

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

September 10, 2009

GTC BOARD MEMBERS PRESENT

Maggie Brooks, Monroe County Executive (GTC Chairperson)
Jerry Davis, Genesee/Finger Lakes Regional Planning Council
Mary Pat Hancock, Genesee County (GTC Vice Chairperson)
Paul E. Haney, Rochester At-Large
James Hoffman, Wayne County
Dan Hogan, Monroe County At-Large

ALTERNATE REPRESENTATIVES PRESENT

Mark Aesch, Roch. Gen. Regional Trans. Authority, representing John G. Doyle, Jr.
Angela Ellis, Livingston County, representing James Merrick
Tom Goodwin, Monroe County Planning Board, representing Linda A. Faubel
E. Joseph Gozelski, Wyoming County, representing A. Douglas Berwanger
Daniel Hallowell, NYS Department of Transportation (NYSDOT), representing Stanley Gee
Richard Hannon, City of Rochester, representing Robert Duffy
Kristen Mark Hughes, Ontario County, representing Theodore Fafinski
Scott Leathersich, Monroe County At-Large, representing Edward Marianetti
Edward G. Muszynski, Empire State Development Corporation, representing Dennis Mullen
Thomas Pericak, NYS Thruway Authority, representing Michael Fleischer
Mitch Rowe, Seneca County, representing Chuck Lafler
William Sullivan, Rochester City Council, representing Gladys Santiago

GTC BOARD MEMBERS ABSENT AND UNREPRESENTED

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

OTHERS IN ATTENDANCE

James Fabino, Wayne County
Marvin Kleinberg, NYSDOT – Region 4
Rick Papaj, NYSDOT – Region 4
Richard Perrin, GTC staff
Terrence J. Rice, Monroe County
James Stack, GTC staff
John Thomas, Rochester At-Large Alternate
Robert Torzynski, GTC staff
David Zorn, Genesee/Finger Lakes Regional Planning Council

1. Call to Order and Roll Call

Chairperson Brooks called the meeting to order at 8:33 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

Dan Hogan moved for approval of the minutes from the June 18, 2009 GTC Quarterly Board meeting; William Sullivan seconded the motion. The minutes were approved as submitted.

4. Communications and Announcements

Richard Perrin announced that Acting NYSDOT Commissioner Stanley Gee has designated Bob Traver, Acting NYSDOT-Region 4 Director, as his alternate to the GTC Board and Daniel Hallowell will serve as his second alternate.

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 July 9 and August 13 and recommends that the GTC Board:

- Accept the submissions of reports as evidence of completion of seven Unified Planning Work Program Tasks;
- Amend the *2007-2012 Transportation Improvement Program (TIP)* by changing the FFY 2010 phase costs and schedules of select TIP Projects;
- Adopt twelve amendments to the *2007-2012 TIP* as requested by the City of Rochester, Monroe County, the New York State Department of Transportation, and the Rochester Genesee Regional Transportation Authority.

Additionally, the Planning Committee took the following actions:

- Approved a modification to the study area for the Route 104 Corridor Trail Feasibility Study as requested by Wayne County;
- Approved Administrative Modifications to the *2007-2012 TIP* by modifying the costs of phases of nine projects and by modifying the Notes portion of the Project Detail Sheet of two projects as requested by Monroe County and the New York State Department of Transportation;
- Approved a scope of work for one Unified Planning Work Program Task to be conducted by the Rochester Genesee Regional Transportation Authority.

b. GTC Staff Report – Richard Perrin, Executive Director

Richard Perrin provided the following report:

There is still a great deal of uncertainty regarding what will occur on October 1 as the current surface transportation authorization legislation (Authorization), the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), expires on September 30.

At this time, an extension of SAFETEA-LU seems imminent. Even though the House Transportation and Infrastructure Committee has released its draft of the next Authorization, the Administration has been adamant about the need for an 18-month extension and many members of the Senate are supporting the Administration's approach.

