

**MEETING MINUTES
OF THE DVRPC REGIONAL CITIZENS COMMITTEE
OCTOBER 17, 2006**

APPROVAL OF MINUTES:

The minutes of the September 19, 2006 RCC meeting were approved as mailed.

CHAIRMAN'S REPORT:

Warren Strumpfer, RCC Chair, called upon several committee members for updates: Elaine Cohen announced that Finley Shapiro and Susan Stein are the proud parents of a baby girl, born 9/24/06; and John Boyle stated that Dennis Winters had undergone his second knee replacement surgery.

Mr. Strumpfer referenced last month's TIP Actions, noting that he had had a conversation with Linda Hayes of DRPA who clarified that the proposed water shuttle will function from ramps that are owned by the Penn's Landing Corp. This project was made possible through an FTA earmark awarded to DRPA. Anne Carroll questioned who the intended users are. In the second TIP Action of concern to RCC members last month, Ms. Hayes revealed that interoperability is a requirement of security grants. However, there are no statewide or regional communication equipment standards in place, causing concern. DRPA and other agencies are working to improve interoperability in this area. The agency's security line item included laptop computers and a police vehicle this year. Mr. Strumpfer then stated that he and Elizabeth Schoonmaker, DVRPC's Manager of the Office of Capital Improvements, met with Jerry Lutin and his cohorts from NJ Transit to discuss near-term improvements to the Avondale Park and Ride. Some of these improvements include lighting and shelter upgrades, bike racks, and ADA compliance issues. Longer-term improvements will include improving the parking layout and installation of a security system. Mr. Strumpfer expressed his gratitude to Ms. Schoonmaker and lauded the expertise of the agency's staff. Finally, Mr. Strumpfer and Hans van Naerssen, who attended the dVRPC Board Retreat, highlighted segments of the day's events. The RCC Chair had asked DVRPC to play a leadership role in negotiating a settlement in the DRPA/ dredging issue but Board members responded that this was not the Commission's role.

RTC REPORT:

John Boyle, RTC representative, reported that the committee had reviewed the same actions as the RCC and had a discussion about a draft memorandum of understanding between DVRPC and SEPTA. Mr. Boyle also volunteered to conduct a brief session at the next RCC meeting on how to set up or join a list-serve on Yahoo.

COMMITTEE BUSINESS:

Some of the county caucuses met and a number of representatives had to be appointed by the Chair to serve on the Nominating Committee. The Nominating Committee now includes the following members:

Bucks County: Sue Herman
Chester County: John Burkhardt
Delaware County: Cheryl Tumola
Montgomery County: John Pawson
Philadelphia: John Boyle
Camden County: Roxane Shinn

There were no representatives to serve from Burlington, Gloucester or Mercer counties. Because the county caucus procedure does not seem to be working, the committee may need to revisit the process for Nominating Committee appointments.

(Note: The Nominating Committee met following the RCC meeting to discuss the selection of the Chair for 2007.)

TIP PACKAGE #1:

Because this month's TIP Actions include the deletion and deferral of projects in order to fund additional costs in other projects, John Boyle, Transportation Subcommittee Chair, reviewed the actions in a package that explains the transfer of funding, as follows:

TIP ACTION PA07-02: PA 309 Welsh Road to Highland Avenue, Section 101 (MPMS #16477), Montgomery County:

PennDOT has requested that DVRPC amend the FY2007-2010 TIP for Pennsylvania by increasing the construction programming for the PA 309, Welsh Road to Highland Avenue project by \$41.750 million (\$33.4 million federal/\$8.350 million state) spread out over FY07 through FY10. Originally estimated at \$70 million for construction, the cost of this section of the 309 Reconstruction project is now estimated at approximately \$90 million. It was anticipated that \$30 million for construction would have been drawn and obligated from FY06 monies, but due to the delay in the engineering [Plans, Specifications, and Estimates (PS & E)] package, obligation did not occur and additional funds are now required from the FY07 program. The delay in the PS & E package is due to the re-design of the Norristown Interchange to include additional ramps to provide access 1) from 309 southbound to Norristown Road, 2) onto 309 northbound from Norristown Road. Combined with other actions this month, this action has a significant impact on the regional program, as the \$41.750 million must be drawn from other projects in the recently approved TIP for FY07-FY10.

