

REGIONAL TRANSPORTATION ADVISORY COUNCIL

Summary of September 13, 2006 Meeting

This meeting was held in Conference Room 4 of the State Transportation Building, 10 Park Plaza, Boston, MA.

1. Chair's Report - Steve Olanoff, Chair

Steve Olanoff, Chair, called the meeting to order at 3:01 PM. Members, guests, visitors, and staff introduced themselves. See the attached attendance list.

Steve Olanoff made the following announcements:

A reminder was given to all meeting attendees to sign the attendance sheets at the front of the room, as this is how the Advisory Council tracks member participation.

In the September issue of the Boston Region Metropolitan Planning Organization's (MPO) monthly newsletter, *TRANSREPORT*, there are articles on several important topics, including the articles on the MPO Open Houses, approval of the TIP and the UPWP, the Safe Routes to School Program, the state and regional bike plans, and the release of additional Chapter 90 funds. For more information, send an e-mail to publicinformation@bostonmpo.org, or go to the MPO's website at <http://www.ctps.org/bostonmpo/index.htm>.

Advisory Council member, WalkBoston, will be conducting a pedestrian advocacy workshop on Saturday, September 16, 2006 from 9:00 AM until 11:30 AM. For more information, visit their website at www.walkboston.org.

Advisory Council member, the Association for Public Transportation (APT), will be hosting an MBTA Greenbush Line Tour on Sunday, October 29, 2006. For more information, call (617) 482-0282, e-mail apt@car-free.com, or visit their website at www.car-free.com.

Advisory Council and Boston Region Metropolitan Planning Organization member the Town of Bedford will be holding the "Three Apples Storytelling Festival" on September 30 and October 1, 2006. For more information, call (781) 287-0069.

Advisory Council member the Boston Society of Civil Engineers Section/American Society of Civil Engineers (BSCES/ASCE) will be holding a luncheon meeting on "The Future of Transportation in Massachusetts" on September 28, 2006. For more information, call (617) 723-1700.

MassRIDES' website's "What's New?" section has been updated with new back-to-school information and programs. To read all about them, go to their website at www.commute.com.

MPO Activities

At their September 7 meeting, the Transportation Planning and Programming Committee discussed Journey to 2030's (the MPO's long-range transportation plan) vision and results of Scenario 2 (No-Build with Smart Growth Plus) model run and received a briefing by the proponent on the Marshfield/Route 139 Project.

The next meeting of the Transportation Planning and Programming Committee will be held on Thursday, September 21 at 10:00 AM, at which the Committee will discuss a possible amendment or adjustment to the FY 2006 Transportation Improvement Program (TIP) and receive updates on the Transportation Finance Commission and Regional Equity.

Members of the public are invited to attend all MPO meetings, activities, and events. For more information, go to the MPO website at www.bostonmpo.org.

2. Approval of Meeting Minutes of August 9, 2006

MOTION: A motion to approve the draft meeting minutes of August 9, 2006 as presented was made by Richard Arena and seconded by Richard Canale. The motion passed unanimously.

3. Announcements

See "Chair's Report" above.

4. Elections of New Advisory Council Executive Officers (Chair and Vice Chair)

Acting Nominating Committee Chair Richard Canale placed the names of Chair Steve Olanoff and Vice Chair Frank DeMasi into nomination for re-election. Both officers were unanimously re-elected to their positions.

Chair-Elect Olanoff thanked the members for this opportunity and pledged to build upon his first year of experience and continue to work with the Advisory Council and the MPO on regional transportation issues.

Vice Chair-Elect DeMasi also thanked the members for this opportunity and pledged to continue to work hard for both the Advisory Council and the MPO. He also asked for volunteers to become new members and chairs of the various committees such as the TIP and the Plan (see Item No. 8 below.)

5. Elections to Add and Remove Members: *Proposed new member - Riverside Neighborhood Association (RNA)*

MOTION 1: A motion was made by John Stasik and seconded by Dom D'Eramo to formally accept the resignation of the Massachusetts Audubon Society, which last year stated that they were unable to continue as an Advisory Council member due to staffing issues. This motion passed unanimously.

MOTION 2: A motion was made by Marilyn MacNabb and seconded by Dom D'Eramo to nominate the Riverside Neighborhood Association (RNA), with Marilyn Wellons as its representative, for election to the Advisory Council. This motion passed unanimously.

