Rhode Island Statewide Planning Program
STATE PLANNING COUNCIL
APPROVED MINUTES

Thursday, March 12, 2009
William E. Powers Building
Conference Room A
One Capitol Hill, Providence, RI

I. ATTENDANCE

Members Present

Mr. Kevin Flynn	Representing Mr. Gary Sasse, Chair, RI Department of Administration
Mr. Jared L. Rhodes, II, Secretary	Statewide Planning Program
Ms. Jeanne Boyle	City of East Providence, Planning Development
Ms. Sharon Conard Wells	West Elmwood Housing Development Corporation
Ms. Carmela Corte	Representing Ms. Rosemary Booth Gallogly, Budget Office
Mr. Thomas Deller	City of Providence Department of Planning & Development
Mr. Christopher Long	Representing Mr. Timothy Costa, Vice Chair Governor's Policy Office
Mr. L. Vincent Murray	Town of South Kingstown Planning Department
Mr. Peter Osborn	Federal Highway Administration
Ms. Ana Prager	Public Member
Mr. William Sequino	Public Member
Mr. Bob Shawver	Representing Michael Lewis, RI Department of Transportation
Mr. John Trevor	Environmental Advocate

Members Absent

Ms. Susan Baxter	RI Housing Commission
Mr. Daniel Beardsley	RI League of Cities and Towns
Mr. Michael Rauh	Environmental Advocate
Mr. Henry Sherlock	Representing Mr. Steve Cardi, Public Member
Ms. Janet White-Raymond	Public Members

Guests

Ms. Diane Bidorek	RIDOT
Mr. Steve Church	RIDOT
Mr. Alan Corvi	Town of Barrington
Mr. Steven Cuotu	City of East Providence, DPW
Ms. Harriet Holbrook	RIPTA
Mr. Bruce Landis	The Providence Journal
Ms. Kelly Mahoney	RI Senate Policy Office
Ms. Meredith Pickering	RI Senate Fiscal Office
Mr. Anthony Robinson	State of Rhode Island
Ms. Pam Sherrill	PARE Corp.
Mr. Benjamin Tavares	City of Woonsocket
Mr. Mark Therrien	RIPTA
Ms. Amy Thiebault	RIDOT

Staff - Division of Planning

Mr. Paul Capotoso	Principal Accountant
Ms. Maria Costa	Executive Assistant
Mr. Vincent Flood	Acting Supervising Planner, Transportation

II. AGENDA ITEMS

1. Call to Order

Mr. Flynn called the meeting to order at 9:10 a.m.

2. Approval of January 15, 2009 Meeting Minutes

Mr. Sequino moved to approve the Minutes of January 15, 2009, as presented. The motion was seconded by Mr. Trevor and carried unanimously.

3. Overview of American Recovery and Reinvestment Act

Mr. Flynn called upon Mr. Peter Osborn from the Federal Highway Administration to give an overview of the American Recovery and Reinvestment Act of 2009 and its relation to the proposed TIP Amendment. Mr. Osborn's subsequent presentation is summarized by his accompanying slide show which is attached to and hereby made part of these minutes (see attachment 1).

With Mr. Osborn having concluded his formal presentation, Council member Trevor inquired as to how much funding Rhode Island would be receiving for Transportation purposes. Mr. Shawver subsequently responded that the figure was approximately 140 million. Mr. Trevor asked whether the standard competitive bidding process would be used in awarding contracts.

Mr. Shawver again responded noting that they would.

There being no further questions Mr. Flynn thanked Mr. Osborn for setting the stage for the Council's subsequent discussion of proposed TIP Amendment One.

4. Transportation Improvement Program FY 2009-2012 – Amendment Number 1

Introductory Comments

Chairman Flynn next called on Mr. Rhodes to introduce this Item. Mr. Rhodes reiterated that the Council was in the process of reviewing Amendment 1 to the FFY 2009-2012 Transportation Improvement Program. He noted that: the required 30 day public comment period was initiated on January 27, 2009; that a formal public hearing on the matter was conducted at the Transportation Advisory Committee's February 26, meeting; that the TAC subsequently recommended approval of the amendment with revisions; that the amendment with a summary of the revisions, the revised tables, a draft public comment summary and all written comments received as of the hearing were forwarded to the Council with the initial agenda distribution.

