

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

December 13, 2012

GTC BOARD MEMBERS PRESENT

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

ALTERNATE REPRESENTATIVES PRESENT

Marcia Barry, Rochester City Planning Commission, representing David L. Watson
David Cook, Rochester Genesee Regional Transportation Authority (RGRTA), representing James Redmond
Angela Ellis, Livingston County, representing James Merrick
Thomas Goodwin, Monroe County Planning Board, representing Linda A. Faubel
Gerald Gray, Orleans County, representing David B. Callard
Andrea Guzzetta, Rochester City Council, representing Lovely Warren
Daniel Hallowell, New York State Department of Transportation (NYSDOT), representing Joan McDonald
Paul Holahan, City of Rochester, representing Thomas Richards
Donald House, Yates County, representing H. Taylor Fitch
Scott Leathersich, Monroe County – At Large, representing Daniel DeLaus, Jr.
Edward G. Muszynski, Empire State Development Corporation, representing Kenneth Adams
Thomas E. Pericak, New York State Thruway Authority, representing Thomas J. Madison, Jr

GTC BOARD MEMBERS ABSENT AND UNREPRESENTED

A. Douglas Berwanger, Wyoming County
Theodore Fafinski, Ontario County
Robert Hayssen, Seneca County
Joe Martens, New York State Department of Environmental Conservation
Jonathan McDade, Federal Highway Administration
Ronald Nesbitt, Monroe County Supervisors Association
Marilyn Shazor, Federal Transit Administration
Steven Urlass, Federal Aviation Administration

OTHERS IN ATTENDANCE

Tony Favro, GTC staff
Esther Leadley, Genesee County
Kenneth Miller, Town of Palmyra
Richard Perrin, GTC staff
John Polimeni, NYSDOT-Region 4
Christopher Reeve, NYSDOT-Region 4
Terrence Rice, Monroe County
James Stack, GTC staff
John Thomas, City of Rochester
Douglas J. Tokarczyk, NYS Thruway Authority
Robert Torzynski, GTC staff
David Zorn, G/FLRPC

1. Call to Order and Roll Call

Chairperson Hancock 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

Jeffrey Adair moved to approve the minutes from the September 17, 2012 Quarterly Meeting as presented; Scott Leathersich seconded the motion. The motion passed unopposed.

4. Communications and Announcements

Chairperson Hancock informed the Board that she appointed Scott Leathersich, Monroe County-At large Planning Committee member, as Chairperson of the Planning Committee and Angela Ellis, Livingston County Planning Committee member, as Vice Chairperson effective with the November 8 meeting of that committee in consultation with and based on input from Planning Committee members.

5. Reports and Action on Old Business

a. Planning Committee Report – Scott Leathersich, Vice-Chairperson

Scott Leathersich provided the following report:

The Planning Committee met November 8 and recommends that the GTC Board:

- Adopt the Genesee Transportation Council *Title VI Nondiscrimination Implementation Plan*;
- Accept a report as evidence of completion of a Unified Planning Work Program task;
- Endorse the Regional Project Priorities List for the New York State Department of Transportation Safe Routes to School Program; and
- Adopt nine amendments to the *2011-2014 Transportation Improvement Program* as requested by the Town of Perinton, Monroe County, New York State Department of Transportation, and CSX Transportation.

Additionally, the Planning Committee took the following actions:

- Modified the *FY 2012-2013 Unified Planning Work Program* to reflect the final allocations of fiscal year 2012-2013 federal metropolitan planning funds and the contribution of fiscal year 2011-2012 rollover amounts, as well as correct the description of one UPWP Task.

b. GTC Staff Report – Richard Perrin, Executive Director

Richard Perrin provided the following report:

Unified Planning Work Program

Richard Perrin stated that the *FY 2013-2014 Unified Planning Work Program (UPWP)* Call for projects was issued on Friday, September 14. An applicant workshop was held on Thursday, September 27 at the NYSDOT-Region 4 offices with three potential project sponsors attending. Twenty-two proposals requesting \$1,322,255 in federal transportation planning funds were received by the Friday, October 19 deadline.

After accounting for GTC core requirements and adding Federal Highway Administration (FHWA) balances from FY 2011-2012 and the Federal Transit Administration (FTA) balances from previous years that were approved via Planning Committee Resolution 12-13 at the November 8, 2012 Planning Committee meeting, there is approximately \$1,097,760 available for programming in the *FY 2013-2014 UPWP*.

