Approved
3/11/10

Rhode Island Statewide Planning Program
STATE PLANNING COUNCIL

Thursday, March 11, 2010
William E. Powers Building
Conference Room A
One Capitol Hill, Providence, RI

I. ATTENDANCE

Members Present

Mr. Kevin Flynn, Chair	Representing Ms. Rosemary Booth-Gallogly, RI DOA
Mr. Jared L. Rhodes, II Secretary	Statewide Planning Program
Ms. Susan Baxter	RI Housing Resources Commission
Ms. Jeanne Boyle	City of East Providence, Planning & Development
Ms. Barbara Breslin	Representing Mr. Peter Osborn, Federal Highway Administration
Mr. Thomas Deller	City of Providence Department of Planning & Development
Mr. Steven Kavanagh	Representing Mr. Timothy Costa, Vice Chair, Governor's Policy Office
Mr. Thomas Mullaney	RI DOA Budget Office
Mr. L. Vincent Murray	Town of South Kingstown Planning Department
Ms. Anna Prager	Public Member
Mr. Michael Rauh	Environmental Advocate
Mr. Peter Schaefer	Representing Mr. Daniel Beardsley, RI League of Cities and Towns
Mr. Bob Shawver	Representing Mr. Michael Lewis, RI DOT
Ms. Sharon Conard-Wells	West Elmwood Housing Development Corporation
Ms. Janet White-Raymond	Public Member

Members Absent

Mr. William Sequino	Public Member
Mr. John Trevor	Environmental Advocate
Mr. Stephen Cardi	Cardi Corporation

Guests

Ms. Kelly Mahoney	RI Senate Policy Office
Mr. Steve Divine	RI Department of Transportation

Staff – Division of Planning

Mr. Benny Bergantino	Senior Planner, Comprehensive Plans
Mr. Robert Griffith	Chief, Office of Strategic Planning and Economic Development
Mr. William McKenna	Principal Accountant
Mr. Kevin Nelson	Supervising Planner, Comprehensive Plans
Ms. Derry Riding	Principal Planner, Comprehensive Plans
Ms. Karen Scott	Acting Supervising Planner, Transportation
Ms. Dawn Vittorioso	Executive Assistant

II. AGENDA ITEMS

1. Call to Order

Mr. Flynn called the meeting to order at 9:02 a.m.

2. Approval of the February 11, 2010 Meeting Minutes

Ms. Conard-Wells moved to approve the Minutes of February 11, 2010 as presented. The motion was seconded by Ms. White-Raymond. There was no further discussion and the motion carried unanimously.

3. Transportation 2030, Amendment 1, Pawtucket Station, Request to authorize Public Hearing

Mr. Flynn introduced Mr. Devine who began by providing some background on the proposed amendment. Mr. Devine explained that this effort was in follow-up to a previous study that had ruled out the former Pawtucket station site for further consideration. He next noted that that the need to amend the surface Transportation Plan to include funding for the current estimated

construction cost was being required by FTA in order to access the earmarked funds that had been secured for the effort by Senator Reed.

Mr. Devine next reviewed the proposed funding plan in detail pointing out that FTA's New Starts funding is proposed to fund $25 million in construction costs between 2011–2017. New Starts discretionary funding program is the federal government's primary financial resource for supporting locally-planned, implemented, and operated transit guideway capital investments. $8 million in Congestion Mitigation and Air Quality Improvement Program funds (CMAQ) are proposed to be used between 2015-2018. These funds are provided by the Federal Highway Administration (FHWA) and would be transferred from the Highway program to fund construction of the Pawtucket Train Station. The CMAQ program funds investments in projects that reduce air pollutants from transportation-related sources. Between 2015–2017, $3.0 million is noted as Transportation, Community and System Preservation (TCSP) or Other Discretionary Funding. The TCSP Program includes discretionary grants to carry out projects that integrate transportation, community and system preservation plans and practices that improve the efficiency, reduce environmental impacts and ensure access to jobs, services, and centers of trade. Also included in the category of Other Discretionary Funding are potential congressional earmarks. Local, Private or Other funds comprise $11.2 million in funding between 2011–2018. This represents funds that the City or its partners will need to commit to this project. The final category of funding is State General Obligation (GO) Bond Funds and Rhode Island Capital Plan Funds (RICAP) at a total amount of $5.8 million between 2013 and 2017.

