

Special Meeting

Southwestern Pennsylvania Commission
Minutes of the Special Meeting of
March 9, 2009 – 4:30 p.m.

31st Floor – Regional Enterprise Tower – 425 Sixth Avenue – Pittsburgh, PA 15219

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

Commission members present were: Tom Balya, Shirl Barnhart, Peter Behrman, Bracken Burns, Charles Camp, Tom Ceraso, Daniel Cessna, Steve Craig, Terry Daughenbaugh, Kevin Gray, Lynn Heckman, David Johnston, Patricia Kirkpatrick, Allen Kukovich, Larry Maggi, Robbie Matesic, David Miller, William Peduto, William Piper, James Ritzman, Carmen Rozzi, Robert Schiffbauer, Mark Schneider, Richard Shaw, Kelly Shroads, Michael Silvestri, Pam Snyder, Joe Spanik, Anthony Spossey, Joe Szczur, Norma Wintermeyer, and Yarone Zober. Andrew Boni, Dana Henry, Byron Stauffer, Jr., and Vincent Vicites joined the meeting via conference call.

Commission members absent were: Tony Amadio, Stephen Bland, Dave Coder, Rick DeBlasio, Joseph Dubovi III, Karl Eisaman, Patricia Evanko, Richard Fink, David Frick, James Gagliano, Jessica Greathouse, Michael Herron, James Kennedy, Donald Kinosz, James Lokhaiser, Jack Machek, Kevin McCullough, Larry Morris, Dan Onorato, Dale Pinkerton, Luke Ravenstahl, Rodney Ruddock, Daniel Santoro, James Scahill, Mark Snyder, Letitia Thompson, Daniel Vogler, Gealy Wallwork, Jake Wheatley, Jr., and Angela Zimmerlink.

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

Others: Diane Mintus Sheets, Community Development Corporation of Butler County; Tom Noll, Judi McNeil and Jim Ritchie, Port Authority; Alan Barley, PennDOT 12-0; Jon Smith, Allegheny County Transit Council; John Verbanac, SPC Consultant; Karen Rollins-Fitch, City of Pittsburgh; Jon Schmitz, Post Gazette; Ned Williams, Washington/Montour Trail; Case Donchez, and Ken DiBucci.

1. Public Comment

Diane Sheets, Executive Director, Community Development Corporation of Butler County – Comments on the proposed amendment to the 2009-2012 TIP to permit the programming of funds made available under the American Recovery and Reinvestment Act of 2009. Ms. Sheets first recognized the significance of the Act as it provides multiple benefits to the region and other regions across the U.S. Fifty percent of the project funds must be obligated within 120 days and 100 percent within one year. Funds not obligated in 120 days may be subject to reallocation elsewhere in the state. Those not allocated in one year may be subject to reallocation to another state. PennDOT District 10-0 has worked diligently designing projects that will be ready to be obligated within 120 days. The list of projects from Butler County is almost entirely rehabilitation or replacement of state deficient bridges. The Commerce of southwestern Pennsylvania would not exist and will not thrive without a transportation network over rivers and connecting hills. It is important however, to also include some new capacity in the TIP in a county that has experienced unparalleled sustained growth and development.

The 228 Regional Corridor Alliance, called together by the Cranberry Chamber of Commerce, is now the single voice for protecting existing investment and attracting new investment on Route 228. PennDOT initiated in 2001 the Route 228 Improvement Project to address traffic congestion and safety issues. A partnership was formed in 2003 to address transportation improvements throughout this Corridor from Route 19 in Cranberry Township to Myoma Road in Adams Township. Under the leadership of Senator Ori and Representative Metcalfe, District 10-0 has agreed to move forward on plans to design and construct a new northbound ramp to I-79 from Route 228 and a new southbound ramp to I-79. Funding for these ramps will come from the \$20 million currently programmed on the TIP.

In Butler County, there are two projects that are classified as new capacity. They include the I-79/SR3025 missing ramps and the Route 228 project. During the last TIP update \$4 million was removed from both projects and moved to fund state deficient bridges. We request that the \$4 million be reinstated to both projects with additional funding placed on both projects. PennDOT has stated that the missing ramps project at Seneca High School will be let at the end of the year. If this project is completed, we can then focus efforts to complete Route 228 project from Route 19 to Route 8. We are also requesting that additional funding be placed on the TIP update for the Route 228 project from Route 8 to Route 356. The Alliance recognizes that competition for transportation dollars is fierce and decisions must be negotiated against the importance of all other projects. We're asking for the opportunity to be considered in those discussions and not abandoned because the project is judged to be new capacity or too expensive. Thank you for the opportunity to come before you this afternoon.

