

Southwestern Pennsylvania Commission
Minutes of the Meeting of
June 29, 2009 – 4:45 p.m.
31st Floor • Regional Enterprise Tower • 425 Sixth Avenue • Pittsburgh, PA 15219

The seventy-sixth meeting of the Southwestern Pennsylvania Commission was called to order at 4:45 p.m. by Vice Chairman, Charles Camp.

Commission members present were: Tony Amadio, Tom Balya, Stephen Bland, Andrew Boni, Bracken Burns, Charles Camp, Tom Ceraso, Daniel Cessna, Dave Coder, Steve Craig, Terry Daughenbaugh, Kevin Gray, Jessica Greathouse, Lynn Heckman, James Kennedy, Patricia Kirkpatrick, Jack Machek, Robbie Matesic, Kevin McCullough, Larry Morris, William Piper, James Ritzman, Rodney Ruddock, Robert Schiffbauer, Mark Schneider, Kelly Shroads, Michael Silvestri, Pam Snyder, Joe Spanik, Joe Szczur, Vincent Vicites, and Norma Wintermeyer.

Commission members absent were: Shirl Barnhart, Rick DeBlasio, Joseph Dubovi III, Karl Eisaman, Patricia Evanko, Richard Fink, David Frick, James Gagliano, Dana Henry, Michael Herron, David Johnston, John Paul Jones, Donald Kinosz, James Lokhaiser, Larry Maggi, David Miller, Dan Onorato, William Peduto, Dale Pinkerton, Luke Ravenstahl, Carmen Rozzi, James Scahill, Richard Shaw, Mark Snyder, Anthony Spossey, Byron Stauffer, Jr., R. Letitia Thompson, Daniel Vogler, Gealy Wallwork, Jake Wheatley, Jr., Angela Zimmerlink, and Yarone Zober.

Staff: Jim Hassinger, Kirk Brethauer, Chuck DiPietro, Vince Massaro, Marge Nalesnick, Shannon O'Connell, Dee Pamplin, Matt Pavlosky, Kay Tomko, Debbie Tritsch, and Lew Villotti.

Others: Adam Smith, PennDOT District 12-0, Jon Smith, Allegheny County Transit Council, and John Verbanac, SPC Consultant.

1. Action on Minutes of the April 27th Meeting

A motion was made to approve the minutes of the April 27, 2009 meeting of the Southwestern Pennsylvania Commission by Commissioner Dave Coder which was seconded by Mr. Boni. The affirmative vote to approve the minutes was unanimous.

2. Public Comment

None

3. Financial Report

Mr. Massaro presented the combined financial report for the Corporation, Commission and the Regional Enterprise Tower for the period from July 1, 2008 to May 31, 2009. Under Total Project Related Revenues, \$7.8 million versus the revised annual budget of \$9.3 million or 84.1% of the budget has been recognized and reported for the period. Staff continues to work under 2008-2009 Unified Planning Work Program. All projects proceeding as scheduled. Included in the current year numbers are three projects that will carry-over into the next fiscal year; the Regional Traffic Signal Design and Services Projects, the Truck Parking Study, and the

West Busway TOD Study. These three projects have been accounted for in the proposed budget adopted at the Corporation Board of Directors and Commission Executive Committee prior to this meeting. Total carry-over projects for this fiscal year recognized and recorded to-date are \$162,000 versus the revised budget of \$198,000 or 82.16% of the budget recognized for the reporting period. Carry-over projects include project planning and evaluation of which \$11,000 to be carried over into the new fiscal year. Also, the Multi-jurisdictional Transportation and Land Development Project is expected to be completed by the end of June. Revenues recorded for the Regional Enterprise Tower operations through May 31st total \$4.9 million. Rents recorded versus a revised annual budget of \$5.4 million or 92% of the budget recognized. As of May 2009, building tenant occupancy is at 84.6%. There have been requests from tenants for rent reductions or space reductions under their current leases and non-renewal of space due to loss of funding. Building management is constantly in discussions with these tenants to help them stay in their space. Expenditures recorded and encumbered to date are \$7.8 million versus the revised annual budget of \$9.3 million or 83.89% of the budget recorded to date. Total operating expenses before amortization and depreciation are \$3.8 million vs. a revised budget of \$5 million, or 76% of the budget expended for the reporting period. SPC's auditors will start interim audit field work in mid-July.

