

**GENESEE TRANSPORTATION COUNCIL
QUARTERLY BOARD MEETING**

**Radisson Hotel
Henrietta, NY**

March 8, 2012

GTC BOARD MEMBERS PRESENT

Jeffrey Adair, Monroe County
Allen G. Casey, City of Rochester – At Large
Jerry Davis, Genesee/Finger Lakes Regional Planning Council (G/FLRPC)
Daniel DeLaus, Monroe County – At Large
Mary Pat Hancock, Genesee County (Chairperson)
James Hoffman, Wayne County (Vice Chairperson)

ALTERNATE REPRESENTATIVES PRESENT

Chris Bollin, Monroe County At-Large, representing Daniel Hogan
David Cook, Rochester Genesee Regional Transportation Authority, representing James Redmond
Angela Ellis, Livingston County, representing James Merrick
Thomas Goodwin, Monroe County, representing Linda A. Faubel
Gerald Gray, Orleans County, representing David B. Callard
Andrea Guzzetta, Rochester City Council, representing Lovely Warren
Paul Holahan, City of Rochester, representing Thomas Richards
Donald House, Yates County, representing H. Taylor Fitch
Dorothy Huber, Ontario County, representing Theodore Fafinski
Edward Muszynski, Empire State Development, representing Kenneth Adams
Thomas E. Pericak, NYS Thruway Authority, representing Thomas J. Madison, Jr
Terrence J. Rice, Monroe County, representing Maggie Brooks
C. Mitchell Rowe, Seneca County, representing Robert Hayssen
Robert Traver, New York State Department of Transportation (NYSDOT), representing Joan McDonald

GTC BOARD MEMBERS ABSENT AND UNREPRESENTED

A. Douglas Berwanger, Wyoming County
Anthony Carr, Federal Transit Administration
Joe Martens, NYS Department of Environmental Conservation
Jonathan McDade, Federal Highway Administration
Ronald Nesbitt, Monroe County Supervisors Association
Steven Urlass, Federal Aviation Administration
David L. Watson, Rochester City Planning Commission

OTHERS IN ATTENDANCE

Tony Favro, GTC staff	John Polimeni, NYSDOT-Region 4
Daniel Hallowell, NYSDOT-Region 4	Christopher Reeve, NYSDOT-Region 4
Kristen Mark Hughes, Ontario County	Roseann Schmid, Fisher Associates
Dennis Judson, Fisher Associates	James Stack, GTC staff
Esther Leadley, Genesee County	Douglas J. Tokarczyk, NYS Thruway Authority
Scott Leathersich, Monroe County	Robert Torzynski, GTC staff
Ken Miller, Wayne County	David Zorn, G/FLRPC
Richard Perrin, GTC staff	

1. Call to Order and Roll Call

Chairperson Hancock called the meeting to order at 8:31 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. Election of Officers

Chairperson Hancock turned the meeting over to Kristen Mark Hughes, Planning Committee Chairperson, for election of officers. Kris described the nomination process and the slate of candidates, noting that the GTC By-laws require that the Chairperson and Vice-Chairperson serve two-year terms and that the last election of GTC officers was held at the March 11, 2010 meeting. Kris stated that a slate of officers to serve the two-year term through March 12, 2014 have been identified by a Nominating Committee consisting of Paul Holahan, representing the City of Rochester, himself, representing Ontario County and as the Planning Committee Chairman, and Terrence Rice, representing Monroe County.

Kris presented the slate of Mary Pat Hancock, Genesee County Legislature Chairperson, for GTC Chairperson and James Hoffman, Wayne County Board of Supervisors Chairperson, for Vice Chairperson as included in the meeting package. Kris asked the Board Members and Alternates present if there were any additional nominations and, there being none, asked if there were any questions or a motion offered.

Terrence Rice moved to elect the nominated slate of candidates including Mary Pat Hancock as Chairperson and James Hoffman as Vice Chairperson; Paul Holahan seconded the motion. The motion passed unopposed.

4. Approval of Minutes

Dorothy Huber moved to approve the minutes from the December 8, 2011 Quarterly Meeting as presented; Jerry Davis seconded the motion. The motion passed unopposed.

