

**GENESEE TRANSPORTATION COUNCIL
QUARTERLY BOARD MEETING
Radisson Hotel
Henrietta, NY**

March 12, 2009

GTC BOARD MEMBERS PRESENT

Maggie Brooks, Monroe County Executive (GTC Chairperson)
Mary Pat Hancock, Genesee County (GTC Vice Chairperson)
Paul E. Haney, Rochester At-Large
James Hoffman, Wayne County
Dan Hogan, Monroe County At-Large
Henry Smith, Jr., Orleans County
Wayne Zyra, Monroe County

ALTERNATE REPRESENTATIVES PRESENT

Mark Aesch, Roch. Gen. Regional Trans. Authority (RGRTA), representing John G. Doyle, Jr.
Angela Ellis, Livingston County, representing James Merrick
E. Joseph Gozelski, Wyoming County, representing A. Douglas Berwanger
Kevin O'Buckley, NYS Department of Transportation (NYSDOT), representing Astrid C. Glynn
Tom Goodwin, Monroe County Planning Board, representing Linda A. Faubel
Richard Hannon, City of Rochester, representing Robert Duffy
Dorothy Huber, Ontario County, representing Theodore Fafinski
Scott Leathersich, Monroe County At-Large, representing Edward Marianetti
Edward G. Muszynski, Empire State Development Corporation, representing Marisa Lago
Mitch Rowe, Seneca County, representing Chuck Lafler
William Sullivan, Rochester City Council, representing Gladys Santiago
Douglas J. Tokarczyk, NYS Thruway Authority, representing Michael Fleischer
David Zorn, Genesee/Finger Lakes Regional Planning Council (G/FLRPC)

GTC BOARD MEMBERS ABSENT AND UNREPRESENTED

Steve Urlass, Federal Aviation Administration
Pete Grannis, NYS Department of Environmental Conservation
Brigid Hynes-Cherin, Federal Transit Administration
Jeff Kolb, Federal Highway Administration
Robert Multer, Yates County
David L. Watson, Rochester City Planning Commission
George Wiedemer, Monroe County Supervisors' Association

OTHERS IN ATTENDANCE

James Fabino, Wayne County
Julie Gotham, GTC staff
Dan Hallowell, NYSDOT – Region 4
Kristen Mark Hughes, Ontario County
Marvin Kleinberg, NYSDOT – Region 4
David Lyon, Wayne County
Richard Perrin, GTC staff
Terrence J. Rice, Monroe County
James Stack, GTC staff
John Thomas, City of Rochester

1. Call to Order and Roll Call

Chairperson Brooks called the meeting to order at 8:32 a.m.

James Stack, GTC staff, called the roll; a quorum was present.

2. Public Forum

No one from the public spoke during the Public Forum.

3. Approval of Minutes

Wayne Zyra moved for approval of the minutes from the December 11, 2008 GTC Quarterly Board meeting; William Sullivan seconded the motion. The minutes were approved as submitted.

Richard Hannon moved for approval of the minutes from the February 18, 2009 GTC Special Board meeting; E. Joseph Gozelski seconded the motion. The minutes were approved as submitted.

4. Communications and Announcements

Richard Perrin announced that:

- Livingston County Board of Supervisors' Chairman James Merrick has re-designated Angela Ellis to serve as the County's alternate to the Genesee Transportation Council;
- Seneca County Board of Supervisors' Chairman Chuck Lafler has designated Mitch Rowe to serve as the County's alternate to the Genesee Transportation Council;
- Monroe County Executive Maggie Brooks has re-designated Dan Hogan and Edward Marianetti to serve as Monroe County At-Large Members of the Genesee Transportation Council with Chris Bollin and Scott Leathersich reappointed as their respective alternates; and
- City of Rochester Mayor Robert Duffy has designated John Thomas to serve as the City's At-Large alternate to the Genesee Transportation Council.