4. Report on Public Comment Period (May 11th through June 12th including a June 2nd Public Meeting) Response to Charleroi Monessen Bridge Amendment Request

Matt Pavlosky reported that the public comment period for the Charleroi Monessen Bridge TIP amendment request was from May 13, 2009 through Friday, June 12, 2009. A public meeting was held Tuesday, June 2, 2009 at the Lock 4 Fire Company in North Charleroi, PA with seven people attending. PennDOT District 12-0 gave staff support. There was one comment received from a historical Bridge Preservation Society based out of Michigan supporting any repairs to the bridge and to focus on maintaining the historic integrity and design of the bridge. With PennDOT's help we've put together a letter in response to the Historical Bridge Preservation Society.

Chuck DiPietro gave some background on the Charleroi Monessen Bridge stating that it is over 100 years old, built in 1906. In February the bridge was closed, since then PennDOT District 12-0 has been working to accelerate repair or replacement of this major span crossing the Mon River connecting Charleroi and Monessen. PennDOT Central Office came to our rescue with \$40 million from the Commonwealth's Statewide Bridge Encumbrance Carryover Line in FFY 2009 (\$20 million) and FFY 2010 (\$20 million).

PennDOT District 12-0 Executive, Joe Szczur added that they worked through a very deliberate process working at a hyper pace. When we announced that we had secured money for the bridge after PennDOT Central Office and the Secretary approved it, we deliberately said that we would do something exceptional. What usually takes years to accomplish from an environmental clearing standpoint we're going to do in months. Our intent is to bid this in August (it may slip a month or so due to a very detailed 106 permanent process we're going through right now). We are informing the public at meetings and educating the Historical Society on following our step-by-step procedures. There are another series of meetings with consultants next Tuesday. It's a very interesting process and we're very deliberate in our approach. Our findings have indicated that the most prudent decision is actually the place to be.

Commissioner Balya asked how the fact that it has an historic designation will impact the project design process. I know that with historic buildings you have to make accommodations to preserve them. Mr. Szczur responded that yes, it's the same. Initially, we thought it was just

made eligible or applied for, but it came to our attention that it was actually on the National Register. Its truss design type is one of only six left in Pennsylvania. We are being very deliberate and appreciative of the historic significance of the bridge.

Commissioner Camp wanted to know the owner of the bridge. Mr. Szczur responded that it is a PennDOT bridge, but through the environmental process, the Corps of Engineers is designated the lead agency. Commissioner Camp asked if PennDOT would be removing the historic bridge and replacing it with a new bridge. Mr. Szczur responded that it hasn't been determined yet--the intent is to replace the bridge in the exact location. Commissioner Camp commended all agencies involved in this accelerated process.

Action on Resolution 11-09 to Amend the 2009-2012 TIP to include Replacement of the Charleroi Monessen Bridge

Commissioner Balya moved:

WHEREAS, PENNDOT District 12-0 requests adding the replacement of the Charleroi-Monessen Bridge to the region's 2009-2012 Transportation Improvement Program (TIP) for construction:

WHEREAS, this project consists of replacing the three truss spans carrying SR 2018 over the Monongahela River and CSX rail tracks in addition to rehabilitating the approach spans in Charleroi Borough, Washington County; and

WHEREAS, the sources of funds (\$40 million) are from the Commonwealth's Statewide Bridge Encumbrance Carryover Line Item in FFY 2009 (\$20 million) and FFY 2010 (\$20 million) and are additional funding to the region; and

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

WHEREAS, the proposed amendment was made available for public review and comment consistent with SPC's established public review procedures from May 13th continuing through June 12th, including a public meetings held on June 2nd; and

WHEREAS, documentation of the public review and comment period, including public comments received to date on the TIP amendment and responses to comments to date have been compiled and presented to the Commission; and

WHEREAS, the proposed amendment has been reviewed by the Transportation Technical Committee and recommended for approval in accordance with SPC's TIP amendment policies and public involvement process; and

WHEREAS, approval of the proposed amendment to the 2009-2012 TIP will not alter the finding of conformity with the federal Clean Air Act for the 2035 Long Range Plan and 2009-2012 TIP since the affected project is categorized by EPA's Transportation Conformity Rule (40 CFR Part 93) as being exempt from regional emissions analysis.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission approves this amendment to the 2009-2012 TIP.