The Administration, Senate, and House all appear to agree on the overall direction of the next authorization, including:

- Additional funding above the current levels authorized by SAFETEA-LU and greater flexibility in programming the monies;
- Emphasizing livability, sustainability, and climate change considerations in the planning and programming processes;
- Increasing transparency in how decisions are made and accountability for meeting national objectives related to the performance of the network.

All discussions regarding a new authorization or extension are moot if the shortfall in the Highway Trust Fund is not addressed. As discussed before, the primary source of revenue for the Highway Trust Fund is the federal gas tax of 18.4 cents per gallon, which has not been raised since 1993 and has, therefore, lost approximately 70 percent of its purchasing power for transportation improvements.

On August 7, a \$7 billion transfer from the General Fund to the Highway Trust Fund was enacted into law to keep the Highway Trust Fund solvent throughout the end of Federal Fiscal Year 2009 which ends on September 30.

An additional \$11 billion is anticipated to be needed to keep the Highway Trust Fund solvent for the proposed 18-month extension, which would be a "clean" extension – that is, federal funding would be equal to the Federal Fiscal Year (FFY) 2009 level.

In addition, the Mass Transit Account which provides federal funding for public transportation is expected to become insolvent during the last six months of the proposed extension (FFY 2011) and require a \$2 billion infusion.

Compounding the issue is that SAFETEA-LU contains a provision that requires an \$8.7 billion rescission of federal highway funds on top of the \$3.15 billion that was rescinded in April. New York State will need to identify approximately \$400 million to meet the rescission. Provisions in the Energy Independence and Security Act of 2007 may require that New York State identify between \$6.2 and \$6.8 million of

Metropolitan Planning Funds to be rescinded. This would result in approximately \$400,000 less being available to GTC for planning activities.

As a result of the Board's action at the last meeting to amend the UPWP to include the new SAFETEA-LU Succession Program Task, this rescission will not impact GTC staff or member agency planning activities in this region – there are likely only a handful of Metropolitan Planning Organizations (MPOs) that can handle a 30 percent rescission of their current year's planning funds and still maintain all of their activities.

At this point, we are cautiously optimistic that the end of SAFETEA-LU rescission will be removed by Congress prior to September 30 because it doesn't make sense to rescind almost one-third of the amount made available through the stimulus legislation.

The outlook for state transportation funds, including those provided to counties and municipalities in addition to those for projects on state roadways, is not much better as the State Comptroller projects nearly 75 percent of these funds will be used to meet debt service within the next few years.

1. *2011-2014 TIP Development*

The current status of federal funds will have a significant impact on the *2011-2014 TIP*. A "clean" extension greatly impacts the revenues GTC expects to have available in the next TIP because funding increases that have traditionally been included in new Authorizations will not occur until a later date when the actual next Authorization is enacted.

GTC received 97 *2011-2014 TIP* applications requesting \$203 million by the July 24 deadline. Sixteen of the 20 proposing agencies availed themselves of the opportunity to make presentations to GTC and NYSDOT-Region 4 staff members in August.

GTC and NYSDOT-Region 4 staffs will begin the evaluations of the applications and developing a preliminary ranking of proposals for TIP Development Committee consideration in late-October.

We do not have updated allocations by federal fund source but are anticipating reductions in federal bridge funds because of a decision by NYSDOT to make adjustments to the agreed-upon formula for allocating funds among regions. NYSDOT worked with several MPOs (including GTC) to make the formulas for allocating federal funds more effective by updating them.

Some regions were not happy with the allocations resulting from the new formulas and complained to NYSDOT-Main Office, which is now adjusting the formula for bridge funds in our region because they feel it is skewed by the Broad Street Tunnel. This adjustment would negatively impact the federal Highway Bridge Program allocation to this region as one component of the formula is the deck area of structurally deficient bridges.