At this time, Mr. Devine asked if anyone had any further comments or questions. Mr. Flynn asked Mr. Devine for further clarification pertaining to funding from local, private and other funds. Mr. Devine said that he had discussed this with Pawtucket's Planning Department and that the City was supportive of the entry. Mr. Devine explained that the City of Pawtucket is actively involved with the project due to the major redevelopment initiatives that are occurring within close proximity to the site.

Mr. Deller next expressed a concern regarding the site's proximity to the Providence and S. Attleboro sites and asked whether travel times between Providence and Boston would be affected as a result. Mr. Devine responded by noting that it was an excellent question and that it was exactly the sort of issue that will be addressed by the feasibility study if the Council were to amend the Plan as required by FTA.

Mr. Rauh then asked what the initial $2M in funding would be utilized for if the Pawtucket station proposal did not exist or the requested amendment were not approved. In response, Mr. Devine stated that since the $2M are "earmarked funds" they can only be used for the specific purpose of assessing the feasibility of the newly proposed Pawtucket Station location.

Ms. Boyle asked if the feasibility study would be completed prior to the development of costly engineering plans. Mr. Devine responded that it would be a phased approach where the feasibility of the project would be proofed out prior to the initiation of detailed engineering plans.

Prior to concluding for a motion, Mr. Flynn asked Mr. Rhodes to explain how the process would unfold from here. Mr. Rhodes explained that if the State Planning Council (SPC) were to authorize

a public hearing as requested, the Transportation Advisory Committee would then conduct the hearing in April and forward a final recommendation back to the Council for action in May.

As there were no further comments or questions, *Ms. Prager moved to authorize conducting a public hearing on the proposed amendment and Ms. Raymond-White seconded the motion. There was no further discussion and the motion was approved unanimously.*

4. <u>Comprehensive Plan Assessment Process, Proposed Enabling Act Amendments</u>

Mr. Nelson began by pointing out the changes that had been made in the most recent version of the draft (3/5/10) as distributed on 3/8/10. He then explained that these revisions were the result of the action taken by the Technical Committee at its 3/5/10 meeting in response to concerns raised by state agency representatives. Mr. Nelson further detailed these changes by first noting that section 10 (g) requires State agencies to act in conformance with State-approved municipal plans. He then explained that the majority of the revisions were to resolve the disconnect that previously existed between the first sentence, which referenced "programs, projects, and facilities"; and the second and subsequent review criteria, which only referenced "projects and facilities". Mr. Nelson then went on to explain that new criteria (1) was added in order to provide a means for the State Planning Council, in instances where a municipality has challenged that a state agency program, project or facility is inconsistent with its state approved local comprehensive plan, to accommodate federal mandates or requirements that may need to take precedence over local municipal plans.

At this time, Mr. Nelson asked the Council if anyone had any questions or comments. Mr. Deller announced his opposition to the proposed "exemption" for federal programs based on previous disagreements that the City has had with state agencies claiming federal mandates relative to the role of the local comprehensive plan. In response, Mr. Rhodes pointed out that under the current law the only apparent venue that municipalities have for resolving such disputes is to bring them to the courts which can result in extended, costly proceedings that are not always adjudicated by land use experts. Given this, it was staff's opinion that positioning the State Planning Council to address these concerns at the municipalities request could only be a benefit to the larger land use, state guide plan and comprehensive planning system.

Ms. Boyle next asked for clarification as to how the process would work. Mr. Rhodes responded that municipalities would have the option to raise issues or concerns directly to the Council and that the "trigger" for a Council review would be the Secretary's receipt of a written municipal request. Mr. Murray expressed concern that municipalities may be unaware of conflicts between their comprehensive plan and federal programs and stated the importance of State agencies communicating with municipalities on issues of potential conflicts. Mr. Rhodes agreed.

