

PUBLIC COMMENTS AND QUESTIONS
RELATED TO DVRPC BOARD ACTION ITEMS

September 26, 2013

BOARD
AGENDA ITEM:

2. Transportation Improvement Program (TIP) Actions

a. PA13-47: Local Bridge Line Item, (MPMS# 95447), Various Counties

From: Jim Nietupski

County: Bucks

Zip Code: 18944

Date Received: September 18, 2013

Comment/Question: The list of 16 Bridges for addition to the TIP is a very good start and the DVRPC should be commended for securing this funding for the affected communities. However, much more funding is needed. Bucks County alone has over 40 bridges that are structurally deficient. I live in East Rockhill Township that has two affected bridges. They are Rockhill Road Bridge and Schwenkmill Road Bridge. Rockhill Road Bridge is township owned bridge and is a shovel ready replacement project which the township desperately needs added to the TIP. Schwenkmill Road Bridge is currently closed awaiting disposition. I'm asking the DVRPC at least add the Rockhill Road Bridge to the TIP. Further, continue DVRPC focus on maintaining infrastructure as a top priority - which means securing substantial additional state funding for all of our deficient bridges. As you are aware, the Delaware Valley is the economic cornerstone for the Commonwealth. Without an adequate infrastructure, we jeopardize our entire economy which can have far reaching negative economic impact on our region as well as a ripple effect on entire Commonwealth.

Response: Thank you for your comment and for the support and understanding of the need for more transportation funding in the state. There are currently 800 structurally deficient (SD) bridges in the DVRPC region, not including locally maintained bridges between 8' and 19.9' for which data is not currently collected. The estimated cost to address these bridges as well as others that are likely to fall into SD status over the next 12 years would be close to eight billion dollars (in today's dollars, and even higher once inflation is accounted for at the time of actual construction). While DVRPC is proud of trying to find approaches to work with the region to address SD bridges, the Local Bridge Line Item only scratches the surface of the problem and addresses two percent of the local bridge need. As per your previous discussions with PennDOT and Bucks County, the region cannot add another bridge project to the TIP without removing or delaying another project of similar cost due to funding constraints. Bucks County recognizes the merit of your project, but is faced with over 100 County bridges to maintain, in addition to requests from municipalities. DVRPC, PennDOT, and Bucks County all agree that maintaining infrastructure should be a top priority. Your comment was also forwarded to PennDOT and Bucks County.

e. **PA13-51: Galloway Road, (MPMS# 57617) Bucks County**

From: John Boyle

County: Philadelphia

Zip Code: 19102

Date Received: September 24, 2013

Comment/Question: Bicycle Coalition of Greater Philadelphia Comments - The completed PENNDOT bike ped checklist for this project has been made available to us. This was the first completed checklist that our organization has ever seen. Since this is a new road with sufficient right of way that also borders a high school we strongly recommend a complete streets approach that includes dedicated and signed bicycle lanes. The checklist offers no explanation as to why this road with 40' of right of way and no parking cannot accommodate bike lanes.

Response: Thank you for your comment. Bicycle lanes were not proposed as part of this project because the roadway cross section was developed as per PENNDOT design criteria. Two 14' through lanes with a 12' continuous center turn lane are required for through traffic and turning maneuvers at the intersecting roadways and for future driveways along the road. Additional widening for bicycle lanes would create additional environmental impacts and wetland disturbance. Vehicles and bicycles will share the road and a sidewalk will be provided along the north side of the roadway for pedestrians.

3. **Addendum Changes to the Draft DVRPC FY2014 Transportation Improvement Program (TIP) for New Jersey**

From: John Boyle

County: Philadelphia

Zip Code: 19102

Date Received: September 24, 2013

Comment/Question: While it is hard for us to understand the money movements between TAP and STP-TE we look forward to a new round transportation alternatives/enhancements projects to help complete bicycle and pedestrian projects in NJ.

Response: Thank you for your comment. DVRPC also looks forward to the new round of project selection for the Transportation Alternatives Program.

