

Southwestern Pennsylvania Commission
Minutes of the Meeting of
June 25, 2012 – 4:30 p.m.

9th Floor • Koppers Building • 436 Seventh Avenue • Pittsburgh, PA 15219

The ninety-seventh meeting of the Southwestern Pennsylvania Commission was called to order by Chairman Rod Ruddock.

Members present were: Alfred Ambrosini, Charles Anderson, Tom Ceraso, Daniel Cessna, Jack Cohen, Albert D'Alessandro, Terry Daughenbaugh, Joe Grata, Lynn Heckman, Dave Johnston, Fred Junko, Larry Maggi, Jeff Marshall, Robbie Matesic, Kevin McCullough, Mary Jo Morandini, A. Dale Pinkerton, Carmen Rozzi, Rod Ruddock, Mark Schneider, Daniel C. Shimshock, Kelly Shroads, Michael Silvestri, Pam Snyder, Joe Spanik, Byron Stauffer, Jr., and Archie Trader.

Members absent were: Tony Amadio, Shirl Barnhart, David Battaglia, Stephen Bland, Robert Bower, Robert Brooks, Brigid Hynes-Cherin, Tyler Courtney, Steve Craig, Joseph Dubovi, Mary Ann Eisenreich, Patricia Evanko, David Frick, Rich Fitzgerald, Jim Gagliano, Jr., Robert Macey, Bruce Mazzoni, William McCarrier, David Miller, Laura Mohollen, Dennis Nichols, William Peduto, Luke Ravenstahl, James Ritzman, Richard Shaw, Harlan Shober, Renee Sigel, Robert Del Signore, Mark Snyder, Wendy Stern, Joe Szczur, Diana Ireya Vaughan, Daniel Vogler, Christopher Wheat, Jake Wheatley, Jr., Angela Zimmerlink and Yarone Zober.

Members via phone: Rich Fink, Rich Palilla, Dana Henry.

Staff: Jim Hassinger, Kirk Brethauer, Chuck DiPietro, Kathleen Colbert-Gibson, Chuck Imbrogno, Vince Massaro, Dee Pamplin, Matt Pavlosky, Shannon O'Connell, Kay Tomko, Debbie Tritsch, Lew Villotti and Sara Walfoort.

Chairman Ruddock thanked everyone for joining us today and also, thanked Koppers for allowing us to meet in this facility. We will meet here for several months until we are moved to our new location.

1. Action on Minutes of the April 30th Meeting

A motion was made to approve the minutes of the April 30, 2012 meeting of the Southwestern Pennsylvania Commission by Commissioner Pinkerton which was seconded by Commissioner Anderson. The affirmative vote to approve the minutes was unanimous.

2. Public Comment – None

3. Financial Report – Vince Massaro

Mr. Massaro reported on the period July 1, 2011 to April 30, 2012 revised annual budget. Total and encumbered revenue is \$10.9 million compared to the revised annual budget of \$13.3 million. This reflects 81.72% of the revised budget expended through the end of April. Total carry-over project related revenues (projects carried over from previous years) is \$1.3 million of

carry-over funds, \$606,000 reported actual to date and actual encumbered to date \$1.3 million or 100% of the budget. The line item relates to the Regional Traffic Signal Cycle I project which is almost complete. We've encumbered those dollars and expenditures to show that we have the funds to pay once the invoice has been submitted.

Under expenditures is shown the total project related expenditures of \$13.3 million, \$9 million actual to date at the end of April, \$10.9 million actual encumbered or 81.7%. Carry-over project related expenditures, \$1.3 budgeted, \$606,000 actually recorded.

Mr. Massaro pointed out that the auditors will be in at the end of July to start their preliminary audit. The audit should be finished by the of October and a preliminary report will be presented to the SPC Audit Committee for review and then presented to the Commission for approval at the December meeting.

4. Report on Public Comment Period Response for Draft 2013-2016 Transportation Improvement Program (TIP), 2040 Plan Update, Companion Air Quality Conformity Determination and Report on Environmental Justice – Chuck DiPietro

Mr. DiPietro outlined the above reports, and public comment responses, in advance of request for Commission action:

Public Participation: Comments

Comment Totals & most frequent testimony noted by County:

