

DELAWARE VALLEY REGIONAL PLANNING COMMISSION

BOARD COMMITTEE

Draft Minutes of Meeting May 26, 2022

Location: *This meeting was held as a hybrid meeting.*

Membership Present

New Jersey Department of Community Affairs
New Jersey Department of Transportation
New Jersey Governor's Appointee
Pennsylvania Department of Transportation

Pennsylvania Governor's Appointee
Pennsylvania Governor's Policy & Planning Office
Bucks County

Chester County

Delaware County

Montgomery County
Burlington County
Camden County
Gloucester County
Mercer County
City of Chester
City of Philadelphia

City of Camden
City of Trenton

Non-Voting Members

Federal Highway Administration
New Jersey Division
Pennsylvania Division
U.S. Department of Housing and Urban Development,
Region III
U.S. Environmental Protection Agency, Region II
U.S. Environmental Protection Agency, Region III
Federal Transit Administration, Region III
Southeastern Pennsylvania Transportation Authority

Representative

Maria Connolly
Mike Russo (in person)
(not represented)
Larry Shifflet
Jim Mosca
Gina Burritt (in person)
(not represented)
Robert Harvie
Evan Stone
Rich Brahler
Josh Maxwell
Brian O'Leary
Christine Reuther (in person)
Thomas Shaffer (in person)
Scott France (in person)
Tom Stanuikynas (in person)
Andrew Levecchia (in person)
Jackie Huston
Leslie Floyd
(not represented)
Chris Puchalsky
Michael Carroll
Eleanor Sharpe
June Morton (in person)
Jeffrey Wilkerson

Brian Goodson
Eugene Porochniak

(not represented)
(not represented)
(not represented)
Uzoma Anukwe
Jody Holton

New Jersey Transit Corporation
New Jersey Department of Environmental Protection
Pennsylvania Department of Environmental Protection
Delaware River Port Authority
Port Authority Transit Corporation
New Jersey Office of Planning Advocacy
Pennsylvania Department of Community and
Economic Development
DVRPC Co-Counsel
Pennsylvania Co-Counsel
New Jersey Co-Counsel
DVRPC Staff

Lou Millan
(not represented)
Sachin Shankar
Tonyelle Cook-Artis
Rohan Hepkins
Donna Rendeiro (in person)

Aliyah Stanger (in person)

Jonathan Bloom (in person)
Tom Coleman (in person)

Barry Seymour, Patty Elkis, Karin Morris, Greg Krykewycz, Mike Boyer, Karen Cilurso, Maridarlyn Gonzalez, Alison Hastings, Kwan Hui, Amani Bey, Jesse Buerk, Elise Turner, Betsy Mastaglio, Van Doan, Bill Laidlaw, Tammy DiMeo, Kendra Nelson, , Sarah Moran, Dan Snyder, Gina Myers, Stephanie Cavacini, Mark Morley, Stacy Bartels, Ryan Gallagher, John Coscia, Jr., Glenn McNichol, Anthony Gordon, Tom Keenan, Paul Smith, Shawn Megill Legendre, Amy Bernknopf, and Renee Wise.

Guests

PennDOT District 6
City of Philadelphia Planning Commission
Public Participation Task Force
Public Participation Task Force
Public Participation Task Force
City of Philadelphia
Office of Senator Casey
Delaware County Resident
Mercadien
Mercadien
Bicycle Coalition of Greater Philadelphia
Bicycle Coalition of Greater Philadelphia
Bicycle Coalition of Greater Philadelphia
The Partnership TMA

Jonathan Korus
David Kanthor
Lucas Oshman
Mary Sandone
Eva Hayes
Martine DeCamp
Lara Flynn
Reverend Glen Benson
Digesh Patel
Matthew Daly
Sarah Clarke Stuart
Patrick Monahan
John Boyle
Jacqui Baxter-Rollins

Call to Order - Chair's Comments

Vice Chair, Gina Burritt, called the meeting to order at 10:10 a.m. Vice Chair Burritt asked if there was any press in the meeting and noted that DVRPC would be recording the meeting.

Public Comments on Agenda and Non-Agenda Items

Public comments were stated by Reverend Glen Benson of the City of Chester regarding his residence at 1210 Kerlin Street in the City of Chester. He commented that there has been a proposal from different contractors to repair the home. Mr. Benson

asked that everyone involved in the process continue to keep him in the loop with information and updates. Mr. Benson also asked for any information on the placement of sound barriers that are planned to be installed along I-95. Public comments and a presentation were given by Sarah Clarke Stuart of the Bicycle Coalition of Greater Philadelphia regarding the need to continue to fund and advance the Circuit Trails network. That presentation is attached here.