GTC staff has informed NYSDOT-Main Office that this is not equitable. NYSDOT and the MPOs set the rules, played the game, and the final score is what it is. We are not aware of adjustments to any other regions or federal fund sources.

Removing the Broad Street Tunnel from the formula amounts to NYSDOT determining that the Broad Street Tunnel is not a bridge worth maintaining even though it is a major thoroughfare in Downtown Rochester, which the state is investing in significantly (approximately \$60 million for the Midtown Plaza redevelopment).

Even without this adjustment to the bridge allocation, NYSDOT is expecting a reduction of between seven and 20 percent from the allocations that were provided last September that we have been using as part of our "righting the ship" exercise. The high end of the reduction (approximately 20 percent) being the result of the "clean" extension which would reduce future year allocations because of the compounding effect that would not occur without an increase between the current FFY (2009) and the end of the proposed 18 month extension – halfway through FFY 2011.

At the conclusion of Richard's report, Dan Hogan noted that he has been involved in discussions on the regional allocation formula for more than 20 years and that this region was consistently shortchanged under the old formula. He stated that adjusting the formula was a step in the right direction but did not take into account many years of being shortchanged. He stated that to change the formula at this point was not fair.

Dan Hogan moved that the Board adopt a Resolution protesting the change to the regional allocation formula and seeking redress.

Richard Perrin noted that the approach that has been taken by representatives from the Buffalo area seeking a bigger slice of a limited pie is shortsighted because what is needed is a bigger pie to address the crux issue of infrastructure funding.

Dan Hallowell commented that NYSDOT-Region 4 is discussing this adjustment with NYSDOT-Main Office.

Mark Aesch cautioned that the Resolution should not lecture the state on priorities. Dan Hogan noted that the Resolution should not be overly broad because that might cloud the issue. Dan Hallowell noted that if the Resolution could be interpreted to pit one region against another he would need to abstain.

Terry Rice and Dan Hallowell compared and contrasted the current situation and their experiences with the Transportation Enhancements Program, the stimulus program, and formula funding.

Mark Aesch noted that if Dan Hogan's motion is to push for a formula-based approach, then he would second.

Chairperson Brooks suggested that a Resolution be drafted by GTC staff, based on Dan Hogan's and Mark Aesch's comments, for Executive Committee review and concurrence on behalf of the full Board.

The motion to approve the Resolution to be concurred to by the Executive Committee was made by Dan Hogan; Mark Aesch seconded the motion. The motion passed with Dan Hallowell abstaining.

Following the passage, Vice-Chairperson Hancock asked Richard Perrin if he would draft some talking points regarding the fiscal issues for discussion with other elected officials; the request was supported by other members who thought it would be useful as well. Richard Perrin agreed to do so.

Kris Hughes commented that there is a broader issue; specifically, that this region is not strong in Albany and perhaps there is an opportunity to collaborate with other parts of the state to limit the discretion of state agencies to unilaterally change the rules. Richard Perrin responded that this broader issue could not be addressed in the timeframe available for influencing the allocations but should be a point of discussion and action in the future.

c. Old Business

1. Economic Stimulus Update

Dan Hallowell discussed the current status of projects funded through The American Recovery Reinvestment Act of 2009 (ARRA). He noted that NYSDOT Acting Commissioner Gee has requested an end-game analysis for the projects. Dan reported that statewide, 94 percent of the stimulus funds are expected to be obligated by October 1. The three projects not yet obligated in Region 4 include NYS Route 21 Reconstruction (Village of Palmyra), 2009 Hazardous Sidewalk Replacement Program (City of Rochester), and East Henrietta Road Reconstruction (City of Rochester). The separate issues delaying each of the three projects are expected to be resolved by the end of November at the latest.

