows the linkages between the TIP/LRP and the decision-making process.
- This evaluation process chart, which many of you have seen before, has been incorporated into the State's Best Practices:
 - The outer area reflects the “world” of projects in the region.
 - The gray region is the first stage of fiscal constraint and the prioritization that occurs:
 - Local needs & prioritization
 - Region needs & prioritization
 - Technical evaluation

- Money mix
- The white box is ultimately what becomes our TIP and assumes there are no further environmental assessments (a late change in project scope), for example.
- Staff presented development of improved project evaluation to SPC's Directors & Executive Committee throughout the plan development process.
- The draft TIP gives first priority to projects that are not fully funded on the current TIP.
- New projects are subjected to technical evaluation.
- But technical evaluation and ranking is not the only consideration by which to add projects to the TIP.
- Situations, such as safety considerations, which are consistent with the statements of the Long Range Plan are also considered.
- An example is: the Governor's Accelerated Bridge Program.

Another project evaluation chart looks at this process in a little more detail. You see that the beginning includes:

- Public outreach & our PPP meetings, where we receive input from you, members of the business community, the Chambers of Commerce, the committees (such as freight), and other members of our community.
- Review of County Comprehensive Plans and District Business Plans and other activities to generate the needs and project lists for consideration.
- It also includes a screening to make sure proposed projects are consistent with the goals and policies in the long-range plan.
- Technical evaluation input part of the process.
- This information feeds into decision-making when it comes time to put the projects to the plan, and make it fit within the bounds of fiscal constraint.
- As an example of how this relates directly to the plan... you can see how the following examples relate directly to plan policy.
- This slide demonstrates the criteria used for our Roadway Rehab Evaluation.
- Long Range Plan Policy Statement: "Maintenance of the existing transportation system will be a regional priority".
- The first few bullets show factors common to the roadway rehab process.
- Bonuses are awarded based on the project's necessity as part of our regional infrastructure network.
- Other factors, such as elements that maintain or generate economic vitality, are also taken into account.

Mr. Pavlosky followed and highlighted additional project evaluation screens:

- Similar criteria applies for bridge rehab.
- Again our Long Range Plan policy statement is: "Maintenance of the existing transportation system will be a regional priority".
- Note the data taken in account for evaluation.
- Bonuses again apply due to the project's place in our regional network.
- And again, other factors merit consideration such as access to areas of economic generators, various vehicular restrictions, and emergency vehicle access.
- And by final example... our Efficiency and Operations Projects.
- Our policy statement is: "The region's transportation system will be actively managed and operated to allow the system to function at its full potential".
- Again, notice the criteria used to evaluate operations projects.
- Bonuses are based upon regional integration.

- Other factors that play a role such as area development, connectivity, and safety concerns.

Mr. Pavlosky next highlighted the Transportation Enhancements Program process, criteria, and scoring:

- Project Definition & Scope - Does the project meet the goals of the program?
- Potential Impact – Is project cohesive? And does it have regional impact?
- Funding – Is the funding in place, with a match, and consistent over the term of the project?
- Long-Term Maintenance – Is this project sustainable? Is there a plan of maintenance established?
- Deliverability – Has planning phase ended? Does the applicant have a track record of success? Has funding been committed?

As another example of SPC’s Project Evaluation Process, Mr. Pavlosky next briefly highlighted the CMAQ process:

- Prescreen based on consistency with:
 - SAFETEA-LU: CMAQ Guidance on Eligibility
 - 2035 Long Range Plan
 - County & Local Comprehensive Plan
- Air Quality Testing Analysis
- Cost-Benefits Analysis
- All Projects evaluated / prioritized based on CMAQ criteria presented.
- Projects are evaluated for their effect on air quality using a standardized set of analysis models developed for PennDOT.
- CMAQ projects are rated using a review score card, with Long-Range Plan consistency at the top of the list.

