



DRAFT MINUTES

CMAQ Project Selection Committee

Thursday, April 3, 2014 2:00 p.m.
CMAQ Offices

**Committee Members
Present:**

Ross Patronsky, Chair (CMAQ), Jay Ciavarella (RTA),
Luann Hamilton (CDOT), Chris Snyder (Counties), William
Rodeghier (Council of Mayors), Mike Rogers, (IEPA), Chris
Schmidt (IDOT)

Staff Present:

Patricia Berry, Claire Bozic, Bob Dean, Kama Dobbs, Jesse Elam,
Doug Ferguson, Tom Murtha, Russell Pietrowiak

Others Present:

Mike Albin, Reggie Arkell, Philip Banea, Jennifer Becker, Mike
Bolton, Bruce Carmitchel, Bruce Christensen, Chalen Daigle (via
phone), Terry Heffron, David Johnson, Valbona Kokoshi, Yemi
Oyewole, Keith Privett, Tom Radak (via phone), Tom Rickert,
Kris Skogsbakken (via phone), Kyle Smith, Lorraine Snorden,
Chris Staron, Brian Stepp, Brian Urbaszewski (via phone), Mike
Walczak, Tom Weaver, Barbara Zubek

1.0 Call to Order

Committee Chairman Patronsky called the meeting to order at 2:02 p.m.

2.0 Agenda Changes and Announcements

Mr. Dean announced that CMAQ staff is considering submitting a TIGER planning grant application for a program of phase 1 engineering for potential CMAQ- and TAP-funded projects to bridge the gap between local planning activities of the LTA program and phase 2 engineering funded with CMAQ and TAP. He stated that CMAQ would likely be looking for letters of support from partner agencies. In response to a question from Ms. Hamilton, Mr. Dean stated that the application would be for a program, not specific projects, and that staff envisions issuing a call for projects, likely in conjunction with the next call for CMAQ and TAP projects. In response to a comment from Mr. Rickert, Mr. Dean clarified that there would be no requirement for projects to come through the LTA or RTA Community Planning programs, but would be subject to CMAQ eligibility criteria.

Ms. Snorden noted that \$38 million is available nationwide. Mr. Dean stated CMAQ is considering requesting \$3 million. In response to a question from Ms. Hamilton, Mr. Dean

noted that there is no direct competition between capital and planning programs, making the timing right for CMAP to apply for the planning funds. Ms. Snorden noted that Pace may be applying for TIGER planning funds.

In response to questions from Mr. Weaver and Ms. Hamilton, Mr. Dean stated that the benefits of the program will be demonstrated by laying out the standards and criteria of the program as opposed to identifying specific projects and that the application was different for planning projects and does not require a full cost/benefit analysis. In response to a question from Ms. Hamilton, Mr. Dean noted that phase 1 engineering averages \$150,000 for CMAQ projects and that a local share of at least 20% would be required.

In response to questions from Mr. Snyder and Mr. Rickert, Mr. Dean stated that projects selected for funding would likely be implemented through IDOT, and that CMAP would ask about the need to pay back federal funds if projects are not eventually implemented.

Mr. Dean stated that TIGER applications are due April 28th, and notification of funding is expected in the fall. Funds would expire in 2016.

3.0 February 13, 2014

On a motion by Ms. Hamilton and a second by Mr. Rogers, the minutes of the February 13, 2014 meeting were approved as presented.

4.0 Program Monitoring

4.1 Programming Project Status Sheets

Ms. Dobbs stated that updated status reports were included in the agenda packet.

4.2 Obligation Goal

Ms. Dobbs stated that an updated Program Summary and Obligation Goals report was included in the agenda packet and that fiscal constraint will be discussed later in the agenda.

5.0 Project Changes

Ms. Dobbs reported that a table of the net impacts of the requested changes was included in the Project Change Memo in the packet. She stated that staff recommends approval of items 5.1 through 5.5, as described in the memo. Mr. Snyder made a motion, seconded by Ms. Hamilton, to approve the staff recommendation for items 5.1 through 5.5. The motion carried. In response to a question from Mr. Snyder, Ms. Dobbs stated that once a project is deferred, funds are reinstated one phase at a time as readiness is demonstrated.

5.1 Elgin – Elgin Bikeway Route 1 Northeast Quadrant (TIP ID 09-09-0006)

The sponsor request for a cost increase of \$30,000 federal CMAQ (\$36,000 total) for Construction was approved.

5.2 IDOT – IL 43/Harlem Ave. at 151st St. (TIP ID 06-12-0005)

The sponsor request for a cost increase of \$200,000 federal CMAQ (\$250,000 total) for Right of Way in FFY 14, and an increase of \$128,000 federal CMAQ (\$160,000 total) for Construction in FFY 15 was approved.

5.3 Melrose Park – North Ave. Commuter Bicycle Path (TIP ID 04-08-0001)

The sponsor request for a cost increase of \$50,435 federal CMAQ (\$63,044 total) for Phase 2 Engineering which is deferred in FFY14, and an increase of \$212,000 federal CMAQ (\$265,000 total) for Construction, which is deferred in FFY15, was approved.