2. High-Speed Rail Initiative Update

Richard Perrin reported that since the June 18 GTC Board Meeting, NYSDOT as the lead for the initiative, has provided a great deal of information and clarity on what is being proposed for the Empire Corridor:

- New York State will be applying for \$564.8 million in High-Speed Rail funding from ARRA in the first round.
- \$8 billion is available from ARRA and the state will face stiff competition as 278 pre-applications totaling \$102 billion were received by the Federal Railroad Administration.
- National opinion is that California, the Chicago Hub (including eight states), and Florida are the leading contenders to receive these funds.

- The service would reach 110 mph and be more reliable as it would operate on a third track – more than 75 percent of the delay of the existing service is a result of CSX operations.
- The service would be diesel-powered but could be electrified in the future.
- Depending on market demand, stops could be made in between Rochester, Buffalo, Syracuse, Utica, and Rensselaer, including Lyons and Geneva.
- Operations and maintenance would need to come from non-federal sources and the state would attempt to pay these costs.
- There are still negotiations taking place with CSX for acquisition of the right-of-way.
- All at-grade crossings would not be removed but signalization would be upgraded.
- Station upgrades, including Rochester, would at a minimum include improvements to platforms to be ADA-accessible and provide for faster boarding and alightings.

Mark Aesch asked what the estimated travel time to Albany would be with the proposed system and Richard Perrin responded three hours and fifteen minutes to three hours and twenty-five minutes and that the proposed service was better described as faster, reliable rail instead of high-speed rail. Mark Aesch asked how New York State's overall initiative compares to the total ARRA funding available and Richard responded that, at this time, the NYS overall initiative totals approximately \$5.4 billion with \$8 billion available nationally through ARRA, and that a proposal by the Administration would add \$1 billion per year for five years.

Vice-Chairperson Hancock asked Richard Perrin if the New York State proposal would be compatible with the proposed Chicago Hub and Richard responded that it would be compatible because the track gauge would be the same and the use of hybrid locomotives on the Empire Corridor would allow their transition onto electrically-powered lines elsewhere such as the Chicago Hub.

6. Action Items

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

Chairperson Brooks suggested that Resolutions 09-39 through 09-45 be considered under one motion; no Member or Alternate objected.

- (1) Accepting the report, *Land Use Report for Monroe County, New York – 2008*, as evidence of completion of UPWP Task 4210 – Action on Proposed Resolution 09-39
- (2) Accepting the report, *Routes 96 & 318 Rural Corridor Study*, as evidence of completion of UPWP Task 7550 – Action on Proposed Resolution 09-40
- (3) Accepting the report, *Regional Land Use Monitoring Report (2008)*, as evidence of completion of UPWP Task 4220 – Action on Proposed Resolution 09-41

- (4) Accepting the report, *Historic Transportation Gateway Inventory and Assessment*, as evidence of completion of UPWP Task 5331 – Action on Proposed Resolution 09-42
- (5) Accepting the report, *Safe Routes to School Guidebook for the Genesee-Finger Lakes Region* and the five Safe Routes to School Action Plans, as evidence of completion of UPWP Tasks 5520 and 5521, respectively – Action on Proposed Resolution 09-43
- (6) Accepting the report, *RGRTA Satellite Centers Study*, as evidence of completion of UPWP Task 8300 – Action on Proposed Resolution 09-44
- (7) Accepting the report, *IT Audit and Assessment Services – General IT Controls Audit Report*, as evidence of completion of UPWP Task 8424 – Action on Proposed Resolution 09-45

Paul Haney moved to approve Resolutions 09-39 through 09-45; Richard Hannon seconded the motion. The motion passed unopposed.

- b. Amending the *2007-2012 TIP* by changing the FFY 2010 phase costs and schedules of select TIP Projects – Action on Proposed Resolution 09-46

Richard Perrin noted that this Resolution concerns Federal Fiscal Year 2010 beginning October 1, 2009 and is part of the “righting the ship” exercise. Richard also noted that mid-year adjustments will still likely be required when we are informed of the new allocations.