Mr. Amadio seconded and the affirmative vote was unanimous.

5. Action on Resolution 12-09 to Amend the 2009-2012 TIP to Add the Project “Light Rail Vehicle Mid-Life Overhaul” Requested by the Port Authority of Allegheny County

Chuck DiPietro explained the request is to overhaul all 55 Port Authority light rail vehicles. Funds are now being assembled for the project called the Mid-Life Overhaul Project. The Transit Operators Committee recommended that this amendment request be approved by the Southwestern Pennsylvania Commission.

Commissioner Craig moved:

WHEREAS, this funding will constitute the final amount needed to complete this project and will enable all of the existing 55 light rail vehicles to be overhauled; and,

WHEREAS, Port Authority of Allegheny County intends to provide \$867,935 Commonwealth Capital Assistance funds; and, \$175,587 in local funding to match the \$4,166,089 in federal funding for a total project cost of \$5,207,611; and,

WHEREAS, the proposed action conforms with SPC’s TIP amendment policies and public involvement process, does not change TIP fiscal balance, does not affect any STIP project, or affect the region’s air quality conformity determination; and,

WHEREAS, the Transit Operators Committee (TOC) of the Southwestern Pennsylvania Commission at its regular meeting on June 18, 2009 took action to recommend that this amendment request be approved by the Southwestern Pennsylvania Commission;

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission, recognizing first its collective interests in the well-being of its residents and in the continued effective operations of the overall transportation system, approves the Port Authority of Allegheny County’s request to program \$4,166,089 of federal funds, \$5,207,611 total, in transit funding to fund the Light Rail Vehicle Mid-Life Overhaul project.

Mr. Silvestri seconded and the affirmative vote was unanimous.

6. Action on Resolution 13-09 to Approve and Endorse the Region’s Area Development Project Priority Listing and Authorize Submission of an Application for Funds

Lew Villotti said that every year ARC provides funding for projects through the 201 Local Access Road program and, through the 214 Construction and 302 Non-Construction programs. These programs compete regionally, at the state level, and the federal level. The Economic Development Strategy Committee evaluates and ranks all projects. Projects are recommended to the Commission. ARC is not obligated to adhere to this ranking, but it’s strongly considered. Projects are ranked in two categories 1) the 201 Local Access Road program, 2) the 214 construction and 302 non-construction programs. The Committee also ranks EDA projects, but that submission is not before us today. Projects submitted through 201 local access road is Airport Business Park Access Road, Greene County. The 214 construction projects and 302 non-construction projects submitted are included in Resolution 13-09.

We can expect the top two or three of these projects to make funding for next year. We are looking for action to approve and endorse the region's Area Development Project Priority Listing for submission to the state for ARC funds.

Commissioner Balya 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 Economic Development Strategy Committee, on June 11th, 2009 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 15-09 and Southwestern Pennsylvania Commission Executive Committee Resolution 3-09 on April 27, 2009 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 Economic Development Strategy Committee, include:

1. Airport Business Park Access Road, Greene County
This project will develop an access road and parking area for the Airport Business Park being developed at Greene County Airport.

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

1. West Newton Town Square, Westmoreland County
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. Bridgewater Connector North, Beaver County

This project will provide critical pedestrian infrastructure along the Beaver River riverfront and will connect the historic downtown business district and northern commercial district.

3. Starpointe Business Park: Phase 1B, Washington County

This project will expand utilities including electric, telecommunications, and water and sewer lines from the Phase I portion of the Starpointe Business Park into the Phase 1B portion.

4. Regional Initiative to Promote Entrepreneurship, Region-wide

Program entails technical assistance and financial awards to fund innovative ideas among disadvantaged businesses through the Southwestern Pennsylvania region.

5. City of Uniontown Blight Removal Project, Fayette County

The Redevelopment Authority of Uniontown will acquire and demolish structures in the Gallatin Avenue, Lafayette, and East End neighborhoods to later construct new single family homes.

6. Elizabeth Borough Streetscape Improvements, Allegheny County

This project will construct new streetscape elements in Elizabeth Borough to compliment façade improvements funded by the county's Main Street program.

