

Tier 2 Consultation Meeting
October 18, 2001 10:00 AM
Approved Meeting Summary

Participants

Vanessa Adams-Donald	FTA
Patricia Berry	CATS
Randy Blankenhorn	IDOT via speakerphone
Linda Bolte	CATS
Steve Call	FHWA via speakerphone
Dean B. Englund	CATS
Tim Golemo	IDOT via speakerphone
Luann Hamilton	CDOT
Rich Hazlett	CDOT
Jon-Paul Kohler	FHWA via speakerphone
Don Kopec	CATS
Mark Pitstick	RTA
Keith Privett	CDOT
Mike Rogers	IEPA
Dave Seglin	CDOT
Susan Stitt	IDOT via speakerphone
John Tomczyk	CDOT

1. Approval of August 9, 2001 meeting summaries.
The third draft meeting summary was approved.

2. FY 02 CMAQ program, FY 02-06 TIP, and supplemental conformity.
Ms. Berry noted that except for the resubmittal of a proposal made during the 2020 RTP update, no comments have been received on the TIP or supplemental conformity.
Discussion then turned to eligibility of station improvement projects for CMAQ funding.

Mr. Call said the concern with the Lake street station improvement project is that it appears to be a rehabilitation project. He noted that station projects have been funded with CMAQ in the past, but that a request for a study had been made. Mr. Call said the final answer would come when IDOT makes its formal request for an eligibility determination. Ms. Hamilton agreed that the region has been doing station projects with CMAQ funds for a long time.

She referred to two studies that have been carried out for CDOT. A study by DeLeuw-Cather (1994) evaluated data from a survey carried out for New York City and concluded that the station improvement projects would have a significant impact on rapid transit ridership. A study of Chicago residents by Resource Systems Group in 2000 determined that a program of major station improvements including better lighting, more spacious mezzanines and platforms, and reduced noise would be equivalent to a ten to thirteen cent

fare decrease and, based on pivot point model, would result in an overall increase in transit use of three to four percent.

Ms. Hamilton said she had had discussions with Abbe Marner in years past and that he concurred that since the overall program goal is increased ridership, such projects could be eligible. Mr. Call said another concern is that New York does not allow station maintenance projects. Mr. Blankenhorn said the Lake Street project goes well beyond routine maintenance. Mr. Call said he needs copies of the studies.

Mr. Blankenhorn said he would rather give Mr. Call all of the information he needs and not formally submit the eligibility determination at this time. Ms. Berry noted that IDOT does not typically make its request for eligibility determination until after the Policy Committee has approved the proposed program. Mr. Call said that he was concerned that the region may not have enough time to come up with a substitute project if the Lake Street station project is found ineligible. Mr. Blankenhorn and Ms. Hamilton said they were confident that once the materials were presented a positive eligibility finding will be made. CDOT and CATS staff will prepare a packet of information for USDOT. Mr. Call said that it was not his call alone to make. FTA may decide it's not eligible even if FHWA says it is. Mr. Blankenhorn urged a close review of the materials by both Mr. Call and Ms. Adams-Donald.

Discussion then turned to addressing environmental justice in the TIP document. Ms. Adams-Donald said that while the TIP documents how each agency considers environmental justice, the disbursement of benefits in the TIP is not addressed. Some type of analysis along these lines is needed. Mr. Call said that this would not be an issue for TIP approval, but would be an issue raised during certification. He said that the additional language in the TIP may make things clearer to the public, but USDOT is looking for some real consideration of environmental justice in the TIP. The tables developed, which separate the city of Chicago from the rest of the region, are rather gross. The data does not get down to the community level and needs to be more refined. Good work has been done, but more is necessary. CATS addresses environmental justice in its public involvement efforts but the analytical side could be clearer.

Mr. Blankenhorn said that accessibility measures for the FY 02-06 TIP would not show anything different than what has already been produced because this is an exempt update. The region is looking at how to improve how it addresses environmental justice as part of the 2030 RTP exercise. Mr. Call said we have documented accessibility measures for the RTP but not for the TIP. The Plan analysis was very gross and nothing really referred to the TIP. Mr. Kopec said that was only semantics—all of the accessibility measures included the 2001-2006 TIP projects and the resultant system is analyzed. Ms. Bolte said that in several conversations with Mary McDonough-Bragg (sp?) they have concluded that what's important is showing that the TIP implements the RTP. Ms. Adams-Donald said that would be helpful. Mr. Call said the federal agencies will still want to be able to see how the region specifically addresses environmental justice.

Mr. Blankenhorn said that the point is that the region talks about the resultant system, not about a certain group of projects. Northeastern Illinois is saying that the system provides at least equal accessibility for low income and minority areas. Mr. Call pointed out that the system referred to is a result of the RTP, not the TIP. Mr. Blankenhorn asked if providing accessibility measures for the analysis year 2007 would be helpful. Mr. Call replied affirmatively. Mr. Call said northeastern Illinois has a mature system and a very organized method of showing how we are moving towards accessibility would show that we are moving in the right direction. Ms. Adams-Donald asked for more specifics on what Mr. Blankenhorn was suggesting. Mr. Blankenhorn said that the documentation for the 2020 RTP update showed accessibility given the system as it would be in 2020, this analysis would do the same for the system in place in 2007. Mr. Call continued to express concerns that no analysis is being done at the community level.

Ms. Bolte said that the unit of measurement used has not yet been discussed. The region does not want to under-emphasize places that have large minority concentration, but are under 50%. Both the RTP Committee and the Community Mobility Task Force will be looking at this issue.