Bill Sullivan moved to approve Resolution 09-46; Scott Leathersich seconded the motion. The motion passed unopposed.

- c. Adopting amendments to the 2007-2012 Transportation Improvement Program (TIP)
 - (1) Amending the *2007-2012 TIP* by decreasing the cost of and changing the estimated completion date of the University Avenue/ArtWalk II project – Action on Proposed Resolution 09-47

Paul Haney noted that private funding is being reduced and non-federal funding is being increased. In response to questions regarding the source for the non-federal funding, Bill Sullivan responded that he didn’t have the information at hand but he believed that it was city capital funds. Richard Perrin noted that there is no change to the federal funds involved.

Richard Hannon moved to approve Resolution 09-47; Bill Sullivan seconded the motion. The motion passed unopposed.

- (2) Amending the *2007-2012 TIP* by changing the FFY 2009 phase costs of the Computerized Traffic Signal System Communication Conduit project – Action on Proposed Resolution 09-48

Richard Perrin noted that this should have been included in the Federal Fiscal Year 2009 Omnibus Resolution but was inadvertently omitted by GTC staff.

Paul Haney moved to approve Resolution 09-48; Scott Leathersich seconded the motion. The motion passed unopposed.

Chairperson Brooks suggested that Resolutions 09-49 through 09-52 be considered under one motion; no Member or Alternate objected.

- (3) Amending the *2007-2012 TIP* by reducing the total cost of the High Risk Rural Road Improvements for 2010 project, reducing the total cost of the High Risk Rural Road Improvements for 2011 project, and adding the NYS Route 20 at Genesee County Road 35 (East Road) project – Action on Proposed Resolution 09-49
- (4) Amending the *2007-2012 TIP* by adding the Conesus Inlet Fish & Wildlife Management Area Trail project – Action on Proposed Resolution 09-50
- (5) Amending the *2007-2012 TIP* by adding the Junction Lock Trailhead and Trail project – Action on Proposed Resolution 09-51
- (6) Amending the *2007-2012 TIP* by adding the Finger Lakes Spur at Grimes Glen County Park project – Action on Proposed Resolution 09-52

Vice-Chairperson Hancock moved to approve Resolutions 09-49 through 09-52; Paul Haney seconded the motion. The motion passed unopposed.

Chairperson Brooks suggested that Resolutions 09-53 through 09-58 be considered under one motion; no Member or Alternate objected.

- (7) Amending the *2007-2012 TIP* by modifying the scope and increasing the total cost of the Replace 6 RTS Transit Buses project – Action on Proposed Resolution 09-53
- (8) Amending the *2007-2012 TIP* by decreasing the total cost of the Purchase 18 Lift Line Buses project – Action on Proposed Resolution 09-54
- (9) Amending the *2007-2012 TIP* by modifying the scope and decreasing the total cost of the Replace 6 Lift Line Buses project – Action on Proposed Resolution 09-55
- (10) Amending the *2007-2012 TIP* by decreasing the total cost of the RGRTA Site and Facility Improvements project – Action on Proposed Resolution 09-56
- (11) Amending the *2007-2012 TIP* by increasing the total cost of the Preventive Maintenance project – Action on Proposed Resolution 09-57
- (12) Amending the *2007-2012 TIP* by decreasing the total cost of the Transit Enhancements project – Action on Proposed Resolution 09-58

Dan Hogan moved to approve Resolutions 09-53 through 09-58; Richard Hannon seconded the motion. The motion passed unopposed.

7. New Business

Richard Perrin noted the availability of a condensed meeting package that is considerably smaller. All meeting materials are now available on the GTC website. This has the added benefit of making the meeting materials available to the public.

8. Next Meeting

The next GTC Board meeting will be held Thursday, December 10, 2009 at 8:30 a.m. at the Radisson Hotel in Henrietta.

9. Adjournment

The meeting adjourned at 9:20 a.m.