5. Reports and Action on Old Business

- a. Planning Committee Report – Kristen Mark Hughes, Chairman

Kristen Mark Hughes provided the following report:

The Planning Committee met January 8th, February 12th, and February 18th and recommends that the GTC Board:

- Adopt the *Fiscal Year 2009-2010 Unified Planning Work Program*.
- Accept the submission of reports as evidence of completion of four Unified Planning Work Program Tasks.

- Adopt four amendments to the 2007-2012 Transportation Improvement Program as requested by the New York State Department of Transportation.
- Amend the *2007-2012 Transportation Improvement Program* by changing the Federal Fiscal Year 2009 phase costs and schedules of select projects.

Additionally, the Planning Committee took the following actions:

- Approved the Draft *Fiscal Year 2009-2010 Unified Planning Work Program* Project List for public review prior to recommending adoption of the full program by the GTC Board.
- Approved the Draft 2009 Economic Stimulus Project List for the GTC Transportation Improvement Program Area for public review prior to recommending lists of selected and illustrative projects to take advantage of funding provided by The American Recovery and Reinvestment Act of 2009.
- Approved an Administrative Modification to the *2007-2012 Transportation Improvement Program* increasing the total cost of the Highland Park / Canalway Connector Trail project as requested by the Town of Brighton.
- Approved an Administrative Modification to the *2007-2012 Transportation Improvement Program* modifying the Notes portion of the Project Detail Sheet for the At-grade Railroad Crossing Improvements Block Program project as requested by the New York State Department of Transportation.
- Approved the scope of work for a Unified Planning Work Program task to be conducted by the City of Rochester.

b. GTC Staff Report – Richard Perrin, Executive Director

Richard Perrin provided the following report:

- GTC staff has spent a significant amount of time on the solicitation, evaluation, and selection of TIP projects funded through The American Recovery and Reinvestment Act of 2009 and on the development of the *FY 2009-2010 Unified Planning Work Program* (UPWP). Both of these items will be discussed in more detail later in the meeting.
- GTC staff has continued to advance several UPWP tasks, including the:
 - Circulation, Accessibility, and Parking (CAP) Program plans in the villages of Macedon and Fairport and the City of Rochester's Brown Square Neighborhood;
 - Priority Trails Advancement (PTA) feasibility studies for the I-590 Bicycle & Pedestrian Trail in Town of Brighton, the Lehigh Valley Rails-to-Trails Conversion in the Village of Honeoye Falls, and the Erie Canal – Glenwood Lake Connector Trail in the Town of Ridgeway;
 - Safe Routes to School Program that includes the development of a guidebook for school districts and local governments as well as five school-specific site assessments;

- The Greater Rochester Intelligent Transportation Systems Strategic Plan Update, which will identify what technologies should be incorporated and where to improve the ability of the region to manage and operate the transportation network to increase safety and efficiency; and
- Collection of information and data for the next Long Range Transportation Plan for the region which is due by June 2011.

c. Old Business

1. *Economic Stimulus Project Status*

Richard Perrin stated that at the February 18, 2009 Special meeting, the GTC Board selected 115 highway and bridge projects and five public transportation projects to be included in the Transportation Improvement Program with funds from The American Recovery and Reinvestment Act of 2009 (ARRA). He added that the ARRA funds currently allocated to the GTC TIP area total approximately \$89 million.

The region is well positioned to receive additional ARRA funds if other areas of the country do not spend their allocations within the strict "use it or lose it" provisions of the legislation. On March 9, Richard participated in a teleconference between the Association of Metropolitan Planning Organizations (AMPO), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA) and learned there are other regions in the country that have not selected projects and are still discussing the evaluation criteria that will be used to do so.

The New York State Department of Transportation (NYSDOT) made a concerted effort to identify projects to benefit from economic stimulus funding and is ahead of the vast majority of states. GTC was the first MPO in the state to identify, evaluate, and select projects to received funding via ARRA. This is a credit to NYSDOT and the FHWA-NY Division who began moving on the transportation portion of the then-proposed economic stimulus as soon as serious discussions began taking place in Congress.