Mr. Pavlosky next presented an overview of the federal law on powers and roles of MPOs and DOTs in the planning process, with particular emphasis on TIP development. He highlighted the Federal Register Final Rule on Statewide & Metropolitan Transportation Planning:

- Subpart A – 60 definitions offered as the intro to this 25 page document.
- Subpart B – gives Federal direction to the State DOTs nationwide, and also details how MPOs must be part of the statewide process.
- Subpart C – presents Federal direction to MPOs and how they must draw in the State DOTs to their processes.
- Appendix A – details how the State DOTs & MPOs transportation process must be integrated with environmental planning per the National Environmental Policy Act (NEPA).

The STIP (Statewide TIP) is to be developed cooperatively with MPO

(b) For each metropolitan area in the State, the STIP shall be *developed in cooperation* with the MPO designated for the metropolitan area. Each metropolitan transportation improvement program (TIP) shall be included without change in the STIP, directly or by reference, *after approval of the TIP by the MPO and the Governor*.

- **In the event that an MPO/RPO and the Governor do not reach consensus on TIP approval, the State may adopt a partial statewide STIP. However, that partial STIP may not include ANY projects from the MPO/RPO that has not adopted a TIP. Nor may any new federal monies from a previous TIP be obligated in the affected MPO/RPO until a new TIP has been adopted and incorporated into the STIP.**

Mr. Pavlosky then went on to explain STIP development in Non-Metro Areas:
STIP to be developed in Consultation with non-metro areas

(c) For each non-metropolitan area in the State, the STIP shall be developed in consultation with affected non-metropolitan local officials with responsibility for transportation using the State's consultation process(es) established under Sec. 450.210.

Consultation means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken.

Subpart C pertains to Metro Transportation Planning and Programming:

The metropolitan transportation planning process shall be carried out *in coordination* with the statewide transportation planning process required by 23 U.S.C. 135 and 49 U.S.C. 5304.

Coordination means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, programs and schedules to achieve general consistency, as appropriate.

The MPO, *in cooperation with* the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall cover a period of no less than four years, be updated at least every four years, ***and be approved by the MPO and the Governor...***

Cooperation means that the parties involved in carrying out the transportation planning and programming processes ***work together*** to achieve a common goal or objective.

Mr. Pavlosky next highlighted the 4th part of the Federal Transportation Planning Final rule, "Linking the Transportation Planning and NEPA Environmental Processes". To that point, Smart Transportation Programs are a movement in that direction. He highlighted examples of nationwide programs in the advancement of Smart Transportation initiatives.

- Philadelphia – Transportation & Community Development Initiative
- San Francisco – Transportation Livable Communities
- Washington DC – Transportation Livable Communities
- Atlanta – Livable Communities Initiative

Each of these national examples use a small annual or biannual set-aside used to fund studies. In each region, these projects are primarily funded through CMAQ funds. These studies in turn create projects that feed into a competitive CMAQ and/or TE process. It's important to note, that SPC has been advancing similar types of projects for years through our TIP's programming of CMAQ Transportation Enhancement funds.

Here is a sample of CMAQ and TE projects that have been selected for funding in the last few years at SPC:

- Cranberry Area Transfer Facility
- Washington and Jefferson College Area
- Bike Racks Throughout the City of Pittsburgh
- Fredericktown Ferry Education and Awareness
- PDP Carsharing Pilot Program
- Freeport Borough Signal Upgrade (part of Community Revitalization Project)
- Hot Metal Bridge
- Forest Hills Commercial Revitalization Phase 1
- New Brighton Borough Downtown Streetscape

- Hometown Streets, City of Connellsville
- Blairsville Trail Town Project, Streetscape Phase 1
- Bridge to Tomorrow: Downtown West Newton

Mr. Pavlosky next highlighted PennDOT's current efforts to advance Smart Transportation Initiatives across Pennsylvania.

Smart Transportation is defined by PennDOT as: partnering to build great communities for future generations of Pennsylvanians by linking transportation investments with land use planning and decision-making.

Secretary Biehler's "Ten Principles of Smart Transportation" are being used to guide transportation investments and include:

- 1) Money Counts
- 2) Leverage and preserve existing investments
- 3) Choose projects with high value/price ratio
- 4) Safety always and maybe safety only
- 5) Look beyond level-of-service
- 6) Accommodate all modes of travel
- 7) Enhance the local network
- 8) Build towns not sprawl
- 9) Understand the context; plan and design within the context
- 10) Develop local governments as strong land use partners.