5.4 Palos Heights – Cal-Sag Greenway Trail (Palos Heights Section) (TIP ID 06-06-0061)

The sponsor request for a cost increase of \$7,000 federal CMAQ (\$9,000 total) for Phase 2 Engineering, \$12,000 federal CMAQ (\$16,000 total) for ROW, and \$67,000 federal CMAQ (\$83,000 total) for Construction and Construction Engineering for the Palos Heights portion of the project, which was let for construction on February 28, 2014, was approved.

5.5 City of Chicago – 41st St Bicycle and Pedestrian Bridge over Lake Shore Dr. (TIP ID 01-05-0002)

The sponsor request to increase the CMAQ share for Phase 2 Engineering to \$1,145,000 CMAQ (\$1,850,000 total) by transferring \$188,000 federal CMAQ (\$235,000 total) in Construction funds and by transferring the remaining \$76,578 CMAQ (\$95,723 total) in Phase 2 Engineering funds from the 43rd Street Bike/Pedestrian Bridge over Lake Shore Drive project (01-06-0002), which is a related project being conducted on a combined contract due to the proximity of these projects was approved.

5.6 City of Chicago – Washington/Wabash Station (TIP ID 01-12-0008)

Ms. Dobbs reported that the sponsor agreed to table the request to reprogram the Construction phase from FFY 17 to FFY 14 pending a discussion of fiscal constraint and the results of the May Status Updates.

5.7 City of Chicago – Union Station Transportation Center (TIP ID 01-09-0004)

Ms. Dobbs reported that the sponsor agreed to table the request to reprogram the Construction phase from FFY 17 to FFY 14 pending a discussion of fiscal constraint and the results of the May Status Updates.

5.8 Administrative Modifications

Ms. Dobbs reported that staff completed nine administrative modifications, including three requests to reinstate deferred funds, two schedule changes, three requests to combine projects, and one voluntary deferral, as described in the CMAQ Project Change Requests memo.

5.9 Fiscal Constraint

Mr. Patronskey reported that at this time, adding new project phases or additional funds to project phases programmed in FFY 14 will require moving project phases out of FFY 14 to maintain fiscal constraint. He stated that staff prepared a memo outlining current programming policies and how those relate to constraint in the CMAP TIP for the benefit of newer members of the committee and to provide a summary for further

discussion. Ms. Berry reviewed the purpose of the Program Summary and Obligations Goals table and the differences between this table and fiscal constraint within the TIP.

Ms. Dobbs reported that staff has completed a preliminary review of the status of line items programmed in FFY 14 and anticipates that following the May status updates the City of Chicago's reprogramming requests will be able to be accommodated. Mr. Rickert and Ms. Hamilton noted that today we are facing a constraint issue and that is a problem we wanted to have. Mr. Patronskey noted that although staff does not think there will be a constraint issue following the May updates, the committee should discuss what factors would need to be considered if projects need to be moved around in the future.

The first approach could be to mitigate the need to move projects by confirming readiness, obligating only needed funds, and other strategies. Mr. Patronskey next reviewed potential strategies outlined in the memo for identifying projects to move, should it become necessary. Mr. Carmitchel added that FHWA is currently aggressively pursuing deobligation of unused federal authorizations on projects that have not submitted invoices and that this should be kept in mind throughout this discussion. Mr. Snyder suggested tiering and Mr. Rickert asked how a project could be tiered. Mr. Snyder noted that based on his experience, IDOT invoices for 25% of a project in the first year, 50% in the second, and 25% in the third, so the county budgets accordingly.

Mr. Carmitchel reviewed the actions taken on an IEPA project due to the aggressive pursuit. He said IEPA obligated \$5 million up front for a program planning to spend \$1 million per year, and because there has been no invoice yet, FHWA at first deobligated the entire \$5 million, but then agreed to leave \$1 million obligated, and obligate an additional \$1 million in subsequent years without requiring additional project agreements. Ms. Dobbs clarified that a lack of invoicing is the trigger for FHWA action.

Mr. Patronskey asked if first, the committee wanted to maintain the current policy of first ready, first funded if funds are available, and if so, if that required projects to be moved out of the current year, should larger projects be moved first. Mr. Snyder stated that moving a project targeting a fall letting verses an early winter letting had less of an impact and that to stop a major initiative would not be good. He added that a one year delay of a smaller project would have a less significant impact to the region. Mr. Rickert stated that if FHWA and FTA would allow it, tiering projects in the TIP would create a lot of available funds. Ms. Dobbs noted that federal obligations only occur in the current year. Mr. Rickert, Mr. Snyder and Mr. Privett noted that a tiered approach would be a good concept to explore for larger projects or programs. Mr. Arkell stated that FTA grantees currently spread costs over multiple years. Mr. Privett noted however that a lump sum transfer of funds from FHWA to FTA to cover the entire FTA grant occurs first.

