

**NILES/BUCHANAN/CASS AREA TRANSPORTATION STUDY**  
 Technical Advisory Committee

**MINUTES**

October 26, 2010  
 Niles City Council Chambers  
 1:30 P.M.

TAC Members Present:	Jason Auvil, Pokagon Band of Potawatomi Indians Joe Bellina, Cass County Road Commission Brian Berndt, Berrien County Road Commission Paul Boggs, Milton Township Richard Cooper, Niles Charter Township Barbara Cook, Cass County Planning Commission Irving Frost, Howard Township Juan Ganum, City of Niles Planning Kelly Getman-Dissette, Niles Dial-A-Ride Transit John Gruchot, Berrien County Community Development Joseph Kring, Bertrand Township Ray Lenze, MDOT Planning Bill Marx, City of Buchanan Kimberly O’Haver, Buchanan Dial a Ride Jan Personette, Four Flags Area Chamber of Commerce Paul South, MDOT Coloma TSC
TAC Members Absent:	Pat Bellaire, Village of Edwardsburg Neil Coulston, City of Niles DPW/Airport Fred Featherly, MDOT-Multi-Modal Darrell Harden, MDOT Southwest Region Shelley Klug, Southwestern Michigan Economic Growth Alliance Stewart McKenzie, Federal Transit Administration (ex officio) Jessica Mitchell, MACOG (ex officio) Jennifer Osborne, MDOT Joe Ray, City of Niles Robert Rusch, MDEQ Rachael Tupica, Federal Highway Administration (ex officio)
SWMPC Staff Present:	Anna Rahtz Trevor Thomas
Others Present:	Don Kronewitter, Milton Township resident Sue Kronewitter, Milton Township resident Don Ryman, Berrien County Board of Commissioners

**1. Call to Order & Introductions**

- Chairman Bellina called the meeting to order at 1:31 P.M.

**2. Minutes**

- *Motion by Auvil, seconded by South, to approve the minutes of the September 28, 2010 TAC meeting. Motion approved unanimously with no corrections.*

### 3. Staff Report

- **Annual Report**

- Rahtz announced that the fiscal year 2010 Annual Report for NATS will soon be completed and will be available on the NATS Documents page at [http://swmpc.org/nats\\_docs.asp](http://swmpc.org/nats_docs.asp), mentioning that she will bring hard copies to the next meeting. The Annual Report is a list of planning activities conducted during the fiscal year, as well as the budget for the year.

- **CMAQ Meeting – November 10<sup>th</sup>, 1:00pm, BCRC**

- Thomas announced that a special CMAQ meeting has been called by St. Joseph and the Berrien County Road Commission. The purpose of the meeting is to reprioritize the project selection for 2011-2014 to see if the Hilltop Road sidewalk project can be funded in 2011.
- Lenze noted that the 2011 CMAQ (Congestion Mitigation and Air Quality Improvement Program) applications are being reviewed and will be forwarded to the Federal Highway Administration within the next week.
- Lenze added that because of the new EPA standards, three-quarters of the State of Michigan will qualify for CMAQ funding starting in fiscal year 2012, and so the same amount of CMAQ funding for the State of Michigan will be divided up amongst far more counties.

- **NTI Transportation and Land Use Workshop**

- Thomas reported on the workshop that he, Rahtz, and Auvil had attended two weeks earlier, held at the Southeast Michigan Council of Governments and sponsored by the National Transit Institute. He mentioned that he and Rahtz could make the materials available from the workshop for anyone who was interested, including the PowerPoint presentations.

- **Planning Michigan Conference**

- Thomas reported on the statewide planning conference he had attended the previous week in Detroit. He attended sessions a number of informational sessions, covering equity in planning, grant strategies, and technological applications for small and medium-sized communities.

- **Conflict of Interest Policy**

- Rahtz passed out a letter from MDOT, which summarizes a policy that the FHWA is asking MDOT to implement with local agencies in Michigan. The policy has to do with preventing potential conflicts of interest when a local agency hires the same contractor to do design, planning, and/or construction.
- Berndt remarked that the Berrien County Road Commission objects to this policy and will continue doing its hiring for projects the way it currently does.
- Bellina noted that he and Berndt had found out about this policy the previous week at the County Road Association of Michigan meeting. He added that it appeared that the policy appeared to be concerned more with ensuring that local agencies are hiring according to highest qualifications and documenting their hiring procedure, rather than with trying to change the way local agencies do business.
- South remarked that he does not believe MDOT has the authority to tell local agencies how to do business, and there was discussion about how legally binding the policy is.
- Getman-Dissette responded that if the policy is coming from FHWA then at some point it will be legally binding.
- Lenze added that MDOT is trying to make local agencies aware of the increased scrutiny on this issue by FHWA, which could have originated somewhere else in the country. It is not known whether there have been issues with conflicts of interest in Michigan.
- Ryman remarked that policy makers who live in large metropolitan areas do not understand the business climate in small town environments, adding that there are fewer contractors to choose from in a small town. He noted also that in a small town everyone knows everyone, making it nearly impossible to avoid potential conflicts of interest. Such conflicts just have to be disclosed.
- South responded that he does not know where the policy makers live who wrote this conflict of interest policy, but that the area engineer for the Southwest Michigan counties who

