

Southwestern Pennsylvania Commission
Minutes of the Meeting of
January 26, 2009 – 4:30 p.m.
31st Floor – Regional Enterprise Tower – 425 Sixth Avenue – Pittsburgh, PA 15219

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

Commission members present were: Tony Amadio, Shirl Barnhart, Peter Behrman, Bracken Burns, Charles Camp, Tom Ceraso, Daniel Cessna, Dave Coder, Terry Daughenbaugh, Karl Eisaman, Richard Fink, James Gagliano, Kevin Gray, Lynn Heckman, David Johnston, James Kennedy, Patricia Kirkpatrick, Robbie Matesic, Kevin McCullough, David Miller, Larry Morris, Dan Onorato, William Piper, Carmen Rozzi, Rodney Ruddock, Daniel Santoro, James Scahill, Robert Schiffbauer, Kelly Shroads, Michael Silvestri, Pam Snyder, Joe Spanik, Anthony Spossey, Joe Szczur, Gealy Wallwork, and Norma Wintermeyer.

Commission members absent were: Tom Balya, Stephen Bland, Steve Craig, Rick DeBlasio, Joseph Dubovi III, Patricia Evanko, David Frick, Jessica Greathouse, Dana Henry, Michael Herron, Donald Kinosz, Allen Kukovich, James Lokhaiser, Jack Machek, Larry Maggi, William Peduto, Dale Pinkerton, Luke Ravenstahl, James Ritzman, Mark Schneider, Richard Shaw, Mark Snyder, Byron Stauffer, Jr., Letitia Thompson, Vincent Vicites, Daniel Vogler, Jake Wheatley, Jr., Vincent Zapotosky, Angela Zimmerlink, and Yarone Zober.

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

Others: Tom Reyser, Sports & Exhibition Authority; Jon Schmitz, Pittsburgh *Post-Gazette*; Jon Smith, Allegheny County Transit Council; and John Verbanac, SPC Consultant.

Dr. Hassinger mentioned that today's meeting is a live interactive Web Conference with a second site for SPC Commissioners attending a CCAP Board Meeting in Harrisburg.

1. Action on Minutes of the December 15th Meeting

A motion was made to approve the minutes of the December 15, 2008 meeting of the Southwestern Pennsylvania Commission by Commissioner Kirkpatrick which was seconded by Commissioner Ruddock. The affirmative vote to approve the minutes was unanimous.

2. Public Comment – None

3. Financial Report

Mr. Massaro said the financial report reflects the operations of the Corporation, the Commission, and the Regional Enterprise Tower and is for the fiscal period July 1, 2008 through December 31, 2008. He said that 50% of the year is completed. The report includes the revised annual budget numbers. The revised budget was presented at the Board and Executive Committee

meeting earlier today which was reviewed and adopted. This report compares the actual to date and the actual encumbrances to date against the revised budget.

Total Project Related Revenues recognized and recorded to date including encumbrances are \$4,819,125 vs. the revised annual budget of \$9,323,838 or 51.69% of the budget expended and recognized. Those items relate to the current fiscal year UPWP program for 08-09. Mr. Massaro said that with the revised budget under the UPWP program there were three projects that were originally budgeted to be expended by June 30, 2009. We received authorization from PennDOT to extend those projects through June 30, 2010. These projects are the Regional Traffic Signal Design and Service Program, the Truck Parking Study, and also the West Busway TOD Study.

Carryover Project Related Revenues, which are the carryover projects from FY07-08, recognized and recorded revenues to date including encumbrances are \$147,688 vs. the annual budget of \$198,154 or 74.53% of the budget recognized for the reporting period.

Total Project Revenues – revised annual budget of \$9,521,992, encumbrance \$4,966,813 or 52.16%. Revenues for operations of the Regional Enterprise Tower to date are \$2,238,590 in rents recorded vs. annual budget of \$5,415,686 or 41.34%. Mr. Massaro mentioned that on the building side, we received our December numbers late and didn't have time to get them into this report, so actually these numbers are through November.

Mr. Massaro said that for the Endowment, originally we anticipated zero dollars, but under the revised budget, \$224,764 did become available for drawdown, and at the December 15th Property Committee meeting the Committee approved drawing down those funds and just today we received a check from The Pittsburgh Foundation for that dollar amount.

Total Revenues are \$15,162,442 revised budget and encumbrance to date is \$7,207,752 or 47.54% of the budget.

Mr. Massaro said regarding expenditures, you can see we have sufficient revenues covering expenditures. We show the operations of the Regional Enterprise Tower expenditures and depreciation is included for total expenditures of \$7,482,272 up against a revised budget of \$15,863,381 or 47.17%.