Mr. Rhodes also explained that the TAC, at the public's request, had authorized an extension of the public comment period to March 5. During that time period only two additional submittals were received. One was from Mr. S. Cuotu, DPW Director for the City of East Providence and the other was from Mr. W. Riccio, PE. for the City of Newport. Both were in support of the TAC recommendation which called for the amendment to be revised to include a "Local Roads Program." He noted that all of the public comment, both oral and written, that had been received throughout the process had since been consolidated into the formal Public Hearing report and distributed electronically to Council members on March 11 and in hard copy during the meeting.

Mr. Rhodes then went on to introduce the further revisions that RIDOT had made, in accordance with the TAC's recommendation, to better align the proposed TIP tables with the Governor's official ARRA list. The revised tables as well as the ARRA list were emailed to Council members on March 10 and distributed in hard copy during the meeting. He clarified that these revised documents represented the recommendation that was currently before the Council.

RIDOT Presentation

Mr. Flynn next introduced Mr. Bob Shawver who detailed RIDOT's portion of the proposed amendment. Mr. Shawver began by noting how pleased he was to be presenting an opportunity to move forward so many projects that were otherwise deferred to the out years of previous TIPS. He noted that: this ARRA/stimulus related effort represented three times the Department's usual construction program; that RIDOT didn't have to look far to find eligible projects; and that the initial assignment of ARRA/stimulus funds was made to those projects that were already at a significant stage of design and were ready to go, thereby facilitating the obligation of the funds within the required 120 days discussed earlier by Mr. Osborn.

Mr. Shawver then went on to detail the specific amendments proposed. He began by noting the projects that had been initially designated as using ARRA/stimulus funds in the copy of the revised TIP tables that were noticed for public comment. He then overviewed the revisions and corrections identified through the Public Hearing and TAC approval process. These included: 1) deletion of the $7M in Economic Stimulus (ES) funds noted for the Washington Bridge – Pedestrian Bridge project and the resulting $7M increase in Garvee (GRV) funds to retain the $30M in project cost; 2) the addition of $12M in ES funds to Pavement Management for creation of Local Roads Initiative; 3) the addition of Burma Road (Middletown and Portsmouth) to the Study and Development category; 4) the revision of the signal construction entry in the Traffic Safety Program to reflect that the 1M are regular, as opposed to ES funds; and 5) the correction of FTA Program references for the Commuter Rail project to read 5307/5309 as opposed to just

5309.

Mr. Shawver next explained the additional revisions and corrections that had been made to the proposed TIP by RIDOT since the TAC's meeting on February 26. These primarily focused on aligning the content of the proposed TIP with the official ARRA list which had been certified by the Governor and previously provided to the Council. To better align the TIP with the official ARRA list, refinements had been made to the TIP for drainage and striping projects to reflect the specific project line items included the ARRA list. The TAC approved TIP did not include an additional section of the Child Street ADA project in Warren which is now included in the new draft. Also, the new TIP draft changes the schedule for the Stillwater Viaduct Bridge project in Smithfield which has been delayed to 2010. A table showing the fiscal constraint analysis of the revised TIP was also included to show that sufficient funding would be available to complete the 2009 - 2012 projects listed so long as Federal funding is provided as projected.

Mr. Shawver next addressed the proposed "Local Roads Program" in detail. In particular he focused on the fact that the ARRA/stimulus funds proposed for the Program could only be used for local roads on the federal system and therefore some of Rhode Island's 39 Cities and Towns would not be eligible to participate.

A detailed discussion about the Local Roads Program ensued. Highlights of the sentiments expressed by Council members are as follows: The level of funding dedicated to the Program is not sufficient given the magnitude of the local problem. Prioritization of projects receiving ARRA/stimulus funds should be primarily based on need as opposed to readiness to proceed and number of jobs created. A means for equitable distribution of local roads funds amongst all cities and towns must be reached. The local roads program must be formalized as a sustainable long-term component of all future TIPS.

In response State representatives offered the following: ARRA/stimulus funds should not be seen as a panacea for all as the amount allotted to the State still only equals ½ of the deficit /need projected by the Blue Ribbon Commission for any one year. The focus on job creation and requirement to obligate funds within 120 days are strict directives of ARRA and therefore undertaking a time consuming reprioritization of all projects at the current time could jeopardize the State's ability to maximize its financial gain. RIDOT is however currently investigating opportunities to dedicate additional state funds to the Local Roads Program so that all municipalities may benefit. The challenge in increasing funding is that every dollar added to the Program requires an equal cut in others. On the positive side, the reduction in project costs that are beginning to materialize through the bidding process may result in additional opportunities. The outcome of these factors may result in a future amendment which schedules additional State dollars to this Program. Staff are currently working to devise an equitable means for distributing funds dedicated to this Program and a preliminary proposal is scheduled to be presented to the TAC at their next meeting.