- ▶ Allegheny / Pittsburgh (11): Heth's Run Bridge
- ▶ Armstrong (3): Rte. 422 Safety Improvements
- ▶ Beaver (10): Freedom Road/Crows Run
- ▶ Butler (4): Freedom Road Improvements
- ▶ Fayette (3): Intersection Rte 119 and TR 311
- ▶ Greene (11): County Bridges, Airport Access, Mount Morris
- ▶ Indiana (21): Indiana Trail Connectivity Study
- ▶ Lawrence (1): Old Butler Pike Bridge @ Slippery Rock Creek
- ▶ Washington (3): Freedom Farms, Shady Ave., Venetia Road Project
- ▶ Westmoreland (20): Freeport to Weinel Crossroads @ Rte 356

Response to Public Comment

- ▶ Draft Transportation Improvement Program
 - *Allegheny County, the Bike PGH Bike Share Program project description has been corrected to read "50 Bike Stations"*
 - *Butler County, the Graham Bridge project description has been corrected to "carries Powell Road over Brush Creek"*
 - *Lawrence County, the location for the Wampum Bridge has been corrected to "Wayne Township"*

- ▶ 2040 Transportation and Development Plan for Southwestern Pennsylvania (2040 Plan)
 - *No Changes*
- ▶ Air Quality Determination for the Pittsburgh Transportation Management Area
 - *At the recommendation of the Statewide Air Quality Work Group, a text change was made to reflect that EPA is finalizing designations of nonattainment areas under the 2008 ozone standard.*
- ▶ Environmental Justice Benefits and Burdens Assessment
 - *No Changes*

TIP Development Challenges: Overview

Highways Component

- ▶ **2,505** - Miles of state maintained roads in poor condition
- ▶ **\$2 billion** – Backlog of road repairs needed
- ▶ **>1,400** - Structurally deficient bridges
- ▶ **\$5 billion** – Backlog of bridge repairs needed

Transit Component

- ▶ 35% PAAC service cuts possible
- ▶ Expanding reliance on rural & community transit services (including shared ride service)
- ▶ Lack of state funding for capital maintenance projects

Federal Funding Challenge Throughout TIP Development

- ▶ **SAFETEA-LU**
 - Expired Sept. 30th, 2009
 - Extensions via continuing resolutions
- ▶ **Transportation Authorization**

State Funding Challenge

- Continual Decrease in Funding
 - *State Funds – 68% decrease since 2009*
- Increase in Capital & Operating Expenses

Mr. DiPietro also gave a rundown of the complexity of the TIP process:

Key Elements of TIP Technical Development Process

Highway Component

- Process through TTC & individual District Work Groups
- Technical Project Evaluation Process documentation (7 major categories)
- CMAQ Committee/Process

- TE/HTS/SRTS Technical Evaluation Committee/Process
- STU Urban Process
- SPC's Regional Smart Transportation Initiative (modeled after PennDOT's PCTI Program) - \$1.5 million in each year of 2013-16 TIP

Transit Component

- Process through TOC
- Technical Project Evaluation Process
- FTA Urban Area Formula Funds
- Urban Area JARC & New Freedom Funds
- Non-Urbanized Area Formula Program
- Elderly & Persons with Disabilities Program

CMAQ Program Development Update Process

(Highlighted as one of many above technical elements of TIP Development Process)

▶ **Overview**

- \$92.3 million of funds available
- 43 new candidate project applications received
- \$69.4 million towards carryover projects (75%)
- \$22.9 million of funds available for new projects (25%)
- Developed through 22 member CMAQ Evaluation Committee

▶ **Summary**

- 16 new projects / \$22.9 million
 - *1- Diesel Retrofit*
 - *12 – Traffic Flow Improvement*
 - *2 – Transportation Demand Management*
 - *1 – Commuter Bicycle / Pedestrian Improvement*

TIP Linkages to LRP (were highlighted for the following 5 plan policies)

- *Maintenance of the existing transportation system will be a regional priority*
- *Transportation and development choices will reflect a priority on safe and secure multimodal and intermodal networks for both people and goods*
- *The region's transportation system will be actively managed and operated to allow the system to function at its full potential*
- *The region's transit system will connect people with resources throughout the entire region*
- *The region's infrastructure will be designed to protect and enhance public health and the environment*

Mr. DiPietro stated that the Draft 2013-16 TIP totals \$2.84 billion, Highways Component \$1.46 billion and Transit Component \$1.38 billion. Transit TIP Development is coordinated through

SPC's Transit Operators Committee.

