

**Report from the Berkshire Transportation Advisory Committee to the
Berkshire Metropolitan Planning Organization**
~ From the Meeting Held on May 20, 2009 ~

The following TAC representatives were present:

Jana Hunkler Brule, Town of Florida and BerkshireRides
Mark Siegars, Town of Tyringham, TAC Chair
Jane Winn, Berkshire Environmental Action Team
Joe Scelsi, Berkshire Mall
Gordon Davis, Town of Washington
John Boyle, Town of Dalton
Christine Ludwizewski, Southern Berkshire Chamber of Commerce
John McNinch, Town of Lenox
Ron Tinkham, Baker Hill Road District
Frank Feigin, Town of Windsor

Also present were:

Bruce Collingwood, City of Pittsfield
Peter Frieri, Mass Highway District 1
Nat Karns, BRPC Executive Director
Alison Church, BRPC Transportation Program Manager
Anuja Koirala, BRPC Senior Transportation Planner
Christine Neumann, BRPC Transportation Planner
Sarah Hudson, Tyringham citizen

Summary of Items Discussed

1. Introductions

TAC Chairman Mark Siegars called the meeting to order at 4:00 p.m. Attendees introduced themselves.

2. Report from the April 8th TAC Meeting

There were no comments.

3. Discussion of Transportation Reform Legislation

Mr. Karns provided a handout summarizing transportation reform bills being proposed by the Governor and the House of Representatives. Although no handout was provided summarizing the bill being proposed by the Senate, Mr. Karns provided a verbal overview. Each piece of legislation addresses structural changes, reform and revenue measures. Although there is some commonality over reform measures, each piece of legislation is fairly different from the others.

Governor's Bill

Structural Changes:

- Consolidate all of the transportation agencies and boards under a unified MassDOT. This would include MHD, MTA, MassPort, Mass Aeronautics Commission, MBTA and the Registry of Motor Vehicles. There would be four divisions: Highway, Rail and Transit (including MBTA and the regional transit authorities), Aviation and Ports (including MassPort

and the Mass Aeronautics Commission), and the Registry of Motor Vehicles. All roads and bridges owned by MHD, MTA or MassPort and bridges owned by DCR would be under the Highway Division.

- The Governor would appoint the Transportation Secretary. The Transportation Secretary would appoint the division heads.
- Consolidate core administrative functions
- Establish an Office of Performance Management to track various performance measures which would be publically available on an annual basis. Mr. Karns noted that this could promote greater political accountability.

Reform Measures:

- All MBTA and MTA employees would be added under the same personnel system (health and retirement) as the rest of the state government employees. This would prohibit MBTA employees from receiving both disability and retirement payments. MBTA employees would have the same retirement and medical program and eligibility as other state employees. Further, existing collective bargaining agreements for MTA, MBTA and MassPort would not be renewed once they have expired.
- Move MHD employees off of bond funding and support through normal payroll
- Regional equity requirements
- Allow design-build-maintenance-operations projects
- Allows required advertisements to be done via internet rather than print media
- Transfer the Worcester Municipal Airport to MassPort ownership with compensation
- Move all regional transit authorities into forward funding

Revenue Measures:

- New dedicated Transportation Fund
- Allow public-private partnerships; particularly for non-core assets
- Highway Division would be able to set and modify tolls on existing toll facilities
- Requirement to modernize and use enhanced technology toll-taking on the western Turnpike
- \$0.19 cent gas tax increase (to a total of \$0.40 cents); indexed to inflation starting in 2011
 - 4 cents to MTA
 - 6 cents to MBTA
 - 1 cent to alternative transportation funding pilot program
 - 1.5 cents to regional transit authorities
 - 1.5 cents to regional mobility assistance program
 - 3 cents for rail projects outside Boston
 - 3 cents for salaries and benefits, rather than through the bond fund
 - Any remaining funds would go to the Transportation Fund
 - Proceeds from the sale of transportation property would go to the Transportation Fund
- Create Private Partnership Ombudsman to facilitate and coordinate projects involving private financing, design, construction and operations of transportation facilities