The change in scope of the project to include the additional ramps triggers the requirement for a new Air Quality Conformity Demonstration and an Amendment to the long range plan, Destination 2030. Due to the region's connection to the Delaware regional planning area (WILMAPCO) because of recent federal regulations pertaining to "PM 2.5" particulate matter pollutants, WILMAPCO is also required to take action and run a 30 day public comment period reaffirming the area's conformity determination, including adoption by the WILMAPCO Board, in order for FHWA and FTA to approve DVRPC's Conformity Determination. WILMAPCO will need to agree to participate in the conformity process in this manner and accelerated time schedule in order to enable PennDOT to advance to an appropriate advertisement and letting schedule so that this major project can get underway in the spring of 2007.

TIP ACTION PA07-03: US 202, US 30 to N. Valley Rd. (Sec. 310)(MPMS #64493), Chester County:

PennDOT has requested that DVRPC modify the FY2007-2010 TIP for Pennsylvania by increasing the construction programming for the US 202, US 30 to North Valley Road project (MPMS #64493) by \$8.75 million (\$7 million federal/\$1.750 million state) in FY09 and FY10. It was anticipated that \$10 million for construction would have been drawn and obligated from FY06 monies, but due to the delay in the PS & E package, obligation did not occur and additional funds are now required from the FY07 program. The delay in the PS & E package is due to the revision of right of way related to friendly condemnation of property that is part of a development rather than risk a lengthy and expensive court battle.

TIP ACTION PA07-04: River Road Flood Recovery (Proposed New Project (MPMS #73624), Bucks County:

PennDOT has requested that DVRPC amend the FY2007-2010 TIP for Pennsylvania by adding a new project and programming construction funding totaling \$9.045 million in federal fiscal years FY07 through FY10 that goes above and beyond the \$3.921 million in emergency federal flood funds already approved (but not programmed yet) for the project. Severe flooding along River Road near the Delaware Canal in Bucks County has caused the road to be partially closed for almost two years. Emergency relief funding covers only part of the cost of the project, and previous estimates were based on approved FHWA funds prior to the 2005 flood event. This \$12.999 million reconstruction is vital to resume emergency access and economic viability to the Upper Bucks County region and will provide for more than a mile of new retaining wall in a difficult environment, reconstructing the roadway, debris removal, drainage upgrades and other safety improvements.

TIP ACTION PA07-05 - 14: Deletion and Deferral of Projects, Various Counties:

PennDOT has requested that DVRPC make some modifications and “technical deletions” to projects currently programmed in the FY07 TIP by deferring phases of several projects that are delayed in order to maintain fiscal constraint of the program so as to be able to advance three large construction projects (Route 309 from Welsh Road to Highland Avenue, Section 310 of US 202, and the River Road Flood Recovery project) which will be ready to let in the spring of 2007 and take advantage of the upcoming construction season.

Note that projects identified with the term “technical deletion” mean that a project is technically deleted from the TIP because its phases are so far delayed as to be pushed into the 4th year of the program or out of it all together. These projects are not being dropped for lack of interest. Several of these have just been re-assigned to PennDOT’s recently retained design consultants, and are expected to become “active in design”. A summary of actions follows:

1. PA07-05: US 202 (Section 100 Design) (ES1) (MPMS #15385), Chester County - Delay

Reduce the final design by \$5 million in FY10 and shift remaining costs to later fiscal years. Design costs are estimated at \$19 million. This project serves as the design phase for Section 100 of Route 202. This project is currently in the draft environmental impact statement phase. No funds will be programmed for additional phases until the conclusion of the DEIS.