Transit Projects

▶ **Sample System Preservation Projects**

- BCTA – Bus Replacements (\$5.7 million)
- NCATA - Heavy Duty Buses (\$20.4 million)
- PAAC - Associated Capital Maintenance, Infrastructure Safety & Renewal, Bus Procurement (\$60 million)
- WCTA – Replacement Buses (\$5.1 million)

Transit Projects

▶ **Sample Capital Projects**

- BTA – Rt. 528 Park & Ride (\$1 million)
- ICTA - Information Technology Upgrade (\$58.4 thousand)
- NCATA – Park & Ride/Ticket Station (\$2 million)
- City of WASH – Eng. & Design Maint. Facility (\$600 thousand)

Highway TIP development was next highlighted. It was through 7 SPC work sessions in each District (total of 21) and monthly meetings of the Transportation Technical Committee. The range of tasks included review of carryover projects, screening of candidate projects, and fiscal constraint monitoring. The Draft TIP totals \$1.46 billion, or a 17% cut (\$338 million) from the current \$1.8 billion 2011-2014 TIP. The Draft TIP reduction is 32% (\$680 million) from the previous \$2.14 billion 2009-2012 TIP. A sample of draft TIP highway projects were then presented by District.

Mr. Schneider related that there were 21 comments for one project in Indiana County suggesting advancing the Blairsville trail linkages that were not on the draft TIP. Mr. Schneider added that it is my understanding that there are a lot of TE projects that are not moving around the state. Is there a chance that the district engineers and SPC staff could find some money to advance this Blairsville project and get it on the TIP so we could begin to design the project? Mr. Cessna responded that there are other projects already waiting in the pipeline that have not advanced to construction. Mr. DiPietro stated that with this project, we have an opportunity to raise visibility but the challenge continues to be funding.

Mr. Schneider also commented on SPC's Regional Smart Transportation Initiative Program that was recommended unanimously by the Regional Policy Advisory Committee two years ago to proceed. Why wait until 2015—why not move it up earlier in the TIP? Mr. DiPietro responded that that category of money (STP urban) is highly competitive with the backlog of projects, yet funds have been recommended for programming in the third and fourth years of the new TIP.

5. Action on Resolution 10-12 to Make a Finding of Air Quality Conformity for 2013-2016 Transportation Improvement Program and 2040 Transportation and Development Plan for Southwestern Pennsylvania – Chuck DiPietro

Commissioner Snyder motioned to approve Resolution 10-12:

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 EPA has designated three nonattainment and maintenance 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 maintenance area; and the Clearfield-Indiana maintenance 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 both the daily and annual 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 USC) require that the MPO not approve any plan, program, or project which does not conform with the Clean Air Act; and

WHEREAS, the Southwestern Pennsylvania Commission (SPC), as the MPO for the Pittsburgh Transportation Management Area, is responsible under Section 134 of Title 23, USC and Section 5303 of Title 49, USC 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, 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 conformity of the 2013-2016 TIP and the 2040 Plan to the Clean Air Act; and

WHEREAS, the results of the conformity analysis were made available for public review and comment consistent with SPC's established public review procedures from May 15, 2012 through June 18, 2012 including ten public meetings; responses to all public comments have been compiled and made available to Commission members for review.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission finds that the region's 2013-2016 TIP and the 2040 Plan 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 2013-2016 TIP and the 2040 Plan are consistent with the Clean Air Act (as amended) and Transportation Conformity Rule; no goals, directives, recommendations, or projects in the TIP or Long Range Plan contradict in a negative manner any specific requirements or commitments of the applicable State Implementation Plan (SIP).

RESOLVED FURTHER that assessment of the designated PM 2.5, PM 10, CO, and 8-Hour Ozone nonattainment and maintenance areas within the SPC region demonstrates that the transportation plans, programs, and projects for those areas conform to the provisions of the Clean Air Act and the applicable criteria and procedures of the Transportation Conformity Rule.

Commissioner Pinkerton seconded and the affirmative vote was unanimous.

6. Action on Resolution 11-12 to Adopt the 2013-2016 Transportation Improvement Program – Chuck DiPietro

Mr. Rozzi moved to approve Resolution 11-12:

WHEREAS, Section 134 of Title 23 USC, Section 5303 of Title 49 USC, and 23 CFR Part 450 set forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP) and establish policies and procedures for MPOs to conduct the metropolitan planning process; and

WHEREAS, federal law requires that the regional transportation plans and programs developed by MPOs be fiscally constrained, and approved by the Governor of the state and to be reviewed by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA); and

WHEREAS, federal law requires the state to develop statewide transportation plans and programs subject to review by the Secretary of the United States Department of Transportation (U.S. DOT); and

WHEREAS, SPC as the MPO for southwestern Pennsylvania, developed a new TIP (the 2013-2016 TIP) in accord with applicable federal and state law and regulations; and