5. Communications and Announcements

Chairperson Hancock asked if there was any new business to add to the agenda. Robert Traver requested that two items be added to the agenda. These include a request for an endorsement of the New York State Department of Transportation (NYSDOT)'s application for the upcoming Federal Fiscal Year (FFY) 2012 Transportation Investments Generating Economic Recovery (TIGER) Discretionary Grants program to advance the Rochester Amtrak Station Improvements project and a request for the Board's endorsement of the Accelerated Bridge Program and Accelerated Pavement Preservation

Program components of the New York Works Program. There being no objections, these items were added to the agenda for further discussion later in the meeting.

Richard Perrin noted the following GTC Board designations:

- James C. Merrick, Chairman of the Livingston County Board of Supervisors has re-designated Angela Ellis as his alternate to the GTC Board.
- Maggie Brooks, Monroe County Executive, has re-designated Daniel M. DeLaus, Jr. and Daniel Hogan as her At-large members to the GTC Board and Scott Leathersich and Chris Bollin as their respective alternates.
- Theodore M. Fafinski, Chairman of the Ontario County Board of Supervisors has re-designated Dorothy N. Huber, Supervisor of the Town of East Bloomfield, as his alternate to the GTC Board.
- David B. Callard, Chairman of the Orleans County Legislature, has designated Gerald Gray as his alternate to the GTC Board.
- James D. Hoffman, Chairman of the Wayne County Board of Supervisors has designated Ken Miller, Supervisor of the Town of Palmyra, as his alternate to the GTC Board.
- Thomas J. Madison, Jr., by his appointment as Executive Director of the New York State Thruway Authority, is a voting member of the GTC Board and has re-designated Tom Pericak as his alternate.

Chairperson Hancock announced that she has designated Esther Leadley, Genesee County Legislator, as her alternate to the GTC Board and that formal notice is forthcoming.

6. Reports and Action on Old Business

a. Planning Committee Report – Kristen Mark Hughes, Chairperson

Kristen Mark Hughes provided the following report:

The Planning Committee met January 5th and February 9th and recommends that the GTC Board:

- Adopt the *Fiscal Year 2012-2013 Unified Planning Work Program (FY 2012-2013 UPWP)*;
- Accept the submission of a report as evidence of completion of one Unified Planning Work Program task;
- Affirm the 2012 Genesee Transportation Council Host Agency Agreement between the State of New York and GTCS, Inc.; and
- Adopt thirty six amendments to the *2011-2014 Transportation Improvement Program* as requested by the City of Rochester, Monroe County, NYSDOT, Ontario County, and the Rochester Genesee Regional Transportation Authority (RGRTA).

Additionally, the Planning Committee took the following actions:

- Approved the Draft *FY 2012-2013 UPWP* Project List for Public Review;
- Approved Scopes of Work for two Unified Planning Work Program tasks; and
- Approved eight administrative modifications to the *2011-2014 Transportation Improvement Program (TIP)* as requested by Monroe County and NYSDOT.

b. GTC Staff Report – Richard Perrin, Executive Director

Richard Perrin provided the following report:

The most significant activity for GTC staff has been the development of the *FY 2012-2013 UPWP* that the Board will consider as its first action item. In addition, GTC staff has also begun an update of the TIP project evaluation criteria. The objective of the initiative is to ensure that projects selected to receive Federal transportation funds through the TIP are those that address the highest and most urgent needs of the region in the most cost-effective manner possible.

Richard Perrin stated that the need to do so at this time is driven by three primary factors:

1. Reduction in transportation revenues at all levels for the foreseeable future;
2. Regional consensus around the goals, objectives, needs, strategies, and performance measures of the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2035 (LRTP 2035)*; and
3. Increased availability of meaningful and reliable data.

GTC staff is proposing that the updated criteria be developed within the context of three major emphasis areas:

1. Improving the linkages between the *LRTP 2035* and the TIP, allowing for direct evaluation of projects against the long-term priorities of the region;
2. Increasing the ability to compare projects across categories, providing appropriate consideration of all types of activities; and
3. Streamlining the TIP application and evaluation of proposals, ensuring that needed information is provided and considered in an efficient manner.

