

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, January 14th, 2009 – 1:30 p.m.
Grand Forks City Hall Conference Room A-101**

CALL TO ORDER

Earl Haugen, Chairman, called the January 14th, 2009, meeting of the MPO Technical Advisory Committee to order at 1:34 p.m.

CALL OF ROLL

On a Call of Roll the following members were present: Jane Williams, Grand Forks Traffic Engineer; Nancy Ellis, East Grand Forks Planner; Charles Durrenberger (Proxy for Brad Gengler), Grand Forks Planner; Paul Benning (Proxy for Stacey Hanson), NDDOT-Bismarck (via conference call); Dale Bergman, Superintendent for Cities Area Transit; Greg Boppre, East Grand Forks Consulting Engineer; Les Noehre, NDDOT-Grand Forks; and Dean Rau, GF Assistant City Engineer.

Staff present were: Earl Haugen, GF/EGF MPO Executive Director; Teri Nelson, GF/EGF MPO Planner; and Peggy McNelis, GF/EGF MPO Executive Assistant.

DETERMINATION OF A QUORUM

A quorum was present.

MATTER OF APPROVAL OF THE DECEMBER 10TH, 2008, MINUTES OF THE TECHNICAL ADVISORY COMMITTEE

MOVED BY DURRENBERGER, SECONDED BY NOEHRE, TO APPROVE THE DECEMBER 10TH, 2008, MINUTES OF THE TECHNICAL ADVISORY COMMITTEE, AS SUBMITTED.

MOTION CARRIED UNANIMOUSLY.

MATTER OF POSSIBLE NORTH DAKOTA STIMULUS PROJECT T.I.P. AMENDMENT

MATTER OF POSSIBLE MINNESOTA STIMULUS PROJECTS

Haugen distributed copies of a power point presentation he would be giving (copies are included in the file and available upon request).

Presentation ensued.

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, January 14th, 2009**

Haugen reported that we do know that Congress is crafting a bill, and that Congressman Oberstar is Chair of the House Transportation and Infrastructure Committee, and is the person responsible for crafting the proposals. He stated that the new desired signature date is mid-February, and Speaker of the House Pelosi is warning that they will cancel President's week recess if the bill is not completed by that time.

Haugen commented that there is a lot of "piece-meal" information being distributed, with some of it being obsolete, and some possibly even being incorrect. He said that yesterday the House Transportation and Infrastructure Committee released details of their proposal, and we pretty much know that they are following the bill the House approved late last summer/early fall, but are also significantly increasing the dollar amounts and are proposing 100% federal participation. He reported that the dollar amounts are being identified as: \$30.35 Billion for Highways/Bridges; \$12 Billion for Transit; \$5 Billion for Airports; and \$4.9 Billion for Rails.

Haugen added that the actual proposal, a 41-page document, indicates that they are proposing to split the funding into two project timelines. He stated that the first is a 90-day timeline in which 50% of the funds must be awarded within 90-days. He explained that this means that contracts must be awarded to bid winners within 90-days. He added that they also use the term obligated, in which they say that if the funds are not obligated within 180 days the money is forfeited. Boppre asked when the 90-days start. Haugen responded that the 90-days start the day the bill is enacted.

Haugen reported that there are things they are calling "a 90-day program of projects", or what we would call a T.I.P.. He explained that this is a term that is in the transit section of the U.S. Code, and is essentially the same thing as a T.I.P.. Benning commented that transit is a little bit different because it is run by the Federal Transit Administration, or F.T.A., and the roadway projects are run by Federal Highway Administration, or F.H.W.A.. Haugen agreed, but added that the term the House is using, even for the roads is "90-day program of projects".

Haugen stated that after 180 days the remaining 50% has to have it's "program of projects" submitted to the respective federal agencies. He added that in addition, after the first 90-days, funds that aren't obligated/awarded are redistributed elsewhere in conjunction with the second 50%. He pointed out that Oberstar is expecting that the funds will be distributed using existing formulas, and that he has a lot of reports identified. He referred to the next slide, slide 6, and commented that he did distribute a larger graphic for easier viewing, and explained that it lists the different report dates, and timelines.

Durrenberger referred to slide 5, specifically the statement that they will be using the same formulas, and asked where the local percentages in the formulas are coming from if it is all federal monies. Haugen asked if he was referring to local match. Durrenberger responded that it says they will be using the same formulas, and isn't local money included in the formulas. Rau responded that what they are talking about is that the State will get a big pool of money, and it will be obligated by percentages by the State.