2. **PA07-06: US 202, Swedesford Road to Route 29, MPMS #64494, Chester County - Cash Flow**
Reduce the FY10 construction phase by \$13.4 million in FY10 and shift those costs to later fiscal years based on the project schedule for cash flow purposes.
3. **PA07-07: US 202, Township Line Road to Morris Road (Section 61N),MPMS #63490, Montgomery County - Delay**
Shift the construction phase back a year from FY07/ FY08/ FY09/ FY10 to FY08/ FY09/ FY10/ and Later Fiscal Years.
4. **PA07-08: Camp Road (Bridge)Over East Branch of PerkiomenCreek (MPMS #16099) , Montgomery County - Technical Deletion**
Delete this project by removing the construction phase from this fiscal year and pushing it out to Later Fiscal Years. This project has recently been reassigned to one of PennDOT's design consultants as it has not advanced through engineering since it appeared in the FY 1999 TIP. The current estimated let date is November, 2009.
5. **PA07-09: US 202 (Turn Lanes), US 202 to PA 313 (Swamp Road) (MPMS #13609), Bucks County - Technical Deletion**
Delete this project by shifting all of the construction funding from this fiscal year and next, to FY10 and Later Fiscal Years. This project has recently been reassigned to one of PennDOT's design consultants as it has not advanced through engineering since it appeared in the FY 1999 TIP. The current estimated let date is December 2008.
6. **PA07-10: PA 413, New Rodgers Road (Turn Lane) (MPMS #13576), Bucks County - Technical Deletion**
Delete this project by shifting all construction funding from FY08, FY09, and FY10 to Later Fiscal Years. It has not advanced through engineering since it appeared on the FY1999 TIP. The Categorical Exclusion (CE) documentation is expired, and right sizing has been recommended for the project which has recently been reassigned to one of PennDOT's design consultants. The current estimated let date is April 2010.
7. **TIP Action PA07-11: US 30, Coatesville Downingtown Bypass(MPMS#14532), Chester County - Delay**
Defer the beginning of the final design phase by two years and push out to FY09 and Later Fiscal Years. This \$255 million project has not advanced through engineering since it appeared in the FY 1999 TIP.
8. **TIP Action PA07-12: Ardmore Avenue Bridge over SEPTA and Cobbs Creek (MPMS #15225) Delaware County - Delay**
Shift the construction phase back one year from FY09/FY10 to FY10/Later Fiscal Years by removing the \$1 million of bridge funding from FY2009. This project provides for replacement of two bridges over SEPTA and Cobbs Creek. Project recently reassigned to one of PennDOT's design consultants.
9. **TIP Action PA07-13: PA 291, Platt Bridge Painting (MPMS #57904), Philadelphia- Delay**

Defer construction phase for this project one year from FY08/FY09/F10 to FY09/FY10/Later Fiscal Years. Project remains active in design.

10. TIP Action PA07-14: Headquarters Road (Bridge) (MPMS #13340), Bucks County - Technical Deletion

Delete this project by shifting all construction funding out of the program from FY07 and FY08 to Later Fiscal Years. It has recently been reassigned to one of PennDOT's design consultants. The current estimated let date is April, 2009.

Discussion: The RCC discussed the fact that safety issues are seemingly being pushed back for other priorities such as convenience. Specific issues arose on each of the projects; namely, the River Road project needs to include an accommodation for bicyclists/pedestrians, if possible, and drainage should be improved here to empty into the river, not the canal; and the need for maintenance of the state's bridges is a major priority. The question arose as to how PennDOT selected these projects and why this was not a regional decision made with the input of DVRPC.

ACTION TAKEN BY COMMITTEE:

MOTION (by John Boyle, seconded by Cheryl Tumola) to recommend that the Board approve TIP Actions PA07-02, PA07-03, PA07-04, and PA07-05 - 14. In addition, the RCC asks that a 2 - 3-foot marked shoulder be installed along River Road to accommodate bicyclists/pedestrians, if possible, and that drainage from the roadway be emptied into the river, not the canal. The committee also is concerned about the delay of maintenance on the bridge projects in this package, resulting in additional safety issues.

MOTION CARRIED. (See Item A on the voting record.)