A motion was made to approve the financial report by Commissioner Camp which was seconded by Commissioner Fink. The affirmative vote to approve the financial report was unanimous.

4. Action on Resolutions 1-09 and 2-09 to Amend the 2035 Transportation and Development Plan, 2009-2012 TIP and Accompanying Air Quality Conformity Determination for Brighton Road Extension – a Sports and Exhibition Authority Project

Mr. DiPietro reported that we have been asked to advance the Brighton Road Extension project that is currently on Stage 2 of the 2035 Long Range Plan to the Plan's first stage, the current TIP. The Brighton Road Extension project on the North Side is scheduled for construction to begin in the spring by the Sports and Exhibition Authority right next to the planned new sports and entertainment complex. The total cost is \$1.8M of which \$.73M is covered by a federal earmark and \$1.07M is covered by the Sports and Exhibition Authority. The project was out for Public Comment from December 17, 2008 through January 21, 2009. Today's agenda packet includes

responses to the comments received and a fact sheet on the project. Mr. DiPietro also reported that the Transportation Technical Committee recommends Commission approval of this request today.

In response to a question from Mr. Silvestri, Mr. DiPietro responded that the scope of work includes construction of a new connector road and related streetscape improvements between North Shore Drive and General Robinson, adjacent to the new planned Entertainment Complex and Amphitheater.

Mr. Miller asked for clarification regarding the accompanying air quality conformity request for action. Mr. DiPietro responded that EPA's Transportation Conformity Rule requires a new bending of conformity by the MPO prior to action to adopt or amend LRP/TIP for projects classified as "non-exempt" like the Brighton Road Extension Project. This required air quality conformity analysis was completed, demonstrates conformance with the Clean Air Act, and was also part of the public review and comment period.

Mr. Miller also pointed to the public comment submitted by Mr. Jerrold Green, a North Side resident: "I would like to propose that the new roadway and its intersections be reviewed with respect to how they will accommodate, and indeed, attract bicycle and pedestrian traffic." Mr. DiPietro responded that these concerns have been forwarded to the Sports and Exhibition Authority and to the City of Pittsburgh for their consideration in the final design process.

Mr. Daughenbaugh moved:

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 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 5303 of Title 49, U.S.C. for carrying out a continuing, cooperative, and comprehensive transportation planning process; Section 174 of the Clean Air Act designates this same organization as responsible for the transportation-related air quality planning within designated nonattainment and maintenance areas to achieve and maintain NAAQS; and

WHEREAS, the EPA has designated three nonattainment areas in the SPC planning region for the 8-Hour Ozone NAAQS; these include 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 has designated three nonattainment areas in the SPC planning region for the PM 2.5 NAAQS; these include 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 portions of Allegheny, Armstrong, Greene, and Lawrence counties); and the Johnstown

nonattainment area (comprised of 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 has designated a maintenance area in the SPC planning region for the PM 10 NAAQS consisting of five municipalities within Allegheny County; and

WHEREAS, the EPA has designated a maintenance area in the SPC planning region for the Carbon Monoxide (CO) NAAQS consisting of the City of Pittsburgh's central business district; 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 or amend any plan, program, or project which does not conform with the Clean Air Act; and

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

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

WHEREAS, the City of Pittsburgh's Sports and Exhibition Authority has proposed "non-exempt" amendments to the TIP and the 2035 Plan; and

WHEREAS, SPC has conducted a qualitative and quantitative analysis for the designated PM 2.5, PM 10, CO, and 8-Hour Ozone nonattainment and maintenance 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 that the amended 2035 Plan and 2009-2012 TIP conform with the Clean Air Act; and

WHEREAS, the proposed amendments and the results of the conformity analysis were made available for public review and comment consistent with SPC's established public review procedures from December 17, 2008 through January 21, 2009 including a public meeting held on January 13; and

WHEREAS, documentation of the public review and comment period, public comments received on the conformity analysis and the proposed Plan and TIP amendments, and responses to comments have been compiled and presented to the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission finds that the region's amended 2035 Plan and 2009-2012 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 amended 2035 Plan and 2009-2012 TIP are consistent with the Clean Air Act (as amended) and the 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 designated PM 2.5, PM 10, CO, and 8-Hour Ozone nonattainment areas within the SPC region demonstrates that the amended 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.