MOTION 3 (UNAMENDED): A motion was made by Frank DeMasi and seconded by Dom D'Eramo to remove the thirteen members listed below, who have not attended at least one Advisory Council meeting in the last 12 months. (This motion was based on the results of a recent attendance audit of membership attendance for the past 30 months.)

- Arlington
- Brookline
- Canton
- Hull
- Natick
- Quincy
- American Automobile Association
- American Planning Association/Massachusetts Chapter
- Brookline Coalition for Citizens with Disabilities
- Environmental League of Massachusetts
- Medical Academic and Scientific Community Organization
- Mystic River Watershed Association
- MassCommute (the Statewide TMA)

MOTION 3 (AS AMENDED): A friendly amendment was made by Richard Canale and seconded by Dom D'Eramo to postpone the vote on this motion until the October meeting in order to allow time for letters to be sent and telephone calls or other direct contacts made to the chief executive officer of each organization alerting them to this proposed action with Richard Canale and Jack Gillon volunteering to assist in making the direct contacts. In addition, these organizations must submit a response to the Advisory Council letter no later than October 2, 2006 stating both their intent to become more active and to remain on the Advisory Council. They must also attend the October 11, 2006 meeting.

This amended motion passed unanimously.

Points and Issues Raised During Discussion

What is RNA's mission and how will that mission work to benefit not only the RNA community, but all 101 cities and towns in the MPO area? (Richard Canale, John Stasik, Marcy Crowley, Dom D'Eramo, and Richard Arena) *The RNA neighborhood is encompassed by Memorial Drive, River Street, JFK, and Massachusetts Avenue. The RNA was founded in 1965 in response to urban renewal plans for the area. It has worked on many similar issues over the years, including with the City of Boston on school and transportation issues, and since 2001 has been primarily involved with working with Harvard University on their Allston Initiative, the Department of Conservation and Recreation on the Longfellow Bridge and Storrow Drive Tunnel projects, the MBTA and*

the City of Boston on bus and other transportation issues. Based on this history of transportation advocacy, we believe the RNA can make a substantial contribution in this area to the execution of the Advisory Council's mission. (Lawrence Adkins, RNA President and Marilyn Wellons, RNA Member and RNA Advisory Council Representative)

Is the RNA affiliated with the Friends of the White Geese? (Richard Arena) *No. (Marilyn Wellons)*

What is the membership of the RNA? (John Stasik) *RNA has 178 members. (Lawrence Adkins)*

While I may have been concerned initially that the RNA might be a single-issue organization, based on the extent of the involvement of Marilyn Wellons over this past year in the varied transportation issues facing both the Advisory Council and the MPO, I no longer have that concern and believe that the RNA would make a good addition to the Advisory Council membership. (Steve Olanoff)

Have letters been sent to the organizations' chief executive officers informing them of the proposed action to remove them as members? If not, they should be. In the future, can prospective members be instructed to submit informational material on their organizations in advance of the vote on their membership? (Marcy Crowley, Kristina Johnson and Dom D'Eramo) *No, they have not, but will be before the October meeting. (Frank DeMasi) Yes, in the future, prospective members will be instructed to submit informational material on their organizations in advance of the vote on their membership. (Steve Olanoff)*

Where can the Advisory Council By-Laws be found? Who is the City of Quincy representative and to whom, if different, are meeting materials sent? (Kristina Johnson) *These may be found on the MPO website. (Steve Olanoff and Pam Wolfe) Dennis Harrington for both items. (Bill Moore)*

The City of Quincy's DPW Director has attended MPO meetings within the past year. Based on this, the City of Quincy should be excluded from the motion to remove members who have not attended within the past year. (Kristina Johnson) *The attendance audit only takes into account attendance at Advisory Council meetings. (Frank DeMasi) Based on their importance to and involvement in the regional transportation process, all of the towns should be given additional time to respond to the proposed action to remove them and/or to find alternate representatives to the Advisory Council. (Jack Gillon, Richard Canale, Dom D'Eramo, Marilyn MacNab, and Kristina Johnson)*

6. Briefing on the contents of the Endorsed Certification Documents:

a. FY 2007 Unified Planning Work Program (UPWP) - Mary Ellen Sullivan, UPWP Manager, Central Transportation Planning Staff

b. FYs 2007 – 2010 Transportation Improvement Program (TIP) - Sam Snead, TIP Manager, Central Transportation Planning Staff

UPWP Manager Mary Ellen Sullivan briefed the Advisory Council on the status of the responses to the FY 2007 UPWP public review comments. There were 25 comment letters received during the public comment period. A summary of the comments received during the review period and the responses that will be contained in the letters from the MPO Chair can be found in Appendix B of the final document. Copies of the final UPWP may be obtained from the MPO website at <http://www.ctps.org/bostonmpo/index.htm> after the federal agencies notify the MPO of its approval, which is expected to occur in October.

