

**GENESEE TRANSPORTATION COUNCIL
SPECIAL PLANNING COMMITTEE MEETING
Ebenezer Watts Conference Center
47 S. Fitzhugh Street
Rochester, New York**

February 23, 2010

PLANNING COMMITTEE MEMBERS PRESENT

Angela Ellis, Livingston County
James Fletcher, Monroe County – At Large
Erik Frisch, City of Rochester – At Large
Todd Gadd, Wyoming County
Tom Goodwin, Monroe County Planning Board
Daniel Hallowell, New York State Department of Transportation (NYSDOT) – Region 4
Paul Holahan, City of Rochester
Kristen Mark Hughes, Ontario County (Chairperson)
Scott Leathersich, Monroe County – At Large (Vice Chairperson)
Terrence J. Rice, Monroe County
Kevin Rooney, Wayne County
David Zorn, Genesee/Finger Lakes Regional Planning Council (G/FLRPC)

ALTERNATE REPRESENTATIVES PRESENT

David Cook, Rochester Genesee Regional Transportation Authority (RGRTA), representing Mark Aesch

PLANNING COMMITTEE MEMBERS ABSENT AND UNREPRESENTED

Robert Colby, Monroe County
Robert Griffith, Federal Highway Administration (FHWA)
Timothy Hens, Genesee County
Peter McCann, Monroe County Supervisors' Association
Edward Muszynski, Empire State Development Corporation
C. Mitchell Rowe, Seneca County
Henry Smith, Jr., Orleans County
Chuck Thomas, Rochester City Planning Commission
Douglas Tokarczyk, New York State Thruway Authority (NYSTA)
(Vacant), Federal Aviation Administration (FAA)
(Vacant), Federal Transportation Administration (FTA)
(Vacant), NYS Department of Environmental Conservation (NYSDEC)
(Vacant), Rochester City Council
(Vacant), Yates County

OTHERS IN ATTENDANCE

Don Higgins, Livingston County
Richard Perrin, GTC staff
Jody Pollot, GTC staff
James Stack, GTC staff

1. Call to Order & Introductions

The meeting was called to order at 10:02 a.m. Kris Hughes welcomed everyone and Members, Alternates, and others present introduced themselves.

2. Public Forum

No one from the public spoke during the Public Forum.

3. Approval of Minutes

Dan Hallowell moved for approval of the minutes from the February 11, 2010 Planning Committee meeting; Todd Gadd seconded the motion. The minutes were approved as submitted.

4. Action Items on Old Business

a. Old Business

1. Action concerning **accepting the report, Port of Rochester Transportation Evaluation and Support Study, as evidence of completion of UPWP Task 4800** / Proposed Council Resolution 10-6

Erik Frisch reported that the Port of Rochester Transportation Evaluation and Support Study is finalized and was presented at the February 11, 2010 Planning Committee meeting. The study was tabled at the February 11, 2010 meeting in order to give the Monroe County Department of Transportation (MCDOT) an opportunity to review and comment on the study.

Scott Leathersich responded that MCDOT had reviewed the study and feels the City of Rochester has addressed their comments and concerns on what was provided, but that MCDOT feels that the study lacks firm recommendations to address the needs identified in the study.

Kris Hughes asked if the City of Rochester is agreeable to developing more firm recommendations and if there is additional funding available to do so. Erik responded that the City of Rochester feels that it has fulfilled the approved scope of the project and the budget has been fully exhausted.

Paul Holahan noted there have been other studies on development at the port and this study was used as an input to these initiatives, including the port master plan. Since the completion of the port master plan, a revised plan for the port has been advanced that proposes less dense development and the recommendations of this study, while somewhat outdated, are sufficient and being advanced in the City's Capital Improvement Program (CIP).

Kris Hughes asked if there are any issues with MCDOT not being fully supportive of the study in their role as the City's traffic engineer. Terry Rice responded that he agrees the study is outdated but that the recommendations should still fully address

the capacity issues identified in it.