ACTION ITEMS

1. Minutes of Meeting of April 28, 2022

The Board adopted the following motion:

MOTION by *Ms. Morton*, seconded by *Ms. Reuther*, to approve the minutes of April 28, 2022.

Motion passed. All votes were cast in favor of the motion.

2. Transportation Improvement Program (TIP) Actions

Jesse Buerk, DVRPC Manager, Office of Capital Programs, presented the following TIP actions to the Board:

a. NJ22-035: Route 47, Bridges over Big Timber Creek (DB #11371), Camden and Gloucester Counties

NJDOT has requested that DVRPC amend the FY2022 TIP for New Jersey by changing the federal funding sources of the project, Route 47, Bridge over Big Timber Creek (DB#11371), from CRRSAA-FLEX and NHPP to Bridge Formula Program (BFP) funds, by increasing the Construction (CON) cost by \$18.062 M (Million) from \$33.1 M to \$51.162 M, and by delaying FY22 CON to FY23.

This project will replace the Route 47 and Route 130 bridges over Big Timber Creek. Construction will be delayed because PSE&G cannot begin work without an executed utility agreement. The cost has increased due to delays from PSE&G and supply-chain complications.

Financial constraint will be maintained by adjusting other existing TIP projects whose schedules or costs have changed. All projects listed contribute to fiscal constraint.

Motion passed. All votes were cast in favor of the motion.

Favorable recommendation was received from the Regional Technical Committee.

The Board adopted the following motion:

MOTION by *Mr. Levecchia*, seconded by *Ms. Morton* , to approve TIP action:

NJ22-035, NJDOT's request that DVRPC amend the FY2022 TIP for New Jersey by changing the federal funding sources of the project, Route 47, Bridge over Big Timber Creek (DB#11371), from CRRSAA-FLEX and NHPP to Bridge Formula Program (BFP) funds, by increasing the Construction (CON) cost by \$18.062 M (Million) from \$33.1 M to \$51.162 M, and by delaying FY22 CON to FY23.

The following amounts will be moved to existing or new Line Items for Construction (CON):

Motion passed. All votes were cast in favor of the motion.

b. PA21-087: US 322, Featherbed Lane to I-95 (Section 102) (MPMS #69817), Delaware County

PennDOT has requested that DVRPC amend the FY2021 TIP for Pennsylvania by adding \$15 million (\$12,000,000 NHPP/ \$3,000,000 STATE 581) to the Right-of-Way (ROW) phase of the US 322, Featherbed Lane to I-95 (Section 102) (MPMS #69817) project in FY22.

This project is one section of the overall US 322, Section 100 (MPMS #69816) roadway widening and reconstruction project which was divided into three mainline construction sections (101, 102, and 103), and one offsite mitigation project. Section 102 involves widening and improving US 322 to a four-lane typical section with a median barrier from east of Mattson Road/Featherbed Lane near Clayton Park and the Concord Township/Bethel Township line through Bethel Township to just east of Chelsea Parkway in Upper Chichester Township.

The project includes a number of intersection improvements. Exclusive left-turn lanes and/or auxiliary right-turn lanes will be provided at select intersections. The Foulk Road (SR 261) interchange will be reconstructed to a partial diamond configuration, including two new traffic signals, while the Market Street (SR 452) interchange will be reconstructed to a partial cloverleaf configuration, including two new traffic signals. The overall project also includes the replacement of ten bridges and/or culverts. Sound barriers and retaining walls will be constructed in this section.

The additional right-of-way funding will fully cover property acquisitions for both sections 102 and 103 (MPMS #114304). Section 103 is a breakout project for construction, with right-of-way for section 103 funded under section 102. The ROW cost increase is largely due increased real-estate costs in the project area since the beginning of the Covid-19 pandemic.

- Approximately 35 commercial and residential displacements along this suburban corridor have significantly inflated right-of-way acquisition costs.
- Previously vacant properties became occupied and some of the parcels changed from partial takes to total takes.

Multiple commercial business relocation costs have increased since the initial project estimates.

- 30 parcels included structures that needed to be evaluated for hazardous materials and abatement completed prior to the demolition of the structures.

Financial constraint will be maintained by adjusting districtwide and regional line items. All projects listed contribute to fiscal constraint.

Favorable recommendation was received from the Regional Technical Committee.

The Board adopted the following motion:

MOTION by *Ms. Reuther*, seconded by *Mr. Russo* , to approve TIP action:

PA21-87, PennDOT's request that DVRPC amend the FY2021 TIP for Pennsylvania by adding \$15 million (\$12,000,000 NHPP/ \$3,000,000 STATE 581) to the Right-of-Way (ROW) phase of the US 322, Featherbed Lane to I-95 (Section 102) (MPMS #69817) project in FY22.