AND

WHEREAS, Federal transportation law (Section 134 of Title 23 U.S.C. and Section 5303 of Title 49 U.S.C.) and metropolitan transportation planning regulations (Part 450.220 of Title 23 C.F.R.) continue the requirements established in earlier legislation that Metropolitan Planning Organizations (MPOs) conduct a comprehensive transportation planning process and develop and maintain a Long-Range Transportation Plan and Transportation Improvement Program that conform with various Federal requirements; and

WHEREAS, the City of Pittsburgh's Sports and Exhibition Authority has proposed the following revisions to the TIP and the 2035 Plan:

- Move funding for the Brighton Road Extension project (a new road connecting West General Robinson Street and North Shore Drive) from Stage Two of the 2035 Plan to Stage One of the 2035 Plan (thereby adding the project to the 2009-2012 TIP for funding in FY 2009) at a total cost of \$1,800,000 (\$730,078 federal SAFETEA-LU earmark; \$1,069,922 non-federal funds committed by the Sports and Exhibition Authority); and

WHEREAS, the proposed TIP and Plan amendments will maintain overall Plan and TIP fiscal balance and will not interfere with the implementation of any projects, commitments, or requirements of applicable State Implementation Plans (SIPs); and

WHEREAS, SPC has conducted qualitative and quantitative analysis consistent with the applicable criteria and procedures of the Clean Air Act (as amended) and the Transportation Conformity Rule, and has demonstrated that the amended 2035 Plan and 2009-2012 TIP conform with the Clean Air Act; and

WHEREAS, the proposed amendments and the results of the conformity analysis were made available for public review and comment consistent with SPC's established public review procedures from December 17, 2008 through January 21, 2009 including a public meeting held on January 13; and

WHEREAS, documentation of the public review and comment period, public comments received on the conformity analysis and the proposed Plan and TIP amendments, and responses to comments have been compiled and presented to the Commission; and

WHEREAS, the proposed amendments have been reviewed by the Transportation Technical Committee and recommended for approval in accordance with SPC's approved Plan and TIP amendment policies.

WHEREAS, the finding of conformity with the Clean Air Act for the amended TIP and 2035 Plan is made in SPC Resolution 1-09.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission approves the request made by the City of Pittsburgh's Sports and Exhibition Authority to amend the 2035 Plan and the 2009-2012 TIP.

Mayor Eisaman seconded and the affirmative vote to approve Resolutions 1-09 and 2-09 was unanimous.

5. Action on Resolution 3-09 to Approve Submission of the 2009-2010 Unified Planning Work Program to the Funding Agencies

Mr. DiPietro reported that this is the time of the year we submit our work program to PennDOT which outlines our transportation planning tasks for consideration for state and federal funding for the next fiscal year starting July 1. Today's request is to approve submission of the 2009-2010 Unified Planning Work Program to the appropriate state and federal transportation planning funding agencies.

Mr. DiPietro said that annually SPC receives guidance for developing the UPWP from state and federal funding sources: Original federal transportation legislation (SAFETEA-LU); Annual FTA/FHWA guidance; and Annual PennDOT guidance. Typically this occurs in September, but it did not arrive until January 7 this year.

Mr. DiPietro said that proposed funding levels include federal, state, SPC match and other local entities match. He then explained the following program areas and their level of funding:

Modal Planning & Systems Operation/Management (31%)

- Freight Planning
- Intermodal Initiatives
- Congestion Management Process
- Transportation Operations & Safety Planning
- Regional Traffic Signal Program
- CommuteInfo Program
- Transit Technical/Planning Assistance
- Port Authority Planning Program
- Access-to-Work Interagency Cooperative

Data Systems & Modeling (24%)

- GIS Maintenance & Operations

- Maintain Data & Graphic Files
- Air Quality Planning
- Land Use Models & Regional Forecasts
- Transportation Models

Transportation Plans & Programs (13%)

- Long Range Planning Implementation
- TIP Management
- Financial Planning
- Environmental Justice Report

Projects to Assist PennDOT (12%)

- Highway Performance Monitoring
- Technical Assistance to PennDOT
- Traffic Forecasts and Needs Reports

Coordination and Outreach (11%)

- Member Planning Agencies Participation
- Public Participation
- LTAP Promotion and Evaluation

Program Administration (8%)

- UPWP Administration
- General Support Services

Mr. DiPietro added that action today to submit the UPWP funding request will ensure funding approvals are in place before the start of the fiscal year. We will be back in June with the status of this program and with the other parts of the overall SPC budget including operation of the Regional Enterprise Tower and the economic development programs.

Mr. Miller asked how today's UPWP action relates to the advancement of Project Region? Mr. Miller added that Project Region is a Plan that needs to have its own accountability towards what we are doing to implement it. Project Region represents our expectations as a region and we should continue to use it as a way to set what it is that has been started. Mr. DiPietro noted that Project Region was the process used to develop the 2035 Transportation and Development Plan that was adopted in June of 2007 and the 2009-2010 UPWP continues to advance implementation of the 2035 Plan developed from Project Region on multiple fronts, and will also initiate the process for the next Plan update due by June 2011.