Paul reiterated that the recommendations are sufficient and the River Street extension recommendation is a means to address capacity issues on Lake Avenue and included in the City's CIP.

Paul Holahan moved to recommend approval of Proposed Council Resolution 10-6; David Cook seconded the motion. The motion passed with Terrence Rice, Scott Leathersich, James Fletcher, and Tom Goodwin abstaining.

- b. Planning Committee Action concerning approving the ***DRAFT 2011-2014 Transportation Improvement Program Project List for Public Review***

Richard Perrin discussed the development of the *2011-2014 Transportation Improvement Program (2011-2014) TIP*. Richard began by providing an overview of the findings of the TIP Project Delivery Review (the Review) that was presented to the GTC Board in June 2008. The purpose of the Review was to identify improvements to the TIP development process and associated programming to ensure that the region's ability to fund new projects is not compromised. Two of the three primary next steps in the Review are to 1.) obtain updated costs and schedules for projects in the current (2007-2012) TIP and 2.) use the next (2011-2014) TIP to "right the ship", allowing the region to move forward with reduced liabilities against future federal funds. The third primary next step of the Review is to review and, if necessary, modify the TIP management process to better account for activities that occur outside the purview of GTC.

On August 8, 2008, GTC and NYSDOT-Region 4 solicited updated costs and preferred schedules for existing projects in the current TIP. Project sponsors were informed that this would likely be their last opportunity to have additional federal funds programmed to their projects. Of the approximately 215 projects for which updated costs and schedules could be provided, approximately 210 responses were received by the September 5, 2008 deadline requesting an additional approximately \$75 million of federal funds in 2008 dollars. In September 2008, NYSDOT-Main Office provided updated allocations of federal funds by program.

Based on the updated project costs and schedules and allocations of federal funds by program, GTC staff compiled the information to determine the extent to which preferred costs and schedules could be accommodated. The TIP Development Committee (TDC) met throughout the Fall of 2008 and into 2009, developing and revising a preferred scenario to begin "righting the ship" by reprogramming the current TIP beginning with Federal Fiscal Year (FFY) 2009 and to determine if additional federal funds would be available for new projects in the next TIP. This resulted in the reprogramming of FFY 2009 through an omnibus TIP amendment resolution that was adopted by the GTC Board at its March 12, 2009 meeting.

In addition, it was determined that additional federal funds would be available for eligible bridge, transportation-related air quality improvement, Interstate Maintenance, National Highway System, and Federal Transit Administration (FTA)

Section 5307 projects. Accordingly, GTC and NYSDOT-Region 4 conducted a targeted solicitation for these types of projects to be advanced in FFYs 2013 and 2014. The call for projects was issued on June 19, 2009 with proposals due July 24, 2009. Nearly 100 proposals totaling more than \$200 million were received in response to the call for projects. During the Summer of 2009, NYSDOT-Main Office informed the Metropolitan Planning Organizations and regional offices that new allocations of federal funds by program would be forthcoming and they would be less than those provided in September 2008 for many regions.

Throughout the Summer of 2009 the TDC continued to reprogram existing projects to prepare an omnibus TIP amendment resolution to update FFY 2010. The GTC Board adopted this amendment to the current TIP on September 10, 2009, recognizing that a mid-year adjustment would likely be needed to address the reduced allocations that were forthcoming.

Concurrently, GTC and NYSDOT-Region 4 staffs met several times in the Fall of 2009 to evaluate and develop preliminary rankings of proposals for new projects received as part of the call for projects issued in June 2009. In November 2009, NYSDOT-Main Office provided revised allocations that were less than those provided in September 2008 and made additional revisions to the allocations in December 2009 that further reduced funding to the region between FFYs 2010 and 2014. These most recent allocations from December 2009 reduced the amount of federal highway funds to the region by nearly 40 percent in FFY 2010 (the current year) compared to the September 2008 allocations, creating a ripple effect as less projects could be accommodated in the current year and more projects would need to be deferred to later years. Overall, the allocations to the region were reduced approximately seven percent for FFYs 2010 through 2014 with the largest reductions in the Surface Transportation Program-Flex, Congestion Mitigation and Air Quality (CMAQ), and National Highway System funding programs.

