



**CMAQ Project
Selection Committee**

May 6, 2010 Minutes

Members Present: Chair - Ross Patronsky – CMAP, Marty Buehler – Counties, Larry Keller – Council of Mayors, Luann Hamilton – City of Chicago, Mark Pitstick - RTA, , Susan Stitt - IDOT

Members Absent: Mike Rogers – IEPA

Others Present: Michael Connelly, Kama Dobbs, John Donovan, Nick Haddad, Valbona Kokoshi, Bill Lenski, Glen Mushinski, Keith Privett, Tom Rickert, Chad Riddle, Chris Staron, David Tomzik, Mike Walczak, Jan Ward (via phone), and Tammy Wierciak

Staff Present: Patricia Berry, Don Kopec, Tom Murtha, Holly Ostdick, Russell Pietrowiak, Joy Schaad,

1.0 Call to Order and Introductions

Chairman Ross Patronsky opened the meeting at 2:04 p.m. Attendees introduced themselves.

2.0 Agenda Changes and Announcements

Michael Connelly has been promoted to General Manager of Capital Finance at CTA.

3.0 Approval of March 25, 2010 Minutes

With the correction of spelling of Luann Hamilton's name, the March 25, 2010 minutes were approved on a motion by M. Pitstick and a second by Mayor Keller.

4.0 Project Changes

4.1 Kane County DOT IL 64 from Randall Rd to Burlington Rd (TIP ID 09-09-0013)

The original application was unclear and led to a change in the project limits. On a motion by M. Buehler and a second by R. Patronsky, committee voted to approve the sponsor's request to change the project limits to include Burlington Rd from IL 64 to the Kane County DOT offices.

4.2 McHenry County DOT – Miller Rd/Bull Valley Rd. at N. Front St and Green St (TIP ID 11-06-0043)

The sponsor requested the transfer of funds from Phase II Engineering to construction in the amount of \$157,950 total (\$126,360 federal) leaving \$295,800 to be used for PH II engineering and the remainder be placed in construction. Staff undertook this as an administrative modification.

- 4.3 Metra - Installation of GenSets on two Metra Switch Engines (TIP ID 13-10-0007)
The project sponsor is requesting the project be moved from FFY 11 into the current year (FFY 10) of the TIP. Bids are expected late summer or early fall. It was clarified that with the reversal of the SAFETEA-LU rescission the amount of funding in FFY 2010 is not a critical limit. Also, because it is being processed as a transit grant, the obligation ceiling and state appropriation limits do not come into to play. On a motion by M. Pitstick and a second by L. Hamilton, the committee voted to approve the request. While on the topic, the chairman asked Tom Murtha to give a report on progress of the diesel retrofit agreements. Tom said that the remaining hang up was related to insurance. Some railroads are self-insured so cannot use the contract wording that IDOT proposed. Having a single master agreement is not considered as critical as it was before so this looks resolvable.
- 4.4 Villa Park - South Villa Ave Sidewalk from Wildwood Ave to Park Blv (TIP ID 08-06-0004)
The project sponsor is requesting their project be combined with an STP Project TIP ID 08-00-0049 (Villa Ave from St. Charles Rd. to Madison St. reconstruction project). The combined project: Villa Park – Villa Ave from St. Charles Rd. to Madison St. will have TIP ID 08-00-0049. The CMAQ amount programmed for the newly combined project would remain unchanged at \$219,000 total (\$175,000 federal). Staff undertook this action as an administrative modification.
- 4.5 Chicago DOT – Grayland Station Parking – Milwaukee North Line (TIP ID 18-04-0561)
The sponsor is requesting the sponsorship be transferred to Metra. Metra has agreed with the request. Staff undertook this action as an administrative modification.

5.0 Program Management

5.1 State Appropriation

For SFY 2010, the region initially had \$21 million in State appropriation, and subsequently IDOT secured an additional \$50 million. Of the \$71 million, the region has used \$61 million. The June letting is likely to use most of the remaining \$10 million as there are currently projects totaling \$7.6 million in federal share on the IDOT letting. This number does not include expected diesel retrofits, transit projects and city projects. Of these only the federal portion of city projects and diesel emission reduction projects use state appropriation. Staff is of the understanding that only \$21 million of State appropriation is currently in process for the Illinois FY 2011 budget. With all the emphasis being put on pushing sponsors to get their projects obligated, it is doubtful that this will be enough. Susan Stitt was asked to check on the status and see if a higher number could be reserved for CMAQ appropriations. She agreed to look into it.

5.2 Agreement Processing

Patricia led off the topic by saying that there have been discussions at several meetings, (including the County Engineers meeting) where many project sponsors have expressed concerns about the length of time it takes IDOT to process agreements (consultant agreements and local agency agreements). She said that all parties acknowledge that IDOT staff is working very hard and is well respected, but unexpected and/or long delays have reduced the effectiveness of Active Program Management efforts to improve CMAQ project obligations. She reiterated that we are not trying to assign blame, just asking what CMAP, the Planning Liaisons and the other parties can do to help IDOT so that agreement processing will go faster.