The 22 proposals were evaluated by GTC staff based on the information contained in the applications. The submitted proposals along with a summary of them, the evaluation form used by GTC staff, a worksheet, and the GTC staff rankings were provided to the UPWP Development Committee (UDC) on November 1. The UDC has met multiple times and a draft *FY 2013-2014 UPWP* will be developed for presentation to the Planning Committee at its January 10, 2013 meeting. Based on any changes made at that meeting, an initial draft program will be approved for 30-day public review and a final draft program for Board adoption will be recommended by the Planning Committee at its February 14, 2013 meeting. The Board will consider the Planning Committee-recommended draft *FY 2013-2014 UPWP* at its March 14, 2013 meeting and the adopted UPWP will take effect April 1, 2013.

Richard Perrin explained that the *FY 2012-2013 UPWP* was programmed with estimates of new FHWA Metropolitan Planning (PL) and FTA Metropolitan Planning Program (MPP) funds for the current year in March 2012. The actual allocations of these funds were provided by NYSDOT on August 2. Combined, the actual amounts of FHWA PL and FTA MPP funds allocated to GTC for FY 2012-2013 are \$239,545 or 12.4 percent less than the estimated amounts that were provided by NYSDOT on November 18, 2011.

During the development of the current UPWP, GTC staff recognized that the NYSDOT-estimated FY 2012-2013 FHWA PL amount was significantly higher than our estimate, which was the same as the previous year (FY 2011-2012). Accordingly, we programmed to our more conservative estimate, recognizing that the funds would be available for programming at a later date.

In addition, GTC staff realized that we had not included FTA MPP savings from the GTC core budget in the annual June amendment that reconciles the UPWP adopted in March with actual fourth quarter expenses. This rollover amount for FY 2012-2013 totaled approximately \$20,000. When the reduction in FY 2012-2013 FHWA PL funds is combined with the savings in FTA MPP funds from the previous years, the result is a net reduction of \$69,848. GTC staff proposed to remove this amount from Task 1600 – Program Reserve, which has sufficient funds to cover the reduction and will not require that any adjustments be made to member agency projects or programs included in the current UPWP.

A correction was also made to the presentation of uses of funds for Task 8535 – RTS Route Analysis. The *FY 2012-2013 UPWP* currently shows the funds being used for contractual services but this is an ongoing activity conducted by RGRTA staff. Accordingly, the Project Description was modified to present the current amounts of FTA MPP and in-kind funds being used for staff services.

Because no increase is being made in the total budget and there is no change in the local shares among the participating agencies, these modifications to the *FY 2012-2013 UPWP* were able to be made via Planning Committee action.

2014-2017 Transportation Improvement Program Development

Richard Perrin reported that GTC staff received the Transportation Improvement Program (TIP)/Statewide TIP Guidance and Instructions along with the FFYs 2015 through 2018 Planning Targets for FHWA program funds on September 26. Richard reviewed the changes to the structure of FHWA programs under MAP-21 and discussed the new NYSDOT approach of splitting the projected apportionments of FHWA funds to the state into allocable (70 percent of the total for projects to be selected at the regional level) and non-allocable (25 percent of the total for projects to be selected by NYSDOT-Main Office) components with a small amount (five percent) reserved for the NYSDOT Commissioner's priorities.

The major effect of the MAP-21 changes to FHWA programs is that significantly more of the funds must be spent on the National Highway System (NHS), which has been expanded to include all roadways classified as Principal Arterials. As a result, fewer funds are available for highways and bridges that are owned, maintained, and operated by local governments. The impact is that there is not enough funding available for projects that were removed from the current TIP in December 2011 when the previous Planning Targets were reduced by \$130 million (40 percent) to account for the change in direction by Congress regarding the federal role in transportation. In addition, NYSDOT is placing a major emphasis on preventive maintenance activities and has revised its policy for providing Marchiselli funds to incentivize local agencies to also adopt this emphasis.

The TIP Development Committee met on October 11 and 22 to discuss these changes and begin developing a process for developing the next TIP, which will add FFYs 2015 through 2017 to the current program. One item of follow-up was to request that the non-allocable component be funded entirely with National Highway

Performance program funds so as to maximize the amount of funds available for programming by MPOs (the allocable component). NYSDOT has approved this request and, while the total amount available to the region for programming has not changed, the amount that can be programmed to projects on any bridge or highway has increased by nearly \$8 million per year, or approximately 40 percent.