TIP Manager Sam Snead briefed the Advisory Council on the status of the responses to the FYs 2007-2010 TIP public review comments. A summary of the comments received during the review period and the responses that will be contained in the letters from the MPO Chair can be found in Appendix E of the final TIP document. Copies of the final TIP may be obtained from the MPO website at <http://www.ctps.org/bostonmpo/index.htm> after the federal agencies notify the MPO of its approval, which is expected to occur in October.

Points and Issues Raised During Discussion

Why isn't there a Phase II of the Regional Freight Study in the UPWP? (Frank DeMasi) *Due to the timing of the completion of Phase I, the UPWP Subcommittee deferred consideration of a Phase II study until the development of the FY 2008 UPWP. (Mary Ellen Sullivan)*

When was the TIP submitted for federal approval and what is the timetable for that approval? (Richard Canale) *The TIP, which has been approved by the MPO, was submitted for federal approval two weeks ago. The MPO anticipates receiving that approval about one month from now. (Sam Snead)*

7. Briefing on Congressionally-Designated Federal Highway Earmarks - Guy Bresnahan, Ombudsman, Office of Transportation Planning, Executive Office of Transportation (EOT)

Guy Bresnahan of the Executive Office of Transportation's (EOT) Office of Transportation Planning (OTP) briefed the Advisory Council on the topic of congressionally designated federal highway earmarks. In addition to being the EOT's Ombudsman, Guy also serves as the EOT RPA/MPO (Regional Planning Agency/Metropolitan Planning Organization) liaison to the Franklin Regional Council of Governments and the Pioneer Valley Planning Commission. He explained that the Ombudsman's primary role is to track the federal earmarks that come into Massachusetts and to respond to stakeholders' concerns.

The complete text of Guy's briefing is included herein as Attachment 2 below.

Guy invited any one who may have additional questions on federal or state earmarks to contact him at (617) 973-7884 or guy.bresnahan@state.ma.us.

Points and Issues Raised During Discussion

Now that the MPO has programmed the FY 2007 TIP, how does it receive FY 2005 and FY 2006 earmarked funds? (Steve Olanoff) *In the case of HPP (High Priority Project) funding, earmarks are distributed over a five-year period at the rate of 20% per year, less any congressional rescissions. It is then up to the MPO to decide how to program their earmarked project(s) within this funding framework. (Guy Bresnahan)*

Can the Project Review Committee disapprove a federally earmarked project? (Dom D'Eramo) *No. (Guy Bresnahan)*

Who tracks transit earmarks? Does EOT transfer transit funding directly to the Regional Transit Authorities (RTA)? (Dom D'Eramo) *EOT's Transit Section tracks transit earmarks. In the case of transit earmarks that are embedded in highway funding, EOT transfers that funding to the Federal Transit Administration, who in turn transfers it to the RTAs. (Guy Bresnahan)*

Can earmarks be used for design work and, if so, does construction funding automatically follow? (Frank DeMasi) *Yes, earmarks can be used for design work, however, since earmarks are not always well coordinated between design and construction, the Federal Highway Administration is reluctant to program earmarked design projects that do not have corresponding construction funding. (Guy Bresnahan)*

Does earmarking reduce the amount of funding a state receives? Are the reductions spread equally around the MPOs? (David Koses and Steve Olanoff) *Yes, earmarking reduces the total amount of funding a state receives. No, the reductions are not spread equally. Because of the project nature of earmarks, one MPOs gain is another's loss. (Guy Bresnahan)*

What happens to earmarked funding that is not spent? (Marilyn Wellons) *For HPP, Transportation Improvement (TI), and Sections 112, 115, and 117 funding, the earmarks are available until the time that they are used. Other types of funding expire if they are not obligated within a certain time frame that varies by category. (Guy Bresnahan)*

What leverage exists to force an implementing agency to program a project? (Chris Porter) *None. For example, if a \$1 million earmark exists to do a \$5 million project, there is nothing that can force an MPO to procure the other \$4 million and undertake that project. Earmarked projects must still be programmed by an MPO. (Guy Bresnahan)*

