

Southwestern Pennsylvania Commission
Minutes of the Meeting of
April 28, 2008 – 4:30 p.m.
31st Floor – Regional Enterprise Tower – 425 Sixth Avenue – Pittsburgh, PA 15219

The sixty-eighth meeting of the Southwestern Pennsylvania Commission was called to order by Vice Chairman Charles Camp.

Commission Members present were: Tony Amadio, Shirl Barnhart, Bracken Burns, Charles Camp, Tom Ceraso, Daniel Cessna, Dave Coder, Terry Daughenbaugh, Karl Eisaman, Kevin Gray, David Johnston, James Kennedy, Jack Machek, Larry Maggi, Robbie Matesic, Kevin McCullough, Larry Morris, Dale Pinkerton, Bill Piper, James Ritzman, Carmen Rozzi, Rodney Ruddock, Robert Schiffbauer, Kelly Shroads, Michael Silvestri, Pam Snyder, Joe Spanik, Anthony Spossey, Vincent Vicites, Gealy Wallwork, and Norma Wintermeyer.

Commission Members absent were: Tom Balya, Stephen Bland, Eric Carlson, Steve Craig, Rick DeBlasio, Robert DeLotto, Joseph Dubovi III, Patricia Evanko, Richard Fink, David Frick, Patrick Ford, James Gagliano, Lynn Heckman, Michael Herron, Dana Henry, Patricia Kirkpatrick, Allen Kukovich, James Lokhaiser, David Miller, Dan Onorato, William Peduto, Andrew Quinn, Luke Ravenstahl, Daniel Santoro, James Scahill, Mark Schneider, Richard Shaw, Mark Snyder, Byron Stauffer, Jr., Joe Szczur, Letitia Thompson, Daniel Vogler, Jake Wheatley, Jr., Vincent Zaposky, Angela Zimmerlink, and Yarone Zober.

Others: Pat Getty and John Verbanac.

Staff: Jim Hassinger, Jamie Colecchi, Chuck DiPietro, Chuck Imbrogno, Vince Massaro, Marge Nalesnick, Dee Pamplin, Matt Pavlosky, Kay Tomko, Debbie Tritsch, and Sara Walfoort.

1. Action on Minutes of the March 24th Meeting

A motion was made to approve the minutes of the March 24, 2008 meeting of the Southwestern Pennsylvania Commission by Commissioner Ceraso which was seconded by Commissioner Amadio.

Mr. Piper offered a correction stating that in the minutes his comments and Commissioner Ceraso's were reversed. Commissioner Ceraso expressed concern about the impact of the Governor's Accelerated Bridge Program on active highway projects in the 2009-2012 TIP Update currently underway. Mr. Piper reinforced this point and expressed particular concern over the highway projects being cut in Districts 10, 11 and particularly in District 12. Mr. Piper added that if a project is not advanced to construction within three years of the completion of its environmental document, there has to be a reevaluation of the environmental document. Mr. Ceraso reinforced this point and expressed particular concern over the deferral of active highway projects in Westmoreland County.

The affirmative vote to approve the minutes was then unanimous.

Vice-Chairman Camp commented that after some research on the SPC minutes process Dr. Hassinger reported that staff reviewed recommended practices including DCED municipal secretary recommendations, and we are meeting standard practices.

2. Public Comment - None.

3. Financial Report

Mr. Massaro presented the financial report for the Corporation, the Commission and the Operations of the Regional Enterprise Tower. This reporting period is from July 2007 through March 2008 (75%) of the fiscal calendar completed.

This new financial statement format shows the actual to date expenditures through March and the actual amount of encumbrances that have been reviewed and approved. Once purchase orders are included, the actual revenues increased \$1M. Some individual line item you see expenditures that are 100% spoken for.

Mr. Massaro further added that the way the financial report is structured this time, we have taken into account comments from commissioners about making the report easier to see the status of the budget at a given point of the year as percentage complete in the actual expenditures and in encumbrances.

4. Multi-State Regional Visioning – Pat Getty

Dr. Hassinger introduced Pat Getty from the Benedum Foundation to present a Regional Visioning project that is currently in development for a multi-state region geographically larger than SPC's membership.