oversees these kinds of issues is extremely competent and understands the local communities.

- Personette added that everyone should have to follow the same rules, no matter whether they live in a large city or a small town.

#### 4. Project Updates

- **2009**

- **Niles Dial-a-Ride Transit**

- Bus shelters – in approval process to hire contractor

- **2010**

- **Berrien County Road Commission**

- Niles-Buchanan Rd and Bell Rd – obligated; waiting for sealing in June 2011

- **Cass County Road Commission**

- Elkhart Rd – completed
    - Bell Rd – construction next year
    - Lakeshore Dr – construction next year
    - Huntly Rd – completed; ACC funds no longer needed in future years

- **Michigan Department of Transportation**

- M-139 over St. Joseph River Bridge Replacement – developing alternatives to present at next open house meeting
    - US-31 over St. Joseph River bridge work – in letting

- **Niles Dial-a-Ride Transit**

- Working on RFPs for 2010 projects

- **2011**

- **Berrien County Road Commission**

- Bertrand Rd – waiting on approval of fish grant application to see if TIP amendment needs to be done

- **Michigan Department of Transportation**

- US-31 freeway signing upgrade – in design
    - US-31 BR over Dowagiac River bridge replacement – in design

- **Cass County Road Commission**

- Redfield St & Bertrand Rd – starting design soon

#### 5. Old Business

- **Public Participation member survey**

- Rahtz went over the results of the survey of NATS members regarding NATS' progress in fulfilling participation requirements.
  - She added that at the TwinCATS meetings there had been a suggestion to form a subcommittee to further study public participation, as well as a suggestion to hold an annual meeting in the evenings jointly with the county commissioners.

- **Long Range Plan / Socioeconomic Data Update**

- Thomas reminded the committee members to hand in their revisions to the employment data to him before leaving the meeting, or to email him comments as soon as possible. He thanked everyone who had submitted comments thus far.
  - O'Haver asked what the timeline for submission was, noting that she was trying to contact the Buchanan Chamber of Commerce. Rahtz noted that she had also tried contacting all of the local chambers of commerce and had not heard back from anyone at Buchanan. Thomas responded that he was hoping to submit the employment data within the next week.

#### 6. New Business

- **State Transportation Budget**

- Rahtz asked an MDOT representative to give an update on the state transportation budget.