Motion passed. All votes were cast in favor of the motion.

c. PA21-088: Columbus Boulevard: Tasker-Reed (MPMS #13213), Philadelphia

PennDOT has requested that DVRPC amend the FY2021 TIP for Pennsylvania by accepting a new Transportation Infrastructure Investment Fund (TIIF) project, Columbus Boulevard: Tasker-Reed (MPMS #13213) and adding its additional \$1,500,000 (STATE e581) funds into the TIP for the Construction (CON) phase in FY22. These are additional funds to the region.

This project will improve traffic signal interconnections, turning lanes, and crosswalks along Columbus Boulevard on Tasker, Dickinson, and Reed Streets.

Financial constraint is maintained as these are additional funds to the region. All projects listed contribute to fiscal constraint.

Favorable recommendation was received from the Regional Technical Committee.

The Board adopted the following motion:

MOTION by *Mr. Carroll*, seconded by *Mr. Levecchia* , to approve TIP action:

PA21-88, PennDOT's request that DVRPC amend the FY2021 TIP for Pennsylvania by accepting a new Transportation Infrastructure Investment Fund (TIIF) project, Columbus Boulevard: Tasker-Reed (MPMS #13213) and adding its additional \$1,500,000 (STATE e581) funds into the TIP for the Construction (CON) phase in FY22. These are additional funds to the region.

Motion passed. All votes were cast in favor of the motion.

3. Request to Open Public Comment Period for Draft Pennsylvania TIP and Conformity Determination

Jesse Buerk, DVRPC Manager, Office of Capital Programs, explained that federal law and planning regulations require the development of a Long-Range Plan (LRP) and Transportation Improvement Program (TIP) in order for the metropolitan region to be eligible to receive federal transportation funds. The creation of the LRP and TIP are to be done by the MPO in cooperation with the state and transit operators, and must provide opportunity for input and comment by the public. A minimum 30-day public comment period must be conducted prior to a formal action to adopt the LRP and TIP.

The final conformity rule promulgated by US EPA (40 CFR 51 and 93) requires that the LRP or TIP must not cause new air quality violations, worsen existing violations, or delay timely attainment of federal standards; that Transportation Plans and Programs demonstrate conformity to the applicable State Implementation Plans (SIP) for air quality.

Staff requests to open a 30-day public comment period for the Draft FY 2023-26 TIP for Pennsylvania and the Draft Conformity Determination for the *Connections 2050* LRP and the Draft FY 2023 TIP for Pennsylvania, with proper public notification, to publish the Draft FY2023 TIP for Pennsylvania and the Draft Conformity Finding documents, to post them on the Internet, to make copies available at certain public libraries, and to hold public meetings.

Favorable recommendation was received from the Regional Technical Committee.

The Board adopted the following motion:

MOTION by *Mr. Russo*, seconded by *Ms. Reuther*, to authorize:

Staff to open a minimum 30-day public comment period for the purpose of gathering public and agency comments on the Draft FY 2023 TIP for Pennsylvania and the Draft Conformity Determination of the *Connections 2050* Long-Range Plan and Draft FY 2023 TIP for Pennsylvania; to issue proper public notifications; to publish the draft documents on the Internet; to make copies available at certain public libraries; and to hold public meetings.

Motion passed. All votes were cast in favor of the motion.

4. DVRPC FY23 Work Program Amendment: Downtown Bicycle and Pedestrian Plans for Burlington County

Sarah Moran, DVRPC Manager, Office of Mobility Analysis and Design, explained that Burlington County and DVRPC staff requests to amend the FY2023 Unified Planning Work Program (UPWP) and the FY2022 TIP for New Jersey (TIP Action NJ22-036, DB #D2301) by replacing the project, Burlington Township/Florence Township Connector Road Planning Study, with the Downtown Bicycle and Pedestrian Plans for Burlington County Study (to be assigned the same UPWP project number 23-52-190), and update the project scope/description in the UPWP and TIP, as appropriate. There is no change to schedule, cost, and funding source.

DVRPC's FY23 Work Program entry, the *Burlington Township/Florence Township Connector Road Planning Study (23-52-190)*, is no longer timely for the project beneficiaries due to ongoing negotiations and agreements between developers, property owners, and the involved Townships. As a result, Burlington County has requested that DVRPC replace this study from its Work Program with the proposed study. This proposed study's goal is to evaluate existing pedestrian and bicycle facilities in three downtown areas in Burlington County and develop recommendations for improving multimodal accessibility and safety for all road users. The three focus areas are Marlton (Evesham), Maple Shade, and Columbus (Mansfield). The cost and source of funds is \$125,000 NJTIP DB# D2301 STBGP-PHILA (No change).