Upon receiving the most recent allocations, the TDC began meeting to again revise FFY 2010 and finalize the proposed program of projects for the next TIP. This Committee recommended the second omnibus TIP amendment resolution to update FFY 2010 at its meeting on February 11, 2010 for consideration by the GTC Board on March 11, 2010. The DRAFT 2011-2014 TIP Project List for Public Review (the Project List) being considered today is recommended by the TDC and presents all project phases to be funded with federal surface transportation funds between October 1, 2010 and September 30, 2014. Richard distributed and reviewed six proposed changes to the Project List that was mailed to the Planning Committee last week:

- Include the Portland Avenue Reconstruction project that is being advanced by Monroe County – this project is being funded entirely with earmark funds obtained by Monroe County and has no impact on fiscal constraint. It was inadvertently left off the project list through an oversight by GTC staff.
- Modify the costs of the Mt. Hope Avenue Improvements – Phase 2 (Ref. 124) and Dewey Avenue & Driving Park Intersection Realignment (Ref. 125) projects, and revise the schedule of the Dewey Avenue & Driving Park Intersection Realignment project – the City has provided revised cost

estimates that increase the total costs of the two projects by \$128,141 (\$101,127 federal) and can be accommodated within the current allocations. The schedule of the Dewey Avenue & Driving Park Intersection Realignment project would be revised by advancing the pre-construction phases to 2012 so that the construction and inspection phases could be obligated in 2014, given the likely length of acquiring the necessary right-of-way.

- Revise the schedule of the Wyoming County Bridge Preventive Maintenance (Ref. 205) project – Wyoming County can accommodate the deferment of this project and has offered to do so in recognition that other agencies were required to defer projects in order to maintain fiscal constraint.
- Create the Highway Bridge Block Program and the Highway Safety Improvement Block Program – creating these two programs would allow the region to program the only two federal highway fund sources with available balances in “blocks” that would protect the funding from being programmed in other regions of the State. The programming of these available balances to specific projects would occur later, likely via separate calls for eligible projects.

Jim Fletcher asked if the block programs were a result of GTC not having enough projects to program.

Richard responded that the TDC recommended not funding three bridge project proposals and that there would be additional federal Highway Bridge Program funds even if these three proposals were recommended for funding. The TDC felt that there are likely other eligible bridge project candidates that would be a better use of these funds, and it is appropriate to identify these projects at a later date.

Kris Hughes asked if GTC is certain the blocks will protect the funding. Richard responded that utilizing the blocks is the only way to effectively protect the funding. If these funds were not programmed in the blocks they would be unprogrammed and possibly available to other regions.

David Cook asked if blocks have been used in the past and if there is a reasonableness test for the amount of funds to be programmed in them. Dan Hallowell responded that NYSDOT has used and continues to use blocks, but that specific projects will have to be identified before any obligation of the funds can take place. Richard noted that FTA Section 5310 funds and funds for at-grade highway railroad crossing projects are typically programmed in blocks until specific projects are identified.

Kris Hughes asked if there were further questions on the revised project information and the project list.

Paul Holahan stated that the Jefferson Avenue Rehabilitation Project (Ref. 126) and the Inner Loop East (Ref. 127) project are shown in FFY 2011 but are being advanced in the current year (FFY 2010). The projects are earmarks and the design phase is underway with construction bids expected to be let this Summer. Richard responded that these projects could be included in the FFY 2010 omnibus TIP

amendment recommended for Board approval by the Planning Committee at its last meeting. Paul requested that this change be made.

Scott Leathersich noted two errors on the Erie Station Road Reconstruction (Ref. 94) project in the formula totals under Federal Funds Recommended and State/Local Funds Recommended; the correct numbers are \$84,000 and \$0, respectively.