GTC staff discussed the proposed update of the TIP Evaluation Criteria with the TIP Development Committee at its January 27 meeting. The TDC concurred with moving forward with the development of draft criteria for their review. This review is anticipated to occur at the April 26 TDC meeting with updated criteria finalized in July 2012.

Proposed projects and programs have been identified and evaluated for the regional freight plan. The alternatives will be provided to the steering committee of member agencies and private sector interests for their consideration and input. Once a draft recommended program of alternatives has been identified, GTC staff and the project

consultant will conduct a public review in April to gather input prior to preparing a finalized set of recommendations.

The commuter choice program website that will provide information on potential carpool matches, link to public transportation trip planning tools, and present preferred bicycling routes will be initiated at the end of March. As discussed at the December 2011 meeting, the program's success will depend on making the public aware of its availability. GTC staff is reaching out to our partners at the RGRTA, Rochester Institute of Technology (RIT), and Rochester Downtown Development Corporation to ensure that customers will be aware of the availability of the program and provide a strong start to the initiative.

The latest demographic data from the 2010 Census has been used to update white papers that GTC staff has developed on advancing mobility for all residents of the region, regardless of income, age, location, and race. These papers will serve as the basis for improving transportation planning and investment decisions made by GTC with federal funds.

A group including Monroe County, the City of Rochester, Governor Cuomo's regional office, the RIT Golisano Institute for Sustainability, the Center for Governmental Research, and GTC staff has begun discussions about the opportunity to submit an application through the next round of the Governor's Consolidated Funding Application (CFA) process to develop a regional sustainability plan. There is an approximately \$10 million dollar set-aside for the 10 regions of the state to conduct these plans. Seven of the 10 regions submitted applications and were awarded funds through the last round of the CFA process. This region did not submit an application because of issues related to the consultant procurement process and the identification of a local government to serve as the applicant.

Esther Leadley asked whether there was any more information about the possibility of Genesee, Wyoming, Seneca, and Yates counties no longer being a part of GTC and how the CFA process affects this. Richard Perrin responded that the question was a good segue into the next item on the agenda of the federal funding update.

c. Old Business

1. Federal Transportation Funding Update

Richard Perrin reviewed the presentation and discussion from the December 8, 2011 meeting related to the Senate Environment and Public Works (EPW) Committee's introduction and passage of Moving Ahead for Progress in the 21st Century (MAP-21). Specifically, the proposed legislation would authorize \$109 billion in spending for Federal Fiscal Years 2012 and 2013. Unlike previous authorizations where the level of funding has increased in recognition of growing needs, this amount would be similar to the current amount of federal transportation funding that is now provided. In terms of policy, Richard discussed the key policy provisions of program consolidation, performance management, increased emphasis on freight, project delivery improvements, and financing,

along with the largest potential impacts to GTC (recognizing that rulemakings subsequent to the enactment of the legislation will play a role in the magnitude of the impacts). These major impacts include:

- The proposed consolidation of the Interstate Maintenance, National Highway System (NHS), and Highway Bridge programs and potential issues related to funding for non-NHS bridges and highways compared to the current structure of federal-aid programs; and
- The proposed revision to the boundaries of MPOs (under the performance management section) to be either the 1.) existing urbanized area and any contiguous areas expected to be urbanized over the next 20 year or 2.) entire metropolitan statistical area (MSA), as defined by the United States Office of Management and Budget, would result in Genesee, Seneca, Wyoming, and Yates counties no longer being part of GTC.

The Senate Commerce, Science, and Transportation (CST) Committee, the Banking, Housing, and Urban Affairs Committee, and the Finance Committee passed their respective components on December 14, 2011, February 2, 2012, and February 7, 2012.

The House Transportation and Infrastructure (T&I) Committee introduced its proposal, the American Energy and Infrastructure Jobs Act, on January 31 and approved it on February 3 after an 18-hour mark-up session. Also on February 3, the Ways and Means Committee approved the revenue provisions, which include continuation of the Highway Trust Fund (HTF) through FFY 2016 and extension of current fuel taxes through FFY 2018. The House proposal is for a five-year, \$260 billion bill through Federal Fiscal Year (FFY) 2016.