Favorable recommendation was received from the Regional Technical Committee.

The Board adopted the following motion:

MOTION by *Mr. Stanuikynas*, seconded by *Mr. Levecchia*, to approve:

Burlington County and DVRPC staff's request to amend the FY2023 Unified Planning Work Program (UPWP) and the FY2022 TIP for New Jersey (TIP Action NJ22-036, DB #D2301) by replacing the project, Burlington Township/Florence Township Connector Road Planning Study, with the Downtown Bicycle and Pedestrian Plans for Burlington County Study (to be assigned the same UPWP project number 23-52-190), and update the project scope/description in the UPWP and TIP, as appropriate.

Motion passed. All votes were cast in favor of the motion.

5. DVRPC's Travel Options Program (TOP) Project Selections

Amy Bernknopf, DVRPC Manager of Bicycle, Transit, and Pedestrian Planning, explained that DVRPC's Travel Options Program (TOP) funds innovative transportation demand management (TDM) projects to provide better access to more travel options across the region and welcomes capital projects, operating projects, and education and marketing campaigns. For the FY23-24 TOP round, there were \$1.835 million federal funds available for PA TOP projects and \$400,000 federal funds for NJ TOP projects. Applicants went through a two-stage application process (Expression of Interest and formal application). The application period opened on February 22, 2022 and closed on

March 19, 2022. DVRPC accepted applications only from those with a project that will meet at least 2 of the 5 Regional TDM Plan core goals, have a clearly identified issue and strategy, and will be able to measure the impacts on travel behavior change.

Of the 42 Expression of Interest (EOI) forms submitted, applicants for 16 projects requesting a total of \$4.019 million (including the required 20 percent local match) were invited to submit full applications. Then a selection committee composed of representatives from DVRPC partner agencies throughout the region and DVRPC's PPTF members rated, scored, and selected a diverse set of 15 non-construction and construction projects. The 15 projects, as revised during post-application scoping and eligibility conversations, total \$3,544,426 (\$2,835,541 federal/\$708,885 Local).

Staff request approval of the list of selected FY23-24 TOP non-construction projects totaling \$1.882 million which consists of \$319,834 (\$178,959 STBGP-PHILA/\$76,908 CMAQ/\$63,967 Local) for New Jersey and \$1,562,332 (\$1,249,866 CMAQ Transfer STP-STU/\$312,466 Local) for Pennsylvania.

Staff also request approval of the list of selected TOP construction projects totaling \$1.662 million, which consists of \$272,000 (\$217,600 STBGP-PHILA/\$54,400 Local) for New Jersey and \$1,390,260 (\$1,112,208 CMAQ/\$278,052 Local) for Pennsylvania, with funding from the future FY25-26 TOP round, accordingly:

1. \$739,500 (\$591,600 CMAQ/\$147,900 Local) for the Woodland Avenue Trolley Portal Complete Streets Project (MPMS #TBD) in the City of Philadelphia;
2. \$650,760 (\$520,608 CMAQ/\$130,152 Local) for the Eastern DelCo Bikeway Implementation Program (MPMS #TBD) in Upper Darby Township, Lansdowne Borough, and East Lansdowne Borough of Delaware County; and
3. \$272,000 (\$217,600 STBGP-PHILA/\$54,400 Local) for the Gateway to Downtown Collingswood Borough (DB #TBD) of Camden County.

Further, amend the FY2022 NJ TIP and FY2021 PA TIP by adding the construction projects to the TIP in FY24 (TIP Actions NJ22-039 and PA21-90).

The FY23-24 TOP round was provided by FY22 funds from the FY2021 PA TIP and the FY2022 NJ TIP as part of the FY2023 UPWP (23-80-100), which are as follows: \$2,293,900 (\$1,835,120 STU from CMAQ/STU Transfer/\$458,780 Local) for PA TOP projects; and \$500,000 (\$300,000 STBGP-PHILA/\$100,000 CMAQ/\$100,000 Local) for NJ TOP projects. This funding will provide for selected non-construction projects. Construction projects selected from the FY23-24 TOP round are anticipated to use future funds set-aside from FY24 of the FY2022 NJ TIP and FY24 of the FY2021 TIP with the understanding that the FY2023 PA TIP, pending adoption of the Draft FY2023 PA TIP with the List of Recommended Changes, will include these projects.

Favorable recommendation was received from the Regional Technical Committee.

