



## Tier 2 Consultation Meeting Minutes

September 25, 2009

Offices of the Chicago Metropolitan Agency for Planning (CMAP)  
Lake County Conference Room  
Suite 800, 233 S. Wacker Drive, Sears Tower, Chicago, Illinois

<b>Participants:</b>	Shana Alford	CMAP
	Patricia Berry	CMAP
	Ylda Capriccioso	CMAP
	Bob Dean	CMAP
	Teri Dixon	CMAP
	John Donovan	FHWA
	Doug Ferguson	CMAP
	Don Kopec	CMAP
	Michael Leslie	USEPA
	Matt Maloney	CMAP
	Tom Murtha	CMAP
	Holly Ostdick	CMAP
	Ross Patronsky	CMAP
	Mark Pitstick	RTA
	Mike Rogers	IEPA (via telephone)
	Gordon Smith	CMAP
	Betsy Tracy	IDOT (via telephone)
	Kermit Wies	CMAP

**1.0 Call to Order and Introductions** 10:00 a.m.

**2.0 Agenda Changes and Announcements-**

**3.0 Approval of Minutes – January 30, 2009 and July 22, 2009**

On a motion by Mr. Pitstick, seconded by Mr. Leslie, the January 30 and July 22 minutes were approved.

**4.0 Semi-annual RTP/TIP Conformity and TIP amendment**

Mr. Patronsky reported that the public comment period for the semiannual RTP/TIP conformity and TIP amendment closed August 30, 2009. No comments were received. The conformity and amendment will be considered by the CMAP Board and MPO Policy

Committee in October. The next conformity determination is scheduled for consideration in March 2010.

## **5.0 State Implementation Plan Status**

Mr. Rogers said that the USEPA had performed a completeness review for base year emissions inventory, 8-hour ozone attainment demonstration, reasonably available control measures, volatile organic compounds, reasonably available control technology, reasonable further progress (RFP), contingency measures, and motor vehicle emissions budgets. The completeness findings stop the sanction clock for failure to submit a SIP.

Mr. Leslie distributed two sets of proposed rules from the September 24 federal register (attached).

USEPA will be proposing a revised ozone standard in December 2009 to replace the 0.075 ppm standard. The new standard will be finalized in August 2010. The SIP for this standard will be due 2013. A table outlining the expected schedule was distributed (attached).

US EPA has proposed clean data findings for Chicago and NW Indiana for the current ozone (0.08 ppm) standard and the current annual PM<sub>2.5</sub> standard. Mr. Rogers asked if there was a maintenance plan required if these findings were finalized. Mr. Leslie responded that a maintenance plan was not required, but eventually one would be desired.

Mr. Patronsky asked about implications for conformity requirements. Mr. Leslie said baseline tests would continue.

Ms. Tracy asked if the issues going on in Wisconsin would have a ripple effect on northeastern Illinois. Mr. Leslie informed the other committee members that the Wisconsin legislature wanted to shut down their inspection and maintenance program but at this time it is unclear if this would have any effect on northeastern Illinois.

## **6.0 GO TO 2040**

Ms. Berry began the discussion by reminding all that concurrent federal, state and regional agency review has been agreed to by the consultation team. All team members concurred. The documentation of the consultation meetings will be part of the concurrent review.

### *Preferred Scenario Development*

Mr. Dean provided an update on the preferred scenario selection. He pointed out that the scenarios do not include major capital projects and that further discussion about scenarios would take place at a special Transportation Committee meeting scheduled for October 23, 2009. Next, Mr. Dean referred to the presentation materials included in the agenda packet. This presentation has been made to several CMAP committees and focuses on the

progression of the *GO TO 2040* plan and preferred scenario development. He mentioned that no concerns had been expressed to date about its development. Mr. Dean also mentioned that the public and committee involvement diagram was created at the request of a member of the CMAP Citizens' Advisory Committee. Mr. Pitstick asked when the preferred scenario would be unveiled and Mr. Dean replied that the Board will be asked to approve the preferred scenario in January 2010 and that a draft would be completed this November. It is expected that the Transportation Committee will consider the preferred scenario for recommendation at its January meeting.

#### *Financial Plan*

Mr. Maloney discussed the financial plan. He referred the group to a memo on the forecast of core revenues, which was also part of the agenda packet. Mr. Maloney explained that the first cut of core revenues was determined for the planning horizon of 2040 and that a different approach from past long range planning processes was taken. Mr. Maloney reported that the CMAP Transportation Committee had reviewed information two or three times and that CMAP staff is working with staff from RTA, IDOT, and the Tollway. Currently, staff is working on estimating maintenance and operating costs to be included in the transportation component of the plan.