From: Bridget Chadwick

County: Montgomery

Date Received: September 25, 2013

Comment/Question: The agenda for the July 9, 2013 Regional Transportation Committee (RTC) says that the DVRPC staff would present "Recommended Changes to the Draft DVRPC FY2014 Transportation Improvement Program (TIP) for New Jersey". At DVRPC's July Board meeting the 5-page table of "Recommended Changes" was provided in the Board meeting packet of materials and approved along with the draft TIP. The total amount of change in costs (the absolute value) is **substantive**, and the process by which it was presented and approved seems **inappropriate** (even though it meets DVRPC's public review requirements as outlined in their Memorandum of Understanding, MOU). I think the issues, listed below, should be addressed at this Board meeting and a formal response from DVRPC's Board/staff should be posted on their website.

ISSUES

- the “cost restructuring” amounts to a substantive reshuffle of \$368 million with a total increase in funding of \$196 million dollars and decrease in funding of \$172 million dollars for highway projects (Programmed funding for all DVRPC highway projects in the draft NJ TIP FY2014-17 amounts to about \$904 million);
- there is “new” funding for project phases e.g. preliminary engineering (PE) and final design (DES) that appear to be already complete, from information provided in the draft 2014 TIP;
- there is **no** summary or explanation for the “recommended changes”;
- the “changes” do **not** appear to be in response to the public comments submitted on the draft TIP;
- the “changes” were presented by DVRPC staff to the MPO’s advisory committee, the Regional Transportation Committee, on July 9th, three weeks **after** the public comment period closed (June 18th) and approved by DVRPC’s Board at their July 25th Board meeting;
- the public is **unlikely** to know that the 5-page table exists¹;
- a reader would only know the total amount of “cost restructuring” if they added up the cost adjustments for each highway project: increased costs amounting to \$196 million and decreased costs amounting to \$172 million;
- a reader would have to refer back to the draft TIP to discover that the “recommended changes” include “new” funding for project phases not listed in the draft TIP;
- there is no suggestion that the “new” project phases will present ‘new’ opportunities for public input.

¹ To find the Recommended Changes to the draft NJTIP a reader would have to search for them. From DVRPC’s homepage the reader would click on “Transportation Improvement Program” listed under “Resources” on the left-hand side of the page. The reader would then have to select “Overview”. In the 2nd box down, in the center column, under the subtitle “Draft NJ TIP for Public Comment”, there is the following statement: “The DVRPC Draft FY2014 TIP (FY2014-2016) for the NJ portion of the region was adopted with Recommended Changes as the priority program of transportation projects by the DVRPC Board on July 25, 2013, following a 30+ day public comment period which ended on June 18, 2013.” The reader would discover that the Recommended Changes are listed on the page with the draft FY2014 TIP for NJ by clicking on the first bullet “Draft FY2014 TIP for NJ (Public Comment Documents)”. Half way down the center of this new page, under the subtitle: “Draft FY2014 TIP for NJ - DETAILED INFORMATION” the reader would see “List of Recommended Changes” at the top of a list of documents.

Response: Thank you for your comment. Overall, the funding level of the final DVRPC Highway Program is \$1,081,000 lower than the Draft NJ TIP highway program and the funding level of the final DVRPC transit program remains the same as the Draft NJ TIP Transit Program. The TIP is a very large and complex program and it is true that there are many funding shifts that take place between projects, and they are made trying to maintain constraint of the program. It can be confusing but DVRPC provides specific details for the changes in order to maintain a transparent process. There is an effort to try to broadly categorize some of the Recommended Changes in the table in order to assist readers make sense of the information, but it is more important to provide the detail and funding amount of what the change is. Preliminary engineering and final design phases may have been added to projects as part of Recommended Changes either because they were not obligated as planned, or because, for example, the phases were missing from the draft (this issue of missing design and ROW phases