While the House proposal contains many similar elements to MAP-21 (e.g., consolidation of programs, an increased emphasis on freight, etc.), the committee debate in the House proposal has not been as bipartisan as that in the Senate (as evidenced by the party line vote by the T&I Committee on February 3). Several provisions in the House proposal have been opposed by Democrats, including:

- Replacing the Mass Transit Account of the HTF with the Alternative Transportation Account to pay for public transportation through a \$40 billion transfer from the General Fund that would have to be offset in the national budget from non-Defense related appropriations and no longer dedicating 2.86 cents from the gas tax for public transportation;
- Energy provisions approved by the Natural Resources Committee that would provide revenues to the HTF from royalties and fees for drilling in the Arctic National Wildlife Refuge, Gulf Coast, and other areas as well as the approval of a portion of the Keystone XL pipeline linking the Alberta oil and tar sands to the United States; and
- Removing the 10 percent set-aside for Transportation Enhancements from the Surface Transportation Program (which the Senate MAP-21 proposal does

not fully maintain either).

In addition, there is a section allowing governors to modify TIPs without the consent of MPOs when a state and MPO cannot agree on a statewide significant project on the Interstate system, with resulting fiscal constraint and air quality conformity issues to be addressed by the MPO. This has been opposed by MPOs and groups representing local elected officials such as the National Association of Counties, National Conference of Mayors, and National Association of Development Organizations.

At this time, the Senate is continuing to progress its version of the legislation, albeit with more debate than Senate leadership had hoped for, while the House version has had significant setbacks as the needed votes have not been able to be attained and the draft legislation is being completely reconsidered.

The House proposal does not address the concern that the GTC Board has with MAP-21 regarding the consolidation of the Interstate Maintenance, National Highway System, and Highway Bridge programs. However, it now appears that there will be sufficient funds provided to New York State through either the House Surface Transportation Program or Senate Transportation Mobility Program to cover the level of programming to non-NHS bridges in the current TIP, keeping in mind that this amount is still much less than the overall need and would be subject to allocation to regions by NYSDOT. The reason is that New York State will receive a substantially larger increase in funding through these programs than the majority of other states.

The initial House proposal does provide for MPOs that had an urbanized area designated as nonattainment as of August 10, 2005 to maintain their existing boundaries. This would allow Genesee, Seneca, Wyoming, and Yates Counties to continue to be members of GTC. MAP-21 contains a similar provision for MPOs with urbanized areas that are nonattainment or maintenance areas as of the enactment of the legislation.

The U.S. Environmental Protection Agency (EPA) has informed New York State that it intends to follow the State's recommendation and designate the Rochester area as attainment under the current 2008 ground-level ozone National Ambient Air Quality Standard (NAAQS) this spring. If this new designation were to be made before the enactment of MAP-21 and the Rochester area were to not be classified as a maintenance area for the 1997 ground-level ozone NAAQS, the revised boundaries of the MPO would need to conform to the MSA (i.e., the four aforementioned counties would no longer be part of GTC). GTC staff has requested clarification on when EPA intends to make this designation.

Based on outreach by GTC member agencies, GTC staff have been contacted by staff from Senator Schumer's office and Congresswoman Hochul's office and have discussed the authorization proposals at their request. GTC staff has also contacted AMPO staff on these issues for their assistance in addressing these concerns. Richard acknowledged the large amount of assistance provided by

Senator Schumer's staff and AMPO on both issues, as well as Congresswoman Hochul's regional staff.

The President's FFY 2013 budget proposal includes \$74 billion in discretionary and mandatory resources for transportation in FFY 2012, an increase of two percent over the FFY 2011 enacted level. It includes a six-year authorization plan totaling \$476 billion (down from the proposed \$556 billion six-year plan in the previous year's budget request), which is much higher than either Congressional plan. The Administration's plan would provide \$50 billion upfront in infrastructure spending in 2012, rename the Highway Trust Fund the Transportation Trust Fund, consolidate 55 programs into five, and provide \$47 billion for intercity passenger rail. The funding would come from money saved by ending overseas wars, a plan derided by Republicans.

Mary Pat Hancock stated that, in her role as President of the New York State Association of Counties, she has attended two meetings in Washington, D.C. She noted that the federal transportation legislation is important to counties across the country. She felt her involvement with GTC made her well informed for those discussions. She was also able to speak to the concerns of counties throughout New York regarding the lack of progress on a new bill.