2. Report on Public Comment – Input on Proposed Amendments to the TIP

Chuck DiPietro reported that full documentation of comments received to date is part of today's agenda packet. The public comment period was initiated on February 25th. Four public meetings were held: City of Washington, March 2nd, Beaver County, March 3rd, Zelienople, March 4th, and one prior to today's meeting here in the Regional Enterprise Tower. The series of projects before the Commission today for consideration of action are 3 highway projects and 10 transit projects. They are recommended to you by both the Commission's Transportation Technical Committee and Transit Operators Committee.

3. Action on Minutes of the January 26th Meeting

A motion was made to approve the minutes of the January 26, 2009 meeting of the Southwestern Pennsylvania Commission by Mark Schneider which was seconded by Commissioner Steve Craig affirmative vote to approve the minutes was unanimous.

4. Action on Resolution 6-09 to Amend the 2009-2012 Transportation Improvement Program (TIP) to Include Transportation Projects to be Advanced with American Recovery and Reinvestment Act of 2009 Funding

Chuck DiPietro first noted that today's request to amend the TIP to advance transportation projects with American Recovery and Reinvestment Act of 2009 Funding includes 3 highway projects and 10 transit projects that require Commission action. Source of funds for proposed amendments is additional money to the TIP and our region. It maintains overall TIP fiscal balance and is consistent with Clean Air Act & Transportation Conformity Rule. The projects, as packaged, are shovel ready.

Recommended action for projects less than or equal to \$10 Million, is effective immediately. For projects greater than \$10 Million, it is effective at the close of the Public Comment Period on March 27th (Commission action today). Additional comments received through March 27th will be expeditiously shared with the full Commission, including staff responses, depending on your direction today.

Commissioner Balya offered an amendment to Resolution 6-09. It essentially recognizes that everything couldn't be included in the spending from the stimulus package. There are other important projects in the member counties and Commissioner Balya pointed to two example projects in Westmoreland County — Beatty Road Bridge and Slickville Road. He requested that both projects be given a high priority for inclusion to replace projects that have been moved up for implementation with stimulus funding.

Commissioner Balya motioned for approval of the initial Resolution 6-09 with language for the Beatty Road Bridge and Slickville Road projects: Lynn Heckman seconded. Further discussion continued on Commissioner Balya's amended language to the original Resolution 6-09.

Mark Schneider asked is this binding us to do the Beatty Road Bridge project next year. Commissioner Balya responded that it's not binding if it does not meet the criteria to be eligible for federal funding.

Commissioner Burns stated he failed to see the purpose of the motion – isn't that what would happen?

Chuck DiPietro responded that there is some excess money that has been freed up as soon as we take action on the other projects. In Districts 10-0 and 12-0 there is some excess remaining. In District 11-0 there is no excess now identified.

Terry Daughenbaugh said that at the SPC stimulus breakout session we specifically said that those two projects would be advanced to the TIP as backfill projects. Pam Snyder concurred that at the District 12-0 breakout session the consensus was to advance both projects with backfill funds. Joe Szczur added that there were questions about the deliverability of the Beatty Road Bridge improvement project; he also added that the Slickville project is a new project.

Richard Shaw and Commissioner Craig expressed concerns with the amended language being incompatible with the resolution. Further discussion continued on Commissioner Balya's amended language to the original Resolution 6-09.

Commissioner Burns motioned to strike from the amendment to the original Resolution 6-09 the phrase that refers to Beatty Road Bridge and Slickville Road so the motion doesn't have that language included:

WHEREAS, PENNDOT District 11-0 and 12-0 request the following amendments to the Title I Component (Surface Transportation Program) of the region's 2009-2012 Transportation Improvement Program (TIP) to be advanced with American Recovery and Reinvestment Act of 2009 highway and bridge funding:

1. Route 28 Widening Preparation and Railroad Relocation - \$45,956,000 Federal for construction in FFY 2009. This project includes work to prepare the area along Route 28 for the East Ohio Street improvement project and includes relocating railroad tracks, and

other work needed to begin the larger improvement project. The Route 28 Widening Project extends from Troy Hill in the City of Pittsburgh north to the 40th Street Bridge at Millvale in Allegheny County.

