



## Tier 2 Consultation Meeting Minutes

April 23, 2008

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>	Patricia Berry	CMAP
	Bill Brown	NIRPC (via telephone)
	Brian Carlson	IDOT District One
	Bruce Christensen	Lake County
	Chris DiPalma	FHWA
	Teri Dixon	CMAP
	Kama Dobbs	DMMC
	Doug Ferguson	CMAP
	John Fortmann	IDOT District One (via telephone)
	Henry Guerriero	ISTHA
	Chalen Hunter	McHenry County
	Michael Leslie	USEPA
	Vida Morkunas	RTA
	Ross Patronsky	CMAP
	Mark Pitstick	RTA
	Chad Riddle	IDOT District One
	Mike Rogers	IEPA
	Holly Smith	Kane/Kendall COM
	Betsy Tracy	IDOT OP&P
	Mike Walczak	NWMC

### 1.0 Call to Order and Introductions

The meeting was called to order at 10:00 AM.

### 2.0 Agenda Changes and Announcements

There were no agenda changes.

### 3.0 Approval of Minutes February 5, 2008

A motion to table the approval of the minutes of the February 5, 2008 meeting until the next meeting was made. The motion carried unanimously.

### 4.0 USEPA Failure to Submit Finding

Ms. Berry added an additional item under item 4, the new 8 hour Ozone Standard.

Mr. Rogers gave a brief overview of the email he sent out on April 9, 2008 to the team and other interested parties concerning the USEPA's publication in the March 24, 2008 Federal Register of "Finding of Failure to Submit State Implementation Plans (SIP) required for the 1997 8-hour Ozone NAAQS" for 11 states including Illinois. The finding starts an 18 month clock, so if the USEPA does not receive the required plan(s) by the end of that clock then sanctions will start going into effect. Mr. Rogers reminded the team that he informed them at the April 13, 2007 meeting of this happening due to changes in the base year for the attainment demonstration air quality modeling from 2002 to 2005 and wanting to keep the Ozone and PM<sub>2.5</sub> SIPs together. Highway funding sanctions would not go into effect until 2 years from March 2008. The LADCO's modeling documentation is being finalized and it is expected that hearings will be held in June/July with submittal to USEPA in early fall 2008. The sanctions clock will stop once USEPA has issued a finding of completeness. Mr. Leslie state that USEPA has to make a completion finding within 60 days of submittal or after 6 months it will become automatically complete.

The new 8-hour Ozone Standard was issued by USEPA on March 12, 2008. The new standard lowers the 8-hour ozone primary standard from 0.084 parts per billion to 0.075 parts per billion. This does not change northeastern Illinois' attainment status; the area will still be in non-attainment. The state will be required to submit another SIP in 2013 and demonstrate attainment between 2013 and 2020 depending on the severity of the non-attainment designation. There will be a designation process in which IEPA submits a recommendation to USEPA by March 2009 stating which counties should be included in the non-attainment area. There are 9 criteria for determining the extent of a non-attainment area. There is a possibility that all of Grundy and Kendall counties along with Kankakee and DeKalb counties will be added. USEPA will make a final ruling on designation by March 2010.

## **5.0 Timeline for Conformity Analysis**

Mr. Patronsky presented the Considerations for Next Plan/TIP Conformity Analysis table. Mr. Leslie said the daily PM<sub>2.5</sub> designation date should be changed to December 2008 and conformity deadline to December 2009. Mr. Rogers said the PM<sub>2.5</sub> SIP for the annual standard would be submitted in fall 2008 with a conformity deadline in the fall of 2010. For daily PM<sub>2.5</sub> conformity Mr. Leslie added that guidance for conformity before the SIP budgets are found adequate would be similar to the guidance for the annual standard, namely that there will be a "less than base line" option.

Mr. Patronsky brought up for discussion the coordination of USEPA finding the SIP budgets adequate in the fall 2008 with the 4 year clock for updating the plan and TIP. The four year clock expires in mid-October, 2010. If USEPA issues a finding of adequacy on the 8-hour Ozone and Annual PM<sub>2.5</sub> SIPs before October 2008 then conformity to the SIPs will need to occur before October 2010. He said it would be desirable to avoid making two conformity determinations so close together.

## **6.0 TIP Amendment Being Released for Public Comment**

Mr. Patrosky reviewed the Results for Conformity Analysis of June 12, 2008 TIP Amendment memo. Mr. DiPalma asked Mr. Leslie for a document from USEPA stating that this memo is adequate for determining conformity on the amendment. The amendment detailed in the memo will be released for public comment and then be brought to June 12, 2008 MPO Policy committee for approval. CMAP will then submit the amendment to IDOT which will submit it to USEPA and FHWA. IEPA typically gets copied on it. The team members agreed to the process.

## **7.0 Naperville Park N Ride From 91<sup>st</sup> (Will/Naperville) to Proposed 250<sup>th</sup> Ave (Will/Naperville) Southeast Corner of Intersection of 2 Streets (TIP ID 08-06-0018)**

Mr. Ferguson asked for consultation team concurrence on the deletion of the subject project which was a duplicate TIP park n ride lot project of an already existing CMAQ funded project. The difference between the two projects was an access drive was included in the duplicate project. However the access drive could not be modeled in the road network. USEPA and USDOT concurred on the deletion of the duplicate project.