The Board adopted the following motion:

MOTION by *Mr. Carroll*, seconded by *Ms. Floyd*, to approve:

- the list of selected FY23-24 TOP non-construction projects totaling \$1.882 million which consists of \$319,833 (\$178,959 STBGP-PHILA/\$76,908 CMAQ/\$63,967 Local) for New Jersey and \$1,562,332 (\$1,249,866 CMAQ Transfer STP-STU/\$312,466 Local) for Pennsylvania; and
- the list of selected construction projects totaling \$1.662 million, which consists of \$272,000 (\$217,600 STBGP-PHILA/\$54,400 Local) for New Jersey and \$1,390,260 (\$1,112,208 CMAQ/\$278,052 Local) for Pennsylvania, with funding from the future FY25-26 TOP round, accordingly:
 - \$739,500 (\$591,600 CMAQ/\$147,900 Local) for the Woodland Avenue Trolley Portal Complete Streets Project (MPMS #TBD) in the City of Philadelphia;
 - \$650,760 (\$520,608 CMAQ/\$130,152 Local) for the Eastern DelCo Bikeway Implementation Program (MPMS #TBD) in Upper Darby Township, Lansdowne Borough, and East Lansdowne Borough of Delaware County; and
 - \$272,000 (\$217,600 STBGP-PHILA/\$54,400 Local) for the Gateway to Downtown Collingswood Borough (DB #TBD) of Camden County.

Further, amend the FY2022 NJ TIP and FY2021 PA TIP by adding the construction projects to the TIP in FY24 (TIP Actions NJ22-039 and PA21-90).

Motion passed. All votes were cast in favor of the motion.

6. Recommended Safe Routes to School Program Projects

Daniel Snyder, DVRPC PennDOT Consultant Project Manager, explained that the New Jersey Safe Routes to School Program (SRTS) is a competitive federal program established for projects and activities that support and encourage students to walk and ride bicycles to school. The DVRPC NJ region received 21 SRTS applications requesting approximately \$12.23 million total. DVRPC and NJDOT review committee members, including the four NJ counties, evaluated the applications by using an agreed upon selection criteria from NJDOT.

The recommended projects will be added to the line item in the FY2022 TIP for New Jersey (TIP Action NJ22-038) by adding seven (7) projects, totaling \$4.013 million TA-FLEX funds, from the DVRPC NJ region to the Safe Routes to School Program (DB #99358) in the Statewide Program, accordingly:

1. \$358,000 for Lawrenceville Elementary School Pedestrian Safety Improvements in Lawrenceville Township, Mercer County;
2. \$256,000 for Phase 2 of the Busansky/Emmons Schools Multimodal Improvements in Pemberton Township, Burlington County;

3. \$422,000 for the Peach Road and Victory Drive Intersection Improvements in Bellmawr Borough, Camden County;
4. \$1.2 million for the Installation of Missing Sidewalks in Haddon Heights Borough, Camden County;
5. \$675,000 for the Echelon Center Pedestrian Improvements in Voorhees Township, Camden County;
6. \$470,000 for the Gibbsboro Road and Berlin Road Intersection Improvements in Clementon Borough, Camden County; and
7. \$632,000 for the Clayton Middle and High School Sidewalk and ADA Improvements in Clayton Borough, Gloucester County.

The cost and source of funds is: \$4.013 million Statewide TA-FLEX
Favorable recommendation was received from the Regional Technical Committee.

The Board adopted the following motion:

MOTION by *Mr. Russo*, seconded by *Ms. Floyd*, to approve:

Staff's request to amend the FY2022 TIP for New Jersey (TIP Action NJ22-038) by adding seven (7) projects, totaling \$4.013 million TA-FLEX funds, from the DVRPC NJ region to the Safe Routes to School Program (DB #99358) in the Statewide Program, accordingly:

1. \$358,000 for Lawrenceville Elementary School Pedestrian Safety Improvements in Lawrenceville Township, Mercer County;
2. \$256,000 for Phase 2 of the Busansky/Emmons Schools Multimodal Improvements in Pemberton Township, Burlington County;
3. \$422,000 for the Peach Road and Victory Drive Intersection Improvements in Bellmawr Borough, Camden County;
4. \$1.2 million for the Installation of Missing Sidewalks in Haddon Heights Borough, Camden County;
5. \$675,000 for the Echelon Center Pedestrian Improvements in Voorhees Township, Camden County;
6. \$470,000 for the Gibbsboro Road and Berlin Road Intersection Improvements in Clementon Borough, Camden County; and
7. \$632,000 for the Clayton Middle and High School Sidewalk and ADA Improvements in Clayton Borough, Gloucester County.

Motion passed. All votes were cast in favor of the motion.