Selecting projects is a major milestone and the primary activity for GTC as the region's MPO. The work for the project sponsors has just begun as they advance projects to create jobs and implement lasting cost-effective improvements to the region's transportation infrastructure.

NYSDOT – Region 4 conducted workshops for project sponsors the week after the GTC Board selected projects. The workshops were intended to ensure that projects could begin this summer. Sponsors of projects that were included on the Illustrative list were also invited to participate in the workshops so they could continue to progress their projects in the event additional ARRA funding becomes available to the region or projects on the selected projects list are not able to advance. Additional funds may become available through the strict "use it or lose it" provisions of ARRA.

One-third of the evaluation of projects proposed for economic stimulus funding was based on project readiness. Since some project sponsors are continuing to progress projects that are on the Illustrative list, the TIP Development Committee (TDC) will re-evaluate projects on the Illustrative list based on the most current status of their project readiness. The TDC may make a recommendation to the GTC Planning Committee as to whether or not the priority order of project on the Illustrative list should be adjusted. If the TDC does recommend adjusting the priority of the Illustrative list, the Planning Committee will make a recommendation to the GTC Board.

The GTC Board could potentially be considering a revised list of Illustrative projects at its June 18 meeting. The Federal Highway Administration (FHWA) announced the appropriation of ARRA funds on March 2, 2009. The ARRA requires that certain portions of funds allocated to States be obligated within 120 days of the appropriation of funds (June 30 or July 1). States and metropolitan regions that do not meet the obligation deadline will lose funding that will be reallocated to States that did meet the deadline. The timing of the June meeting is ideal as it positions this region to take advantage of any reallocated funds that become available.

A major component of the ARRA relates to transparency and accountability. States are required to create websites and post information on the progress of projects and provide periodic reporting to Congress. The House Transportation & Infrastructure Committee is requesting the same reporting from MPOs. GTC staff has already created a website and has had and continues to have discussions with NYSDOT and others on how to obtain the requested information.

Dan Hallowell noted that NYSDOT will require certain reporting information from project sponsors in order to facilitate the reports to Congress. Terry Rice suggested that the boilerplate bid documents include language about the reporting requirements so contractors will be required to provide information related to the number of jobs supported by the project.

Richard Perrin reiterated that the region has put itself in a very advantageous position to make the best use of stimulus funds and receive more funds should they become available.

The City of Rochester indicated the need to clarify one of their projects.

Rick Hannon moved to amend the list of projects selected to benefit from funding provided via The American Recovery and Reinvestment Act of 2009 by reducing the cost of the East Henrietta Road (Mount Hope Avenue to Erie Canal) Reconstruction project and change the project limits; Paul E. Haney seconded the motion.

John Thomas described the requested change. He noted that the project limits were inadvertently described as Mount Hope Avenue to the Erie Canal but should have been described as Mount Hope Avenue to South Avenue. Also, subsequent to the NYSDOT workshop, the City revisited the project cost estimate and

extracted costs that would not be eligible for federal aid. The revised cost estimate is \$1,820,000.

Richard Perrin stated that TIP amendment requests normally are reviewed by the TIP Development Committee (TDC) and GTC Planning Committee prior to being considered by the GTC Board. However, the next opportunity for GTC Board consideration is not until June 18. The TDC did consider the City's TIP amendment request via email and recommends approval.

The motion passed unopposed.

Mary Pat Hancock recalled that at the February 18 Special Meeting of the GTC Board, project sponsors were not assured of economic stimulus funding. She asked if the funding has now been assured.

Richard Perrin responded the regions were not given a specific allocation of economic stimulus funds. Rather, they were provided a planning target of the amount of funding expected to be available to the region. FHWA indicated that programming projects to the level of the planning target would satisfy the TIP fiscal constraint requirement. The funding for projects on the selected projects list is considered reasonably available. The Illustrative projects list positions the region to take advantage of the "use it or lose it" provisions of ARRA.

Dan Hallowell stated that there is a push from downstate regions to set regional allocations of funding. He believes that this region is still well positioned to take advantage of ARRA funds.