Mr. Getty presented slides on a meeting where 45 people invited from SPC, Allegheny Conference and the Greater Pittsburgh Non-Profit Partnership to review a plan for a regional visioning project assembled by a committee appointed earlier by the three entities at the bottom the Visioning Packet to endorse the project concept of the plan and refer it on to the three organizations for approval. The Allegheny Conference and the Greater Pittsburgh Non-Profit Partnership have already acted upon this plan and have approved participation by each of them as it goes forward.

What is Regional Visioning? Regional Visioning is a broadly participatory process across a metropolitan area or an entire region to envision the best future of that region. This would be a truly representative regional process. Representative not only of the region but also of the private sector, the public sector, and the non-profit sector. In 2006, the group came together and from that a planning committee was created and has met throughout 2007 and put together a concept for the project. Certain principals that the committee worked from were: 1) no new organizations, 2) it would be a partnership project led by the partners and their representatives, 3) to build on what already exists, 4) we would look at the true market centered on Pittsburgh which includes a four-state region, and 5) that this would be done on a truly world class basis.

Goals of Regional Visioning are first to get people in this region to understand that this is the region that meets with regions across the plan. The second goal is to capture the desire for progress that exist with people across this region and create a true sense of optimism about the future. Third is to build the will to change so that the plan gets carried out. Lastly, have organizations and institutions understand how they can combine to seize those opportunities that are of a regional or subregional nature. This would be done by having a series of town hall meetings.

Three principal partners in this should SPC choose to participate would be SPC, Allegheny Conference and the Greater Pittsburgh Non-Profit Partnership. Other partners we hope to include Pittsburgh Technology Council, and community foundations. Leadership would be the

steering committee who would be recommended by the three primary organizations. This committee would be small enough to be effective and large enough to be representative. The plan calls for the steering committee to meet quarterly. There will also be an executive committee of 48 people who would also have to be representative. The executive committee would have to commit that this would be their primary civic obligation for a year and half approximately the time it would take to do this project correctly. The imagining committee is a term for a way to try to engage a few people from time-to-time to do a pulse test on how things are going. The control would be within the steering committee and then the executive committee within that with day-to-day control. The steering committee would hire staff. Budget/funding would be about \$1.5M to \$2M.

Commissioner Coder motioned to have the executive director proceed working with the foundations and others on this initiative and it was seconded by Commissioner Vicites. The affirmative vote was unanimous.

5. Action on Resolution 8-08 to Approve and Authorize Signature of the MOUs between SPC, PennDOT, and Region's Public Transit Operators

Mr. DiPietro explained that in February 2007 the statewide and metropolitan planning regulations had a change per SAFETEA-LU which requires that SPC as the MPO have written cooperative agreements with the state and the region's public transportation operators that details their mutual responsibilities in carrying out the metropolitan transportation planning process. Staff is seeking the authority to execute the individual MOUs by and between SPC, PennDOT, and the individual transit operators throughout the region.

Mr. Morris motioned:

WHEREAS, SPC was established as a regional planning commission with the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington, and Westmoreland and the City of Pittsburgh as Participating Political Subdivisions pursuant to the regional Planning Law, May 29, 1956, P.L. 1845, as amended; and,

WHEREAS, SPC was established pursuant to Section 3 of the Intergovernmental Cooperation Act, Number 180, July 12, 1972, as the designated Metropolitan Planning Organization (MPO) for the Pittsburgh Metropolitan Planning Area; and,

WHEREAS, the Statewide and Metropolitan Planning Regulations (23 CFR 450) were promulgated jointly by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) and became effective on November 29, 1993, to implement provisions of the Intermodal Surface Transportation Efficiency Act of 1991; and,

WHEREAS, 23 CFR Part 450.312 Subpart (a) of said Federal Regulations requires that the MPO in cooperation with the state and with operators of publicly provided transit services shall be responsible for carrying out the metropolitan transportation planning process; and that the MPO, the state and transit operators shall cooperatively determine their mutual responsibilities in the conduct of the planning process, including corridor refinement studies; and that they shall cooperatively develop the unified planning work program, transportation plan, and transportation improvement program; and,