INFORMATION ITEM

7. Nominating Committee Report: Proposed Candidates for Fiscal Year 2023 DVRP

DVRPC Executive Director Barry Seymour announced that the nominating committee has nominated candidates for Fiscal Year 2023 (July 1, 2022 through June 30, 2023) DVRPC Board Officers. Nominations were also available to be taken from the floor. There were no nominations from the floor. Elections will take place at the regular June Board Meeting. The recommended candidates are as follows:

Chair, Christine Reuther, Delaware County
Vice Chair, Michael Russo, NJDOT
Treasurer, Thomas Stanuikynas, Burlington County
Secretary, Valerie Arkoosh, Montgomery County

DISCUSSION ITEMS

8. One Minute Reports

Tom Stanuikynas, Burlington County, reported that Robert Wells is the new Director of Economic Development and Regional Planning.

Christine Reuther, Delaware County, reported that the county partnered with DVRPC on the Return on Environment study which was released in April. Ms. Reuther noted that the report includes an outline of the history of green space in Delaware County, the county's vision for the future, and 60 case studies demonstrating the economic value of green space and the county's diverse communities. It estimated that open space related activities generate an annual total of approximately \$52 million in economic impact, that \$6.2 million is avoided annually for stormwater system maintenance, there is a \$142.6 million annual recreation benefit to residents, and a \$153.4 million reduction in medical costs avoided as a result of open space. Taken together there is an accumulated \$689 million in added value for county housing stock within a half mile of any protected open space.

Scott France, Montgomery County, congratulated Delaware County on their report and noted that Montgomery County will also be releasing a Return on Environment study in June. Mr. France acknowledged and thanked Secretary Dunn of DCNR who came out to join us and numerous partners in Pottstown on May 10 to announce funding from DCNR to complete a local pedestrian bridge project in Memorial Park. A larger gathering took place that afternoon to acknowledge the almost \$400,000 going to the final connector piece of the Schuylkill River trail that will connect Reading to Philadelphia. That is 40 miles of continuous multiuse trail so we are very excited to celebrate that. On June 16 the planning commission in Montgomery County will be hosting a Planning Smarter event in Pottstown and it is called Strategies to Enhance Walking and Bicycling in Your Community. The event starts at 5:30 p.m. for the presentations but an hour earlier we will be doing a trolley tour to see some of the innovative work that's been done in bicycle and pedestrian infrastructure.

Michael Carroll, City of Philadelphia, reported that the City Planning Commission just released a new bike map and this is the first time that it includes a Spanish language version. Mr. Carroll thanked DVRPC's Amy Bernknopf for the TOP grant for that. The City is working hard to prepare for funding and the City is hiring for a few positions to assist with aligning funding and needs.

Lou Millan, NJ Transit, reported that NJ Transit is pursuing MEGA grant opportunities. Regarding transit ridership, local modes seem to be doing the best. All bus, light rail, and Access Link are running at about 72 percent and rail seems to be most subject to COVID's ebbs and flows.

Brian Goodson, FHWA NJ, reported that there is information and guidance on the Safe Streets and Roads for all NOFO on the website.

Donna Rendeiro, NJ Office for Planning Advocacy, reported that the state planning commission center designations were extended for municipalities because of permit extensions and then the public health emergency. The New Jersey Office for Planning Advocacy will be asking that those extensions be given expiration dates. We have two dates and for those municipalities who have chosen not to pursue plan endorsement we are recommending July 1. For those that are pursuing endorsement we are recommending March 31, 2023. The municipalities have been notified and will have enough time to change their minds if desired.

9. Executive Director's Report

a. Air Quality Partnership

Mr. Seymour called the Board's attention to the fact that it is Air Quality Awareness month and that DVRPC is working on outreach through air quality partnerships and have created a Spanish language website. We have an advertising campaign with Al Dia, a local Spanish language newspaper and are helping with promotions and bus shelter ads in the community. We are also partnering with Resolve Philly on outreach and one of our staff members, Mari Gonzalez, did an interview on a Spanish language radio station about this.

b. FY21 Annual Report

Mr. Seymour noted that DVRPC's FY21 Annual Report is complete and that Board members will be receiving the link to the report later today. Mr. Seymour invited Elise Turner, DVRPC Manager, Office of Communications and Engagement, to present the FY21 DVRPC Annual Report.

c. IJJA Updates

Mr. Seymour reported that the Commission is doing what we can to share information, competitive grant applications, and support your individual applications. Mr. Seymour introduced Mike Boyer, DVRPC Director of Regional Planning, to further discuss the IIJA. Mr. Boyer noted that DVRPC recently held a Clean School Bus Rebate Program webinar last week with EPA, PECO, and the Eastern Pennsylvania Alliance for Clean Transportation on EPA's new Clean School Bus Rebate Program, which provides \$5 billion over the next five years to replace existing school buses with zero-emission and low-emission models. The event was well-attended with around 80-90 attendees representing school districts, energy providers, congressional representatives, and other MPOs. The NOFO was released last week and the EPA is offering \$500 million through the first round of this program. It closes August 19 with awards announced in October.