Chairperson Brooks stated that it is a credit to the agencies around the table and GTC staff that this region is so well positioned.

2. *2010-2014 Transportation Improvement Program (TIP) Development*

Richard Perrin reiterated his comments from the December 11, 2008 meeting noting that GTC staff and the TDC met several times to review and program existing TIP projects with updated costs and schedules. This effort results in the opportunity to conduct a targeted solicitation of bridge and air quality improvement projects as there is substantial funding available for these types of projects in Federal Fiscal Years (FFY) 2013 and 2014.

The TIP update schedule is dependent in large part on the update of the Statewide TIP (STIP). The STIP update schedule has not yet been finalized due to the efforts to identify and program economic stimulus projects. The current TIP is in effect through September 30, 2012. NYSDOT has yet to finalize the schedule to update the STIP. Any update to the regional TIP is not official until the STIP is updated.

GTC staff developed a "decision tree" to outline options for developing the FFY 2010-2014 TIP for review by the TDC. At this time, the FFY 2010-2014 TIP will not be presented for GTC Board consideration at the June 18, 2009 meeting as

originally anticipated. The current intent of GTC staff is to solicit bridge and air quality improvement projects this spring, evaluate projects this summer, and conduct public review this fall with the expectation that the draft TIP update will be presented to the GTC Board for consideration at its December 10, 2009 meeting. This would still meet NYSDOT's earliest scenario for updating the STIP.

6. Action Items

- a. Adopting the *FY 2009-2010 Unified Planning Work Program* – Action on Proposed Resolution 09-5

Dan Hogan moved to approve Resolution 09-5; William Sullivan seconded.

Paul E. Haney asked if there was something unique about GTC that causes the fringe rate for staff to be about 54 percent of salaries as depicted in the financial tables. Richard Perrin responded that the fringe expense includes downtime such as holidays, vacation time, and sick time while the salary expense only includes direct billable salary, not gross salary.

Paul E. Haney asked that if, as a small agency, GTC has large health insurance costs. Richard Perrin discussed the administrative Host Agency relationship GTC has with RGRTA. RGRTA has a subsidiary known as Genesee Transportation Council Staff, Inc. (GTCS) which is the conduit for providing financial and human resources support and services to GTC through the first instancing of funds to be reimbursed with Federal Highway Administration Metropolitan Planning (FHWA PL) funds and Federal Transit Administration Metropolitan Planning Program (FTA MPP) funds. GTCS is also the conduit for providing benefits to GTC staff. Due to the Host Agency relationship, GTC is able to take advantage of health insurance rates provided to a much larger group.

Richard Perrin discussed the potential level of the rescission of FHWA PL funds based on the USDOT FFY 2009 Appropriation signed into law on March 11, 2009. FHWA PL funds make up the majority of the GTC operating budget. The provision in the Energy Independence and Security Act (EISA) that required the annual USDOT rescission to be made on a proportional basis across many funding categories, including FHWA PL, was eliminated by Congress. The FY 2009-2010 UPWP was developed with the expectation of a 30 percent rescission from the original allocation of FHWA PL funds for FY 2009-2010.

GTC is likely to have additional FHWA PL funds available for use in FY 2009-2010. The UPWP Development Committee (UDC) prioritized proposals that did not receive UPWP funding. However, there is uncertainty given that the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) is set to expire on September 30, 2009. This will trigger another rescission in an amount of approximately \$8.5 billion nationally. The GTC Board needs to be prudent to add appropriate projects and maintain the integrity of the organization.

The motion passed unopposed.

- b. Accepting the submission of reports as evidence of completion of various UPWP Tasks

Chairperson Brooks suggested that Resolutions 09-1 through 09-4 be considered under one motion; no member or alternate objected.