7. Action Items

- a. Adopting the *Fiscal Year 2012-2013 Unified Planning Work Program* / Proposed Resolution 12-1.

Richard Perrin reported that the Unified Planning Work Program (UPWP) is the annual program of federally-funded transportation activities to be undertaken by GTC staff, its member agencies, and communities throughout the region. Projects included in the current UPWP that are not complete by March 31, 2012 will automatically be rolled into the new UPWP.

Richard Perrin informed the Board that the proposed *FY 2012-2013 UPWP* that has been provided to the Board for its consideration includes the continuation of land use monitoring reports, updates to the regional atlas and Greater Rochester Area Bicycling Map, several safety studies, two circulation, accessibility, and parking studies, and the development of a regional mobility management business plan that is a recommendation of the *L RTP 2035* and recently-adopted Coordinated Public Transit/Human Services Transportation Plan.

Richard Perrin stated that the draft project list was made available for public review from January 6 through February 6 on the GTC website and at the GTC offices, county planning offices, the NYSDOT-Region 4 offices, and the central repository libraries in the Rochester Transportation Management Area counties. No public comments were received.

The Planning Committee reviewed and recommended the Board's acceptance of the *FY 2012-2103 UPWP* at its February 9 meeting.

Dorothy Huber moved to approve proposed Resolution 12-1; Terrence Rice seconded the motion. The motion passed unopposed.

- b. Accepting the Livingston County Safe Passing Zone Survey as evidence of completion of UPWP Task 6223 / Proposed Resolution 12-2.

Richard Perrin stated that the Livingston County Highway Department completed this study and represents the first update to the passing zone survey for Livingston County roadways in more than 20 years, verifying existing no passing zones and identifying new ones. Implementing the findings of the survey will improve safety on county roadways based on residential and business developments and changes to the geometry of roads since previous surveys were conducted. The Planning Committee reviewed and recommended the Board's acceptance of the Livingston County Safe Passing Zone Survey at its January 5 meeting.

Angela Ellis moved to approve proposed Resolution 12-2; James Hoffman seconded the motion. The motion passed unopposed.

- c. Affirming the 2012 Genesee Transportation Council Host Agency Agreement between the State of New York and GTCS, Inc. / Proposed Resolution 12-3.

Richard Perrin noted that GTC requires a Host Agency to first instance monies for reimbursement of FHWA and FTA metropolitan planning-eligible expenses (e.g., operating, professional services, etc.) incurred by GTC and other agencies through the UPWP. Since 1977, GTCS, Inc. whose Board of Commissioners is identical to that of RGRTA has served as the Host Agency for GTC. NYSDOT reimburses GTCS, Inc. as the fiscal agent for FHWA and FTA metropolitan planning funds.

Accordingly, a Host Agency Agreement (Agreement) between GTCS, Inc. and NYSDOT is necessary to allow for and structure the financial obligations assumed by GTCS, Inc. on behalf of GTC. The current Agreement was executed on August 18, 1977 and has been extended multiple times with the most recent extension being through March 31, 2012. The Office of the New York State Comptroller is requiring that altogether new Agreements be executed for all MPOs in the State.

GTC and RGRTA staffs have worked with NYSDOT-Main Office to develop the new Agreement that will take effect April 1, 2012 and run through March 31, 2022 (i.e., a 10-year agreement). The GTCS, Inc. Board of Commissioners agreed to continue in its role as the Host Agency for GTC and enter into the new Agreement at its December 1, 2011 meeting. Richard thanked RGRTA for their willingness to continue to serve as the Host Agency for GTC and their assistance in developing the Agreement.

In addition, the City of Rochester, Monroe County, and the RGRTA each have similar Agreements with NYSDOT for the reimbursement of FHWA or FTA metropolitan planning funds. These Agreements are also in effect through March 31, 2012. GTC

staff proposed and the City, County and RGRTA have agreed to not enter into new Agreements with the State and instead seek reimbursement for funds programmed in the UPWP through GTC, which is standard practice for all other agencies receiving FHWA and FTA funds through the UPWP. This will centralize all of the reimbursement activity with GTC staff which will improve its ability to reconcile grants and respond to requests for financial information from NYSDOT.