Mr. Rickert stated that deferred projects should be protected due to the risk of the sponsor having to pay back federal funds used on earlier phases if a project is not completed. He also noted that larger projects are beneficial to the entire region. Mr. Privett noted that delay should be minimized and that for a project planning to go in August waiting until October is not so bad, compared to one planning to go in March having to wait until October. Mr. Ciavarella stated that RTA is discussing the staff memo internally and that the committee shouldn't lose sight of policies developed over

the years. He asked and staff confirmed that policy changes require approval by the MPO Policy Committee. Mr. Patronskey concluded the discussion by saying the sense of the committee is that the first ready, first funded policy should be maintained.

6.0 CMAQ Program Process Evaluation and Transformation

Mr. Elam reported that staff met with the focus groups to discuss the point system and criteria presented at that committee's last meeting. The transit focus group did not meet, but he interviewed transit programmers. He reviewed the individual focus group comments and noted that several of the groups found it challenging to define innovation. The assignment of 20 points to regional priorities also did not get significant support, but he felt that it would not be disruptive to programming, and would be retained. He stated that based on the focus group input, staff is refining the criteria and weights for the committee's consideration this summer.

Mr. Snyder stated that process reviews are typically the result of a particular issue or problem and asked Mr. Elam what problem staff trying to address with this review. He also stated that staff conducted interviews with implementers and asked if a summary was available that identified a problem. Mr. Christensen stated that Lake County echoes Mr. Snyder's questions. Ms. Hamilton noted that CMAP staff had not met with CDOT as a transit programmer. Mr. Elam indicated they would do so.

Mr. Weaver stated that he has no problem with the criteria but believes a one to five scale is disastrous. He stated the cost benefit analysis of the past has provided a fine enough gradation to make decisions and that one to five scaling would be statistically invalid. Mr. Rickert stated that in the last few meetings staff seem to be pushing for something that may not have benefit and that performance-based project selection is done in some way by all implementers. He stated the proposed approach is a little more subjective than a cost benefit analysis and will have less meaning. He went on to say that the process is cooperative now, and that CMAP shouldn't be jumping into this, but working with the implementers.

Ms. Hamilton noted that CMAQ is an air quality program and we would be diffusing the intent of the program by looking at things like the IDOT "5% Report". Mr. Rogers noted that the way CMAP selects project is a good system that is held up as a model nationally and that the primary selection criteria should be cost per ton and that other factors should be secondary. He argued that other methods will make the selection process more subjective.

Mr. Snyder stated that the focus groups have been marginalized. They have looked at systems, not single projects and they need emissions data sooner. Mr. Privett stated that dollars per ton is a performance based criterion. The focus group input can be improved without muddying the air quality analysis by using points to refine the focus group recommendations that the Project Selection Committee can consider in parallel to the air quality analysis.

Mr. Elam stated that staff is responding to direction from the CMAP Board and MPO Policy Committee to implement performance based project selection. He stated that in December he presented an overview of other MPO approaches and that the staff proposal is in line with those approaches. He stated that the new criteria would send a message to sponsors to submit these types of projects. He stated that the point system will be used to develop a staff

recommended program and that the project selection committee can use other criteria in addition to the staff recommendation.

Ms. Hamilton asked if the last round of applications was run through the criteria to see how they would have ranked. Mr. Elam stated that not all of the data needed to rank projects against the new criteria was available on past applications and noted that the criteria are intended to affect the type of projects submitted.

In response to questions from Ms. Hamilton and Mr. Snyder, Mr. Elam noted that the MPO Policy Committee direction would be needed to halt staff work on the process review. In response to a question from Mr. Patronskey, he indicated that the proposal would be considered by the MPO Policy Committee in October.

Mr. Rickert stated that we should be careful about developing a staff program, rather than a committee recommended program because to do so would move us away from the regional "three C" approach. Mr. Elam stated that the staff recommendation will be based on quantitative information and that if there are reasons to skip a high scoring project, staff will do so. He stated that the point system will result in a program of quality projects. Mr. Weaver stated that the scales of measurement being proposed seem statistically insignificant and that the process will lose consistency.

Mr. Arkell noted that federal guidance does call out factors other than air quality that can be considered in project selection. Mr. Smith of the Center for Neighborhood Technology spoke in support of the staff recommendation. He stated that CMAQ is one of the few sources that is locally controlled and can be used to implement the region's priorities.

Mr. Elam closed the discussion by offering to discuss concerns individually.

7.0 MAP-21

No update.

8.0 Other Business

None.

9.0 Public Comment

Mr. Carmitchel asked if the point system would ever be an action item for the Project Selection Committee or if it would go straight to the MPO Policy Committee for approval. Mr. Elam stated that staff would like consensus before the next call for projects. Ms. Hamilton noted that the committee would feel cheated if they were not asked to vote and make a recommendation.

10.0 Next Meeting

The committee's next meeting is scheduled for Thursday, May 15, 2014 at 2:00 p.m.

11.0 Adjournment

On a motion by Ms. Hamilton, and a second by Mr. Snyder, the meeting adjourned at 3:30 p.m.