GTC staff has articulated these changes to project sponsors, including both those represented on the GTC Board and others, along with the decision to require that all existing projects re-compete for federal transportation funds in light of the change in direction by Congress and the President with respect to the federal role in providing funds for highway and bridge improvements.

Based on the revised Planning Targets, GTC staff has proposed a schedule that would begin solicitation of projects on December 17 with project proposals due January 23, 2013. After TDC evaluation and Planning Committee approval, a public review period would be conducted from April 12 through May 13, 2013 and GTC Board consideration of the proposed program would occur at the June 20, 2013 meeting. The TIP guidebook and application have been revised to streamline the evaluation process and create a stronger link with the performance measures of the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2035 (LRTP 2035)*.

Chairperson Hancock expressed appreciation for the report and noted that many bridges in Genesee County are reaching the end of their useful life and will require replacement, which will be challenging given the fiscal situation.

Terrence Rice asked if we can compare the regional proportional share of statewide amounts relative to previous allocations. Richard Perrin responded that we don't have information on other regions for the previous cycles. Terry also noted that the New York State Highway Superintendents Association is requesting that New York State consider making more state dedicated funds available to local governments. Terry expressed further concern that other regions in the state have not made the same commitment to preventive maintenance as we have and this may mean that they will have more preventive maintenance candidates and receive more Marchiselli funds, which punishes this region for doing the right thing before it received increased emphasis by NYSDOT.

Daniel Hallowell noted that the stimulus addressed many preventive maintenance candidates with a 10-12 year life cycle but there are still plenty of additional candidates that can be submitted for consideration in this round of TIP development. Daniel expressed appreciation for Richard Perrin's efforts regarding funding the non-allocable component with National Highway Performance program funds. This benefitted every region in the state.

Esther Leadley asked if natural disasters such as the major flooding in the Southern Tier would affect funding to regions. Richard Perrin responded that he would follow up with NYSDOT on this and have an answer at the next Board meeting.

FHWA/FTA Quadrennial Certification Review

As discussed at the September 13 Board meeting, FHWA and FTA will be conducting their quadrennial certification of GTC over the next few months. The last certification of GTC was made in April 2009. No new federal requirements related to metropolitan planning have been promulgated since that time and GTC has implemented all of the corrective actions and recommendations included in the 2009 certification. GTC staff is looking forward to the site visit by FHWA-New York Division and FTA-Region 2 staff on January 7-9, 2013 to discuss the many innovative initiatives we are involved in beyond the federal requirements for MPOs, as well as further improvements that GTC can make to its policy, planning, and investment decision making processes.

Regional Sustainability Plan

The project execution plan has been approved by the New York State Energy Research and Development Authority. Work is continuing on the baseline assessment and will be completed in early-January 2013. It is based on the Story of Place that examines the history of the region as a center of innovation and how this can be harnessed to provide future opportunities based on our assets as a region that develops advancements that result in economic benefits to local entrepreneurs and businesses. A greenhouse gas inventory has been developed and the transportation component of it has been reviewed by GTC staff and been found to be consistent with previous analyses conducted for *L RTP 2035* and *2011-2014 TIP*.

c. Old Business

1. Federal Transportation Funding Update

Richard Perrin provided the following report:

Congress has returned for a lame duck session to deal with numerous issues related to the fiscal cliff, including the expiration of the 2001 and 2003 Bush-era tax cuts (\$221 billion per year) and two percent payroll tax cut (\$95 billion per year) and the looming sequestration, which will take effect January 2, 2013. According to initial Office of Management and Budget (OMB) estimates, all but a small portion of the FFY 2013 highway program is exempt from sequestration cuts as are transit formula grants. However, the General Fund transfer to the Highway Trust Fund in FFY 2013 and transit capital grants are subject to the sequestration process. For FFYs 2014 through FFY 2021, the impacts of sequestration are unclear as the Appropriations Committees will have the ability to exercise discretion to attain the new spending targets. Ultimately, Congress can make any changes it deems necessary and this may or may not result in positive benefits for transportation.

The House Transportation and Infrastructure Committee has a new Chairman: Bill Shuster of Pennsylvania. Bill's father Bud was the Chairman of the same committee when the Transportation Equity Act for the 21st Century was enacted in 1998. Chairman Shuster has been a strong proponent for transportation

infrastructure and identifying ways to provide the necessary funds for it. How much his commitment will influence House leadership and its ability to work with the Senate and Administration in these challenging times is yet to be determined.

