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MEMORANDUM

To: CMAQ Project Selection Committee
From: CMAP Staff
Date: June 30, 2011
Re: Summary of the June 28, 2011 Contingency Projects Forum

The CMAQ Contingency Projects Forum was held at 1:00 p.m. on Tuesday June 28, 2011 at the CMAP offices. All of the Project Selection Committee (PSC) member agencies were represented and several project sponsors were in attendance.

Ms. Ostdick recapped the two approaches to the contingency project option that were discussed at the CMAQ PSC's last meeting as a possible policy to significantly increase obligation rates. The contingency project option was discussed as a way to accomplish the goals of the program and deal with the potential for rescissions and the potential 2013 lapse, which is now estimated at \$190 million. The first approach, "*solely avoiding lapse*," would utilize projects identified as ready for summer/fall 2013 lettings and make sufficient program changes in spring 2013 to avoid the September 2013 lapse. In the second approach, the "*spend down policy*," the PSC would set an annual goal for obligation which would spend the new funding received each year and also spend a portion of the unobligated balance. To do this, the PSC would keep a list of projects ready for summer/fall lettings for every year and in the spring/summer of each year that the obligations are not anticipated to reach the identified goal, the Committee would switch out funding in suitable contingency projects to utilize CMAQ funds in an amount that keeps the region on track for the targeted spending level. Ms. Ostdick explained that the information from today's forum will be used by the PSC as they consider the contingency project option. The PSC's recommendation would then be carried forward through the planned public and committee review and approval process for the FFY 2012 to 2016 program this summer and fall, culminating in CMAP Board and MPO Policy Committee consideration for approval in October.

Mr. Pitstick commented that both approaches could result in regularly programmed CMAQ projects being shut out of their planned implementation because the funds were already spent. Mr. Donovan responded that, in light of the history of slow implementation of projects in this region, the PSC needs to be aggressive. The region risks losing the funds for regularly

programmed projects in any event if the sponsors do not accomplish their projects very soon—whether it is due to using the funding on contingency projects or returning the funds to Washington through a lapse or rescission.

Chairman Patronsky asked the project sponsors to give a brief summary of their projects.

1. IL 25 (Stearns Road to Dunham Road)

Mr. Carlson of IDOT explained that while most of the project's funding is in place, the HPP does not cover the costs and there are needs that meet the CMAQ definition of a bottleneck at the UP Railroad. Mr. Coffinbarger of Kane County added that the cost is \$14 million overall – but the CMAQ eligible portion is \$7.5 to \$7.9 million. They said that phase 2 engineering and land acquisition are underway. Mr. Carlson added that the CMAQ funds would allow the region to utilize all of the project's HPP funds and to complete the bike/ped component as originally envisioned. Mr. Carlson said there currently looks to be a \$4.5 million shortfall in project funding but that final numbers are yet to be determined. Kane County and IDOT are splitting the local match for the project.

2. Illinois 38 at UP Railroad/Kautz Road

Mr. Carlson, representing the IDOT, presented the grade separation project (CREATE GS-25) and said that it is currently in phase-2 engineering for which DuPage County is the lead (CMAQ funded) and IDOT is supplying the local match. A fall letting was planned, but ROW acquisition issues at the DuPage Airport are causing a delay, but those issues are expected to be resolved in one to two months. Most of the project's funding is from the *Illinois Jobs Now* capital program, not CREATE, with an estimate of \$33 million. There was discussion of the possible impacts of state appropriations limits and the 55/45 downstate/NE IL split provisions.

3. IL 19 at York

Mr. Carlson stated the grade separation project (CREATE GS-16) is currently completing phase-2 engineering and ROW acquisition. This project is currently using CREATE funding, and if CMAQ are used (up to \$36 million), the displaced funding would go to another CREATE project. Mr. Privett said that Chicago DOT supports this project as long as the displaced funding supports another CREATE project (which would keep the funding in the region). Mr. Tomzik stated that Pace buses experience significant delays at this location and the project would improve Pace services in the area. Mr. Carlson said that it would be ready for a November or January letting and is fully funded in the IDOT's FY 2011 and 2012 programs between CREATE and *Illinois Jobs Now* capital funding.