Mr. Dean mentioned that that he and staff will be talking about reasonably expected revenue with the Transportation Committee in October. Mr. Donovan said that was a reasonable approach. Mr. Dean asked if there was further guidance from the group on how congestion pricing should be treated. Mr. Donovan stated that there hasn't been much documentation on congestion pricing thus far. Mr. Donovan stated that as things progress that we may have more information on earmarks and other major capital investments. Mr. Dean stated that he would check with Mr. Donovan after the meeting to make sure that he has the most recent documents and list of major capital projects.

Mr. Donovan stated that it was standard to use the assumption of 4% for inflation. Ms. Tracy asked if the 4% inflation assumption was used annually, which was confirmed by Mr. Maloney. Ms. Tracy asked if, on the state piece, the public transportation fund, whether Mr. Maloney was working with District 1. Mr. Maloney said that on the information on sales tax and public transportation funds were projections made by RTA. Ms. Tracy asked whether District 1 had been consulted and suggested that staff may need to consult with them. Mr. Maloney stated that he had not consulted with District 1 beyond discussions at the Transportation Committee but was open to consulting with others who were recommended. Ms. Tracy said she could get contact information for the programming group at District 1 and that it would be best to get ideas from them on whether or not the revenue projections were high or low. Mr. Maloney advised the group that he chose to display revenue projections in five year increments. He also explained that he made sure to put together all the assumptions for each of the costs.

Mr. Dean informed the group that staff had been talking to IDOT Central Office staff in Springfield. Mr. Maloney reiterated that state and federal recommendations were used throughout the development of the financial plan.

#### *Capital Project Evaluation*

Mr. Patronsky updated the committee on the major capital project evaluation process. He referred the committee to the draft list of projects found in the memo. He informed them that a few projects had been added over the course of summer from members of the public. Currently, staff is completing a write up on each project. A sample copy of a write-up was included in the packet for review. The expectation is to finish the evaluation over the next few months in time for the Transportation Committee's November meeting. The goal is to have a selected group of projects to support the *GO TO 2040* preferred scenario following the scenario's endorsement in January 2010. Approval of these projects will take place by March 2010; the final capital plan will be released in May 2010. The adoption of 2040 capital projects will be coordinated with TIP conformity.

Mr. Pitstick asked if a set of projects like group A or B or C exists or whether the final set of projects will result from merging project groups together. Mr. Patronsky stated that there may be "straw man" sets of projects in addition to more focused sets of projects which will respond to the preferred scenario. It is expected that a couple of projects will be lost and people will recommend others in their place. Mr. Pitstick asked about the source of the overall list of projects. Mr. Patronsky explained that Mr. Murtha and Mr. Wies had done yeoman's work in completing the *2030 Regional Transportation Plan* and that the majority of projects are updated from that plan. Mr. Pitstick asked how the current capital project list compares to the Moving Beyond Congestion list for transit projects. Mr. Patronsky stated that if there are projects missing from the capital projects list to alert him immediately. Mr. Pitstick said he would do a comparison and send a list of any missing projects right away.

#### *Public Participation*

Mr. Dean informed the committee that Ms. Capriccioso is working on the public participation element. It focuses on the steps needed to get input on the preferred scenario and major capital projects. Mr. Dean mentioned that there are some possibilities for how to go about achieving input. One way will include reaching out to major stakeholders. Thus far, transportation agencies have been very involved and will be part of the outreach audience. An objective of outreach will be to inform the public as to how their input was used in the development of the preferred scenario. It is expected that most of the communication with the public will involve email, written memos, and website updates. Mr. Dean asked if there were any comments or concerns about public participation. He noted that CMAP is going far beyond what is required for public participation.

Ms. Berry reiterated that concurrent federal, state and regional agency review has been agreed to by the consultation team. The regulating and partner agencies participate in

many of the CMAP committees, and it is important that, as in the past, any concerns or comments not dealt with elsewhere be reviewed at Tier II consultation meetings. All agreed that it is unlikely that there will be surprises from the regulating or partner agencies during the public comment period.

#### *Preferred Scenario Policy*

Mr. Wies discussed the preferred scenario policy directions. Mr. Wies referred to a list of strategies that are not major capital projects and requested that the consultation team review the list. He explained that transportation strategies affect the baseline or “no build” travel demand model results. Mr. Wies further reported that staff has been testing to assure an eventual positive conformity determination. Mr. Wies added that all strategies have implications for policy making on a regional level. Once the plan is approved oftentimes people forget the transportation implications of the non-transportation or non-capital intensive strategies. Mr. Wies gave the example of the new starts program analyses which incorporated new bus service that was assumed in the 2030 RTP, but when specific projects like the Circle Line were being tested no one noticed that these strategies weren’t addressed. Mr. Wies emphasized that if an explicit recommendation is made and it is part of the assumptions then it is considered in conformity.