TIP PACKAGE #2:

PROJECT TO ADVANCE: TIP ACTION PA07-15: I-76, Schuylkill Expressway Intelligent Transportation System (ITS) (MPMS #48185), Philadelphia and Montgomery Counties:

DELETIONS (source of funds proposed for I-76, Schuylkill Expressway ITS):

TIP ACTION PA07-16: DVRPC CMAQ Competitive Program (MPMS #48201), Various Counties and TIP ACTION PA07-17: Passyunk Avenue (Signals) Broad Street to 63rd Street, (MPMS #16987), City of Philadelphia:

PennDOT has requested that DVRPC amend the FY2007-2010 TIP for Pennsylvania by advancing the construction phase of the I-76 Schuylkill Expressway ITS project (MPMS #48185) from later fiscal years of the TIP to FY 07, 08 and 09, programming a total of \$21.5 million for variable message signs, CCTV's, fiber optics, and vehicle detection devices along the Schuylkill Expressway roughly from I-476 through to the Platt Bridge , PA 291, and along a section of City Avenue adjacent to I-76. Governor Rendell has made a commitment to advance this project which was programmed in the out-years of the program during the recent FY07 TIP update process. These ITS projects have been identified as a priority for advancing now with a projected let date of November, 2006.

This will put information systems in place prior to the construction of two other major projects in the region that will cause severe disruption and traffic issues: 1) reconstruction of I-476, Chemical Road to I-76 (RES) (MPMS #16737) is programmed to begin construction in FY09 and entails the following: total reconstruction of the northbound and southbound lanes of I-476 between I-76 (the Schuylkill Expressway) and I-276 (the Pennsylvania Turnpike Mid-County Interchange); and 2) the reconstruction of 27 structures along I-76 in Philadelphia and Montgomery counties known as I-76 Pre-Cast Bridge Parapets (MPMS #67762) to remediate bridge structures with "Hoan-like details", is also programmed and expected to advance to construction in three or four years. These projects will severely impact traffic flow in the region, and the ITS systems will assist in the traffic management in and around the expressway.

As an unanticipated funding need, the ITS projects require that sources of funds be identified. PennDOT has identified \$7.7 million of funding through de-obligations. A signal project in Philadelphia along Passyunk Avenue has been identified as delayed and not requiring funding as currently programmed, and is proposed to be deleted from the TIP by pushing funding out to FY10 and later. A few projects programmed for funding in FY07 were able to utilize some left over FY06 funds, resulting in some "savings" to the program this year. Most Significantly, the final part of PennDOT's proposal calls for the deletion of the DVRPC Competitive CMAQ program in order to use that funding for the ITS project, which is eligible for CMAQ funds. This action impacts how and when and if DVRPC is able to hold another round of a call for projects to advance through the competitive process if funds are not restored.

Note: The ITS projects were formerly broken out into three projects/sections with three MPMS #'s: 48185, 17826, and 17827 as follows:

I-76, Schuylkill Expressway ITS, Belmont Avenue to Conshohocken Curve (formerly MPMS #48185)

I-76, Schuylkill Expressway/Pencoyd ITS, I-676, Vine Expressway to Pencoyd Bridge (formerly MPMS #17826)

I-76, Schuylkill Expressway/Platt Bridge ITS, I-676, Vine Expressway to Platt Bridge-PA-291 (formerly MPMS #17826)

All three sections would be let as one contract and would advance under one MPMS #48185. The cost of the project has been increased from \$15 million to \$21.5 million, but reflects updated estimates as well as a change in scope to include ITS installation on a portion of US 1/City Avenue between I-76 and Maschar Street not in the scope of the original three projects.

Discussion: Various members stated their belief that the CMAQ pot of funding should be sacrosanct and should not be touched. Again, safety issues are being impacted because of political motivations. The RCC strongly believes that PennDOT should be working cooperatively with the MPO to develop a list of deferred/delayed projects – not handing down a list that has been pre-determined. This flies in the face of the prioritized list of projects adopted as part of the Year 2030 Plan.