4. US 41 at IL 132

Mr. Carlson described the intersection improvement and railroad structure replacement project in Lake County. Phase-1 engineering is complete and phase-2 is underway. The cost is \$12 million and it is slated for a June 2012 letting with NHS funding. One parcel is needed for a temporary easement. Mr. Buehler asked if the current split signal phasing,

which causes a lot of motorist delay, would be eliminated when this project is completed and Mr. Carlson responded affirmatively.

5. 75th St from I-355 to Lyman in DuPage County

Mr. Snyder, representing the DuPage County DOT, described the 75th street corridor project, an SRA, with an ADT of 50-70,000 vehicles per day that connects to I-355 and major arterials. The bottleneck elimination portion, proposed for \$2.5 million of CMAQ funding, is the intersection at Lemont Road and a separated bike path in the vicinity. It is currently funded with STP and County funds; the Cass and/or Plainfield intersections that were submitted for CMAQ funds during the most recent call would benefit by freed up funds.

6. East Branch DuPage River Greenway Trail in DuPage County

DuPage County withdrew this project from consideration.

7. North Aurora Ave. in Naperville

Mr. Hynes, representing Naperville, described the reconstruction of the nearly 100 year old North Aurora Rd underpass structure at the CN/EJ&E RR and the bike/ped connections to Metra's largest train station, a future STAR line station, as well as residential commercial and recreational areas. The reconstruction will result in a structure wide enough to accommodate a third railroad track, a benefit if such is needed for future STAR Line implementation. Phase-1 engineering is complete, and the Village is currently in negotiations for professional services for the phase-2 engineering and land acquisition with local funding. The cost is estimated at \$32 million and Naperville is requesting \$20 million in CMAQ funds. Mr. Hynes said the CN RR owns the structure but sees the benefits of this project as accruing to the community and motoring public, not the railroad, and hence is unwilling to participate financially. This project requested funding during the CMAQ FFY 2012-2016 call for projects.

8. IL 38 in Geneva

Geneva withdrew this project from consideration.

9. Red Gate Rd Bridge and trail in St. Charles

Ms. McGovern, representing St Charles, described the project as estimated at \$30 million and ready for a January 2012 letting. Phase-1 engineering is complete; the environmental clearance (FONSI) was received in 2010 and phase-2 engineering and land acquisition are underway. A federal *limitation of claims* has expired so the project is no longer subject to lawsuits on the design and environmental aspects. The current funding gap is \$13 million and it is hoped that CMAQ would cover 80% of \$7.9 million focused on an intersection improvement and the bike path; local bonds would be used for the remainder. A bicycle/pedestrian bridge portion of this project requested funding during the CMAQ FFY 2012-2016 call for projects.

10. Rollins Road Gateway in Lake County

Mr. Buehler, representing the Lake County DOT described the Rollins Road/ CN Railroad grade separation as estimated to be ready for a 2013 letting. The phase-1 engineering is essentially complete with the project's design report awaiting review at IDOT. Phase-2 engineering is underway with local funds. The County estimates the eligible CMAQ costs at \$30 million. A 2012-16 project application has been submitted for the bike/ped trail aspects.

11. 170th St at the CN Railroad in South Holland

Ms. Barker, representing South Holland, described the 170th St/CN Railroad grade separation project as including 1.2 miles of road reconstruction and a new multi-use path. The road work is being pursued as the first stage and the grade separation as a second phase. She said that phase-1 engineering is done for the grade separation and it can be ready for a summer 2012 letting. The cost is \$24 million with \$9.9 million coming from the ICC; they are requesting \$14.1 million in CMAQ funds. This project requested funding during the CMAQ FFY 2012-2016 call for projects.

12. North St Commuter Parking Deck Tinley Park

Ms. Prinz, representing Tinley Park, described the parking deck project at North St. commuter lot as four stories over the current surface lot and one below grade. Currently there is a two to three year wait list for commuter parking permits. They are looking for \$13.6 million of the \$17 million project cost. Mr. Buehler asked if the locally funded phase-1 and phase-2 engineering was done in accordance with federal processes and Ms. Prinz said that none of it had been submitted to IDOT for review, but she thought that it would have been designed to federal standards. Mr. Buehler noted that, without the reviews, it might be necessary to go back through the process in order to become federally eligible. This project requested funding during prior CMAQ calls for projects.