RIPTA Presentation

Mr. Flynn next introduced Mr. Mark Therrien who overviewed RIPTA's portion of the proposed amendment. Mr. Therrien explained that RIPTA's proposed amendment totals approximately 14 million in funding, 23% of which are dedicated to facilities rehabilitation and renovation, 50% to support equipment and vehicles and 27 % to commuter rail station design and construction.

Additional Staff Comments

In concluding the formal presentation Mr. Rhodes noted: the proposed change to page 23 of the TIP narrative that would provide RIPTA the same degree of flexibility already afforded to DOT in managing specific grant funds and projects; that staff had received formal correspondence from

DEM confirming that a new air quality determination was not warranted; that DOT had completed the required analysis confirming that the TIP as proposed would be fiscally constrained; and that staff was recommending approval of the revised recommendation as presented.

Council Action

Ms. Prager moved to approve the proposed amendment as presented. The motion was then seconded by Mr. Trevor.

Under discussion, Mr. Sequino inquired whether the motion could be amended to immediately increase the funding for the Local Road Program to $20 Million. In response Mr. Shawver replied that he didn't think it was advisable at this time as such an action could present fiscal constraint concerns. Mr. Shawver's response was echoed by Mr. Osborn.

Mr. Deller subsequently offered a friendly amendment to the motion that added a directive for the Chair, on behalf of the Council, to forward correspondence to RIDOT Director Lewis and TAC Chair Shocket noting the Council's desire to see the funding for this new program increased to at least $20 million through future amendments and for a Local Roads Program to become a sustainable long-term component of all future TIPS.

Mr. Deller's friendly amendment was accepted by Ms. Prager and Mr. Trevor. The Council then unanimously voted to approve the revised Amendment 1 to the FFY 2009-2012 Transportation Improvement Program as presented and to direct the Chair, on the Council's behalf, to forward correspondence to RIDOT Director Lewis and TAC Chair Shocket noting the Council's desire to see the funding for this new program increased to at least $20 million through future amendments and for a Local Roads Program to become a sustainable long-term component of all future TIPS.

5. Chief's Report

Mr. Rhodes began the Chief's report by advising the Council that staff was preparing to process TIP amendment 2. Amendment 2 he explained would be proposed by RIPTA to program their ARRA allotment which is approximately 37 million dollars. He noted that: the required public notice is expected to be published in the Providence Journal by Saturday at the latest; that the public hearing would be held on April 13th at a special meeting of the TAC; that the regularly scheduled March and April TAC meetings would be cancelled as a result; and that the amendment would be presented to the Council for final action at their regularly scheduled April 16th meeting.

Mr. Rhodes next advised the Council that an update of the State's Conservation and Outdoor Recreation Plan (SCORP) was making its way through the approval process. The effort, he noted, was being led by DEM in an effort to meet federal deadlines tied to important open space grant acquisition program requirements. The draft he explained had been presented to the Technical Committee and could possibly be docketed for the Council's April meeting as well.

Mr. Rhodes next advised the Council that their January efforts to review and approve an Accelerated CEDS Project Priority List seemed to be paying dividends. He explained that the US EDA has shown some interest in the additional work and had recently dispatched a team of representatives to Rhode Island to review the projects with the applicants. Although nothing is certain, he expressed hope that US EDA's show of interest could lead to the awarding of additional federal dollars to local projects. Mr. Rhodes also noted that the 2009 CEDS solicitation was underway and that applications were due by Monday, May at 4:00 PM.

Mr Rhodes then updated the Council on the Division's rehiring efforts. He noted that Phase I had been completed. A new Principal Accountant had been hired, a new Principal Planner was

scheduled to start on March 16th, a new RIGIS Coordinator was scheduled to start on April 6th and that two Supervising Planner vacancies had been filled from within. In regards to Phase II, Mr. Rhodes detailed the next steps in re-filling the Assistant Chief, two additional Supervising Planner, and one additional Principal Planner Positions. He also noted that all four of these positions are included in the Governors FY 2010 budget which was introduced earlier in the week.