Richard Perrin reported that the Planning Committee reviewed and recommended the Board's affirmation of 2012 Genesee Transportation Council Host Agency Agreement between the State of New York and GTCS, Inc. at its February 9, 2012 meeting.

Dorothy Huber moved to approve proposed Resolution 12-3; Edward Muszynski seconded the motion. The motion passed unopposed.

- d. Action concerning amendments to the *2011-2014 Transportation Improvement Program* / Proposed Resolution 12-4 through 12-39.

Richard Perrin reported that the City of Rochester, Monroe County, NYSDOT, Ontario County, and RGRTA have requested amendments to the *2011-2014 Transportation Improvement Program* (TIP) for consideration by the GTC Board. Richard Perrin noted that the Planning Committee reviewed and recommended GTC Board approval of these amendments at its February 9, 2012 meeting.

Richard Perrin summarized the amendments as:

- Creating separate projects for the City of Rochester and NYSDOT from projects with multiple components to better coordinate with larger initiatives for the City and expedite contracting for NYSDOT;
- Shifting funds between Monroe County road reconstruction and preventive maintenance projects to fully fund all phases of the projects;
- Utilizing Highway Bridge Program Block project funds for phases of Ontario County projects that were expected to occur last year but will occur this year and for the addition of a right-of-way acquisition phase for a Monroe County project;
- Shifting earmark/discretionary program funds and funds from statewide programs between FFYs;
- Making funds available for system management and operation activities;
- Combining separate projects for Monroe County to expedite contracting of road preventive maintenance activities;
- Adding \$7.3 million in new discretionary funding for an RGRTA state of good repair project; and
- Shifting funds between Wyoming County bridge projects to fully fund all phases of the projects.

Following Richard Perrin's report on the requested amendments Chairperson Hancock suggested that, if the Board concurs, the TIP amendments be grouped into a single action. No members objected.

David Cook moved to approve proposed Resolutions 12-4 through 12-39; Paul Holahan seconded the motion. The motion passed unopposed.

8. New Business

- a. Endorsement of the New York State Department of Transportation's 2012 TIGER Discretionary Grants Program Application to advance the Rochester Amtrak Station Improvements

Daniel Hallowell reported that the United States Department of Transportation has announced another round of Transportation Investments Generating Economic Recovery (TIGER) funding and that NYSDOT is submitting only one project. This project is the advancement of the Rochester Amtrak Station Improvements project involving improvements to the Amtrak Station, including intermodal connections. The State is seeking the endorsement of GTC as the Metropolitan Planning Organization for the Rochester Transportation Management Area.

Paul Holahan noted that the City of Rochester had submitted the Inner Loop restoration project for TIGER funding in previous rounds but was not successful. He stated that the City will continue planning for the Inner Loop project but recognizes the importance of the Rochester Amtrak Station Improvements project. He further noted that the City fully supports the region endorsing a single project as has been done in the past.

Gerald Gray asked for additional information on what the project entails. Dan Hallowell described the project as improvements to the Amtrak building that improve accessibility for persons with disabilities, intermodal connections, and upgrade the platform and rails. He noted that a previous earmark was reprogrammed to focus on design efforts and that the NYSDOT Rail Office is leading the study and design for the project. Paul Holahan added that the current funding is sufficient for the design and operational analysis, but not for construction.

Richard Perrin added that the proposed improvements to the station are needed regardless of the status of faster, more reliable service to meet accessibility needs and expectations of the public, and that the project is included in the *L RTP 2035*.

Terrence Rice commented that past efforts to secure TIGER funding have not been successful even though the applicants thought that their proposals were consistent with the intent of the program. Terry asked how this project is better positioned for this round of TIGER than other proposals were for previous rounds.

Dan Hallowell responded that comments from the U.S. Department of Transportation suggest that the private investment projected to be induced by the previous proposals was not viewed as a benefit that should be credited to the project, which

hurt the competitive value of the previous submittals. Dan Hallowell added that this proposal is better positioned because it will enhance the region's image and quality of life through necessary improvements to the station including those required to better accommodate people with disabilities. Dan also noted that the project focuses on sustainability and connecting modes, a major emphasis of TIGER.

Chairperson Hancock noted that in her travels she has used the Rochester Amtrak Station and believes that improving its appearance and functionality will help to reduce the negative first impression of the region that some visitors may get given the current state of the facility.