I thought your presentation was great. Can you distribute a copy of your briefing talking points? (Frank DeMasi) *Yes, I will send it to Bill Moore who will distribute it and then attach it this meeting's minutes as Attachment 2. (Guy Bresnahan)*

8. Advisory Council Committees

Freight - *Domenic D'Eramo & Frank DeMasi - Co-Chairs*

A well-attended freight committee meeting was held prior to this meeting. Issues discussed included the new rail freight grant program, the open position for Executive Office of Transportation Manager of Rail, the double stack rail initiative, the Environmental Protection Agency (EPA) diesel-emissions-reduction program, diesel-conversion possibilities and opportunities, and the City of Boston's expanded hazardous-material-permitting requirements. Co-Chair DeMasi observed that this Committee is in their fourth year of existence and reflected on some of its past accomplishments, which include assisting in the creation of the MPO's first regional freight study. He also invited new members to join and asked existing and/or new members to consider a term as committee chair. Co-Chair D'Eramo expressed his disappointment that the above-mentioned September 28 BSCES transportation conference did not have a panel member speaking on freight issues. He observed that this was reflective of state government's overall lack of a freight champion. The next Freight Committee meeting is tentatively scheduled to be held on October 11, 2006, with more information to follow.

Regional Transportation Plan (Plan) - *New chair to be determined.*

See Items 4 and 5 above.

Transportation Improvement Program (TIP) - *New chair to be determined.*

See Items 4 and 5 above.

Unified Planning Work Program (UPWP) - *Steve Olanoff, Chair*

See Items 4 and 5 above.

Membership - *Frank DeMasi, Chair*

See Items 4 and 5 above.

Program - *Richard Canale, Chair*

See Items 4 and 5 above.

Nominating - *Jeff Levine, Chair*

See Items 4 and 5 above.

7. Member Items for Discussion and Other Business

There were no member items for discussion or other business.

8. Adjournment

A motion to adjourn was made by Dom D'Eramo and seconded by John Stasik. The motion passed, unanimously, and the meeting was adjourned at 4:59 PM.

Attachments:

1. Attendance List for September 13, 2006
2. September 13, 2006 Earmarks Briefing Talking Points

CTPS/WAM/wam

ATTACHMENT 1: *Attendance List for September 13, 2006*

Cities and Towns

Boston: Tom Kadzis

Marlborough: Walter Bonin

Millis: Domenic D'Eramo, Advisory Council Freight Committee Co-Chair

Newton: David Koses

Quincy: Kristina Johnson

Wayland: Marcy Crowley

Wellesley: Frank DeMasi, Advisory Council Vice Chair, Advisory Council Freight Committee Co-Chair, and Advisory Council Membership Committee Chair

Westwood: Steven Olanoff, Advisory Council Chair and UPWP Committee Chair

Agencies

Massachusetts Aeronautics Commission (MAC): Matthew DeSorbo

MassRIDES: Leon Papadopoulos

MBTA Advisory Board: Jane O'Hern

MetroWest Growth Management Committee: John Stasik

Minuteman Advisory Group on Interlocal Coordination (MAGIC): Richard Canale, Advisory Council Program Chair

Citizen Groups

Access Advisory Committee to the MBTA (AACT): Marilyn MacNab

Association for Public Transportation (APT): Richard J. Arena

Boston Society of Civil Engineers Section American Society of Civil Engineers (BSCES/ASCE): Nick Rubino

Institute of Transportation Engineers (ITE): John T. Gillon

MassBike: Chris Porter

Guests and Visitors

Lawrence J. Adkins

Ed Lowney

Abe Morzin

Lisa Merolla

Cheryl Ravalli

Marilyn Wellons

CTPS Staff

Bill Moore

Sam Snead

Mary Ellen Sullivan

Pam Wolfe

ATTACHMENT 2: *September 13, 2006 Earmarks Briefing Talking Points*

Talking Points from the September 20, 2006 Regional Transportation Advisory Council meeting briefing by Guy Bresnahan, Ombudsman, Office of Transportation Planning, Executive Office of Transportation

Congressionally Designated Federal Highway Earmarks

These project-specific earmarks are embedded in transportation authorization legislation such as SAFETEA-LU, the new transportation act signed into public law in August 2005 (P.L. 109-59). SAFETEA-LU authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009.