6. Other Business

Under other business Mr. Flynn first advised the Council that Ms. Katherine Trapani had recently left the Division and taken a new position with the Quonset Development Corporation. He expressed his thankfulness and appreciation for the many contributions that she had made over the years and wished her the best in her future endeavors. In addition, Mr. Flynn recognized the 10 year anniversary of the establishment of the Housing Resources Commission and advised the Council of the special event that was planned for the following day.

Mr. Murray next revisited the events of the January meeting which was hampered by a snow storm and expressed his regrets for not being in attendance. He acknowledged the time constraints under which the Council had to act regarding the Accelerated CEDS Project Priority List but also expressed the Town of South Kingstown's concern with the URI Business Park Proposal as well as his own concern with the level of detail that was distributed prior to the meeting regarding the specific projects that were to be considered. In response Mr. Flynn apologized for the circumstances and noted that he and staff would do all that they could into the future to put relevant information into Council members hands as soon as humanly possible.

In concluding the meeting Ms. Boyle inquired as to how the state would be responding to the larger ARRA/stimulus bill and more specifically how individual non-transportation projects would be selected from the municipal project lists that were requested by and submitted to the Division of Planning. In response Mr. Flynn advised Ms. Boyle that: a new Office of Economic Recovery and Reinvestment had been established by the Governor since the solicitation; that the office has recently been staffed and team leaders appointed to review the various funding categories and municipal project submittals; and that all inquiries should now be coordinated through Ms. Jamia MacDonald who could be reached through the Governor's Office.

9. Adjourn

There being no further business before the Council, the meeting adjourned at 10:05 AM.

Respectfully submitted,

Jared L. Rhodes, II
Secretary

Attachment 1

Slide show presentation
Peter Osborn, Federal Highway Administration
March 12, 2009

The American Recovery and Reinvestment Act of 2009 (ARRA)

Enacted
February 17, 2009

U.S. Department of Transportation
Federal Highway Administration

Outline

- Objectives of the Act
- Funding Availability/Distribution
- Requirements/Provisions
- Accountability and Transparency
  - Reporting Requirements
  - FHWA Stewardship and Oversight
- Next Steps

President Barack Obama Inaugural Address – Jan. 20, 2009

"For everywhere we look, there is work to be done. The state of the economy calls for action, bold and swift, and we will act – not only to create new jobs, but to lay a new foundation for growth. We will build the roads and bridges, the electric grids and digital lines that feed our commerce and bind us together…All this we can do. All this we will do."

- President Barack Obama

Main Objectives of the Act

- Job preservation and creation
- Infrastructure investment
- Energy efficiency and science
- Assistance to unemployed, and
- State and local fiscal stabilization

ARRA Highlights

- Signed into law on February 17, 2009
- Provides $48.1 billion for transportation, including:
  - $27.5 billion for highways
  - $8.4 billion for transit
  - $8.0 billion for high speed rail
  - $1.3 billion for Amtrak
  - $1.5 billion for National Surface Transportation Discretionary Grants
- Significant accountability, transparency and reporting requirements

Highway Portion Distribution of Funding

- $27.5 billion available through Sep. 30, 2010
- Amounts allocated before apportionment:
  - $550 M Federal Lands Highway and Indian Reservation Program
    - $310 M Indian Reservation Roads Program
    - $170 M Park Roads and Parkway Program
    - $60 M Forest Highway Program
    - $10 M Refuge Roads Program

Highway Portion Distribution of Funding

- $20 M Highway Surface Transportation and Technical Training (OJT/Supportive Services)
- $20 M DBE Bonding Assistance
- $45 M Territorial Highway Program
- $105 M Puerto Rico Highway Program
- $60 M Ferry Boat Discretionary Program
- $40 M FHWA Oversight

Funds Apportioned To States

- $26.6 billion total apportionment to States
- Formula based on 50/50 combination of
  - Surface Transportation Program in 23 USC 104(b)
  - Same ratio as the obligation limitation distribution for FY 2008

Funds Apportioned to State

- Eligible Uses
  - Restoration, repair, construction and other activities under Surface Transportation Program
  - Passenger and freight rail transportation and port infrastructure projects as described under TIFIA
- May not be used for conversion of advance construction on previously authorized federal-aid projects.
- Federal share up to 100%

Funds Apportioned to State

- Act also states that in selecting projects for funding, priority is to be given to projects that are:
  - Projected for completion within 3 years
  - Located in economically distressed areas

Use It or Lose It Provisions

- **First Redistribution**
  - **Fifty percent of funds apportioned to the State – excluding funds suballocated – must be obligated within 120 days or the remainder will be redistributed.**
- **Second Redistribution**
  - **After 1 year all unobligated balances of apportioned funds, included funds suballocated, will be redistributed. Recipients of redistributed funds will have until Sept. 30, 2010 to obligate.**

Maintenance of Effort

- Certification by Governor
  - Within 30 days of enactment, the Governor must certify to the Secretary that the State will maintain the level of State funding for transportation projects.
  - Must identify the amount of funds the State planned to expend from State sources from the date of enactment through September 30, 2010.