The presentation concluded with an overview of PennDOT's just released Pennsylvania Community Transportation Initiative. Funded out of the Secretary's Statewide Discretionary SPIKE Program, it includes \$60M over the first two years of the TIP for smart transportation initiatives. Eligible projects will receive up to \$5M for construction or \$300,000 for planning activities. All applications are due by December 15th to PennDOT Central Office. Project selection will be by PennDOT.

Mr. Machek then asked a series of questions, including how does the plan lend itself to a strategy to account for transportation exposure, investments, and individual community development plans? Assuming that the Plan Investment strategy drives project selection, what has been the resultant change in the direction of the new TIP drawn from the 2035 Plan? Does the Plan lend itself to a strategy for economic development?

Mr. Pavlosky responded that while the timelines for the overall process remains similar, we are always working to make the process better. Your input and involvement is the key to that.

Mr. Machek then asked how many TIP projects were advanced consistent with the Plan guidance? Can we name projects impartially positively or negatively after applying the project evaluation criteria? How many TIP projects or candidates were judged to not match the LRP investment strategy direction?

Mr. DiPietro responded that an analysis of number of unsuccessful TIP projects is not available. Much of TIP final project selection also was driven by the late change statewide in TIP direction by the February release of the Governor's Accelerated Bridge Program Initiative. The continuing backlog of carryover projects from the old to new TIP continued to also dominate TIP development.

Mr. Cessna concurred with assessment of the reality of TIP development this year – it was driven by the need to accelerate bridge repair work and to advance carryover projects to completion. There was/is no room for new initiatives beyond basic infrastructure repairs.

Mr. Piper restated his strong objections to closure on the 2009-2012 TIP, as reflected in his vote against TIP adoption at the June 20, 2008 Commission meeting. The presentation today by Mr. Pavlosky was nice, but it is not how it was done. Program content was driven by PennDOT even more visibly after announcement of the Governor's Accelerated Bridge Program Initiative in February.

5. Committee Reports

Regional Policy Advisory Committee

Commissioner Craig said consideration of the Regional Management Water Task Force Report began in the SPC Retreat in February, the Policy Advisory Committee was charged with addressing key questions on whether and how to implement the Task Force Recommendations. The Policy Committee Report to the Executive Committee resolved that that SPC should reinstate the water quality planning for the region. SPC according to the bylaws can do this work and seek funding from the members, and foundations and state and federal government support. We're looking at a startup in the coming year. The Commissioner summarized the key considerations regarding water planning for the region, such as water quality issues, flooding with CSO issues, septic and many different authorities that need help and assistance on a huge issue out there.

A motion to for the full commission to approve the recommendation of the Regional Policy Advisory Committee that has been resolved affirmatively by the Executive Committee was made by Commissioner Burns and seconded by Commissioner Barnhart. The affirmative vote was unanimous.

Intergovernmental Advisory Committee

Commissioner Ceraso explained that basically what they do in this committee is share information on priorities and opportunities in the state and federal levels. The committee has met to discuss the upcoming calendars and get briefed by NARC and our regional chamber representatives. Staff is working with the planning and development staffs of the members and the delegations to share regional priorities as the reauthorizations and stimulus proposals move forward.

6. Staff Reports/Other Business/Announcements

Etna Bridge – Phase 5 TIP Amendment – Mr. DiPietro reported on the October 16, 2008 action of SPC's Transportation and Technical Committee acknowledging that the prior Commission approval (July 28, 2008) of additional federal obligation to Etna Phase 5 fulfills the required amendment and modification procedures to process this request, thus eliminating the need to repeat and duplicate another 30-day public comment period and public meeting. These funds from Congressman Oberstar's Bridge Initiative are extra obligation authority and funding both to Pennsylvania and to the SPC region.

NAIOP/SPC Event on September 18th – Dr. Hassinger reported that a couple members of the staff and himself participated in a NAIOP workshop event on September 18th. It was an opportunity for us to share SPC's programs and goals with the NAIOP leadership.