Chad Riddle explained that sometimes these complaints are not valid, that in actuality the submittal was not complete or the project did not have the required design approval, but some reports of slow processing are valid. Chad explained that the staffing shortage in District One's Bureau of Local Roads and Streets has been addressed with consultants filling most vacancies, but there is still a staffing shortage in the Central Office's Bureau of Local Roads and Streets and for quite a while the priority was ARRA projects which are nearly done, so things should get better now. Susan Stitt commented that September 2010 is the last ARRA letting and that engineering agreements with new firms, i.e. those that do not have an audit on record, take much more attention from the auditors, so those tend to be the ones that get hung up. Legal review of right of way agreements has been a bigger issue of late as well.

Chad pointed out that construction agreements tend to have priority over engineering agreements because they have letting deadlines. Chad said that IDOT recently changed their process so that staff of the Central Office and of the District Office comment on a proposed agreement at the same time and send it to the locals for changes, rather than the Central Office commenting after the locals have made the corrections. He also said that IDOT has established a new tracking system so it is easier to see when a project gets delayed and why. IDOT is looking forward to seeing the results of the tracking system to see if there are patterns to the delays which will help in addressing the too-long time frame. Susan Stitt said that she will speak with the Central Office's OP&P staff, the Division of Highways staff and the Chief Counsel's office. Susan noted that once the results of the analysis are available, it will be much clearer what the focus should be.

Marty Buehler and Tom Rickert expressed appreciation for the efforts and changes that IDOT has made and the plan to track submittals as they move through IDOT's process. They pointed out that the length of time it takes to process agreements, especially in regard to adopted CMAQ Active Program Management policies and deadlines, has increasingly become a concern for highway agencies over the past few years. Possible funding rescissions and lapses make the timing issue more critical. Discussion followed about delays caused by the legal and audit reviews, which often take several months. Mr. Rickert expressed appreciation for IDOT establishing a point of contact at the central office and for the monthly coordination on submittals more than 2.5 months old. He said that they are seeing a number of submittals beginning to move again.

5.3 May Status Update

Holly Ostdick reminded the committee that according to the programming policies developed during 2008 and early 2009 by the CMAQ PSC (adopted by the MPO Policy Committee in March 2009), new project sponsors must submit their Job Request Form (JRF) to IDOT or grant application to FTA before the May status update. Status updates for all projects are required in May and in October. Holly noted that an email reminder was sent to all project sponsors with phases in 2010 about the required May status update and the requirement that the State JRF must be submitted by May 31st for projects that have not been initiated. She said that a report on the results of the May status updates will be given at the June CMAQ PSC meeting.

5.4 Rescission Issues

Ross Patronsky reported that the reversal of the \$8.7 billion SAFETEA-LU rescission has been formalized in a notice from the Federal Highway Administration, but that there is no additional obligation authority, so the restored funds will be competing with other programs such as STP, Equity Bonus, Interstate Maintenance, and NHS, etc for the limited pool of obligating authority. In relative terms, there is now less obligating authority for CMAQ because most of the equity bonus funds that were rescinded and later restored, had special obligating authority originally, which was not restored. The restored funds have been restored as 2010 funds, so they won't lapse until the end of FFY 2013. This is in contrast to the funds that were rescinded, much of which came from FFY 2007 and would have lapsed at the end of September. Currently Ross, with information from IDOT, estimates that no funds are at risk to lapse at the end of 2010 and about \$22 million is at risk for the end of FY 2011.

6.0 CMAQ and High Speed Rail

John Donovan of FHWA reported that USDOT has confirmed CMAQ funds can be used for high speed rail within non-attainment areas, based on 2002 guidelines. He suggested that CMAQ funding wouldn't stretch far in light of the high cost to implement high speed rail and pointed out that in Illinois, there is a federal record of decision (ROD) on high speed rail improvements from Chicago to Dwight and for a no build alternative to the south. He was asked if high speed rail operations are eligible for CMAQ funding as well, and he said that one could make that argument.

7.0 Soft Match

Holly Ostdick said that she had received a request that the Committee consider a position on the use of soft match on CMAQ projects and pointed out the March 2007 IDOT Circular attached with the agenda, then opened the topic up for discussion. Chad Riddle of IDOT said that IDOT prefers not to accept soft match as it takes months of paperwork. Even for ITEP projects IDOT has reserved the right to say yes or no to soft match. Ross pointed out that it was not for projects in the pipeline – but a policy now would deal with new projects. He said that from CMAP staff's perspective it takes a good deal more effort and time to process them which can really slow down a project; a problem in an era when we are putting so much effort into seeing that the projects are moving expeditiously. Also he has noticed some very "creative" soft match scenarios – which do not appear to be in the spirit of the soft match provisions. Marty Buehler suggested that the committee should take a stance that it is not allowed – unless the Committee agrees to an

exception. John Donovan said that the federal offices are getting a flurry of questions on this as well.