Other Certifications

- The ARRA also requires two additional certifications:
  - The Governor is to certify that infrastructure investments have received the full review and vetting required by law.
  - The Governor is to certify within 45 days that the State will request and use funds provided by the ARRA and the funds will be used to create jobs and promote economic health.

National Surface Transportation Discretionary Grants

- $1.5 billion (≤ $200 million for TIFIA)
- Projects with significant impact on Nation, Metropolitan Area or Region.
- Ensure equitable geographic distribution of funds and appropriate balance between urban/rural
- ≤ 20% of total funds to single State
- Grants between $20-$300 million
- Federal share up to 100%

National Surface Transportation Discretionary Grants

- Priority to projects that require additional share of Federal funds to complete financing.
- Priority to projects expected to be completed within 3 years of enactment.
- Publish competitive criteria within 90 days of enactment
- Applications submitted within 180 days of enactment
- All projects selected within 1 year
- Obligated by end of FY 2011

Accountability and Transparency

"Every American will be able to hold Washington accountable for these decisions by going online to see how and where their tax dollars are being spent." *- President Barack Obama*

RECOVERY.GOV

U.S.Department of Transportation
Federal Highway Administration

Reporting Requirements
Types of Reports

- Types of Reports
  - Certification (once)
  - Periodic (90 & 180 days and 1, 2, & 3 years)
  - Quarterly
- Data for Periodic and Quarterly Reports
  - Projects
  - Finance
  - Jobs

Overview

State DOT provide data

Sent to FHWA

Initial reports

Project number
Name of project
Description
Purpose
Cost
Rationale
Location

Monthly reports

Jobs created
Jobs retained
Completion status

Periodic reports

Projects bid
Projects awarded
Contractor info.

FHWA provide data

Monthly reports

Appropriated
Allocated
Obligated
Outlayed

Periodic reports

Indirect jobs

Geospatial data

Highway network
Per capita income
Unemployment rate

Electronic Forms

MONTHLY PRIME AND SUBCONTRACTOR EMPLOYMENT REPORT
AMERICAN RECOVERY AND REINVESTMENT ACT

1. First day of reporting period (mm/dd/yyyy):	2. Last day of reporting period (mm/dd/yyyy):	3. Notice to Proceed Date (mm/dd/yyyy)
4. NAME AND ADDRESS OF FIRM		5. FEDERAL-AID PROJECT NUMBER
		6. State Project Number or ID
7. CONTRACTING AGENCY		8. STATE (or Federal Lands Region)

9. Employment Data

Direct, On-Project Jobs (see guidance for definitions)	TOTAL EMPLOYEES	TOTAL HOURS
JOBS CREATED		
JOBS RETAINED		
TOTAL		
10. PREPARED BY: *(Signature and Title)*		DATE
11. REVIEWED BY: *(Signature and Title of State Highway Official)*		DATE

This form is issued in association with the American Recovery and Reinvestment Act of 2009

FHWA
Stewardship and Oversight

- Delivery of the ARRA is the top priority for FHWA
- FHWA is redirecting existing staff and adding additional part-time and full time staff to support increased work load.

FHWA
Stewardship and Oversight

- Projects must follow all Federal requirements
- Projects will be advanced with maximum flexibility under the regulations
- Projects will be administered in accordance with our normal Stewardship Agreements

FHWA
Stewardship and Oversight

- A higher level of accountability and increased attention by GAO and IG is expected.
- FHWA is developing an ARRA Risk Management Plan.
- FHWA will use a variety of techniques to conduct in-process examination of areas identified as high risk.
- Financial management and State oversight of local projects will be areas of particular attention.

For More Information

http://www.fhwa.dot.gov/economicrecovery

- Summary of Highway Provisions
- Funding Distribution Tables
- FAQs
- Best Practices