Ms. Boyle next noted that the proposed exemption for federal mandates or federal programs is singular whereas the other four criteria are cumulative. In other words, a State agency would only need to demonstrate that a federal mandate or program is in play in order to trump the content of the local plan; whereas all four criteria must be met for all other types of actions. She suggested that the four additional criteria should come into play especially when a federal program is involved. Ms. Boyle said that she believes the four additional items are protective of the

community; that a blanket exemption for federal mandates and programs is not appropriate and that the proposed language does not provide sufficient decision making guidance to Council members.

Mr. Murray noted that there is a difference between federal mandates and federal programs; one is mandatory and the other is voluntary. Ms. Boyle added that language addressing the process for petitioning the Council and the criteria for decision making should be added to the Act. In response, Mr. Rhodes agreed that additional direction is needed; however his sentiment was that the necessary content would be more appropriate for the Council's Rules of Procedure as opposed to inserting it directly into the enabling legislation.

At this point, Mr. Rauh asked if the proposal was asking the Legislature to change the process and empower the SPC to make the decisions. Mr. Rhodes explained that the Legislature had already empowered the Council to rule on conflicts between municipal comprehensive plans and state agency "projects and facilities" and that the proposal was trying to clarify the role of the Council relative to disputes associated with "federal mandates and programs".

In concluding Council comments, Ms. Boyle stated that she supports the State Planning Council acting as an intermediary but reiterated her position relative to the inappropriateness of providing exemptions for federal programs absent the additional criteria.

Recognizing that the Council's Implementation Committee had not had an opportunity to weigh in on these issues, Ms. Prager motioned to approve the draft amendments dated 2/19/10 (which excludes the content at hand) and to refer the remaining components of the 3/5/10 draft back to the Committee for further recommendation. The motion was seconded by Mr. Deller. All in attendance voted in favor except for Ms. Boyle who voted in opposition. The motion carried.

5. RI Comprehensive Economic Development Strategy, Five Year-Update

Mr. Flynn introduced Mr. Griffith who began by distributing a revised copy of the RI Comprehensive Economic Development Strategy (CEDS), Five Year-Update. Mr. Griffith explained that revisions to the previously distributed draft were highlighted in gray. He then individually overviewed each of the following:

- Health Care Costs – Page 16-17. Additional language was added comparing Rhode Island's per capita health expenditures to those of the nation as a whole.
- Transportation – Page 43 & 47. Clarified the text relative to which commuter rail stations were operating, under construction or in the conceptual assessment phase.
- Tourism – Page 51. Additional emphasis on tourism as it relates to the relevance and the importance in Rhode Island's economy was inserted.
- Forestry – Page 55; references to using wood as a biomass alternative to oil was deleted.

After Mr. Griffith provided an overview of the revisions made, he explained that the update will ultimately be sent to the Economic Development Administration in Philadelphia who will use it as a basis for their own assessment of the next five years worth of Project Priority List submittals.

At this time, Mr. Rauh asked if any projects from last years Project Priority List had been picked up for funding by EDA. In response Mr. Griffith noted that none had but that the Davisville Connector road project had been funded in the previous Federal fiscal year.

As there were no further questions or comments, Mr. Deller moved and Mr. Rauh seconded a motion to approve the CEDS Five-Year Update as submitted. There was no further discussion and the motion carried unanimously.

6. Chief's Progress Report

Mr. Rhodes began by providing a brief overview of the RIEDC and IGR review procedures. In particular, Mr. Rhodes noted the requirements for staff to contact the Council at least twice for each review conducted. He then pointed out that these contacts have traditionally been made via the US mail and that we now have the opportunity to streamline the process and reduce costs by relying on email distributions. The Council acknowledged the opportunity and agreed to use email distributions for these purposes provided that they are given ample time to review and comment.

7. Other Business

Mr. Murray acknowledged the forth-coming retirements of Mr. Mike Cassidy from the City of Pawtucket and Mr. Lee Whitaker from the Town of East Greenwich. Mr. Murray also added that Mr. Cassidy was recently acknowledged in the Pawtucket Times for his forty-year tenure.

8. Adjourn

The meeting adjourned at 10:49 A.M.

Respectfully submitted,

Jared L. Rhodes, II

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Secretary