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, January 14th, 2009**

Haugen continued with the presentation, and, referring to the next slide, stated that it illustrates how the \$30 Billion Highway funds will be distributed to the States; with North Dakota being given \$198 Million, and Minnesota \$488 Million. He added that North Dakota's best guess at this time is that Grand Forks will receive \$4.7 Million of the \$198 Million; but Minnesota hasn't determined yet how much East Grand Forks might receive.

Benning referred to slide 6, and explained that what this all really means to Cities and Counties is: If the bill is signed February 1st, 90-days from that date would be May 1st, so you would have a May 1st bid opening, which would mean that plans would need to be completed by March 13th. Noehre asked if that was correct as he thought it meant "award", which means that a contract would need to be signed or it would need to be awarded by your council. Benning responded that a project is bid in May, and awarded shortly after that, after they are approved. Noehre commented that fast for them is a month, and usually it means six-weeks. Benning stated that the point is that using the shorter timeframe, 90-days isn't much time, it's probably about six-weeks from when the bill is signed to when the plan needs to be complete. Williams asked when NDDOT wants to see the draft plans. Benning responded that basically, in working with the City of Grand Forks, what they asked for, and what they received were primarily seals and overlays, which, if the bill is signed on February 1st, they would most likely want to see the draft plans on March 1, two weeks prior to the final plan completion date of March 13th. Boppre commented that Minnesota is requesting Project Memorandums, which is similar to North Dakota's text language. Benning reported that these projects will be required to do an Environmental Check List, which is about a three page list that you check off those things that pertain to the project.

Boppre reported that he talked to their District State Aid Engineer, and they are trying to correct what everyone is thinking, and with their latest e-mail, which he received today, they are indicating that they think they are going to have \$100 Million. He added that they have to prepare what is called a "Project Memorandum", and get the plans into the State, and there is no question that the 90-day window is an accelerated window, and it places a lot of burden on everyone to get the projects ready in time, and it will be quite an undertaking, but they are willing to do it. Benning agreed, adding that they have been hearing the same concerns from their Cities, Counties, and now the MPOs. He stated that they also have some activities they need to get completed in order to be able to amend the T.I.P.s.

Haugen continued the presentation.

Haugen stated that, again, they are showing \$12 Billion for Transit projects. He referred to the Transit slide and pointed out that the monies awarded Grand Forks and East Grand Forks will be split into Capital Funds and Energy Funds. He stated that the Minnesota estimates for Capital funds are \$106.8 Million, of which East Grand Forks should receive about \$140,125; and the North Dakota estimates are \$12.3 Million, of which Grand Forks should receive about \$1.33 Million. He said that the Minnesota estimates for Energy funds are \$30.9 Million, of which East Grand Forks should receive about \$40,500; and the North Dakota estimates are \$4.8 Million, of which Grand Forks should receive \$52,000. He commented that he would like to note that these

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, January 14th, 2009**

numbers were generated before the release of the actual 41-page document yesterday, so there may be some adjustments required.

Haugen reported that the project process still needs to follow all the normal federal aid requirements, and for the MPO, everything needs to be consistent with our plans and needs to be included in our T.I.P.

Haugen commented that the process is different for both states, with the main difference being MNDOT wanting to wait until after the bill is signed; while North Dakota wants everything in place prior to the bill being signed so federal agencies can take action as soon as possible.

Benning reported that NDDOT is getting direction from their Federal Highway division. Haugen stated that with MNDOT wanting to wait, he isn't sure what their actual process is other than their saying that once projects are selected, after the bill is signed, then we can start doing T.I.P. amendments. He added that a meeting was held Friday with East Grand Forks officials, and they will try to have a list of projects approved at the next City Council Working Session for consideration of stimulus funding. Boppre commented that he was told by their State Aid District Engineer that State Aid will be the ones selecting projects statewide. He stated that he was told that they are looking for larger projects, not the smaller ones.

Benning commented that on the North Dakota side they have solicited the Cities for projects, asking for additional projects in the event we get more monies than initially anticipated, and then whatever the dollar amount actually is, they will determine how much each City gets. He said that the same will apply to Counties as well.