Other

- Regional Mobility Assistance Program to improve mobility in more rural areas
- Put all Intelligent Transportation Systems (ITS) activities under the Registry of Motor Vehicles

House of Representatives' Bill

Structural Changes:

- Consolidate some of the transportation agencies and boards under Mass Transportation and Infrastructure Authority (MTIA), which would be separate from direct Gubernatorial oversight. DOT would be created under the new Authority rather than EOT. The MTIA would include MHD, MTA, Mass Aeronautics Commission and the Registry of Motor Vehicles. The MBTA, Mass Port and the regional transit authorities would be under the jurisdiction of the MTIA and the DOT but appear to remain as independent authorities. There would be 5 divisions: Highway, Mass Transit (including the regional transit authorities but not MBTA), Aviation (including Mass Aeronautics Commission but not Mass Port), Constituent and Municipal Services for community liaison and for private project ombudsman, and the Registry of Motor Vehicles. All roads and bridges owned by MHD, MTA or MassPort and bridges owned by DCR would be under the Highway Division.
- The Governor would be the head of the MTIA and would appoint the other four members. The MTIA would appoint the Transportation Secretary. The Transportation Secretary would appoint the division heads.
- Consolidate core administrative functions
- Establish a Structurally Deficient Bridge Coordinating Council
- Establish an Office for Taxpayer Advocacy to monitor quality, efficiency and integrity of MTIA operations. The Office for Taxpayer Advocacy would be independent from the MTIA.
- Establish an Office of Performance Management and Innovation to track various performance measures which would be publically available on an annual basis. This is similar to what was proposed in the Governor's bill.

Reform Measures:

- All MBTA and MTA employees would be added under the same personnel system (health and retirement) as the rest of the state government employees. This would prohibit MBTA employees from receiving both disability and retirement payments. MBTA employees would have the same retirement and medical program and eligibility as other state employees. Further, existing collective bargaining agreements for MTA, MBTA and MassPort would not be renewed once they have expired.
- Allow funding of engineering for transportation enhancement projects
- Regional equity requirements based on gas tax revenues from each MHD district
- Transfer the Worcester Municipal Airport to MassPort ownership with compensation
- Move all regional transit authorities into forward funding.
- Establish a MBTA advisory board and provide \$500,000 from the Transportation Fund annually for its expenses

Revenue Measures:

- New dedicated Transportation Trust Fund
- Allow public-private partnerships; particularly for non-core assets
- Highway Division would be able to set and modify tolls on existing toll facilities
- Requirement to modernize and use enhanced technology toll-taking on the western Turnpike
- Proceeds from the sale of transportation property would go to the Transportation Fund
- Create Private Partnership Ombudsman to facilitate and coordinate projects involving private

financing, design, construction and operations of transportation facilities

Other

- Regional Mobility Assistance Program to improve mobility in more rural areas
- Reestablish Small Town Road Assistance Program & Public Works Economic Development Program
- Establish Gateway Cities Assistance Program

Senate's Bill

The Senate's bill is very long and had not been completely reviewed at the time of the TAC meeting. So far, the following highlights were identified:

Structural Changes:

- Consolidates MTA and MHD under a new authority referred to as the Mass Surface Transportation Authority (MSTA). The MSTA would consolidate ownership of all roadways and bridges under one entity. The MSTA would have two divisions. The first division would own all of the state roads and bridges. The second division would handle public transit. MSTA would not be subject to the control of EOT. The MSTA would be able to issue bonds without the authority of EOT. It would be able to build transit facilities and set tolls with restrictions on increases in the Boston area.
- EOT would be a policy and management coordinator. The Mass Aeronautics Commission and the Registry of Motor Vehicles would remain within EOT.
- The Governor would appoint the Transportation Secretary. The Transportation Secretary would appoint the board members of the MSTA.
- The Senate bill includes \$225 million to be allocated to transportation funding. The regional transit authorities would get 20% of this allocation.