WHEREAS, on February 14, 2007, 23 CFR Part 450.314 Subpart (a) was added in response to changes in the federal planning process in accordance with the Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) which requires that: the MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities clearly identified in written agreements among the MPO, the State(s), and the public transportation operator(s) serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan and the metropolitan TIP and the annual listing of obligated projects; and,

WHEREAS, on November 24, 1993, the Environmental Protection Agency (EPA) promulgated a final rule (40 CFR 51 and 93) which required MPOs and the United States Department of Transportation (DOT) to make conformity determinations for metropolitan transportation plans and transportation improvement programs (TIPs) before they are adopted, approved, or accepted; and,

WHEREAS, the parties named in the Agreement desire to organize and conduct a continuing, comprehensive, coordinated transportation planning process for the Southwestern Pennsylvania Metropolitan Planning Area, consistent with said Federal Regulations, and with the policies of the Federal Government, the Commonwealth of Pennsylvania and SPC established pursuant thereto.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission authorizes its Chairman, Secretary-Treasurer or Executive Director to sign the individual Memorandums of Understanding by and between Southwestern Pennsylvania Commission, Pennsylvania Department of Transportation and Operators of Public Transportation in the Southwestern Pennsylvania Metropolitan Planning Area Specifying Cooperative Procedures for Carrying Out Transportation Planning and Programming.

Commissioner Ceraso seconded and the affirmative vote was unanimous.

6. Overview of Air Quality Conformity Process

Mr. Imbrogno stated that at the January and March meetings there was discussion about the conformity process specific to approval of regional Plan amendments that were brought to the Commission in January. Staff was asked to provide a brief overview of the conformity process and of assumptions needed when conformity assessment is required. Mr. Imbrogno reported as follows:

Federal guidance describes Transportation Conformity as an analytical process. The analytical process at SPC uses the ten-county travel model to provide estimates of current and future travel. The vehicle emissions are developed from travel model outputs using an EPA-provided emissions model. The vehicle emissions for the region are then compared to EPA-provided emissions thresholds to determine if those thresholds are exceeded.

Federal law (SAFETEA-LU and the Clean Air Act) requires conformity determinations in areas that have not attained clean air standards. The intent of the law is to ensure that the transportation planning process will result in investments that are consistent with air quality plans and that will help achieve air quality standards. The federal law requires that every region

must have a conforming Plan and TIP. If the conformity process is not followed projects will be delayed and could potentially lead to loss of federal transportation funding.

Federal conformity regulations give the responsibility for making conformity findings to the MPOs. USDOT must review and concur with the MPO finding before it goes into effect. The process must include a number of stakeholders and interested parties, including for example the general public, PennDOT, PaDEP (Pa. Department of Environmental Protection), Local Air Quality regulatory agencies (Allegheny County Health Dept), EPA (Federal Environmental Protection Agency).

The MPO has to approve a conformity finding before adopting a new Plan, a new TIP, or any Plan or TIP amendment involving what are called “regionally significant” projects. A simple definition of a “regionally significant transportation project” is if completion of the project would change the way that the project is coded in SPC’s regional travel model then it’s a regionally significant change. Adding an interchange, widening a 2 lane road to 4 lanes, building a park-n-ride lot, or adding a new Light Rail station are some examples of regionally significant projects. Any time one or more of those kinds of changes are proposed, conformity assessment is required.

Project sponsors provide detailed project cost, scope, and schedule information for each regionally significant project. That project information is coded into the travel model for the appropriate analysis years. Once the individual projects are coded into the model, we are required to test the entire transportation system for several analysis years. The key requirement in the federal regulations is that the transportation system is tested as a whole. Separate projects, or various combinations of proposed projects are not individually tested for conformity. The transportation system is defined for each given analysis year. It is modeled and tested as a whole to determine if it conforms or not.

Conformity demonstrations are required in EPA-designated air quality nonattainment or maintenance areas. These are areas where violations of the air quality standard have been recorded. There are eight of those areas in the SPC region: three for the ozone air quality standard, three for the PM2.5 air quality standard (particles with diameter of 2.5 microns or less – a human hair has a diameter of about 70 microns), one for the PM10 standard (particles with a diameter of 10 microns or less), and one for the carbon monoxide standard.