7. City of Parker Business District Revitalization, Armstrong County

The Parker City Revitalization Corporation intends to complete a design plan and implementation strategy for the City of Parker's business district.

8. Local Economy Initiatives, Fayette County

This program will promote a locally driven economy, via environmental sustainability projects through the production and purchasing of locally made and grown products in the areas of agriculture, commercial goods, energy, etc.

9. PSU Fayette Campus – Comprehensive Study for an Energy Research and Development Center

This project entails the completion of a comprehensive study and needs assessment to determine the feasibility of an energy research facility at the PSU Fayette campus.

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 Vicites seconded and the motion carried with Mr. Schneider abstaining.

7. Action on Resolution 14-09 to Adopt a Right to Know Law Policy

Dr. Hassinger said we wish to adopt a more formal policy that is clear to the public in our documentation that we're in compliance with the new Right to Know Law with Right to Know procedures and format for Right to Know requests.

Mr. Schneider moved:

WHEREAS, the Commonwealth of Pennsylvania's Right to Know Law, 65 P.S. §67.101 et seq. (RTKL) establishes the provision of access to public information held by Commonwealth, Local, Legislative, and Judicial agencies, as those terms are defined by the RTKL; and

WHEREAS, it is likely that the Southwestern Pennsylvania Commission (SPC) falls within the definition of a "Local Agency" under the RTKL and is therefore, subject to the RTKL rules concerning public access to records; and

WHEREAS, a defined RTKL policy is necessary and desirable as it sets forth the guidelines, process and procedures with respect to responses by SPC to requests made for access to SPC's records; and

WHEREAS, in accordance with Pennsylvania's Right to Know Law, SPC's RTKL policy and form to be used to file requests, as well as contact information for SPC's Open Records Officer and the Pennsylvania Office of Open Records will be made available on the agency's website (www.spcregion.org).

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission hereby adopts a Right to Know Law Policy.

Commissioner Coder seconded and the affirmative vote was unanimous.

8. Action on Resolution 15-09 to Adopt a Meeting Schedule for 2009-2010

Dr. Hassinger presented the meeting schedule to the Commission. Commissioner Balya moved to adopt Resolution 15-09 and Commissioner Vicites seconded and the motion carried.

A RESOLUTION OF THE SOUTHWESTERN PENNSYLVANIA COMMISSION to adopt a Meeting Schedule for 2009-2010.

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.

9. Staff Report/Other Business/Announcements

Dr. Hassinger reminded the Commission of upcoming meetings that should be placed on calendars.

- a. Next Commission meeting July 27th.

- b. July 30th-31st - Triennial Review of Grantee Performance with technical assistance from FTA
- c. August 6th-7th the US DOT visit on Certification Review of Pittsburgh Metropolitan Area Planning Process
- d. August 21st - State Transportation Commission Public Hearing on Twelve Year Development Process
- e. Update on G20

Dr. Hassinger also remarked that the G20 Summit is an opportunity for us to expand the amount of information and quality of information in the Xplorion exhibit. We'll be working with the members to create new electronic media expounding on the virtues of the region. It's anticipated that there will be a significant number of media from around the world and from our own country covering the summit. Xplorion as an enhanced G-20 media information center will be a place where they can learn more about us and develop positive stories about things happening in the region. We'll have requests for each of the member jurisdictions to help enhance the presence of information about their areas.

10. New Business

This month and next we'll be working with Oxford Development on security badges in the building. This includes all tenants and photo security badges for the Commission members to wear so you won't have to sign in when you come to meetings in the building. Times will be scheduled to work with you at your convenience to get the permanent building passes. Others entering the building can still sign in by showing a photo ID and the system will produce a temporary photo badge for them to stick on the day they visit the building.

Video conferencing equipment and instructions have been delivered to most member jurisdictions now. We have just a couple to deliver. Most of the equipment and instruction related to video conferencing on the new SPC Web Connect are geared to allowing members who occasionally cannot get to the meeting to participate at a web connected meeting room in their own jurisdiction.

Larry Morris is finishing his term as the TOC's appointment to the Commission and Mary Jo Morandini, General Manager, Beaver County Transit Authority, will be joining us for the next meeting. SPC staff and the Commission would like to express their appreciation for the work that Larry has put into the work related specifically to his appointment to the Commission.

11. 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