WHEREAS, SPC's established process for public involvement in the planning process was followed during TIP development. A review of public involvement in the regional transportation

planning process and the resultant Transportation Improvement Program demonstrated that the benefits of the regional transportation planning process accrue to both Environmental Justice (EJ) and Non-EJ communities. Low-income and minority populations are not disproportionately impacted and are beneficiaries of the transportation planning process in Southwestern Pennsylvania; and

WHEREAS, updated population, household, and employment forecasts were prepared by SPC staff to incorporate recently-released 2010 Census data; the updated forecasts were used to support development of the 2013-2016 TIP and 2040 Plan Update and are included in the TIP and 2040 Plan; and

WHEREAS, in accordance with the requirements of the Clean Air Act (as amended) and the Transportation Conformity Rule, qualitative and quantitative analysis of the 2013-2016 TIP and 2040 Plan Update has demonstrated that they conform to the provisions of the Clean Air Act and the applicable criteria and procedures of the Transportation Conformity Rule, with the resultant conformity finding approved by Commission Resolution 10-12; and

WHEREAS, updated 2040 Plan project tables identify changes in costs and schedules for projects identified in the 2040 Plan as a result of the TIP Update. No new projects are being added to the 2040 Plan, and no changes have been made that are not a result of changes in the TIP Update; and

WHEREAS, the 2013-2016 TIP and the updated 2040 Plan will not interfere with the implementation of any SIP project.

NOW, THEREFORE, BE IT RESOLVED that the 2013-2016 TIP meets all applicable federal requirements and the Southwestern Pennsylvania Commission approves and adopts the 2013-2016 Transportation Improvement Program (TIP) for the Pittsburgh Transportation Management Area, and

BE IT FURTHER RESOLVED that the 2013-2016 TIP and companion documents are approved for submission to the appropriate authorities and agencies: 1) to the Secretary of the Pennsylvania Department of Transportation (PennDOT) for approval by the Governor, 2) to PennDOT for inclusion in the state transportation plan and program, with referral to US DOT, and 3) to FTA and FHWA for review, and

BE IT FURTHER RESOLVED that the Southwestern Pennsylvania Commission approves the updated 2040 Plan.

Ms. Heckman seconded and the affirmative vote was unanimous

Mr. Schneider asked what is the percentage of CMAQ dollars over the four-year TIP which are going to signalization projects? Mr. DiPietro first noted that that there is the SPC Regional Signal Program that is \$4 million. In addition there are additional PennDOT signal projects by District. Staff will provide additional signal program detail to Mr. Schneider.

Mr. Ceraso asked what's been the track record in past Draft TIPs of reacting to comments received during the public comment period. Has there ever been a substantive change to the Draft TIP at adoption time? Mr. DiPietro responded that programming response is usually reflected either through an amendment, or in the next TIP update 2 years later. Examples of change in "the next TIP" as a result of public comment are many, Mr. DiPietro added, like the Route 228 improvement at the major split intersection west of Saxonburg.

7. Action on Resolution 12-12 to Certify SPC's Transportation Planning Process – Chuck DiPietro

Mr. DiPietro provided brief background noting that concurrent with the adoption of the new TIP, SPC must also certify that the metropolitan transportation planning process is being carried out in accordance with all applicable federal requirements and that the local process to enhance the participation of the general public, including the transportation disadvantaged, has been followed in developing the new Transportation Improvement Program and the 2040 Plan update.

Mr. Schneider moved to approve Resolution 12-12:

WHEREAS, 23 CFR Part 450.334 specifies that, concurrent with submittal of the proposed TIP to the FHWA and the FTA as part of the STIP approval, Metropolitan Planning Organizations (MPOs) shall certify that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements; and

WHEREAS, Section 134 of Title 23 USC, Section 5303 of Title 49 USC, and 23 CFR Part 450 set forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP) and establish policies and procedures for MPOs to conduct the metropolitan planning process; and

WHEREAS, the requirements of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. 2000d-1), 49 CFR Part 21, and the Title VI assurance executed by each State under Section 324 of Title 23 and under Section 794 of Title 29 have been met and the requirements of Executive Order #12898 (Federal Order to Address Environmental Justice in Minority Populations and Low Income Populations) are being addressed; and

WHEREAS, the requirements of Section 1101(b) of SAFETEA-LU (Public Law 109-59) and 49 CFR Part 26 regarding the involvement of disadvantaged or minority business enterprises in FHWA funded planning projects and FTA funded projects have been met; and