When regionally significant amendments are proposed to the TIP or Plan, or when a new TIP or Plan is being developed, staff, PennDOT, project sponsors, SPC’s technical committees, and others cooperatively determine which of the proposed projects are valid requests, that the new Plan/TIP or amended Plan/TIP satisfies the fiscal constraint requirements, and that the project information is current and technically complete (cost, scope, schedule, and other needed project details). This information about the new or amended TIP/Plan is presented to the technical committees (TTC/TOC) for their review and their recommendation to conduct the conformity assessment and the subsequent 30-day public review and comment period. Currently the conformity technical assessment for a new regional Plan or TIP, or its amendment requires the development of detailed travel and emissions estimates for 7 analysis years (2002, 2009, 2011, 2012, 2018, 2025, 2035) for each of the 8 nonattainment and maintenance areas in the region, for a total of 56 separate summaries. The process also requires interagency coordination with Clearfield and Cambria counties to ensure consistent analysis of the shared nonattainment areas. A 30-day public review and comment period is then held for the conformity analysis and the new regional Plan or TIP or its amendment. Finally, a public comment and response report prepared for Commission review.

The Commission can then accept or reject the conformity assessment and new conforming regional Plan/TIP or amendment **taken as a whole**. The reason it is done as a whole (other than that's how the regulations say it should be done) is that the possible combinations add up pretty fast. And every combination would have to be tested. For example, there are 54 individual "regionally significant" projects on the Plan. To test each combination would mean testing **2.30843697 × 10⁷¹ combinations**. (A 2 followed by 71 zeros). There are 27 individual "regionally significant" projects on the TIP. To test each combination would mean testing **1.08888695 × 10²⁸ combinations**. (A 1 followed by 28 zeros). So, the conformity assessment is done for the whole Plan/TIP, or amendment. The conformity finding is then presented to the Commission for action. Once the conformity finding is approved, an action is requested for adoption of the conforming TIP/Plan proposal. TIP/Plan adoption options are limited. The Commission cannot make a conformity finding for one regional Plan/TIP and adopt another. The conformity requirement limits the flexibility to choose which projects to approve in the regional Plan/TIP or amendment action. Only a regional Plan/TIP or amendment that is found to conform can be considered for adoption.

On June 30, we plan to have for your consideration a new TIP, and Plan adjustments necessitated by changes to the TIP. The TOC and TTC have already reviewed and endorsed the new TIP project list and OK'd doing the conformity work and conducting the public review and comment process. The TOC met on April 16. The TTC met on April 17. The conformity work is underway. The public comment period is expected to occur in May and June.

Commissioner Ceraso asked as part of our modeling conformity how long do we have to determine the continued attainment. Mr. Imbrogno answered that we need to do conformity for designated nonattainment areas for as long as they are designated as nonattainment areas. When those areas are redesignated to attainment status then we must show that the air quality standards are being maintained. Conformity findings are required for these "maintenance" areas for at least 20 years.

Dr. Hassinger thanked Mr Imbrogno and added that it is a very complex process when you look at what is required of us by the federal legislation.

Mr. Wallwork commented that Chuck Imbrogno has labored long and hard for a great number of years in an area that is so complex; and, I think we owe him our gratitude for a job well done.

7. Staff Report/Other Business/Announcements

Dr. Hassinger reported that in the Agenda packet is a brochure informing all that May is CommuteInfo Options Awareness Month. Also, the Smart Growth Conference which we will be participating in again this year is called Revitalize the Region. The first part of this conference relates how Project Region and the Plan aids revitalization of existing communities around the region and looks for opportunities for using the assets available to us on a variety of levels. Also, David Soule has been developing a process for consulting with local communities on self-assessment for economic competitiveness. His team will demonstrate how that works.

Also, SPC has received another award from the American Planning Association – this time for the best use of technology for public involvement in the regional planning process used in Project Region. This was for our use of decision support technology and use of the web meetings and GIS. This was awarded by the technology division of the American Planning Association. We also recently learned that we will receive an award from the Economic Development Administration for the regional collaboration aspect of Project Region in the development of CEDS as a combined plan of transportation and economic development planning.

Next meeting Date – June 30, 2008.

8. Adjourn

There being no further business to come before the Commission, the meeting adjourned at 5:40 p.m.

Respectfully submitted,

Rodney Ruddock
Secretary-Treasurer