

WHATCOM TRANSPORTATION
POLICY BOARD
MINUTES
February 11, 2009

ATTENDANCE

BOARD MEMBERS: Bob Bromley, Pete Kremen,
Todd Carlson, Steve Swan,
Jim Jorgensen (alternate
for Scott Walker), Gary
Bode (Alternate for Jack
Louws), Bonnie Onyon,
Barbara Ryan, Henry Cagey,
Andy Rowlson, Tom Jones,
Louise Bjornson, Gary
Jensen

GUESTS: Bill Verwolf, Greg Young, Frank
Abart, Barry Buchanan, Joe Rutan

STAFF: Jim Miller, Gordon Rogers, Ron
Cubellis, Leslye O'Shaughnessy

A. CALL TO ORDER

The meeting was called to order at 3:30
pm.

B. PUBLIC COMMENT

None received.

C. MINUTES

MOTION: Kremen moved, Jones seconded, to
approve the minutes from December 29, 2008
and January 5, 2009.

MOTION PASSED

MOTION: Jensen moved, Kremen seconded, to approve the minutes from October 8, 2008 and December 10, 2008.

MOTION PASSED

D. NEW BUSINESS

D.1 WSDOT Future Program

Carlson distributed graphs of trends in design and construction since 2001 for Skagit, Island, and Whatcom counties. He stated that for this next biennium WSDOT has reduced this program by 10-15 times the size it has been. The graphs reflect both the nickel and 9.5 cent gas tax.

Ryan pointed out the discrepancy in what Whatcom County receives back in gas revenue compared to other counties. Kremen stated that part of the reason is because Whatcom County generates so much more gas tax because of the Canadian influence.

D.2 Federal Functional Classification

The City of Bellingham is requesting Federal Functional Classification on 4 roadway segments within the city limits. Staff is requesting the Board approve the vice-chairman signing a letter stating WCOG concurs with the requests.

MOTION: Ryan moved, Bjornson seconded, to approve the Vice-Chair signing a letter of concurrence.

MOTION PASSED

E. OLD BUSINESS

E.1 Economic Stimulus Project Update

The stimulus package has passed the House and Senate. It is now in conference committee and they are working on the compromise and final language.

It is scheduled to go back to the House on Thursday and the Senate on Friday for vote then to the President's desk for signature next week.

Kathleen Davis, WSDOT Director of Highways & Local Programs, sent a memo out regarding the project selection process. She stated that a Local Oversight and Accountability Panel will be responsible for final selection for locally-prioritized transportation projects and to assure local agency projects are ready to go, meeting the requirements of timelines set forth in the federal bill. WSDOT will maintain the role of project management and oversight of federal regulations of the federally-funded projects. The Panel will identify the statewide local projects for obligation within the congressional timeframes and, after passage of the Bill, they will finalize the project list to match the actual local share and notify the MPOs and county lead agencies of the final project selections. The memo was distributed to the Board.

The good news is the state is looking at distributing the funds based on the formula from STP funds previously distributed x 2 which is approximately \$4 million for Whatcom County.

It was asked what would happen to the money if a project on the list isn't actually shovel ready or can't be done, would the money go to another Whatcom MPO project or not?

It was stated that no one knows the answer to that question for sure, but if the State is using STP guidelines then the money will stay in Whatcom County.

Cubellis stated that there are a few steps in the process; when you meet with Highways and Local Programs to present your project and they determine that your project isn't ready, they will go to the next one on the list. If you enter into an agreement with them, and don't perform within the time frame, then the money goes back to the State. At some point the State can lose the money; it would then go to the nationwide competitive grant.

E.2 Economic Stimulus Project List

Rogers stated that the TTAC met on February 10, and discussed the projects that were previously approved. There were three changes to the list recommended from the group. The match concept as discussed at the last meeting needs some discussion to decide where that is going to come to rest so that we may include as many projects as possible.

The list of January 5, 2009 that was approved has 3 changes. The amount to be used is approximately \$4 million. The three project changes were from Blaine, Bellingham and Whatcom County.

Kremen stated that in light of the fact that we were under the impression that we would be getting considerably more money he thinks we should change how we're prioritizing the projects. We've prioritized by each entity's #1 project and ad date, then alphabetically.

Cagey agreed with Kremen. State guidelines are that we have to have the projects to them by February 27. The feds are going to come out with rules.

Miller stated that these are State guidelines; the federal side of this isn't going to make a difference. The State, which is responsible for the delivery of these to the locals, has come up with these criteria. The State has said that the ad ready date is the primary thing they will focus on.

Jensen stated that as a group we never came up one good thing that was going to please us all, but we left with a set of rules. In Ferndale they have had one staff person working on this and they played by the rules of the game the group laid out.

Ryan suggested that \$3-5 million is not a large amount of money to divide. Maybe we should look at the highest priority projects that meet public safety or have the most risk of failure.

Rowlson stated that Everson Road is not a priority for the County as a whole. Most entities have a match, we should distribute the funds by 40% to agencies and they would come up with 60% match.

Onyon stated that since we discussed a local match they changed their project from H Street to Boblett, so they could come up with match but it is not a safety issue. Their original project - H Street - is a safety issue.

It was stated that Bellingham's project was "traded down" too.

Rogers provided the group with background information and stated that over the last dozen years we have received approximately 1.9 - 2.1 million a year in STP funds. To select the STP projects in a priority way we set up a process that is well respected statewide. Across this table we all agreed on the criteria to select those projects, it takes about a full year to go through the selection process. We don't have that amount of time to prioritize these projects.

Kremen stated that we developed a formula based on the information we had at the time. It seemed to be equitable, but now that the amount of money has been significantly reduced it doesn't appear to be equitable and he wouldn't support it. He thinks we should consider Rowlson's suggestion.