ACTION TAKEN BY COMMITTEE:

MOTION (by John Boyle, seconded by Ernest Cohen) to recommend that the Board not approve the advancement of TIP Actions PA07-15, PA07-16, and PA07-17 because of the impact of this action on the DVRPC Competitive CMAQ Program. The RCC takes this opportunity to emphasize the importance of the CMAQ Program and the need to balance regional safety and maintenance needs as priorities over ITS projects. The RCC also asks that the Commonwealth make an increased effort to find funding for such issues.

MOTION CARRIED. (See Item B on the voting record.)

ACTION TAKEN BY COMMITTEE:

MOTION (by Hans van Naerssen, seconded by John Boyle) to forward the attached resolution to the Board regarding the committee's disappointment over the arbitrary selection of projects for delay and deferral by PennDOT, thus ignoring the region's and the MPO's transportation priorities as listed in the Year 2030 Plan.

MOTION CARRIED. (See Item C on the voting record.)

AUTHORIZATION TO OPEN PUBLIC COMMENT PERIODS FOR THE *DESTINATION 2030* LONG RANGE PLAN (LRP) AMENDMENT AND THE DRAFT CONFORMITY FINDING OF THE FY 2007 PENNSYLVANIA TRANSPORTATION IMPROVEMENT PROGRAM (TIP), FY 2007 NEW JERSEY TIP, AND THE *DESTINATION 2030* LONG RANGE PLAN:

Dr. Jienki Synn, DVRPC Senior Transportation Planner, explained that federal law and planning regulations require the development of a Transportation Improvement Program (TIP) in order for the metropolitan region to be eligible to receive federal transportation funds. These same laws and regulations also require the MPO to develop a long range plan (LRP) to set policy for transportation improvements for a 20-year period. The creation of both the TIP and LRP is completed by the MPO in cooperation with the state and transit operators, and must include an opportunity for input and comment by the public. A 30-day public comment period is required prior to the formal adoption of the TIP, LRP, or any amendments that involve important changes in regionally significant projects.

Additionally, the Clean Air Act, as amended, requires that transportation plans and programs conform to the applicable State Implementation Plans (SIP) for air quality. The process to ensure that the TIP/LRP is found to conform to the purposes of the SIP is called transportation conformity ("conformity"). Funding of new projects in non-attainment areas such as the DVRPC region is dependent upon conformity demonstration. US EPA also provides that a new conformity determination is required when TIP and/or LRP is amended significantly.

Several FY 07 TIP amendments - one of which is also a *Destination 2030* LRP amendment - are the kind that trigger a new conformity demonstration. Adhering to the regulatory requirements, DVRPC must now determine conformity of the amended TIPs and the LRP for all designated pollutants under the National Ambient Air Quality Standards including ozone (VOCs and NO_x), carbon monoxide (CO), and fine particulate matter (PM_{2.5}). The proposed amendments maintain the fiscally-constrained nature of the TIP and the LRP.

Staff will have completed all technical analysis by late October. Staff recommends that the DVRPC Board authorize two 30-day public comment periods to allow comment on the LRP amendment and the draft conformity finding by the public and other agencies. Two comment periods are necessary due to several layers of procedural requirements and timelines of two Metropolitan Planning Organizations (MPO) involved, DVRPC and the Wilmington Area Planning Commission, WILMAPCO, the MPO for the Wilmington, Delaware, region. The schedule requested by PennDOT and the WILMAPCO timetable - which coincidentally includes an imminent LRP update - could not be reconciled to merge the two comment periods. The first comment period will be from October 30, 2006, to November 28, 2006, and it is to present the DVRPC emissions analysis result to the public. Per governing regulatory requirements covering the Philadelphia-Wilmington, PA-NJ-DE PM_{2.5} Non-attainment Area, WILMAPCO will also have to open a concurrent comment period - scheduled from October 13 to November 11 - in which WILMAPCO will reaffirm its January 2006 conformity finding per 40 CFR 93.122(g). Subsequently, reciprocal actions will take place during the second comment period, where DVRPC will reaffirm its December 2006 conformity finding (pending its own federal approval), while WILMAPCO will present a new emissions analysis resulting from its scheduled LRP update. Dates for the second DVRPC comment period have not been determined yet, but the DVRPC opening date can be as early as early-to-mid December. WILMAPCO plans to open its second comment period on November 14.