Richard Perrin informed the committee that the *2011-2014* TIP proposed via the draft Project List mailed to the Planning Committee includes approximately \$421,459,000 of FHWA formula funds, \$53,648,000 of FTA formula funds, and \$36,533,000 of earmark/discretionary funds for approximately 215 projects. All project phases in the current TIP that have not yet been obligated are either programmed in the Project List or, where noted, have funds in FFY 2015 committed to them based on the regional FFY 2015 allocation of federal funds by program provided by NYSDOT. At this time, the TDC has determined that it is best not to fully program the FFY 2015 allocation due to uncertainty surrounding the passage of the next surface transportation authorization legislation. If an economic stimulus legislation were to be passed, projects programmed in the current year that are able to be advanced within the "use it or lose it" provisions of the bill would be considered for that funding, which would allow projects in the Project List to be advanced with the formula funds that would be freed up.

Funding for current on-going transportation system management and operations activities is maintained, including:

- NYSDOT Highway Emergency Local Patrol (HELP) Program (Ref. 184)
- Rochester/Monroe County Traffic Control Center (Ref. 129)
- NYSDOT ITS Operations Staffing (Ref. 185)
- NYSDOT Regional Traffic Operations Center Operations Staffing (Ref. 183)
- NYSDOT Bridge and Overhead Sign Structure Inspections (Ref. 179, 180, 181, and 183)

FHWA funding for the public transportation component of the former Renaissance Square project is maintained at current levels but deferred via the Downtown Transit Center project (Ref. 146) in recognition that the need for this project remains, not only as a significant transportation initiative but, more importantly, as a key component in the continued redevelopment of Downtown Rochester.

Other public transportation projects proposed to be programmed with FTA Section 5307 and CMAQ funds include RTS and Lift Line vehicle replacements and preventive maintenance, the remainder of revenues needed for the Technology Initiatives Driving Excellence program, funding for the Mount Hope Station project (formerly Satellite Transit Facilities), and the federally-required Transit Enhancements program.

Fifty-three new projects totaling more than \$155 million are proposed to be funded with 46 of these being bridge projects, three being highway projects, three being public transportation projects, and the remaining one being an Intelligent

Transportation Systems project.

Pre-construction phases were programmed in the current TIP for four projects with the expectation that funds would be available to fully program these projects in the next TIP. At this time, there are not sufficient available funds (based on the allocations) to program the construction and inspection phases of these projects in the next TIP. The TDC has concurred that these projects will receive first priority should additional funds become available between FFYs 2011 and 2014 or in the TIP anticipated to be developed in 2012, whichever comes first. These four projects are:

- Route 441 Reconstruction in the Town of Penfield
- Stone Road Reconstruction in the Town of Greece
- Waring Road Improvements in the City of Rochester
- Whitney Road Reconstruction in the Town of Perinton

Richard continued that one item that still needs to be finalized is how to present projects that were proposed but are not recommended to be funded. In the past, unfunded proposals were included at the end of the public review document. Regardless of how GTC staff tried to note that these projects were not recommended to be funded, there was still confusion. During the public review period for the *2005-2010 TIP*, the Democrat & Chronicle had to issue a correction as the writer incorrectly reported that projects that were not recommended for funding were being proposed to be funded. Two options would be 1.) to make the list of unfunded proposals available on the GTC website and upon request but not include in the document that is provided to planning offices and libraries or 2.) present the projects even more distinctly than those recommended for funding. GTC staff experience is that most people review the project list online via the GTC website. Including a separate link on the website would be the most effective way to differentiate between the proposals recommended for funding and those that are not. Richard distributed the list of unfunded proposals in the proposed format developed by GTC staff.

Scott Leathersich suggested listing only the projects and not including the costs associated with them.

Jim Fletcher suggested listing zeros (\$0) for in the federal funds recommended column for these projects.

Terry Rice suggested adding a footnote at the bottom of the list of unfunded projects indicating that these projects are not being recommended for funding at this time but may resubmitted and compete for future funding.