Reform Measures:

- Move all regional transit authorities into forward funding.

Comparison

All three bills move regional transit authorities into forward funding. This is a key reform recommendation because it means that RTAs would no longer have to borrow each year until being reimbursed by the state and would be able to start the year with known budgets. All three bills also propose that MBTA and MTA be added to the state retirement system. Both the Governor's bill and the House of Representatives' bill attempt to address the equity of distribution from any increase in the gas tax. In both bills, a percentage of the gas tax must go back to the MHD district in which it was collected. The key distinction between the bills is how each one proposes to manage and consolidate the departments.

There was some discussion on what the TAC wanted to do with this information. Mr. Karns noted that the Boston regional planning agency, which has staff to deal with legislative issues, advised its members that the sales tax increase would not be enough to cover the state costs for transportation.

Ms. Ludwiszewski suggested the TAC develop a general statement with specific comments on key issues. Some key issues the TAC identified were (1) accountability/transparency (2) retirement consolidation (3) bond authority (4) sales tax retention. Mr. Siegars noted that the authority to

issue bonds is an important issue.

It was determined that the TAC would meet again to discuss the legislation. Mr. Karns would prepare a summary chart showing the differences between each bill as they relate to structural changes, revenue and reform measures. The TAC would then determine a general statement and recommendations to forward to the MPO for endorsement.

Mr. Siegars suggested the TAC receive a survey via email asking each member to identify the four most important items to discuss. This will help determine agenda items for the next meeting.

4. Update on Transportation Improvement Program (TIP) FFY2010-2013 Schedule

Mr. Karns explained that the 2008-2011 and 2009-2012 TIPs were delayed due to air quality conformance issues in the Boston area. The Berkshire County MPO has been working from the 2007-2010 TIP. All of the 2007, 2008 and 2009 projects have remained on the TIP. The Berkshire MPO approved amendments to the 2007-2010 TIP to include projects with special funding for construction in 2009 and 2010. Because of this, it was not necessary to approve a 2009-2013 TIP. FHWA and MHD decided not to approve a 2009 TIP but just start work on the 2010-2013 TIP. The 2010 TIP would start October 1, 2009.

A handout of the 2010-2013 TIP development timeline was distributed. BRPC will use the draft 2009 TIP as a starting point for the 2010 TIP, along with the new Project Information Forms received by MHD.

BRPC staff expects to receive the yearly financial targets at the next MARPA meeting on May 28th. Mr. Karns explained that Massachusetts receives approximately \$500 million in federal transportation money.

The thirteen regions collectively are allowed to program approximately \$100 million for each year of the four year TIP. BRPC staff plans to meet with EOT and MHD on June 4th to evaluate TIP projects. The TAC can expect a draft TIP sometime toward the end of June.

Mr. Karns noted that the region needs to identify Safety and CMAQ projects for 2010 and 2011. The Highway Safety Improvement Program (HSIP) monies became available last year. HSIP funding may be used for projects on federal aid eligible roadways, including major collectors, which have a “demonstrated need” for safety improvements. A demonstration of need may include compelling accident data.

CMAQ projects must demonstrate air quality improvements by mitigating congestion. In Berkshire County, CMAQ projects often involve improvements to signalized intersections to replace obsolete and inefficient signal controls. CMAQ projects do not usually involve right-of-way takings and go through a more streamlined process than larger projects that involve right-of-way issues. Bike path projects or projects that include the addition of bike accommodations to reduce traffic may be eligible for CMAQ money. For example, the extension of the Ashuwillticook Rail Trail in Adams may be eligible for CMAQ money.