2. Route 51 Beaver-Rochester Bridge Rehabilitation - \$20,000,000 Federal for construction in FFY 2009. The project is located in Rochester and Bridgewater Borough over the Beaver River in Beaver County.
3. I-79 CPR (concrete patching & repair) - \$16,000,000 Federal for construction in FFY 2009. The project extends on Interstate 79 from the interchange of Interstate 79 and SR 980 near Canonsburg north to the Allegheny County line in Washington County.

WHEREAS, The Butler Transit Authority (BTA), the Mid-Mon Valley Transit Authority (MMVTA), the New Castle Area Transit Authority (NCATA), the Port Authority of Allegheny County (PAAC) and the Westmoreland County Transit Authority (WCTA) request the following amendments to the Title III Component (Public Transportation) of the region's 2009-2012 Transportation Improvement Program (TIP) to be advanced with American Recovery and Reinvestment Act of 2009 transit funding:

1. BTA: Butler Multi-Modal Center – Pullman Redevelopment Area – (\$5,000,000 Federal) for construction of the administrative and bus storage facility portions of this project located in Butler's Pullman Redevelopment Area.
2. MMVTA: Donora Intermodal Transit Facility – Phase I – (\$3,545,171 Federal) for renovation and construction of an intermodal transit facility located on 3.5 acre site in the Borough of Donora, Washington County.
3. NCATA: Facility Roof Replacement - (\$2,900,000 Federal) for removal of entire existing roof due to severe structural deficiencies and subsequent replacement of roof structure.
4. PAAC: Infrastructure Renewal and Repair (North Shore Connector) - (\$117,800,000 Federal) for completion of 1.2 mile extension of PAAC light rail system from its terminus at Gateway Station in Downtown Pittsburgh to serve the North Shore/North Side area of Pittsburgh.
5. PAAC: Hybrid Buses – (\$10,000,000 Federal) for procurement of 20 hybrid engine-powered buses.
6. PAAC: East Busway Pavement Replacement – (\$27,870,000 Federal) for replacement of 16.8 lane miles of full-depth concrete pavement, grade adjustments and reconstruction of inlets for the 25-year old East Busway.
7. PAAC: Warrington Track & Pavement Replacement – (\$13,000,000 Federal) for replacement of embedded track along Warrington Avenue from Haberman Avenue to Arlington Avenue – approximately one half mile.
8. PAAC: Mt. Lebanon Rail Tunnel Replacement – (\$9,000,000 Federal) for replacement of approximately 5,800 feet of rail within PAAC's Mt. Lebanon Light Rail Transit Tunnel. Also, drainage improvements and upgrades to the emergency ventilation systems.

9. WCTA: Maintenance Facility Improvements – (\$2,415,000 Federal) funds to be added to this project to complete both phase one and phase two improvements described in the WCTA Maintenance Facility Master Development Plan.
10. WCTA: Environmental Assessment and Preliminary Engineering for Commuter Rail Service – (\$6,000,000 Federal) for completion of federally-required planning and engineering tasks associated with the first phase of a proposed federally-funded commuter rail line linking Westmoreland and Allegheny Counties.

WHEREAS, the sources of funds for the proposed TIP amendments are from the American Recovery and Reinvestment Act of 2009 and therefore are additional funds to the region; and

WHEREAS, the proposed TIP amendments 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, approval of the proposed amendments 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 projects are categorized by EPA's Transportation Conformity Rule (40 CFR Part 93) as being exempt from regional emissions analysis; and

WHEREAS, the proposed amendments were made available for public review and comment consistent with SPC's established public review procedures from February 27th continuing through March 27th, including four public meetings held on March 2nd, March 3rd, March 4th, and March 9th; and

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

WHEREAS, the proposed amendments have been reviewed on February 27th at separate meetings of the Transportation Technical Committee and the Transit Operators Committee and are recommended for approval in accordance with SPC's approved TIP amendment procedures.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission approves these amendments to the 2009-2012 TIP and that this action is effective immediately for all projects listed with funding amounts less than or equal to \$10,000,000, and

BE IT FURTHER RESOLVED, that this action is effective for all projects listed with funding amounts in excess of \$10,000,000 as of the close of the public comment period on March 27th, with any additional comments received through March 27th to be shared expeditiously with the full Commission membership, including responses to any additional comments.