Richard stated that GTC staff will include the list of projects not recommended for funding with the Project List, presenting \$0 in the federal funds recommended column and a note at the bottom of the list that these projects are not precluded from applying for and being awarded federal transportation funds in the future.

Richard reported that GTC staff will make the necessary revisions, correct any editorial and formatting items, and develop an associated transmittal memo. The

Project List will be made available for a 30-day public review at the GTC, NYSDOT, and county planning offices in the TIP area as well as at the central repository libraries of the TMA counties and on the GTC website beginning on Thursday. In addition, copies of the Project List will be sent directly to our federal, state, and regional stakeholders for their review and comment. These entities include the Environmental Protection Agency; Department of Housing and Urban Development; New York State Office of Parks, Recreation, and Historic Preservation; Rochester Business Alliance, Tonawanda Band of Senecas; regional watershed organizations, and county soil and water conservation districts among others.

A legal notice will be published in Thursday's *Democrat & Chronicle* and a media release will be issued to print, radio, and television outlets in the region. A notice of the availability of the Project List will be sent to the 200-plus organizations in the GTC Environmental Justice database to make them aware of the opportunity to comment on the proposed program. Public meetings have been scheduled for:

- Tuesday, March 9, 2010 at 6 p.m. in Rochester City Council Chambers
- Thursday, March 11, 2010 at 6 p.m. at the Perinton Community Center
- Wednesday, March 17, 2010 at 9 a.m. at the Henrietta Town Hall
- Wednesday, March 17, 2010 at 6 p.m. at the Ogden Town Hall

All GTC Planning Committee Members and Alternates are encouraged to attend the public meetings as their schedule permits.

Terry Rice asked that the dates, times, and locations of the public meetings be provided to Planning Committee Members and Alternates, noting that Monroe County is holding public meetings on its CIP next week. Richard responded that the public meeting dates, times, and locations would be provided to Planning Committee Members and Alternates via e-mail today.

Richard thanked the TDC for their significant effort and commitment in developing the Project List, especially given the reduced availability of federal funds and the need to make very difficult decisions in order to maintain fiscal constraint and still be committed to addressing regional transportation needs.

Jim Fletcher asked if the reduction in funding is the reason only three new highway projects were added to the TIP. Richard responded that the reduction in anticipated funding combined with the updated costs for existing projects are resulting in the inability to fund additional highway projects that are not on the Interstate or National Highway Systems.

Following up on the recent discussions on savings from current projects funded through The American Recovery and Reinvestment Act of 2009 (ARRA), Dan Hallowell informed the Planning Committee that NYSDOT has begun applying these saving to cost overruns on existing projects.

Terry Rice expressed his displeasure and frustration with NYSDOT applying the savings in this manner. Terry informed the Planning Committee that Monroe County and others with projects on the Illustrative list that would be funded with the

savings were in contact with representatives from the Governor's office who asked that they delay sending a letter strongly urging that the savings not be applied to cost overruns on existing projects. Terry stated that he was unhappy that he was hearing about this at this meeting and would have preferred a call directly from those representatives from the Governor's office that had been involved in the conversations with the sponsors of the projects on the Illustrative list that would have been funded.

Kevin Rooney asked how NYSDOT is prioritizing the projects with cost overruns that will be funded (either wholly or partially) with the savings. Dan Hallowell explained the process and stated that all savings would be kept in the region.

David Cook noted all ARRA transit funds to RGRTA have been placed into grants now that environmental reviews and requirements have been met; this is the equivalent of obligation of ARRA highway funds.

Paul Holahan moved to approve the DRAFT 2011-2014 Transportation Improvement Program Project List for Public Review; Terry Rice seconded the motion. The motion passed unopposed.

7. Public Forum

No one from the public spoke during the public forum.

8. Next Meeting

April 8, 2010 at the Ontario County Municipal Building

9. Adjournment

The meeting adjourned at 11:01 a.m.