- (1) Accepting the report, *Genesee County Safe Passing Zone Survey*, as evidence of completion of UPWP Task 6221 – Action on Proposed Resolution 09-1
- (2) Accepting the report, *Village of Macedon New York State Route 31 Circulation, Accessibility, and Parking Study*, as evidence of completion of a component of UPWP Task 6800 – Action on Proposed Resolution 09-2
- (3) Accepting the report, *Town of Williamson Route 21 & 104 Gateway Study*, as evidence of completion of UPWP Task 7600 – Action on Proposed Resolution 09-3
- (4) Accepting the report, *RTS/Lift Line Operational Analysis and Facility Utilization Study*, as evidence of completion of UPWP Task 8420 – Action on Proposed Resolution 09-4

James Hoffman moved to approve Resolutions 09-1 through 09-4; Dan Hogan seconded the motion. The motion passed unopposed.

- c. Adopting amendments to the *2007-2012 Transportation Improvement Program (TIP)*

Chairperson Brooks suggested that Resolutions 09-6 through 09-8 and Resolution 09-11 be considered under one motion; no member or alternated objected.

- (1) Amending the *2007-2012 TIP* by adding the New York State Scenic Byways Program (2009) project – Action on Proposed Resolution 09-6
- (2) Amending the *2007-2012 TIP* by adding the I-390/Calkins Fencing Encroachment project – Action on Proposed Resolution 09-7
- (3) Amending the *2007-2012 TIP* by increasing the total cost and changing the obligation dates of the I-590 Interchange at Winton Road project – Action on Proposed Resolution 09-8
- (4) Amending the *2007-2012 TIP* by increasing the funding to the FTA Section 5310 Blocked Program project – Action on Proposed Resolution 09-11

Richard Perrin noted one correction to Proposed Resolution 09-11. Clause 4.a. should indicate that Medical Motor Service was awarded three vehicles, not four.

Wayne Zyra moved to approve Resolutions 09-6 through 09-8 and Resolution 09-11 as corrected; Mitch Rowe seconded. The motion passed unopposed.

- d. Amending the *2007-2012 TIP* by changing the FFY 2009 phase costs and schedules of select TIP Projects – Action on Proposed Resolution 09-9

Richard Perrin discussed the proposed TIP amendment, noting that this is the first step in "righting the ship" as discussed at previous meetings. This amendment would realign project costs and schedules in the current Federal Fiscal Year. Exhibit 1, page 100 of the package, needs to be corrected. Two Livingston County projects – Wildcat Road Bridge over Wildcat Gully (#48) and Swanson Road Bridge over Buck Run Creek (#49) were listed in whole dollars rather than thousands of dollars. Project phases with an asterisk next to the total indicate phases that will be funded over multiple years in order to maintain fiscal constraint.

Paul E. Haney moved to approve Resolution 09-9 as corrected; Mary Pat Hancock seconded. The motion passed unopposed.

Paul E. Haney asked if the Deploy Ultra-Clean Switcher Locomotives (#81) project is being deferred or deleted. Richard Perrin responded that the project is being deferred to maintain fiscal constraint.

Mr. Haney then asked if the funds could be used for highway projects. Richard Perrin responded that the funds are limited to air quality improvement projects.

Mr. Haney asked if the project will happen. Richard Perrin responded that CSX has already purchased clean locomotives for use in the New York City area that will use CMAQ funds and is advancing a similar project in Chicago. This project will help air quality in an income-disadvantage neighborhood.

7. New Business

Ed Muszynski asked if Richard Perrin had any information about the national commission looking at funding issues with regard to the Highway Trust Fund and the notion of basing the gas tax on vehicle mileage. Richard discussed the various proposals and the equity concerns that have been raised. Given that the next surface transportation legislation is due in October 2009, he expects that it will maintain a gas tax as the primary funding mechanism for federally-funded highway and transit improvements but that the gas tax will either be raised or other sources will be added or take a more prominent role. Ed stated that taxing vehicle mileage rather than fuel consumption is not good public policy. He asked Richard to keep the GTC Board apprised of the status of the situation.

8. Next Meeting

The next GTC Board meeting will be held Thursday, June 18, 2009 at 8:30 a.m. at the Radisson Hotel in Henrietta.

9. Adjournment

The meeting adjourned at 9:23 a.m.