RESOLVED FURTHER that many SPC member jurisdictions' high priority projects could not be included in the current TIP because of significant funding constraints at adoption last June; and

RESOLVED FURTHER that additional ARRA funding to the region is expected to advance ready-to-go projects, many on the current TIP, which is expected to free up some level of funding that may thus be available for additional programming; and

RESOLVED FURTHER that the Commission now expresses its preference that projects of a high priority in member jurisdiction plans be given a high priority for inclusion on the TIP in accordance with SPC adopted TIP amendment procedures to replace projects as they are advanced through ARRA funding; and

RESOLVED FURTHER that the Commission expresses its preference that inclusion of such member jurisdiction projects once determined eligible and described appropriately for inclusion on the TIP in accordance with SPC adopted TIP amendment procedures, be given a high priority for inclusion to replace projects that have been moved up for implementation with ARRA funding.

David Miller seconded. There were 5 no votes. The motion passed.

Returning to the original motion made by Commissioner Balya which was seconded by Lynn Heckman the Commission voted for approval of the amended Resolution 6-09:

WHEREAS, PENNDOT District 11-0 and 12-0 request the following amendments to the Title I Component (Surface Transportation Program) of the region's 2009-2012 Transportation Improvement Program (TIP) to be advanced with American Recovery and Reinvestment Act of 2009 highway and bridge funding:

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WHEREAS, The Butler Transit Authority (BTA), the Mid-Mon Valley Transit Authority (MMVTA), the New Castle Area Transit Authority (NCATA), the Port Authority of Allegheny County (PAAC) and the Westmoreland County Transit Authority (WCTA) request the following amendments to the Title III Component (Public Transportation) of the region's 2009-2012 Transportation Improvement Program (TIP) to be advanced with American Recovery and Reinvestment Act of 2009 transit funding:

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8. PAAC: Mt. Lebanon Rail Tunnel Replacement – (\$9,000,000 Federal) for replacement of approximately 5,800 feet of rail within PAAC’s Mt. Lebanon Light Rail Transit Tunnel. Also, drainage improvements and upgrades to the emergency ventilation systems.
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WHEREAS, the sources of funds for the proposed TIP amendments are from the American Recovery and Reinvestment Act of 2009 and therefore are additional funds to the region; and

WHEREAS, the proposed TIP amendments 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, approval of the proposed amendments 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 projects are categorized by EPA's Transportation Conformity Rule (40 CFR Part 93) as being exempt from regional emissions analysis; and

WHEREAS, the proposed amendments were made available for public review and comment consistent with SPC’s established public review procedures from February 27th continuing through March 27th , including four public meetings held on March 2nd, March 3rd, March 4th, and March 9th; and

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

WHEREAS, the proposed amendments have been reviewed on February 27th at separate meetings of the Transportation Technical Committee and the Transit Operators Committee and are recommended for approval in accordance with SPC's approved TIP amendment procedures.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission approves these amendments to the 2009-2012 TIP and that this action is effective immediately for all projects listed with funding amounts less than or equal to \$10,000,000, and

BE IT FURTHER RESOLVED, that this action is effective for all projects listed with funding amounts in excess of \$10,000,000 as of the close of the public comment period on March 27th, with any additional comments received through March 27th to be shared expeditiously with the full Commission membership, including responses to any additional comments.

RESOLVED FURTHER that many SPC member jurisdictions' high priority projects could not be included in the current TIP because of significant funding constraints at adoption last June; and

RESOLVED FURTHER that additional ARRA funding to the region is expected to advance ready-to-go projects, many on the current TIP, which is expected to free up some level of funding that may thus be available for additional programming; and

RESOLVED FURTHER that the Commission now expresses its preference that projects of a high priority in member jurisdiction plans be given a high priority for inclusion on the TIP in accordance with SPC adopted TIP amendment procedures to replace projects as they are advanced through ARRA funding; and

RESOLVED FURTHER that the Commission expresses its preference that inclusion of such member jurisdiction projects, once determined eligible and described appropriately for inclusion on the TIP in accordance with SPC adopted TIP amendment procedures, be given a high priority for inclusion to replace projects that have been moved up for implementation with ARRA funding.