Ross said that it is most problematic when the idea surfaces late in the project's development. It would be best to know the sponsor's intent to use soft match at the time of application approval – then we could make a judgment by type of project – whether it is suitable for soft match or not. It was pointed out that currently the applications ask for the source of local match. It was thought that the language may be too vague. Ross offered to have CMAP staff look at those applications and see what happened. It was agreed that the use of soft match is not appropriate for phase one engineering, right of way and diesel retrofits. There was unanimous agreement that soft match should be discouraged but could be considered on an exception basis, if known at the time of application.

8.0 Programming Approaches

Ross reminded the committee that at the last CMAQ PSC meeting several different approaches to programming CMAQ funds were discussed and that a memo describing those was attached to the agenda. Ross encouraged a decision on one aspect today, formalizing the decision made last year to skip programming for FFY 2011 and to now go routinely to a biennial call for projects. He pointed out the great success we are seeing in improved project accomplishment and that this would not have been achieved without all the extra staff effort being put into encouraging sponsors to get their projects moving quickly.

There were concerns raised that if a sponsor missed the January deadline for a project they would have to wait a full two years to submit it. John Donovan was asked what most MPOs do and he responded that it is quite mixed. He pointed out that the St. Louis region only calls for projects triennially. Holly reminded the group that the research Stephanie Dock did on other MPOs' procedures regarding CMAQ programming showed the majority only added CMAQ projects to their programs with TIP updates – every two years. Luann Hamilton suggested we should look at bigger MPOs – New York, Los Angeles and Atlanta. Others agreed that we should look at more MPOs. Ross clarified that in our region we update the TIP quite frequently, but only do conformity analysis semiannually.

There was a comment that we should be tying our programming decisions to the adopted *GO TO 2040* plan and we should be careful not to compromise that intention. Another member commented that doing the CMAQ program is important and it may take a lot of staff effort to do it well. A couple of members made the point that transit projects are not so easily planned two years ahead, that projects need to respond to new challenges and new opportunities and the projects often have to be innovative. An option brought up was to bifurcate the process and have some money programmed on a two year cycle and some set aside for an annual call and to target those funds to particular project types.

Luann said she was afraid that we would get more project applications and that many will be projects that are not really ready, where the sponsor just didn't want to miss the chance to submit. Ross commented that thankfully with the PLs' involvement this year, projects that were not well thought out got caught early on.

The discussion turned to other aspects of programming CMAQ projects. While there seems to be agreement that the biggest factor should remain air quality benefit, we can build in more consideration for project readiness, support for *GO TO 2040*, and the sponsor's history of accomplishment. Luann Hamilton said that while she disagreed with the idea of setting aside a specific amount of funding for a particular goal, adding a focus area to each cycle is good. She clarified that it should not be decided how much funding goes to each type of project until we see the quality of the projects applied for.

Marty Buehler pointed out that *GO TO 2040* encourages programmers to consider "livability" in the funding decisions. (The *GO TO 2040* plan describes "livable communities" as follows: Livable communities are healthy, safe, and walkable. Livable communities offer transportation choices providing timely access to schools, jobs, services, and basic needs. Livable communities are imbued with strength and vitality features which emerge from preserving the unique characteristics that give our diverse communities "a sense of place.") There was discussion of the difference of livability and sustainability and that FHWA has definition on their livability website. John Donovan pointed out that there will be joint efforts on livability between the USDOT and EPA and HUD and each agency has a different perspective. Keith Privett reported that the Bike/Ped Task Force is talking about suggesting that CMAQ programming reflect a priority of regional bike trails over local trails; the regional greenways map can serve as a guide.

Marty Buehler reminded the group that regarding active program management – implementation is the goal and innovative projects can be much more difficult to implement than traditional projects. He said that we need to keep our focus on implementation, not planning. If agencies want to do plans – they should apply for UWP funds then come to CMAQ for implementation funding. It would be good to provide an incentive for municipalities to update their comprehensive plans as inspired by *GO TO 2040*. He also said that while all bike paths are good, we should consider limiting CMAQ funds to regional bike paths and the community should fund trails in their areas.

9.0 Public Comment

There was none.

10.0 Other Business

Marty Buehler asked if staff could provide an update on Skokie's Oakton Station project. Ross asked Chris Staron, the North Shore Council of Mayors Planning Liaison to present details. Chris said that the advertisement to contractors was published April 29th and bid opening will be May 18th. When asked, Chris responded that he thought that the latest engineer's estimate of cost was around \$20 million. Ross pointed out that about \$14 million of the cost will be paid with CMAQ funding.

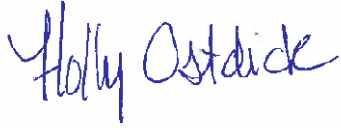
11.0 Next Meeting

The next meeting is scheduled for June 24, 2010 at 2 p.m. at the CMAP offices. (It was later re-scheduled to Friday, June 25th at 1:00)

12.0 Adjournment

On a motion by Mayor Keller and a second by Chairman Patronsky, the committee voted to adjourn the meeting at 4:00 p.m.

Respectfully Submitted,



Holly Ostidick
CMAQ Program Manager
/JMS