The SAFETEA-LU legislation included 5,091 specific project earmarks, 135 of which were for designated transportation improvement projects here in Massachusetts. These so-called HPP, or high priority project earmarks and TI, or Transportation Improvement project earmarks, carry a federal share of 80%, requiring a non-federal match of 20%. Funds are available until expended and are available to State Departments of Transportation over a five-year period on an annual disbursement schedule, less any rescissions and/or Obligation Authority (OA) limitations imposed by Congress during the appropriations process. SAFETEA-LU HPP earmarks are disbursed over a 5- year period beginning with FFY 2005 at 20% per year. Transportation Improvement (TI) earmarks are received annually beginning in FFY 2005 with 10% of the total earmark becoming available, another 20% is available in 2006, and an additional 25% in FFY's 2007 and 2008, with the remaining 20% becoming available in 2009.

During the federal appropriations process many more transportation projects get added to the annual appropriations bill through earmarking. The 2006 Appropriations Act included another 519 earmarks, totaling \$594 million within Section 112 of the appropriations bill. Massachusetts received 21 Section 112 project earmarks. In addition, a number of federal discretionary earmarks were included through programs such as TCSP, PLHD, Interstate Maintenance Discretionary IMD and certain other transit programs that fund buses and bus facilities such as Section 5309 earmarks. Section 112 earmarks are also available until expended and the federal share is 100%.

Transportation earmarks tend to fall into several categories ranging from feasibility studies, to transportation improvement projects on a variety of facilities (roads, bridges, shared use paths), to projects involving the acquisition of right-of-way needed to construct a project. The nature of the specific project determines the project development process you will need to follow. Studies, for instance, do not require approval by MassHighway's Project Review Committee and acquisition projects have additional coordination and contracting requirements with MHD's Right of Way Bureau that the proponent must follow prior to incurring any expenses.

The vast majority of federal transportation earmarks provide support for roadway reconstruction projects to address issues of safety, congestion and/or facility

deterioration. For these projects, the eight-step project development process outlined within Chapter 2 of MassHighway's new Project Development and Design Guidebook should be followed. ***I have included an overview of the new Design Guide for your information. On page 16 of the handout the project development process is graphically summarized. Please note that there are new process requirements with which proponents should become familiar.*** The new guidebook emphasizes multi-modal accommodation in roadway planning and design, a context sensitive design approach to preserve and enhance aesthetic, historic and environmental resources and community values, and provides a clear project development process (as outlined in Chapter 2).

It should be noted that the funding associated with federal earmarks is taken off the top of the available transportation funding for distribution to the states and metropolitan planning regions within the states. This has the effect of lowering regional "target" funding which municipalities compete for, for purposes of funding projects on the local TIP. The ideal exists when projects are advanced for earmarking that enjoy broad based support, are locally or regionally significant projects, are the outgrowth of local transportation studies, and are otherwise consistent with the Regional Transportation Plan and the MPO's Transportation Evaluation Criteria (TEC)

The federal funding authorized through an earmark must be used for the specific purpose stated in the earmark language. It is therefore important when recommending projects for consideration by your Congressional sponsor to be as clear as possible with the descriptive language chosen. You need to consider whether you are seeking funding to construct a given project or actually need funding to design and construct the project. Also be aware that the only way the language in an earmark can be changed to use the funds for a different purpose is through a subsequent act of Congress.

It is also important to consider the scope or magnitude of a project from a programming perspective – will the required match be able to be committed? If the earmark only covers a portion of the costs, how will the project get constructed? And from where will the balance of funding come? Be mindful of the fact the FHWA is not interested in investing significant amounts of federal funds in the design of a project if it is uncertain of the availability of construction funding.

A common misconception with federal earmarks is that the funding goes to the municipality, or other project proponent. In almost every instance this is not the case – rather the proponent must work closely with their MassHighway District office during project development, following the previously mentioned MassHighway project development guidance. MassHighway reviews and approves 25%, 75% and 100% design plan milestones and validates that the construction estimate is complete and current. MassHighway also validates the identified funding source(s) to be used and receives approval from FHWA to obligate the earmark-funding source, verifying that the project is properly programmed on the Regional TIP. Only when these conditions have been satisfied will MassHighway "advertise" and "construct" the project. This involves the compilation of construction bid documents, advertising a request for project bids, and selection of a contractor who is generally the "lowest qualified bidder".

Project proponents also need to be aware that the earmark authorization which appears in the text of the legislation or appropriation bill is almost never the amount that will be available at the time of programming. Most federal earmarks are subject to legislatively prescribed funding rescissions, set asides or administrative takedowns that limit project spending authorization.