was included in the DVRPC Board adoption presentation as an example of what some of these changes mean). Changes are developed, compiled, and reviewed in cooperation with the NJ TIP Subcommittee and are prepared *after* the close of the public comment period on purpose in order to make sure all of the comments are considered as changes are developed. While it may be correct that most people do not realize there are a set of Recommended Changes adopted with the TIP, DVRPC works to include language on our website and in documentation that the Draft TIP gets adopted *with* Recommended Changes in order to try to make that clear. A DVRPC staff contact is listed on the DVRPC TIP website and staff is always available to help the public understand the process or navigate the TIP webpage to find information since it is a very dense webpage with a great deal of information, as was done with the commenter. Every effort is made to have Recommended Changes presented to both the RTC and the Board, and on the DVRPC Board commenting website prior to adoption in order to provide the public with opportunity to comment in similar process to any other Board Action.

5. Fiscal Year 2014 Planning Work Program Amendments

b. FY2014 Work Program Amendment: Regional Comprehensive Economic Development Strategy (CEDS) Update

From: James Mascaro

County: Montgomery

Zip Code: 19075

Date Received: September 24, 2013

Comment/Question: Since coordinating overall strategy is crucial in land planning and economic development, this action is important and should be approved.

Response: Thank you for your comment.

7. DVRPC Regional Trails Program: Phase III Projects

From: Cyndi Steiner

County: Essex

Zip Code: 07043

Date Received: September 18, 2013

Comment/Question: Representing the New Jersey Bike & Walk Coalition, we endorse the approval of these grant recipients.

Response: Thank you for your comment.

From: Silvia Ascarelli

County: Mercer

Zip Code: 08550

Date Received: September 16, 2013

Comment/Question: An exciting list of trails and hope all are approved. I'm particularly thrilled to see the Lawrence-Hopewell Trail so close to home on the list. A suggestion: Please require adequate signage on all projects. Was on a stretch of area trail recently that cried out for it!

Response: Thank you for your comment.

From: Charles D McKeown Sr

County: Montgomery

Zip Code: 19012

Date Received: September 16, 2013

Comment/Question: I would ask that these projects be approved as they are all working hard to enhance their communities. For mr the Tookany Creek work has been a project in action, and needs the funds to continue to help the stream banks and the flooding issues that have been a major problem. I personally would like to thank the Board for it's asking for the approval of the Phase III projects.

Response: Thank you for your comment.

From: John Boyle

County: Philadelphia

Zip Code: 19102

Date Received: September 23, 2013

Comment/Question: We support this action and hope that the DVRPC will explore options to preserve the Regional Trails Program.

Response: Thank you for your comment.

9. Adoption of Disclosure of Public Records Policy

From: Paul Nussbaum

County: Philadelphia

Zip Code: 19107

Date Received: September 19, 2013

Comment/Question: DVRPC Public Records Policy As a journalist, I am concerned that the proposed public records policy will result in too little disclosure and too little transparency. I suggest you consider making the following changes: Define more narrowly the exemption for "pre-decisional deliberations." As written, the exemption could preclude disclosure even of proposed actions by the Commission until final action has been taken. The DVRPC policy also should reflect federal court rulings that have defined a distinction between "materials reflecting deliberative or policy-making process on the one hand, and purely factual, investigative matters on the other," with the exemption protecting the former, but not the latter. EPA v. Mink, 410 U.S. 73, 89 (1973). Give requesters more latitude in the form by which they can request information. Permit a simple letter or email, clearly stating that it is a public records request, to suffice. Provide the proposed Public Records Request Form in the proposed policy. Although the draft says the form is attached, I am unable to find it. Provide an avenue of appeal beyond the DVRPC's own Executive Committee. Allowing appeals only to the Executive Director and the Executive Committee makes the appeal process self-serving for the DVRPC. Instead, outline an appeal process through a designated arbitration or court process that permits outside scrutiny of the DVRPC's decision. Better yet, simply adopt the public records policies of state or federal government. Why should the DVRPC re-invent this wheel? It would be logical to simply adopt, as DVRPC policy, the already existing policies of either Pennsylvania, New Jersey, or the federal government.

Response: Thank you for your comment. This action item has been deferred.