Daniel DeLaus asked for clarification that an endorsement of this project by GTC is not an endorsement for the high speed rail initiative that has not been defined. Richard Perrin responded confirmed that this resolution is in support of improving the current train station, which is separate from the initiative that Dan referred to.

Dorothy Huber moved to endorse the New York State Department of Transportation's 2012 TIGER Discretionary Grants Program Application to advance the Rochester Amtrak Station Improvements; Donald House seconded the motion. The motion passed unopposed.

Richard Perrin stated that GTC staff will prepare a Resolution (12-42) to document GTC's endorsement of the NYSDOT FFY 2012 TIGER Discretionary Grants Program Application to advance the Rochester Amtrak Station Improvements.

- b. Amending the *2011-2014 TIP* by adding projects selected through the proposed New York Works Accelerated Bridge Program / Proposed Resolution 12-40 and Amending the *2011-2014 TIP* by adding projects selected through the proposed New York Works Accelerated Pavement Preservation Program / Proposed Resolution 12-41

Robert Traver reported that the Governor's budget includes New York Works and distributed a copy of a letter that was sent to Board members on March 7. Bob noted that the intent of the New York Works is to stimulate job creation through projects that are ready to begin this construction season. He described the Accelerated Bridge Program and the Accelerated Pavement Preservation Program components of New York Works.

Robert Traver stated that NYSDOT initiated a 10-day public review of a proposed amendment of the Statewide Transportation Improvement Program to add these programs on March 2. Bob explained the program is being financed via Advance Construction of Federal Highway Administration (FHWA) formula funds. Bob also noted that these programs need to be endorsed by GTC as the designated Metropolitan Planning Organization for funds to be programmed to projects in this region. Robert further noted that these projects are in keeping with the *L RTP 2035*.

Richard Perrin stated that Advance Construction is financing and not new funding. Richard noted that the Governor's budget proposal was released on January 17 and asked Bob what the specific projects are that will be funded in this region. Bob

responded that the Governor's office has not yet released a project list because it is being discussed as part of the ongoing budget negotiations with the Legislature. Robert added that the criteria for the bridge and pavement programs reflect the state's ongoing emphasis on proactive life-extending preservation and NYSDOT-Region 4 submitted a list of candidate projects for consideration.

Paul Holahan asked why the specific project list for the region is not available. He stated that it sounds like NYSDOT knows what was submitted but not what will be funded. Robert Traver agreed and reiterated that NYSDOT-Region 4 submitted a list of candidate projects to NYSDOT-Main Office. He believes this region is well-positioned because a long-standing investment priority of the region has been preventive maintenance and preservation activities so there are projects that have already been identified that could use these accelerated funds.

Terrence Rice stated that he was fully supportive of investing in infrastructure and after having spent two days meeting with Legislators in Albany finds it hard to accept that the project list is not available. Terry stated that it was his understanding that even the members of the State Legislature don't know which projects are included and expressed his desire that the projects should be identified ahead of time, before the state seeks GTC endorsement. He added that he has confidence that NYSDOT-Region 4 submitted good projects but has concerns that these projects can be put out to bid so quickly. Terry asked how NYSDOT can proceed with projects that are ready to begin in the spring if they don't know what money is available.

Robert Traver responded that NYSDOT-Region 4 submitted strong candidates for the program and that it's expected that the highways and bridges in the region will compete well for the funding.

Richard Perrin asked Robert Traver why the MPO needs to endorse now instead of waiting until there's a list of proposed projects to review and respond to. Dorothy Huber interjected that the NYSDOT Commissioner's letter requested an endorsement for "informational purposes" and she isn't sure what this means. Robert Traver responded that if the MPO doesn't endorse the program at this time, the Region will not be able to participate in the program.

Richard Perrin noted that MPOs have been given assurances that this program will not negatively impact future allocations of FHWA formula funds to the regions.

Robert Traver explained that Advance Construction carries debt into the future. The state is taking the risk that federal programs will be sustained and if they are not, will not be reimbursed for the costs of projects advanced through these programs.