PennDOT Planning Partners Meeting October 6-8 – Dr. Hassinger reported that SPC hosted the Annual Statewide PennDOT Planning Partners meeting at Southpointe. Several Commission members were presenters at this statewide forum for MPO staff leadership hosted annually at different locations in

the Commonwealth.

Property Committee – Dr. Hassinger:

- Earlier this year, the Property Management Committee (PMC) members directed staff to pursue the idea for possible energy saving costs and consumption in the building through certain energy conservation measures (ECMs) which would be installed in the building premises
- CLT Efficient Technologies Group LLC (CLT) was hired to perform an Investment Grade Energy Audit (IGA) of the building facilities
- The estimated cost to implement the recommended ECMs including financing cost is projected at \$5,035,633
- Annual energy cost savings over the 15 year period is sufficient to cover the estimated debt service
- The recommended ECMs and subsequent financing terms are in accordance with the Pennsylvania Guaranteed Energy Savings Act, Act 77 of 2004
- The IGA report was presented to the PMC members and after review and discussion, the PMC members unanimously accepted the IGA report and its recommended ECMs
- The members recommended approval to enter into a Guaranteed Energy Savings Contract with CLT to undertake the project contingent on financing
- CLT completed the IGA and issued their report, which identifies a numbers of building equipment deficiencies that are costly to the building operations and with certain energy savings improvements, there could be realized a guaranteed dollar savings of \$5,116,076 over a 15 year period. Some of the ECMs are:
 - Lighting System Upgrade
 - Building Envelope Improvement
 - Water Conservation Measures
 - Building Automation System Upgrade
 - Photovoltaic Solar Panel Installation

Lighting System Upgrade

- This Energy Conservation Measure creates the largest amount of energy and cost savings for the facility.
- CLT will install more efficient lighting for all lights. Incandescent light bulbs and older, less efficient compact fluorescents will be removed and replaced them with newer, more efficient compact fluorescents and LEDs.
- CLT will install occupancy sensors which will reduce the operating hours by about 30%.

Building Envelope Improvements

- This energy conservation measure is directly related to the thermal and infiltration resistance of the building envelope. CLT completed blower door tests to determine where the problems are in the building. This ECM will reduce thermal transmission (determined by thermal imaging, wall inspections, roof inspections) and air infiltration (which is caused by differences in temperature and pressure inside the building and outside the building).
- CLT will add additional insulation to reduce thermal transmission.
- CLT will replace the inflatable gaskets that surround the windows, seal any penetrations and replace the weather stripping on all the doors.

Water Conservation Measures

- Much energy is consumed transporting water – the less water used in the RET, the more energy

saved. Energy is also consumed to heat water. The less hot water used, the more energy saved.

- CLT will install ultra low flow toilets and plumbing fixtures.
- CLT will make the following improvements:
- Faucet replacement (0.5 gallons per minute)
- Water closet replacement (1.6 gallons per flush)
- Urinal flush valve replacement (1.0 gallon per flush)
- Faucet aerator replacement

Building Automation System Upgrade

- The building automation systems will be integrated.
- New control valves, switches, sensors will be installed on the secondary mechanical room pneumatic building automation systems.
- Variable speed drives will be installed on chilled water pumps, condenser water pumps and cooling tower fan motors.
- CLT will re-insulate the piping in the mechanical rooms.

Photovoltaic Solar Panel Installation

- This energy conservation measure focuses on environmental responsibility and sustainability.
- 48 fixed array solar panels, with an efficiency of 24% (the highest on the market for the crystalline-type panel), will be installed on the roof of the elevator equipment room. These panels have a maximum of 9.5 kW of AC electric power. An electric meter will also be installed.

Dr. Hassinger also commented on the kitchen updates on the 31st floor. We are updating the kitchen to be consistent with recommendations of a focus panel of caterers who advised the management on changes that would make the facility more conducive to doing events here. As a result of these specific improvements in the kitchen, we are now using this floor more frequently for many diverse catered events.

Next Meeting Date – December 15th

7. New Business – None

8. Adjourn

There being no further business to come before the Commission, the meeting adjourned at 5:20 p.m.

Respectfully submitted,

Rodney Ruddock
Secretary-Treasurer