6. Action Items

- a. Adopting the Genesee Transportation Council *Title VI Nondiscrimination Implementation Plan* / Proposed Resolution 12-139.

Richard Perrin discussed the *Title VI Nondiscrimination Implementation Plan* and noted that GTC is one of the first, if not the first MPO in New York State to develop a Title VI Plan that meets the most recent federal guidance.

Daniel Hallowell moved to approve proposed Resolution 12-139; Edward Muszynski seconded the motion. The motion passed unopposed.

- b. Accepting the Susan B. Anthony Neighborhood Circulation, Access and Parking Study as evidence of completion of UPWP Task 6801 / Proposed Resolution 12-140.

Richard Perrin discussed the findings and recommendations of the study.

Paul Holahan moved to approve proposed Resolution 12-140; Marcia Barry seconded the motion. The motion passed unopposed.

- c. Endorsing the Regional Project Priorities List for the NYSDOT Safe Routes to School Program / Proposed Resolution 12-142

Richard Perrin discussed the program including the administration of the program by NYSDOT-Main Office, solicitation of proposals, evaluation process, and purpose of the regional project priorities list submitted to NYSDOT-Main Office for consideration by the NYSDOT Commissioner. Richard noted that announcements regarding the disposition of proposals are anticipated to be made by the end of the year.

James Hoffman moved to approve proposed Resolution 12-142; Jeffrey Adair seconded the motion. The motion passed unopposed.

- d. Adopting amendments to the *2011-2014 Transportation Improvement Program* / Proposed Resolutions 12-143 through 12-151.

Chairperson Hancock suggested grouping all TIP actions under one motion. No Member or Alternate objected.

Richard Perrin summarized the amendments as follows:

- Proposed Council Resolution 12-143 will advance portions of the Construction and Construction Inspection Phases for the O'Connor Road project with an offset being provided by the Highway Safety Improvement block via Proposed Council Resolution 12-144. This action will allow the project to be implemented sooner than it would otherwise.

- The Paul Road-Fisher Road project is funded through an earmark. Monroe County is requesting this amendment (Proposed Council Resolution 12-145) so the project can proceed to bid without further delay. This recommended action has no impact on any other projects.
- Proposed Council Resolutions 12-146 and 12-147 make additional federal funds available for the I-390 Interchange Improvements @ Exit 16 Phase 2A (Kendrick Road) project which is addressed in Proposed Council Resolution 12-148.
- Proposed Council Resolution 12-149 is needed because CSX has had issues with the technology involved in its original proposal for clean switcher locomotives in other areas of the country and, as a result, is seeking to use a more reliable technology. CSX has also determined that fewer switcher locomotives are needed at the Goodman yards. There is a net reduction in the overall cost of the project which will make Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds available for other projects.
- Proposed Council Resolution 12-150 is a placeholder for the CMAQ funds that would be released by Proposed Council Resolution 12-149. It is expected that TIP amendments that would utilize the available CMAQ funds will be presented for the Board's consideration in March. It should also be noted that the region will not be able to use CMAQ funds after FFY 2014.
- With respect to Proposed Council Resolution 12-151, Richard Perrin stated that the Town of Marion was unable to establish a sidewalk district via referendum as originally anticipated when the associated Transportation Enhancements Program (TEP) project was developed and approved. The sidewalk district would have provided the funding for the local match. Accordingly, the Town has to decline the TEP funds and they will be lost to the region.

Richard Perrin reported that the TIP amendments provided for the Board's consideration were reviewed by the Planning Committee at its November 8, 2012 meeting and recommended for approval.

Daniel Hogan moved to approve Proposed Resolutions 12-143 through 12-151; Scott Leathersich seconded the motion. The motion passed unopposed.

7. New Business

Chairperson Hancock noted that there is a 2013 Meeting Calendar in the Board meeting package. Richard Perrin noted that the Meeting Calendar also presents Planning Committee Meetings as well. Richard indicated that Planning Committee Meetings are included on the calendar for reference purposes and that while Board members are not expected or required to attend the Planning Committee Meetings, they are always welcome to attend, if they wish. Richard expressed appreciation for the Planning Committee members' efforts.

8. Next Meeting

The next GTC Board meeting will be held on Thursday March 14, 2013 at 8:30 a.m. at the Radisson Hotel, 175 Jefferson Road, in Henrietta.

9. Adjournment

The meeting adjourned at 9:26 a.m.