Haugen stated that the next few slides lay out the North Dakota, and the Grand Forks processes. Benning referred to the ND Quick slide, and asked if Mr. Haugen would like to talk about when the T.I.P. would be amended. Haugen responded that he would be addressing that a little later in the presentation. He continued going over the slides explaining both processes, pointing out that ultimately congress ended up shifting the stimulus approval date back to February, and we started getting piecemeal information, which may or may not be wrong or misinterpreted.

Haugen commented that one thing that did occur from all of this was the receipt of some additional transit monies, which means that Grand Forks will have some additional monies for some of their projects they are considering using stimulus monies on. He added that they were also concerned about what might happen at the City Council level when the \$40 million dollar list of projects was reduced to \$12 million or less, so they basically the MPO took the action of delaying it's timeline to February as well, which allows us to more sure of the project outcome, and to allow us more time to react to the information we receive concerning funding.

Haugen referred to the next slide, which actually lists the original timeline versus the new timeline, and went over it briefly. He explained that at the last Council of the Whole meeting in Grand Forks, it appears that the council is receptive to the list of projects they received from staff, and will likely authorize a Standby Committee to work with the approved list to ensure

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, January 14th, 2009**

there is no delay in project approval. He added that there is still the chance that the MPO may need to act sooner on the Grand Forks projects than currently anticipated, and that Minnesota is still not sure when approval will be required on their projects.

Discussion on how projects will be awarded funding ensued.

Williams asked that Mr. Benning check to see about the possibility that, if we were to come to a point where we might lose money because a project cannot be done within the timeframe required, could that money be used to expand another project that can be done within the timeframe. She stated that she is specifically thinking about the signing project we have, and if there were some excess money available, could it be used on the signing project instead. Benning responded that when you do your formula checklist, which is like a project concept report, as long as you expand it from the termini point you probably could.

Haugen referred to the text, or language of the stimulus bill, specifically where it talks about the second 90-days, and pointed out that it talks about obligating that 50% instead of awarding as it does for the first 90-days, which would mean there would be more time to process projects to be obligated for funds.

Haugen stated that the next few slides highlight some of the projects Grand Forks placed on their list. He referred to the Grand Forks Street Projects slide and pointed out that the additional information we received yesterday, concerning the 50/50 proposition, may change this list since there may be projects the City would like considered that weren't because of time constraints. He explained that he would think that if they had known they had more time to get a project obligated they might have a different project priority.

Haugen continued with the presentation, pointing out that there are a lot of national advocates out there that are pressing congress to add their type of projects to the stimulus package, so the MPO made a recommendation that each City create a "just in case" list of projects in the event that Safe Routes To School and Trails, or Enhancement projects might be included in the package.

Haugen stated that the next couple of slides discuss how the MPO will handle all of this in its T.I.P.. He explained that we currently have three sections in our T.I.P. that show programmed projects: 1) North Dakota Project List; 2) Minnesota Project List; and 3) Illustrative Project List. He is suggesting that a fourth section be added to include just Stimulus projects, and that within the fourth section we would have two project lists, one for Grand Forks projects and one for East Grand Forks projects.

Haugen reported that the Stimulus section would have a front portion that would explain that this is an unprecedented thing, that we are getting these additional funds, that we have additional projects that will be funded with these additional funds, but that because we don't know how much funding we will actually be receiving there is some over-programming being shown with the knowledge that some projects may not be funded. He stated that he wanted to make the list

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, January 14th, 2009**

itself look similar to the other T.I.P. project lists simply because we still have to annually show a list of obligation, and he doesn't want to have to create yet another document to show the Stimulus having a different annual obligation listing. He referred to a copy of the sample Stimulus Project listing, and pointed out that it does resemble the projects lists in our current T.I.P., adding that there will, of course, be some minor differences such as only one year of projects listed, etc..

Haugen commented that we undoubtedly be asked to make some amendments to our T.I.P. at our next meeting. He added that between now and then he is certain we will be receiving more information concerning the Stimulus Package.

Boppre asked, if your looking at the 50% thing that came out yesterday, and, say that Grand Forks and the DOTs get all the projects awarded and obligated within the 90-day timeframe, what if the project is so large that it takes in 2010 funds as well, would that be an issue. Haugen responded that it wouldn't affect the T.I.P.. Boppre said that he is talking about not finishing a project in 2009, and the monies that are awarded and obligated in 2010, wouldn't that be an issue. Noehre responded that he hasn't heard anything about completion dates. Benning stated that he hadn't heard anything about completion dates either. Haugen commented that there is something about three-years, but he isn't sure what happens at the end of three-years. Noehre responded that the DOT's final periodic report is due every three years.