### **7.0 Rescissions**

Ms. Berry said that, as noted in the agenda, a rescission written into law as part of SAFETEA-LU is likely to be the subject of continued Executive and Legislative debate. Barring action that rescinds the rescission, implementation will occur according to a schedule that will result in funds being withdrawn from the States no earlier than September 29, 2009 and no later than September 30, 2009.

Mr. Donovan updated the committee about the most recent activities. The House of Representatives passed a 3 month extension of SAFETEA-LU. However, the best information is that this bill will likely be filibustered in the Senate. The Congressional Budget Office released a formal declaration that if funds weren’t rescinded then they would need to be replaced in the budget and noted that \$9 billion is difficult to find. So far there are efforts proceeding but time is getting short. The decision would be enacted starting on Tuesday 9/29 through Wednesday 9/30. Votes will not take place on Monday 9/28, which is Yom Kippur. There is a one month extension in appropriations, but no retraction of the rescission. It is estimated that this could rescind up to \$300 million from Illinois.

Mr. Patrosky asked how the CMAQ program would be affected if SAFETEA-LU would only have an extension of a month. Mr. Donovan responded that we will have to wait and see what the impact of the rescission will be. Mr. Patrosky inquired if the agenda item on the FY 2010-2011 CMAQ program should be removed from the upcoming MPO Policy committee agenda given the impending rescission. Mr. Kopec stated that the agenda item on CMAQ should remain but that staff should be sure that the Policy Committee

understands what is going on with the rescission. Mr. Donovan agreed, saying that it is important for the MPO to do its job, regardless of whether Congress does. He noted that when we find out how the programs will be impacted, CMAP staff should work with its committees and regulating agencies to decide how to address the impact. Mr. Rogers agreed, noting that the CMAQ Project Selection Committee had also stated that it is important for it to do its job in programming funds, and that if the rescissions occur they are ready to discuss the best approach to take in the region.

Mr. Patronsky noted that staff should keep in mind that the MPO Policy committee could decide that there was no reason to adopt the CMAQ program immediately after the rescission and that would be their prerogative as programmed of the funds. Ms. Tracy asked about the sequence of the upcoming CMAP Committee meetings. Ms. Berry replied that typically the Board and Planning committees meet before the MPO committee but that October is exceptional, since the second Thursday (the CMAP MPO Policy Committee meeting dates in January, March, June and October) occurs prior to the second Wednesday (the CMAP Board monthly meeting dates) so the CMAP MPO Policy Committee will meet prior to the CMAP Board meeting.

Mr. Ferguson noted that FEMIS is closing down and wanted to know when to expect to see numbers for the rescission. Mr. Donovan replied that the numbers decision would be expected no later than September 30.

Mr. Rogers asked if there would be a process in place to notify people more about the rescission once the numbers are available. Mr. Donovan said that a formal notice about the rescission will go to the states but he was not sure how information would be disseminated afterwards. He assured the consultation team that he and other FHWA staff would do their best to get the information out to all interested parties. Mr. Kopec also assured Committee members that CMAP staff would assist in getting the word out.

## **8.0 Conformed Modeled Projects**

Mr. Murtha said that in the interest of transparency he would clarify the highway modeling processes. CMAP includes both exempt tested and non-exempt project types specifically to demonstrate the air quality effects of the RTP and the TIP in the travel demand model. While we include more project types than those required by the federal regulations, there are non-exempt project types that are not codable. Mr. Murtha reviewed the attached memo, particularly the projects that CMAP does not code and asked for concurrence in our process. This item has previously been discussed with the consultation team, but given the turnover in team members it is appropriate to revisit this issue. Members expressed appreciation for keeping them informed of the process and concurred in CMAP's treatment of those projects.

Ms. Berry asked the group if there was any other business to cover. Mr. Patronsky asked Mr. Leslie when PM<sub>2.5</sub> designations were due. Mr. Leslie responded that since

designations were due in December 2008 they should be released soon. Mr. Patronskey also inquired if there was any incentive for the state to redo SIP budgets under MOVES. Mr. Leslie said that the state will redo budget numbers fairly quickly and that the consensus is that the numbers will go up. It is expected that MOVES will be available by the end of the calendar year. Mr. Patronskey asked if there would be a grace period. Mr. Leslie said there would and that it will be in our best interest for the IEPA to re-do the budgets. Mr. Rogers said the RFP numbers will drive the process.

**9.0 Public Comment**

There were no comments.

**10.0 Next Meeting**

The next scheduled meeting of the Consultation team was left on call.

**11.0 Adjournment**

The meeting adjourned at 10:50 a.m.

**Tier II Consultation Team Members:**

	CMAP		FHWA		FTA		IDOT
	IEPA		RTA		USEPA		