Richard Perrin added that GTC cut \$130 million in projects from the TIP in December 2011 and now the state wants to use Advance Construction financing for projects that may be needed but have not been vetted through the TIP development process. Richard stated that the process being considered now is contrary to the open and transparent transportation planning process undertaken in the region.

Dorothy Huber noted that there is no guarantee that this region will get any projects under these programs. Robert Traver agreed that there is no guarantee but reiterated his belief that this region is well-positioned for the types of projects that would be funded under these programs.

Dorothy Huber asked for clarification on Advance Construction. Richard Perrin provided a further explanation of this financing mechanism while noting that, in effect, it requires the State to carry the debt of Advance Construction in perpetuity otherwise it would impact future allocations of federal funds to the region. Richard reiterated Bob's statement that by using Advance Construction financing for these projects the state is taking on the risk that the future cuts to federal funding could result in the state being obligated to pay for these projects with state funds.

Robert Traver stated that he understands the frustration with the process while also noting that New York and other states have used Advance Construction financing for many years, with some states using the process at even higher rates than New York. Dan Hallowell added that an endorsement is important now to avoid delays, or the lack of projects in this region, when the budget comes out.

Chairperson Hancock noted that she understood the desire and the need for these projects but that the region takes great pride in its process for programming federal funds and this is not consistent with that process. She said she was supportive of more projects being advanced in the region, but couldn't understand why the Governor didn't use GTC's TIP process as a resource for selecting the best projects.

Paul Holahan noted that the City of Rochester and other agencies have deferred projects due to the TIP funding cuts and asked if the Board should have another meeting to amend specific projects after the list is made available.

Richard Perrin discussed the draft resolution and its clauses with respect to:

- NYSDOT assurances to the MPO and its member agencies that the state's use of Advance Construction financing for these projects will not impact future allocations of federal funds for programming in current and future TIPs;
- NYSDOT use of Advance Construction financing for these projects will not impact the reimbursement of non-NYSDOT agencies for eligible expenses incurred on projects included in current and future TIPs; and
- The State of New York will assume all liability for project costs accelerated through Advance Construction in the event of the unavailability of federal funds.

Richard Perrin also stated that the best approach may be to take action now so that the Board does not need to revisit the issue in the future. Richard distributed draft resolutions for the accelerated programs that were prepared based on discussions with NYSDOT-Region 4 and NYSDOT-Main Office.

Terrence Rice expressed concern that this will impact future funding the region could compete for under the new transportation legislation, since state funds will have been committed. He also expressed concern that it might cause the state to delay reimbursement to local agencies in favor of state projects. Dorothy Huber also questioned future impacts on the TIP.

Robert Traver noted that the Advance Construction financing will be carried forward to future FFYs and would not impact regional allocations in a given year.

Terrence Rice asked why local project sponsors couldn't use Advance Construction financing. Robert Traver responded that the associated debt, and risk, is assumed by the state and that the state would not extend this risk to local project sponsors.

Daniel Hallowell added that Advance Construction financing is already being used, and reiterated that what New York State is now doing is not out of line with what other states are doing.

Robert Traver stated that it was his desire that a project list would have been available for this meeting and hoped the Board would proceed on the faith and trust that has been established between GTC and NYSDOT.

Daniel DeLaus wondered if this action will be used by the State to say that GTC endorses the process. Richard Perrin responded that the proposed resolutions explicitly state that this is a unique case and that GTC does not expect this to become a regular occurrence.

Thomas Pericak noted that other MPOs are doing this at the Planning Committee level. Richard Perrin responded that the proposed resolutions and the approach being taken by GTC are intended to comply with applicable federal statutes and regulations as interpreted by GTC staff. He added that FHWA staff and/or staff interpretations of the requirements could change.

Dorothy Huber moved to approve proposed Resolutions 12-40 and 12-41; Daniel DeLaus seconded the motion. The motion passed with one opposed.

Mitch Rowe asked if there is any new information regarding the consolidation of the NYSDOT regions. Richard Perrin responded that GTC staff is not aware of any specifics on the status or schedule of the consolidation at this time.

9. Next Meeting

The next GTC Board meeting will be held Thursday June 21, 2012 at 8:30 a.m. at the Radisson Hotel, 175 Jefferson Road, in Henrietta.

10. Adjournment

The meeting adjourned at 9:51 a.m.