Haugen pointed out that the next agenda item actually deals with our Annual Listing of Obligated Projects, which is something we have to have done three months prior to the start of our Fiscal Year, which is January 1st, and we actually take that document and incorporate in our T.I.P. as an appendices. He stated that our current list is for 2008 projects, but added that we will also include a progress update of all the 2009 projects as well.

Boppre commented that he received an e-mail from the American Water Works, and they are reporting that some congressmen are looking at not just 90-days, or 180-days, but at possibly extending it out a year for some of those communities or cities that have projects that they cannot get awarded and obligated within those timeframes. He asked if anyone else had heard that. Haugen responded that he has, adding that there are even some who are saying it should be a two-year program because they don't feel the economy will recover enough in one year.

Benning stated that there is one issue that he thinks needs to be worked on, and he will work on it from his end, and staff can work on it from this end, and that is the fact that we need to be careful on the 90-day timeframe from when the bill is passed, whether it is obligated or awarded, and he will try to find out more about that from his end. Haugen commented that when you look on the House T and I Website you will see this document that discusses the process for ensuring transparency and accountability. He said that on the second page they have a use it or lose it clause, and any funds in the 90-day program of projects that are not obligated, based on awarded contracts within 90-days of receipt of allocation are lost, so you have seven days to have federal agencies allocate the money, then you have 90-days from the date of allocation to get the project awarded.

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, January 14th, 2009**

Discussion on the process ensued.

Rau asked how the DOT was planning on running these bid openings because you could potentially have 200 projects. Benning responded that that is a good question, and it is something that they are discussing. He added that they will most likely need to have multiple bid openings, but this is still being looked at.

Boppre commented that, based on what he has heard today, he personally doesn't think it will be a 50/50 percent process, but will instead be more of a 30/70 percent process, because they aren't going to be able to award 50% in the first 90-days. Haugen responded that Congressman Oberstar, in his proposal, cites the AASHTO report that shows how ever many billions of dollars in projects that are ready to go; and the US Mayor's report that shows how ever many billion dollars of projects that they have already read to go; as well as some other language that he would invite everyone to look at in the 41-page document.

Information only.

MATTER OF BEGINNING ANNUAL LISTING OF OBLIGATED PROJECTS

Haugen reported that at the beginning of each year, for the last several years, we have put together an Annual Listing of Obligated Projects. He referred to sample copies of last year's tables, included in the packet, and went over them briefly, explaining that they show what was obligated versus what was programmed for each project listed. He stated that this is a requirement for the MPO to do, however he doesn't think it is a requirement of the State DOT for their projects.

Haugen stated that he will be distributing copies of the 2008 project lists that were in the T.I.P., and will request that everyone please identify the latest information they have on their projects. He added that the key information they want, of course, is the federal dollar amount, specifically how much was programmed versus how much was obligated. He said that we will go over the draft lists at our February meeting, and will need to take action at our March meeting.

Information only.

OTHER BUSINESS

1. Surprise Funding For Transit

Haugen stated that Dale Bergman, Transportation Superintendent, received some surprise funding for transit. He said that in the e-mail he received from Annette concerning these funds, she talked about some contracts and other transfers that will need to take place, and he is wondering if we need to wait, as an MPO, for those things to happen before we amend the T.I.P., or can we go ahead and assume in February that we can amend the T.I.P. to include these funds at the same time we amend it for the stimulus funds. Benning responded that he would suggest

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, January 14th, 2009**

waiting as those are some remaining 5309 funds, and they got approval from FTA to transfer those funds to the MPOs, which they did, to Fargo and Grand Forks. He added that he would also suggest talking to Annette a little more before doing any amendments.

ADJOURNMENT

***MOVED BY BOPPRE, SECONDED BY DURRENBERGER, TO ADJOURN THE
JANUARY 14TH, 2009 MEETING OF THE TECHNICAL ADVISORY COMMITTEE AT
2:18 P.M.***

MOTION CARRIED UNANIMOUSLY.

Respectfully submitted by,

Peggy McNelis, Executive Assistant