Rowlson restated that the group should distribute the funds by 40% to agencies and then the agency would come up with 60%.

Onyon asked if the projects are also supposed to have lasting economic stimulus impacts and not just be safety projects.

Cagey thinks we should be asking for more money than we're talking about on the current list being proposed. There are other pots of funds for education, health care, jails, etc and we should be discussing these issues.

Rogers stated what we need to do is work through this list of projects or ask staff to come up with a set of criteria to use to select the projects.

MOTION: Rowlson moved, Jensen seconded, to rank the projects in order of dollar amount, highest to lowest.

Discussion:

It was stated that this is making the assumption that the project dollar amount means that the project is stimulating the economy.

Rutan reminded the Board that this is federal funding and it comes with strings. There are only two certifying acceptance authorities (CA) in this county - the County and City of Bellingham. All the jurisdictions have to have CA which would overwhelm the County and City. The state can CA but may also be overwhelmed.

Rogers stated that the state has said they will provide CA.

Rutan said the States process will be slower than the County or City.

Kremen said that almost every audit finding they have received over the last several years have been tied to federal funding. Federal funding requires a lot of administrative costs and effort.

Buchanan stated that maybe we could ask ourselves - "do we like the project list as it stands and can we come up with match?"

Jorgensen stated that listening to the ranking and the motion that is on the floor and commenting to the motion, are you going to talk about safety and other issues that are important for the projects, instead of just ranking them by money? To be fair that's the way it would need to be done, not just on the total dollar amount.

Kremen stated that he thinks that most of the entities don't have the ability to come up with a match. He doesn't think that \$4 million will do very much for the community.

Miller reminded the group that back in September the House passed the \$27 billion stimulus bill focusing on transportation.

Verwolf stated that if we going to spend the entire amount, whether on one project or six, ranking the projects isn't going to change the construction impact on that money, by much.

Ryan stated that if we vote no on the motion, the alternative is to leave the project list as imperfect as it is.

Rowlson said someone could make a motion to exclude projects under \$100,000, because of federal oversight and overhead costs.

Rutan stated that the more projects you have on the list, the less construction funds you generate, because of overhead costs.

Bode stated that being that it's an economic stimulus all towns in the county should share in receiving the funds to stimulate the economy.

Cagey stated according to the memo from Kathleen Davis, the panel will decide which projects will be funded.

Bromley stated he was going to call a role call vote but first he wants to know which entities will come off the list if there is a match. Sumas and Lummi will have to come off if there is a match.

Roll Call Vote:

Kremen - no
Carlson - abstain
Jorgensen - no

Bode - no
Onyon - no
Ryan - no
Cagey - no
Rowlson - yes
Jones - no
Bjornson - no
Jensen - yes
Bromley - no

MOTION FAILED

Bromley asked how much will be available if the projects that can't match come off. How much will be available if the match is 60% leaving all on.

MOTION: Onyon moved, Jorgensen seconded, to keep the list in the same order with 50% match and if the amount we're going to receive changes drastically up or down before February 27th we will hold another meeting to address the list again.

Discussion:

Miller stated that leaving the list as is, with a 50% match, brings the total amount to \$5.4 million in stimulus funds, which is on the very high end of what we expect to receive. I think you will have to revisit the list again anyways.

Roll Call Vote:

Kremen - yes
Carlson - abstain
Jorgensen - yes
Bode - yes
Onyon - yes
Ryan - yes
Cagey - no
Rowlson - no
Jones - yes
Jensen - yes
Bromley - yes

MOTION PASSED

F. PUBLIC HEARING

F.1 2009 Transportation Improvement Program (TIP)
Amendment

Hearing Opened at 5:15 p.m.

The TIP amendment includes 4 items:

1. Deletion of the Everson - Mission Road project (Phase 2). Everson signed the contract for the federal funding on this project in December. Therefore those funds need to be removed from the 2009 TIP.
2. Modification of the Ferndale - Main Street Project. The City of Ferndale is changing the potential start date for the project from 6/1/2010 to 7/1/2009. This change enables Ferndale to access the federal funding for this project should they get started this year.
3. Modification of project descriptions - The City of Bellingham has provided more detailed descriptions for 2 of their projects and 5 of the joint Bellingham/Port of Bellingham projects.
4. Addition of more potential Economic Stimulus projects. Staff has been asked by the Washington State Department of Transportation (WSDOT) to include possible FAA, Rail and statewide safety projects in the unfunded section of the WCOG TIP. This adds 8 WSDOT and 3 Port of Bellingham projects. It also includes the WCOG/WSDOT border project for the potential nationwide competitive funding.

Public Comment:

None received.

MOTION: Ryan moved, Rowlson seconded, to close the public hearing.

MOTION PASSED

Hearing closed at 5:17 p.m.

MOTION: Jensen moved, Jones seconded, to approve amendment #2 to the Whatcom Council of Governments' 2009 Transportation Improvement Program.

MOTION PASSED

G. REPORTS

Miller stated he would like the Board Members to consider what dates work for another meeting prior to February 27th. This meeting will be to finalize the projects if there is a change in the dollar amount as the motion requires.

Members agreed on Wednesday, February 25, 2009, 3:30 pm.

Kremen stated he will be asking the Board to amend what we passed today. His amendment would state if two entities are tied in ad date and everything else, that they be equal in priority and get rid of the alphabetical part in prioritizing.

H. ADJOURN

MOTION: Kremen moved, Jensen seconded, to adjourn the meeting.

MOTION PASSED

The meeting adjourned at 5:25 pm.

Robert Bromley
Vice-Chair

Jim Miller
Executive Director