A set of draft conformity documents will be available for public review by Monday, October 30, 2006, as the first public comment period is scheduled to begin. Staff will review and respond to the comments received during the two comment periods, and the RTC and RCC will prepare recommendations to the Board for adoption of the final conformity findings in December, 2006 and in January, 2007, respectively.

ACTION TAKEN BY COMMITTEE:

MOTION (by Hans van Naerssen, seconded by Lorraine Brill) to recommend that the Board authorize staff to open two 30-day public comment periods, to issue proper public notifications, to publish documents on the Internet, to make copies available at certain public libraries, and to hold public meeting(s) for the purpose of gathering public and agency comments on the *Destination 2030* Long Range Plan amendment and draft conformity finding for the FY 2007 Pennsylvania TIP, FY 2007 New Jersey TIP, and the *Destination 2030* Long Range Plan.

MOTION CARRIED. (See Item D on the voting record.)

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN DVRPC AND SEPTA:

Dr. Joseph Hacker, DVRPC Manager, Office of Transit, Bicycles and Pedestrians, clarified that a proposed MOU between DVRPC and SEPTA has been withdrawn from action for this month, as it is reviewed by the City of Philadelphia and various other entities. In its 8th iteration, the MOU is required by the federal government. An MOU with NJ Transit already is in place. The RCC will be notified when another version of the MOU is ready for review.

PENNDOT POLICY RE: INTEGRATION OF PEDESTRIAN AND BICYCLE MODES OF TRANSPORTATION INTO PLANNING AND DESIGN PROCESSES:

Dr. Hacker introduced a change in PennDOT policy which has taken the form of a paper entitled *Integration of Pedestrian and Bicycle Modes of Transportation into Planning and Design Processes*. This document, which will be an addition to the Design Manual as of January 1, 2007, will require evaluation and, if warranted, accommodation of bicycle and pedestrian modes of transportation. MPO's have been asked to review the policy and comment by November 15, 2006. Dr. Hacker stated that DVRPC staff welcomes the change. Anyone with comments about the policy should forward them to Hans van Naerssen who will consolidate the remarks and forward them to DVRPC for inclusion in their package to PennDOT.

ACTION TAKEN BY COMMITTEE:

MOTION (by Hans van Naerssen, seconded by Ernest Cohen) to applaud PennDOT's effort in drafting the change of policy referenced as *Integration of Pedestrian and Bicycle Modes of Transportation into Planning and Design Processes*. The RCC asks that DVRPC forward copies of this policy to other agencies in the region that accept federal funds and urge them to consider the adoption of such a policy addressing bicycle and pedestrian issues. The RCC reserves the right to provide additional comments.

MOTION CARRIED. (See Item E on the voting record.)

DRAFT DVRPC FY 2008 PLANNING WORK PROGRAM:

Candace Snyder, DVRPC Director of Public Affairs, reviewed the projects selected at the Board Retreat for inclusion in the DVRPC FY2008 Planning Work Program. One of these projects is the RCC's proposed "Seamless Transportation to and Through the Core." Dr. Hacker stated that he had to rewrite a portion of the RCC's white paper to make it compatible with the scoping description needed for the Work Program. RCC members voiced concern that the parameters of the project may have changed drastically from what they had in mind. Ms. Snyder asked that members wait until the Draft Work Program is released in December to review the scope of this project, and then offer comments.

DRAFT DVRPC TITLE VI COMPLIANCE PLAN:

Ajay Creshkoff led a discussion regarding a paper he had drafted on Environmental Justice (EJ) and Title VI issues. This paper (see attached) sets boundaries for thinking holistically about EJ/Title VI within each project and looks at how to get people involved. Jane Meconi, DVRPC Public Involvement Manager, urged anyone with pertinent contacts for the EJ Committee to provide them.

ACTION TAKEN BY COMMITTEE:

MOTION (by Sue Herman, seconded by John Boyle) to endorse the paper written by Ajay Creshkoff and to submit it as the RCC's thoughts on EJ and Title VI.

MOTION CARRIED.