In response to a question from a TAC member, Mr. Karns and Ms. Church explained that portions

of the \$4 million earmark for bike path projects had been allocated to the extension of the Ashuwillticook Rail Trail in Adams and a segment of trail in Lenox from Woods Pond northward along Housatonic Street to East Street. Lenox submitted their 25% designs to MHD last week. There has been a significant cost increase for this project, including the need for a retaining wall and possible boardwalking. The \$4 million earmark, plus the \$1 million state match, may be exhausted by these two projects.

Mr. Frieri provided a handout regarding the status of TIP projects from 2009-2012. Mr. Frieri noted that the handout includes those projects that will receive federal funding. It does not include bridge projects that are only being funded through the state.

2009

Seven out of the ten 2009 TIP projects have been advertised. The Route 7/Route 8 Connector Road project in Lanesborough, the Downtown Streetscape and Traffic Signal Improvements project in North Adams and the Old Pleasant Street bridge project in Lee still need to be advertised. The Right-of-Way process and environmental permits are advancing for the projects in North Adams and Lee. The Route 7/Route 8 Connector Road project in Lanesborough has cleared the environmental section. It needs to receive its Right-of-Way clearance.

2010

The Route 2 Retaining Wall Replacement project in Williamstown is being designed by MHD. The 25% design plan was submitted in July, 2008. The environmental section has reviewed the 25% design plan. No Right-of-Way is currently required.

The Route 183 reconstruction project in Lenox is being designed by Foresight Land Services. The 25% design plan has been approved by MHD. A public hearing has been scheduled for June 22, 2009. The Right-of-Way process and environmental permits are advancing for this project.

Phase II of the Downtown Streetscape project in Pittsfield is being designed by Fuss & O'Neill. MHD is currently awaiting the 25% design submission.

The extension of the Ashuwillticook Rail Trail in Adams is being designed by MHD. The district anticipates completing the 25% design plan by this summer. This project needs a public hearing, environmental permits and Right-of-Way certificate.

The bike path project in Lenox from the High School to Woods Pond along Housatonic Street is being designed by Foresight Land Services. The 25% design plan was received in April, 2009 and is currently under review by MHD. This project needs a public hearing, environmental permits and Right-of-Way certificate.

The complete TIP Project Status handout provided by MHD is available on the BRPC website at: <http://berkshireplanning.org/3/5/1/>.

5. Update on Unified Transportation Planning Work Program (UPWP) October 1, 2009 to September 30, 2010

The UPWP lists the transportation planning activities BRPC staff undertakes each year on behalf

of the MPO, as well as other federally funded transportation projects, such as scenic byways, planning earmarks and transit planning. Mr. Karns noted that BRPC staff will be working on a major update to the Regional Transportation Plan (RTP). The RTP is updated every four years. BRPC did a minor update to the RTP in 2007. The 2011 RTP will be a major update to the 2007 RTP.

Mr. Siegars encouraged municipalities to get their transportation projects for the next 3-5 years included in the 2011 RTP. The federal government looks to the RTP to justify funding. Any transportation project that involves increasing capacity must be included in the RTP to be eligible for federal funding. Simple reconstruction projects do not need to be included in the RTP.

A handout of the 2009-2010 UPWP development timeline was distributed. The TAC can expect a draft UPWP sometime toward the end of June.

6. Member Items for Discussion

BRPC announced two new TAC members: Jason Miner of the Nature Conservancy's Berkshire office and John McNinch of the Lenox Selectboard. Jason Miner's membership on the TAC will need to be confirmed by the MPO at its next meeting. Municipal representatives do not require MPO approval.

There were no other member items for discussion.

7. Next Meeting Date and Agenda

The next TAC meeting will be held on Wednesday, June 17th at 4:00 p.m. The TAC will discuss transportation reform legislation and determine recommendations.

A second meeting was scheduled for Thursday, June 25th at 4:00 p.m. The TAC will discuss the 2010-2013 TIP.

Mr. Tinkham motioned to adjourn at 5:30. Mr. Boyle seconded. The motion carried unanimously.

Report on Issues Brought to a Motion

- There were no issues brought to a motion at the May 20th meeting.