## **8.0 TIP Procedures – Revisions to Project Groupings**

Ms. Berry stated that when the TIP Procedures were developed after passage of ISTEA, the list of exempt projects was used to develop work types and every work type considered exempt was slotted into a project group. For TIP purposes every exempt project was grouped. While working with newly adopted procedures it became apparent that this use of “grouped project” was not acceptable. Mr. DiPalma said that grouped projects as defined in the past are not consistent with federal interpretation of the grouping provisions.

Mr. DiPalma stated that according to federal definitions not all exempt projects are eligible to be grouped. USDOT draws that line based on a definition of applicable scope to the region. An example would be a \$1 million resurfacing project in DeKalb is probably not eligible to be grouped in that MPO’s TIP since the job is probably encompassing the entirety of the MPO’s TIP allocation. But in the Chicagoland area the same project on a section of I-55 would most likely be grouped since resurfacing projects of this scope are common to the MPO region. However a transit project that is exempt might be a multi-billion dollar project that should not be grouped based upon its scope. The scope of the project for the region will determine if it is eligible to be grouped in the TIP.

Mr. Patrosky presented the four reports for TIP amendments and modifications that will be brought to Transportation Committee (these four reports are available on the CMAP website for each Transportation Committee meeting). Projects that are currently grouped are spread out over all four reports. The current procedures refer to groups and group thresholds; that language needs to be clarified. The purpose of this item was for discussion and information on grouped projects so options can be developed for what can be done. The current language for grouping in the procedures came directly from the

federal regulations and confusion has occurred with respect to the traditional use of grouping in northeastern Illinois. Mr. DiPalma said we can further refine within those boundaries what northeastern Illinois can group. Ms. Dobbs asked if all of DuPage's resurfacing projects could be considered a group. Mr. DiPalma said subregion-wide is not an appropriate level for grouping. You could group projects along a corridor. Mr. Riddle asked if you broke a project into four contracts at \$5 million each would each require an amendment. Mr. DiPalma said that contracting would be up to the implementer. If the TIP projects is \$5 million and the facility and the amounts are reasonable, that is acceptable. Mr. Riddle said the paperwork process is taking longer than the plans. He suggested that all need to be sure the TIP changes are done in time for the lettings.

Mr. Patrosky said the benefit of the distinction of modifications is that modification take effect immediately and do not require TC approval. As a practical matter the amendments and modifications are presented together, but the modifications do not have to wait for the TC meeting. Mr. Carlson said projects on the June letting are mostly for resurfacing and with bituminous prices going through the roof significant increases may occur. Mr. DiPalma asked why the costs would be so far off of the estimates. Mr. Carlson said with the spike in oil prices IDOT does not yet have awards this year on which to base unit bids and asked if an authorization goes from \$1 million to \$1.6, would the FHWA approve it? If not, it could delay the letting from June to August.

The River Road project moved from April to June. Now this project, intended to reduce fatalities, won't be done. Mr. DiPalma noted that a meeting between FHWA and IDOT is scheduled for May 12 and asked if the situation described with River Road is typical. Mr. Carlson in the last couple of years it is, especially considering contractor availability. Mr. Riddle said that over the next six months, IDOT might change the table for estimates. After discussions on challenges with project changes needing amendments and meeting federal authorization dates it was suggested that Transportation Committee (TC) dates be reviewed to assure coordination with the federal authorization dates. Mr. Fortmann noted that a number of projects were added to the June letting in a very short time frame due to the number of pot holes and the timing issue is a problem given changing conditions. Mr. Carlson asked about conditional authorization. Mr. DiPalma said he was hesitant to get into conditional authorizations because we seem to run into more exceptions than rules. He said he understood IDOT's concerns, but IDOT must meet fiscal constraint provisions.

## **9.0 Schedule for Future TIP Amendments Requiring Conformity Analysis**

A draft memo was distributed on the bi-annual handling of TIP amendments requiring a conformity analysis. These amendments require recommendation by the Transportation Committee and a 30 day public comment period before seeking CMAP Board and MPO Policy Committee approval. The approvals will occur at the March and October meetings of the Board and the Policy Committee. The deadline for submittals for the March approvals will be December 31<sup>st</sup> and for the October approvals will be July 31<sup>st</sup>. Project amendments received after the deadline will be included in the next amendment conformity cycle. Mr. Guerriero asked whether a non-federally funded project would be

held to this six month schedule and whether the project would be held up if it were not amended in the TIP. Mr. DiPalma cited the federal planning and air quality rules and replied affirmatively. Mr. Guerriero said that from a good planning perspective, every six months should not be a big deal, but in some cases it could be problematic. He continued, saying that he understood the air quality budget issues, but the timelines and dates are going to be a challenge. Mr. Leslie indicated that the SIP being work on for fall 2008 submittal has an analysis year of 2009.

As 2010 comes closer CMAP staff envisions that the number of projects crossing over the 2010 analysis years will increase. Project amendments crossing over analysis years require a conformity analysis. Several participants asked if this was a firm requirement. Mr. Leslie replied affirmatively.

#### **10.0 Next Meeting**

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

#### **11.0 Adjournment**