DVRPC also hosted a Forum for Municipalities Webinar for our municipal and county partners to help them with IIJA competitive grant applications. There were over 150 attendees and the agenda included: Overview summary of the IIJA, details on upcoming NOFOs, resources and tools for applicants, information on programs and assistance for disadvantaged communities, and a Q & A session. Key Messages that were repeated throughout the webinar were seizing opportunities in the IIJA while choosing wisely (matching program objectives and criteria), coordinating, communicating, and partnering with others (joint applications), and telling your story with data.

Mr. Boyer also announced that we are providing consultations with staff which include 30-minute virtual meetings with DVRPC staff for local government applicants. Some possible discussion points include: Specific projects or priority setting, project scope, application questions, partnering opportunities, and how to sign-up via a Google Form on the IIJA Web Page. We are asking for a two-week lead time based on DVRPC staff availability.

Mr. Boyer noted two new NOFOs, the first of which is the Safe Streets and Roads for All discretionary program with \$5 billion in appropriated funds over the next five years. Up to \$1 billion is available in this first round. This program funds regional and local initiatives through grants to improve roadway safety for all users, including pedestrians, bicyclists, transit users, and motorists. There are two types of grants:

- 1) Grants to develop an Action Plan (such as a VZ Action Plan):
- 2) Implementation Grants for safety project design & construction

Projects that are applying for Implementation Grants must be identified in a qualifying Vision Zero/Safety Action Plan (currently only Philadelphia, and possibly Trenton).

DVRPC is talking with our partners about applying for a grant to develop a Regional Vision Zero Action Plan (that would incorporate county plans), with a possible role for counties; and tee up the region for coordinated implementation grants in future years . Applications are due September 15, 2022 and awards will be announced at the end of 2022 or early 2023. There is a FHWA Webinar June 13 about this and more information is available on the IIJA web page. The grant award minimum is \$200,000, with a \$1 million maximum for local and a \$200,000 minimum with a \$5 million maximum for MPOs. The Implementation grant minimum is \$5 million with a \$30 million maximum for local, and a \$5 million minimum with a \$50 million maximum for MPOs.

The second NOFO is called the Enabling Middle Mile Broadband Infrastructure grant. This grant seeks to expand and extend middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to internet, and create alternative network connection paths to strengthen broadband connection resiliency. Because it is middle mile it is not primarily geared towards local governments but there will be a U.S. Department of Commerce Webinar on May 26 with more information. The program offers \$1 billion over FY22-26. Applications are due September 30, 2022 and grants will be awarded February 2023 . There is also significant funding coming to the states in two other Broadband NOFOs to be announced.

Mr. Boyer noted several Upcoming NOFOs, including the Discretionary Bridge Investment Program. This opportunity will go to replace, rehabilitate, preserve or protect one or more bridges on the National Bridge Inventory. Additionally, it could be used to replace or rehabilitate culverts to improve flood control and habitat connectivity, improve safety, efficiency, and reliability of people and freight. This grant is for \$12.5 billion over five years. There is a local match requirement for large projects (\$100M or more) and could receive up to 50 percent of project cost. DVRPC will work with counties and DOTs to identify top candidate bridges, using performance data.

Another opportunity is the Railroad Crossing Elimination Program. This grant funds rail grade-crossing improvement projects to improve the safety and mobility of people and goods (such as grade separation, track relocation, & protective device installation); planning, environmental review, design, and construction are all eligible activities

The Reconnecting Communities Pilot Program is another grant opportunity expected to be announced this summer. This grant is for the removal, retrofit or mitigation of the impacts of transportation facilities that create barriers to community connectivity; with a focus on economically disadvantaged communities; planning, construction, technical assistance are eligible.

The Healthy Streets Program is also expected to be announced and this program will expand the use of cool pavements and green street strategies (such as porous

pavement and expanded tree cover). Planning and Construction are eligible for this funding.