Mr. Englund said that we don't have any idea of what we are trying to prove. In the conformity work there is a clear test, in environmental justice, there is no clear test. What is the environmental justice standard—what are we trying to provide? Ms. Bolte agreed and said that is one of the reasons there is a concern over zone size—we have no clear target goal. Mr. Englund asked if the federal regulators could indicate what a pass/fail test would be, then CATS could structure something to address it. Ms. Adams-Donald said that there is no quantity or percentage level. The region should show how it considers environmental justice and have the proof that consideration has been given to equal disbursement of benefit.

Mr. Kopec said it's both qualitative and quantitative—it's a gray area. Mr. Call said that maybe just breaking things down between the city of Chicago and the suburbs is not enough. He said he is satisfied that we have committees that are beginning to look at this issue and are actively addressing it.

Mr. Blankenhorn summarized the next steps: the proposed FY 02-06 TIP will be expanded to include documentation of travel time accessibility for 2007 consistent with that for 2020 in the RTP and additional documentation of how the TIP implements the plan, and the RTP Committee and the Community Mobility Task Force will further investigate environmental justice accessibility measures and geography issues.

Mr. Pitstick said that all these things are good as far as documentation but asked how the region would demonstrate how environmental justice influences how projects are selected. Ms. Bolte said that we could talk more about specific major projects and smaller projects and how they contribute to accessibility and mobility in the region. Improved traffic flow and safety improves the livability of the region. Mr. Pitstick asked how we would go beyond that to say that we are consciously moving projects forward

earlier because of environmental justice considerations. Mr. Englund noted that there is a difference between choosing projects and demonstrating that a group of projects satisfies environmental justice requirements.

Mr. Call said that his feeling is that the region is doing the right thing and we need to demonstrate it and make a better presentation. Mr. Blankenhorn asked if Mr. Call and Ms. Adams-Donald were comfortable with the next steps. Mr. Call said he wants to see the documentation and be sure it indicates the direction the region is heading in this area—the region should show how these considerations impact the TIP. Ms. Adams-Donald agreed and said it would also help if the TIP were more useable for the average person. All agreed we need to look at ways to improve that. Mr. Call mentioned that he had been networking with some folks in Florida and has found some good examples of user friendly TIPs on the web. He said that having a more public friendly program available is an environmental justice issue. Mr. Blankenhorn agreed and said that was a good subject for further discussion. Ms. Bolte noted that community organizations are asking for the same thing. She said she was interested in other MPOs whose web presence is attractive. Mr. Call suggested Dallas, Seattle and Miami.

3. Attainment status

Mr. Rogers said that the data is available for the region to petition to be declared in attainment. IEPA has just begun discussions with USEPA on this issue. A ten year maintenance period would require 2012 budgets. IEPA will have to do a 1999 inventory and a projected inventory. It will have to show the 2012 numbers are below 1999 and will have to do the same for 2007. IEPA will have some flexibility in setting these budgets and the safety margin can be used for conformity. Possible good news is we may be able to drop the 2002 and 2005 budgets.

Mr. Tomczyk asked what this would mean for the CMAQ program. Mr. Rogers said that although maintenance areas were not eligible for CMAQ funding under ISTEA, they are under TEA-21. He said that according to Mark Simons, Illinois would get the same amount of CMAQ funding but the weighting would change. Mr. Blankenhorn said that the funds would come to the state, and the state would decide who gets what. Mr. Call agreed that the factor would be reduced if the areas were re-designated to attainment.

Mr. Englund asked about the 8-hour standard. Mr. Rogers said that as of today, there is no 8-hour standard. The courts remanded the implementation policy back to USEPA, which has not yet acted. This may be another reason to delay petitioning USEPA. Mr. Tomczyk made the point again that northeastern Illinois would get less CMAQ funding. Mr. Blankenhorn said that it seems likely that we would have a 2003 CMAQ budget before we are in attainment and that USEPA will have done something regarding the 8-hour standard by next October.

Ms. Bolte said that with reauthorization of the federal transportation bill coming up, eligibility of maintenance areas as well as the factors will be addressed again. Mr. Rogers said that USEPA expects to be sued if they move to re-designate the region. Even though

the law allows re-designation with the amount of “clean data” that the region has, the USEPA wants to be cautious and generally they wait four or five years. They don’t want a region to be going in and out of attainment in a couple of years. In general, the states understand this and do not push USEPA to act sooner. Mr. Blankenhorn said that given how anxious Wisconsin is to be in attainment, Wisconsin might sue USEPA to act faster. Ms. Stitt noted that Wisconsin was not covered by the NO_x SIP call so going into attainment would be a double bonus for point sources. Mr. Rogers agreed that relaxed controls on new sources would be welcome and that the main down side is the loss of CMAQ funds.

Mr. Tomczyk asked who would make the call regarding petitioning for re-designation. Mr. Rogers replied that it would be the air directors of Indiana, Wisconsin and Illinois and the USEPA. Mr. Englund noted that we know the timing of the next conformity exercise and do not want uncertainty regarding when the attainment budgets may be submitted. Mr. Rogers said that Wisconsin wants it to be by April but the general feeling is that this is too aggressive of a schedule. Policy makers may want to submit something by the end of the year, though. Mr. Tomczyk asked what would happen regarding the SIP if we were petitioning for attainment and then went back out of attainment the next year. Would we have to go back to square one? Mr. Rogers said that contingency measures would be in place in the revised SIP submittal and we wouldn’t have to do anything new.

Mr. Blankenhorn asked if we might be designated a moderate non-attainment area instead of an attainment area. Mr. Rogers said that was a possibility, and would still help the point-source folks. These issues are being fleshed out among the air directors and USEPA. Mr. Rogers said it would probably be best if the 8-hours standard is implemented before any request for re-designation has occurred.

The team thanked Mr. Rogers for his report and asked to be kept up to date on this issue.

4. Other Business

No other business was brought before the team.

5. Next Meeting

The next meeting was left on call.