WHEREAS, the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et. seq.*) and U.S. DOT regulations entitled "Transportation for Individuals with Disabilities" (49 CFR, Parts 27, 37 and 38) have been met; and

WHEREAS, the Transportation Improvement Program (TIP) continues to be financially constrained as required by 23 CFR Part 450.324 and the Federal Transit Administration (FTA) policy on the documentation of financial capacity, published in FTA Circular 7008.1A; and

WHEREAS, the provision of 49 CFR part 20 prohibiting recipients of federal funds from using those funds for lobbying purposes has been met; and

WHEREAS, the requirements of Sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR Part 93 have been met for non-attainment and maintenance areas; and

WHEREAS, the requirements of 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity have been met; and

WHEREAS, the provisions of 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts have been addressed; and

WHEREAS, the provisions of The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance have been met; and

WHEREAS, the requirements of Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender have been met; and

WHEREAS, the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities have been addressed; and

WHEREAS, SPC's established process for public involvement in the metropolitan transportation planning process was followed during TIP development. A review of public involvement in the regional transportation planning process and the resultant Transportation Improvement Program demonstrated that the benefits of the regional transportation planning process accrue to both Environmental Justice (EJ) and Non-EJ communities. Low-income and minority populations are not disproportionately impacted and are beneficiaries of the metropolitan transportation planning process in Southwestern Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission, the Metropolitan Planning Organization (MPO) for the Pittsburgh Transportation Management Area (TMA) certifies that its metropolitan transportation planning process is being carried out in accordance with all of the applicable federal requirements and certifies that the local process to enhance the participation of the general public, including the transportation disadvantaged, has been followed in developing the region's transportation plans and programs, including the FFY 2013-2016 Transportation Improvement Program (TIP).

Mr. Ceraso seconded and the affirmative vote was unanimous.

8. Action on Resolution 13-12 to Amend Article 13, Bylaws – Jim Hassinger

Mr. Hassinger explained that the amendments to the bylaws are a two part process.

First part: Article 13 - Bylaws

Officers of the COMMISSION SHALL BE THE Chairman, Vice Chairman and Secretary-Treasurer. Each officer shall hold office for a term of two years or until their successor has been elected.

The Commissioners at alternate annual membership meetings shall elect an Executive Committee. Each Commissioner shall be elected for a term of two years and shall hold office until his successor shall have been elected and has qualified.

Ad Hoc Committees – Provision for the Chairman to appoint Ad Hoc Committees.

Each officer and assistant officer shall hold office for a term of two years or until his successor shall have been elected.

Mr. Hassinger said that these bylaws may be altered or amended by a vote of a majority of the Commissioners at any regular or special meeting. Today we are just short of the majority of the Commission present, but what we could do is have the Commission vote on these bylaws and vote to submit these changes to each member jurisdiction's five commissioners and ask for a vote.

Chairman Ruddock asked for a motion to move forward on this request as contained in Resolution 13-12.

Commissioner Snyder moved to approve Resolution 13-12:

WHEREAS, the Executive Committee of the Commission has presented to the Commission a recommendation to amend Article 13, Bylaws as provided in Section 13.46 "Amendments to Bylaws" allowing for amendments by a vote of the majority of the Commissioners at any regular or special meeting duly convened.

WHEREAS, the SPC Articles of Agreement, Article 13, Bylaws, Sections 13.4, 13.7 and 13.32 shall be amended; and

WHEREAS, Section 13.4 Officers of the COMMISSION be amended to read: The officers of the COMMISSION shall be the Chairman, Vice Chairman, and Secretary-Treasurer. Each officer shall hold office for a term of two years or until their successor has been elected; and

WHEREAS, Section 13.17 Terms be amended to read: The COMMISSIONERS at their annual meeting shall be elected for a term of two years and shall hold office until his successor shall have been elected and has qualified.

WHEREAS, a new Section 13.30 Ad Hoc Committees shall be added.

13.30 Ad Hoc Committees: The Chairman may, from time to time, as he or she deems necessary, or shall, as directed by action of the EXECUTIVE COMMITTEE, appoint AD HOC COMMITTEES. The creation of AD HOC COMMITTEES, except by direction of the COMMISSION, shall be ratified by the EXECUTIVE COMMITTEE. AD HOC COMMITTEES may be continued by succeeding Chairmen, but upon every third anniversary of such committee the EXECUTIVE COMMITTEE shall review its mission and recommend that the Committee be dissolved, continued as an AD HOC COMMITTEE, or made a permanent standing committee by amendment to these Bylaws.