There was one no vote. The amended Resolution 6-09 was passed.

Dr. Hassinger restated that the final vote was on the original resolution with this language as amended striking detail of any specific projects.

5. Action on Resolution 7-09 to Approve PennDOT's New Five-Year Open-End Base Agreement for Work Conducted Through the Annual Unified Planning Work Program

Chuck DiPietro said PennDOT has met with their legal counsel and controllers and have moved to an open-end five-year agreement with their MPO/RPO partners throughout Pennsylvania for all work conducted through the annual Unified Planning Work Program. The current request for this initial open-end agreement for five years between SPC and PennDOT would extend from July 1, 2009 through June 30, 2014. Annually, Work Orders would be executed based upon the annual UPWP SPC approves for submission each January. Additionally, supplemental

studies/amendments and time extensions would be handled as Work Order Amendments. Commission action is requested to approve entering into this initial five-year open end agreement with PennDOT.

Dave Johnston motioned:

WHEREAS, the Base Agreement will commence on July 1, 2009 and have a completion date of June 30, 2014, with an option to extend by letter amendment for single or multi-year extensions. However, in no event shall the Agreement continue past June 30, 2019; and

WHEREAS, the total cost, pursuant to the Base Agreement, shall not exceed Twenty-Five million dollars (\$25,000,000) for the original five-year term unless amended by letter amendment; and

WHEREAS, once the new Base Agreement is in place, the Commonwealth/PennDOT process to review and approve UPWPs and supplemental agreements will allow for a significant reduction in the time needed to grant a notice to proceed; and

WHEREAS, the SPC is the designated entity, pursuant to federal regulations, responsible for the developing and carrying out the transportation planning process specified in Title 23 and/or Title 49 of the United States Code for the area within its jurisdiction; and

WHEREAS, SPC approved the submission of the 2009-2010 Unified Planning Work Program (July 1, 2009 through June 30, 2010) to the appropriate funding agencies on January 26, 2009 through SPC Resolution 3-09. Upon approval by the funding agencies, the identified planning work program will be incorporated as Exhibit A – Scope of Work under the new Base Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Southwestern Pennsylvania Commission approves entering into a five-year Open-End Base Agreement (Agreement) with the Commonwealth of Pennsylvania Department of Transportation (PennDOT) commencing July 1, 2009 for work performed by the SPC in accordance with the approved Planning Partner Open-End Unified Planning Work Program (UPWP) contract scope of work.

BE IT FURTHER RESOLVED, that the Executive Director, on behalf of SPC, is hereby authorized to enter into Agreements, as well as the Work Orders generated from the Agreement, and/or Supplements with the U. S. Department of Transportation Federal Transit Administration, other federal agencies as needed, and the Commonwealth of Pennsylvania Department of Transportation relating to said Agreement pursuant to application requests.

Tom Ceraso questioned why this resolution had to be on the agenda today since the Commission meets in a couple of weeks. And, also, how does it benefit SPC to enter a five-year contract with PennDOT. Dr. Hassinger responded that PennDOT has asked for a five-year contract in order to allow longer term free planning across the state. This resolution is on the agenda today since this would be the only piece of business we anticipate for the next meeting on March 23, 2009. We are proposing that the March meeting be canceled.

Commissioner Craig seconded and the affirmative vote was unanimous.

6. Staff Report/Other Business/Announcements

Dr. Hassinger suggested canceling the next regularly scheduled meeting and indicated the next Commission meeting is scheduled for April 27, 2009. The RPAC meeting is scheduled for this Friday, March 13, 2009; and, we intend to hold that meeting as scheduled.

Mr. Szczur asked if SPC is going to have any dialogue with the Governor for the other economic stimulus program areas (non-transportation). Tom Ceraso responded that several members of our congressional delegation and senators asked us to prioritize the list across all economic stimulus program areas from each SPC member. We are trying to set up a meeting with the Governor and with our leadership and some Commonwealth secretaries, to further enforce the unity of what we're bringing forth. After that meeting, we may reschedule a meeting of the Intergovernmental Affairs Committee.

7. 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