Mr. Boyer noted that DVRPC is looking at a regional approach and working with various partners on a Regional Sidewalk Repair and Street Tree Replacement Program.

d. Executive Director Transition

Mr. Seymour noted that the Executive Committee will be meeting in a closed session after today's Board meeting. DVRPC staff is putting together an RFP for a search firm and that will go out soon. Once we have a search firm on board then we will work with the Committee and the Board to take it from there. Even though the Executive Committee is leading the selection process we wanted to make sure that there are opportunities for all Board members, to voice their ideas. To that end I recently shared a listing of job responsibilities for the Executive Director and if there are things I missed or if there are things you think that I misstated please let members of the Executive Committee know so that it can all find its way into the job announcement. We are also currently working on something similar around qualifications and we will give all Board members an opportunity to have some input into that. We are also soliciting ideas and input among our staff and Patty Elkis is taking the lead on that and will be reporting back to the Executive Committee next month on the findings of that.

e. DVRPC Indemnification by the States

Mr. Seymour called the Board's attention to an issue that we have been dealing with and that DVRPC has been pulled into a couple of lawsuits over the last couple years around crashes and in some cases fatalities on the roads. As a planning agency, we are an advisory agency and we obviously don't control any roads or facilities directly nor do we have the responsibility to do any of those improvements directly. Nevertheless, we have been named as parties, in addition to many others, in some of these cases. We do not see that we have any liability, but it is still a cost and hassle to defend ourselves to find our way out of those. As we have looked further into it is pretty clear that DVPC is defined as an instrumentality of the two states, and as such we have sovereign immunity; similar to the DOTs when things come through in court. Further in the language of the compact legislation, it specifically says "if the Commission is liable in one state and would not have been liable in the other state, the state we are in such liability exists shall be solely obligated to discharge such liability, as well as any cost fees or expenses imposed upon or incurred by the Commission notwithstanding any other position to the disagreement." To that we have been following up with the Pennsylvania Attorney General's Office, since the current lawsuit is in Pennsylvania to see if we can get some further clarification and action on this. We will be following this up in New Jersey as well just to make sure that that we're

consistent across the two states. Mr. Seymour called on DVRPC's Co-Counsel from Pennsylvania, Jonathan Bloom, to further explain.

Mr. Bloom explained that in 1966 by statutes enacted both in Pennsylvania and New Jersey, the reciprocal legislation formed this Commission. The agreement between the two states became a compact almost like a constitution between the two states. Some of the key terms in that compact, which was agreed to by both Pennsylvania and New Jersey, include: Identification of our Commission as an agency and instrumentality of each of the two states, sovereign immunity coextensive with the Department of labor's in each state, and indemnification and defense. For example, were an incident or liability to occur in Pennsylvania presumably Pennsylvania would indemnify and defend and if that incident or liability occurred solely in New Jersey, we would look to New Jersey for that indemnification and defense. For the past number of months, we have been trying to work with the Commonwealth of Pennsylvania, to give effect to this compact between the two states and to have the Commonwealth take on the responsibility of indemnification and defense. Not surprisingly when we are dealing with a bi-state agency we are kind of like a Martian and they don't know how to deal with us. We do not have a bucket of funds that the Executive branch allocates to us as an agency so it has been challenging. We are working on this request for indemnification and it is the first request that the Commission has made. This is a very important institutional issue for the Commission, not just for this litigation, but for issues going forward because it impacts, the finances of the Commission. There is nothing specific to report on this but I wanted to let you know that we have made some progress.

The following committee reports were provided for the Board's review:

- (1) Regional Technical Committee
- (2) Public Participation Task Force
- (3) Transportation Operations Task Force
- (4) Healthy Communities Task Force

OLD BUSINESS

No old business was stated.

NEW BUSINESS

No new business was stated.

There being no further business, the meeting was adjourned at 11:23 a.m. on a

MOTION by *Ms. Reuther*, seconded by *Mr. Russo*, to adjourn the Board meeting and move into the Executive Committee meeting.

Motion passed. All votes were cast in favor of the motion.

The Delaware Valley Regional Planning Commission (DVRPC) fully complies with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related nondiscrimination statutes and regulations in all programs and activities. DVRPC's website, www.dvrpc.org, may be translated into multiple languages. Publications and other public documents can be made available in alternative languages and formats, if requested. DVRPC public meetings are always held in ADA-accessible facilities and in transit-accessible locations when possible. Auxiliary services can be provided to individuals who submit a request at least seven days prior to a meeting. Requests made within seven days will be accommodated to the greatest extent possible. Any person who believes they have been aggrieved by an unlawful discriminatory practice by DVRPC under Title VI has a right to file a formal complaint. Any such complaint may be in writing and filed with DVRPC's Title VI Compliance Manager and/or the appropriate state or federal agency within 180 days of the alleged discriminatory occurrence. For more information on DVRPC's Title VI program, or to obtain a Title VI Complaint Form, please call (215) 592-1800 or email public_affairs@dvrpc.org.

I certify that this is a true and correct copy.

Renee Wise, Recording Secretary