WHEREAS, Section 13.32 Terms of Office be amended to read: Each officer and assistant officer shall hold office for a term of two years or until his successor shall have been elected.

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Pennsylvania Commission approves these amendments to Article 13 Bylaws.

Joe Grata seconded and the affirmative vote was unanimous.

Next, Mr. Hassinger explained that the second set of amendments to the Articles of Agreement require a two-thirds vote of the member governing bodies.

Article 2

MPO – A Metropolitan Planning Organization as defined in 23 U.S.C. §450.310.

Article 4

Geographic Area – The ten counties in Southwestern Pennsylvania (Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland) and the City of Pittsburgh shall be eligible to join the Commission as a Member.

Article 9

Terms of Commissioners – The terms of Commissioners shall be for four years, to run concurrently with local election cycles, however, the Members shall endeavor to stagger terms to avoid simultaneous termination. Upon the expiration of their term, each Commissioner shall continue to serve until their successor is appointed.

Commissioner Snyder moved to send out a written request to the ten counties and the City of Pittsburgh to approve these recommended changes. Joe Spanik seconded and the affirmative vote was unanimous.

9. Action on Resolution 14-12 to Approve and Endorse the Region's Area Development Project Priority Listing and Authorize Submission of an Application for Funds – Lew Villotti

Mr. Villotti explained that this resolution is one that we do annually to endorse the region's Area Development project priority listing, and authorizing submission of application for funds. ARC programs are competitive in the state and throughout the ARC region. The projects are ranked and evaluated by the Economic Strategy Committee, which has two members from each jurisdiction. They are ranked in two categories, local access road projects and construction and non-construction projects.

Joe Grata moved to approve Resolution 14-12:

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 May 26th, 2011 to establish a ranked regional project list; and

WHEREAS, SPC's Partnership for Regional Economic Performance 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. New Business Park Access Road, Fayette County
This project will create the development of an access road into a new proposed business park in Dunbar Township.
2. Etna Freight Access Road, Allegheny County
This project will create a freight access road within the Etna Sharpsburg Industrial Park.

3. Beaver Avenue Access Road, City of Pittsburgh

This project will reconstruct Beaver Ave on the City's north side into a two way street providing access to a development site.

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

1. SW PA Sustainable Economies Initiative, Fayette County

This project entails the establishment of a sustainable economy initiative within Southwestern Pennsylvania ensuring vibrant livable communities with healthy people and ecosystems.

2. Victory Road Storm Water Outflow Engineering, Butler County

This project covers engineering costs for replacement of a deteriorating steel storm water pipe that handles outflow from Victory Road Business Park.

3. New Business Park Engineering, Fayette County

This project entails planning and engineering activities for a proposed new business park in Dunbar Township.

4. Gardens at Market Square, City of Pittsburgh

This project includes engineering costs for the multi-use development at Market Square.

5. East End Regional Growth Initiative, Fayette County

This project will provide computers and related equipment to an after school tutoring program.

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.

Mr. Schneider seconded and the affirmative vote was unanimous.

10. Action on Resolution 15-12 to Adopt a Meeting Schedule for 2012-2013 – Jim Hassinger

Commissioner Pinkerton moved to approve Resolution 15-12.

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.

Mr. Schneider seconded and the affirmative vote was unanimous.

11. Other Business/Announcements – Jim Hassinger

a. Update on Partnerships for Regional Economic Performance (PREP)

Mr. Villotti reported that the line item for PREP was at \$11.8 million in the state budget. At a meeting on May 31st the PREP partners agreed to maintain the same funding levels per organization as last year.

b. Ethics Policy

Mr. Hassinger reminded the Commissioners that a Disclosure Statement, as part of SPC's Ethics Policy, needs to be signed annually and asked that each member do so and return to SPC.

c. Next Meeting Date – September 17th, 9th Floor, Koppers Building.

Mr. Hassinger stated that in October we expect to be in our new location at Two Chatham Center with meeting space on the 4th floor. We have concluded negotiations and are finalizing the lease with the landlord.

Mr. Rozzi informed the Commission of a Joint Engineer Training Symposium being held at Station Square in August. The Society of American Military Engineers (S.A.M.E.) is sponsoring the symposium and they asked that I present the brochure to the Commission.

12. New Business – None

13. Adjourn

There being no further business to come before the Commission, the meeting adjourned at 5:45 p.m.

Respectfully Submitted,

Pam Snyder
Secretary-Treasurer