13. CDOT Projects

Mr. Privett, representing CDOT, gave a brief summary of projects that CDOT is considering and said that given that most already have CMAQ funding, CDOT will consider requesting additional funds. He said that the CDOT has previously applied for enhancement funding for the Riverwalk at State, Dearborn and Clark (similar to Michigan and Wabash crossings of Chicago River already done) but they have not been programmed. He described the Riverwalk sections as excellent candidates for the CMAQ contingency list. They are expected to cost \$12 million each and the amount requested can vary.

14. RTA and Service Board Projects

Mr. Pitstick of the RTA described the Chairman's priority areas and said that the RTA was working with the service boards to identify projects within that framework. He said that there may be one or two appropriate projects that could be ready in time and are of large enough cost to be of use in the spend down effort.

After the project presentations, Ms. Ostdick asked for clarification of current funding arrangements on a few of the projects. Mr. Tomzik said there is Pace service within the limits of five of the projects: Rollins Rd., US 41 at IL 132, 75th St., IL 25/Stearns, and York at IL 19. The pros and cons of the two approaches to the contingency option were discussed as were aspects of potential implementation of either approach. Mr. Privett noted that the projects fit into two categories, those that are fully funded and moving forward towards their earliest possible letting, for which decisions need to be made in accordance with the project's schedule and those that are in need of funding and will be let if they become fully funded, so they present more flexibility on the timing of decisions.

Mr. Carlson asked if it was possible to utilize CMAQ funds at a higher ratio than 80/20. Mr. Donovan replied that with the Energy Act all types of CMAQ projects became eligible for 100% CMAQ funding and although the Energy Act expired in 2009, that specific provision was extended. He reminded the PSC that at the time this option became available, the MPO Policy Committee had determined that CMAQ projects should continue to be funded at an 80% maximum federal participation for numerous reasons. The decision can be revisited if the region wishes to do so.

It was noted that three of the projects are scheduled for November lettings (75th St, York at IL 19, and IL 38 at Kautz) which would need August 5th Transportation Committee action for TIP changes. Ms. Ostdick noted that any recommendation made by the PSC will be considered by the CMAP Board and MPO Policy Committee first. Discussions had been going along the lines of including the PSC's recommendation with the proposed program as it is out for public comment through the fall. There were comments about how long it takes to get funding agreements executed. Mr. Snyder asked if it was possible to program a nominal amount of CMAQ funds to these November letting projects soon to put in the initial agreements, and then if approved for full CMAQ contingency amounts, the agreements be modified easily to utilize the full amount of CMAQ.

There was quite a bit of discussion on the past and current rate of obligation and the outlook for program accomplishment to meet the goals of the program, and to avoid rescissions and lapses. Mr. Patronsky said that if \$100 million lapses in 2013, we would still need to obligate \$80 or \$90 million every year thereafter. He suggested that we should be obligating at least \$100 million a year now to avoid the 2013 lapse. Mr. Pitstick commented that he is not confident that meeting that kind of an obligation goal is realistic given our record. Mr. Privett said that once we have a full 5 years programmed (FFY 2012-16), combined with the existing first ready, first funded policies, there may be a much better rate of obligation than in the past. Again, the intent of the forum is to provide information for the PSC's use in its deliberations at the July 7 and future meetings.

Chairman Patronsky thanked all of the presenters and the PSC for the vigorous discussion. He reviewed the agenda for the July 7 meeting, including cost increases, active program management and the draft mark. Mr. Patronsky then detailed the approach to the discussion

on the development of a proposed FFY 12-16 program. He said the traditional cost/benefit rankings for the FFY 12-16 CMAQ proposals along with detailed memos and project lists from the focus groups will be posted on June 30. At the PSC meeting, a representative of each of the four focus groups will provide a five minute overview; staff will be available for questions. Mr. Patronsky urged participants to review the work posted and direct questions to staff prior to the meeting. The forum was adjourned at 3:00 p.m.

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