Mr. Piper commented that SPC is doing an excellent job in advancing the Regional Signal Program Initiative. Advancing corridor coordinated signal improvements is low cost and money well spent.

Mr. Silvestri moved:

WHEREAS, the 2009-2010 Unified Planning Work Program documents all transportation and transportation-related planning activities to be undertaken within the SPC region from July 1, 2009 through June 30, 2010; and

WHEREAS, the 2009-2010 Unified Planning Work Program identifies planning tasks to be performed by SPC staff and the staffs of the member Counties, the City of Pittsburgh, and the Port Authority of Allegheny County using planning assistance funding from the Federal Highway Administrative, the Federal Transit Administration, and the Pennsylvania Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Southwestern Pennsylvania Commission approves submission of the 2009-2010 Unified Planning Work Program; 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 Transit Administration of the U. S. Department of Transportation, and the Pennsylvania Department of Transportation relating to the 2009-2010 Unified Planning Work Program and pursuant to application requests.

Commissioner Scahill seconded and the affirmative vote to approve Resolution 3-09 was unanimous.

6. Report of Nominating Committee and Action on Resolution 4-09 to Elect an Executive Committee and Resolution 5-09 to Elect Officers of the Commission for 2009

Ms. Heckman, Chairman of the Nominating Committee, moved to elect the following members to the Executive Committee for calendar year 2009:

Allegheny County, Dan Onorato
Armstrong County, Patricia Kirkpatrick
Beaver County, Joseph Spanik
Butler County, James Kennedy
Fayette County, Vincent Vicites
Greene County, Pam Snyder
Indiana County, Rodney Ruddock
Lawrence County, Steve Craig
Washington County, Bracken Burns
Westmoreland County, Tom Balya
City of Pittsburgh, Luke Ravenstahl
At-Large, Jake Wheatley
At-Large, Charles Camp
At-Large,
PennDOT, Jim Ritzman
Governor's Appointee, Allen Kukovich
Department of Community and Economic Development, Jack Machek
SPC Executive Director, James Hassinger, ex officio

Mr. Barnhart seconded and the affirmative vote to approve Resolution 4-09 was unanimous.

Ms. Heckman then moved to elect Officers for calendar year 2009.

NOW, THEREFORE, BE IT RESOLVED that the following persons be and the same hereby are elected to serve as Officers of the Commission in the capacity set forth opposite their name below, from the date hereof until their successors are elected and qualified by the Commission:

Dan Onorato, Chairman
Charles Camp, Vice Chairman
Rodney Ruddock, Secretary-Treasurer

Commissioner Snyder seconded and the affirmative vote to approve Resolution 5-09 was unanimous.

7. Staff Report/Other Business/Announcements

Dr. Hassinger confirmed SPC's Annual Retreat would be held on February 19th and 20th in Farmington, PA. The agenda will be mainly about the current status of the stimulus legislation and related priorities for the region.

The next business meeting date is March 23, 2009

Regional Integrated Water Planning – Mr. Villotti provided an update on the Regional Integrated Water Planning Initiative. As was reported at the November Commission meeting, the Executive Committee met in November and passed a resolution that stated the Southwestern Pennsylvania Commission acknowledges and endorses the recommendations set forth in the report of the Regional Policy Advisory Committee in the matter of the Regional Water Management Task Force Recommendation and directs staff to take the steps necessary to implement the recommendations as outlined in the Regional Policy Advisory Committee report. SPC will put water resource planning on a level with transportation and economic development planning.

Mr. Villotti said also included in the resolution and in the report was a discussion of the 24-month initial starter kit strategy with an approximate cost of about \$2.7M. He stated that the initial local source of funding would be program specific dues for member jurisdictions not to be expended until such time as funding for the starter kit strategy has been secured. He stated that to date staff has met with representatives of the philanthropic community, the Benedum Worthington Foundation and the R.K. Mellon Foundation who had previously expressed an interest in participating in this endeavor. In addition, staff has also met with Senator Casey staff and Senator Specter staff.

Mr. Villotti reiterated that program specific dues would not be administered until such time as funding from the starter kit strategy is in place.

8. Appoint 2010 Nominating Committee

Mr. Onorato said the nominating committee appointments are noted in the packet. They are:

Lynn Heckman
Rich Fink
Dick Shaw

David Johnston
Angela Zimmerlink
Dave Coder
Byron Stauffer
James Gagliano
Michael Silvestri
Tom Ceraso
Yarone Zober

He indicated that Dick Shaw would be asked to chair this committee for 2010 nominations.

9. Adjourn

There being no further business to come before the Commission, the meeting adjourned at 5:00 p.m.

Respectfully submitted,

Rodney Ruddock
Secretary-Treasurer