- South explained that the State had sold around \$50 million worth of bonds as well as taken money from MDOT's budget in order to make the local match to fund the full state transportation program for fiscal year 2011. He added that this solution had not addressed the bigger concern of a steady revenue stream for transportation.
- Ganum asked what portion transportation constitutes in the total state budget. Rahtz responded that she could send that information out.
- Rahtz went over the budget, noting that the guidance for the Transportation Enhancement grants is being revised by spring 2011, to state that communities with complete streets policies will be favorably looked upon for receiving Enhancement grants. She added that SWMPC staff are willing to assist any communities who are interested in writing complete streets policies.
- **TIP Amendments**
  - **BCRC**
    - *Rahtz noted that these amendments are being made because BCRC was given approval by the committees to use remaining ARRA funds in FY 2010; however, the project that was selected was not eligible for that ARRA money because it did not fall within the South Bend urbanized area. The project was switched with the Niles-Buchanan Rd project that had been planned for FY 2012, and then all of the projects had to be rearranged due to the requirement that projects in the same year be at least 2 miles apart. Berndt verified that the amendments were written correctly on the TIP amendment handout, except that the comment under the Walton Rd project had been incorrectly copied from another project.*
    - Amend in FY 2011, the project named Red Bud Trail, Bertrand Rd, Orange Rd, Portage Rd, and Ontario Rd for resurfacing. Project name changed to "Dayton Rd, Pucker St, Red Bud Trail, and Orange Rd." Limits changed to "Dayton Rd from US-12 to State Line, Pucker St from Ullery to Niles Twp Line, Red Bud Trail from US-12 to Buchanan City limits, and Orange Rd from Bertrand Rd to State Line." Length changed from 5.00 miles to 5.54 miles. County cost changed from \$19,052 to \$17,052, total phase cost changed from \$83,800 to \$93,952, and total project cost changed from \$105,000 to \$117,600. Comments: Moving Dayton Rd and Pucker St, previously approved to use ARRA money in 2010, to use STUL money in 2011.
    - Delete in FY 2012, the project named Niles-Buchanan Rd for resurfacing from 0.3 miles west of Mayflower Rd to Niles City limits, for length of 3.00 miles. Federal cost (STUL) was 76,900. Comments: moved to FY 2010 to use ARRA funds.
    - Amend in FY 2012, the project named Ontario Rd, Bell Rd, Ullery Rd, and Pucker St for resurfacing. Project name changed to "Bertrand Rd, Ontario Rd, Fulkerson Rd, and Bell Rd." Limits changed to "Bertrand Rd from St. Joseph River to County line, Ontario Rd from Third St to County line, Fulkerson Rd from Third St to M-51, and Bell Rd from Fifteenth to County line." Length changed from 4.90 miles to 4.84 miles. County cost changed from \$19,225 to \$17,052, total phase cost changed from \$96,125 to \$93,952, and total project cost changed from \$105,000 to \$107,374. Comments: Pucker St moved to FY 2011 and Ullery combined with other FY 2012 project.
    - Amend in FY 2013, the project named West River Rd and Warren Woods Rd for resurfacing. Fiscal year changed from FY 2013 to FY 2012. Project name changed to "West River Rd, Ullery Rd, Pucker St, and Main St." Limits changed to "West River Rd from US-12 to BR-12, Ullery Rd from Old US-31 to Pucker St, Pucker St from Ullery Rd to M-51, and Main Street from Buchanan City limits to Reed Rd." Length changed from 4.10 miles to 4.22 miles. County cost changed from \$19,225 to \$17,052, total phase cost changed from \$96,125 to \$93,952, and total project cost changed from \$105,000 to \$107,374. Comments: Moved from FY 2013 to FY 2012 to use funds left from Niles-Buchanan Rd.
    - Amend in FY 2013, the project named Red Bud Trail and Walton Rd for resurfacing. Project name changed to "Walton Rd." Limits changed to "City of Buchanan to Old 31." Length changed from 6.80 miles to 4.18 miles. County cost changed from \$19,225 to \$17,052, total phase cost changed from \$96,125 to \$93,952, and total project cost changed from \$105,000

- to \$107,374. Comments: Red Bud Trail was moved to a separate project in FY 2013.
- Add in FY 2013, the project named Warren Woods Rd and Red Bud Trail for resurfacing Warren Woods Rd from Boyle Lake Rd to Madron Lake Rd and Red Bud Trail from US-12 to Bertrand Rd. Length is 5.68 miles and project description is "hot patching and single seal coat." Construction phase. Federal cost (STUL) is \$76,900, county cost is \$17,052, total phase cost is \$93,952, and total project cost is \$107,374.
- Amend in FY 2014, the project named Main St and Red Bud Trail for resurfacing. Project name changed to "Red Bud Trail, Third St, and Portage Rd" and limits changed to "Red Bud Trail from Buchanan City limit to Miller Rd, Third St from Bell Rd to Fort St, and Portage Rd from US-12 to State Line." Length changed from 4.00 miles to 6.15 miles.
- *Motion by South, seconded by Auvil, to recommend that the Policy Committee approve the amendment of the FY 2011-2014 Transportation Improvement Program to include the above seven BCRC amendments. Motion approved unanimously, with the correction of removing the comment on the Walton Rd project.*
- **CCRC**
  - *Bellina noted that the ACC years for the Huntly Rd project are no longer needed in FY 2012 and FY 2014, so the project is no longer being added in those years. The project was already completed in FY 2010. This leaves \$61,697 of STU funds available in FY 2012 and \$8,603 available in FY 2014).*
- **MDOT**
  - Add in FY 2012, the project named M-139 for bridge replacement over Dowagiac River near the north limit of Niles. Project description is superstructure replacement. Construction phase. Federal cost (BRT) is \$1,869,568, state cost (M) is \$467,392, total phase cost is \$2,336,960, and total project cost is \$2,496,604. MDOT job number 86785. Comments: FY 2012 construction.
  - Add in FY 2012, the project named US-31 for bridge work at Walton Rd over US-31 and US-31 NB & SB over Matthew Rd (urban) and Range Line Rd over US-31, Lake Chapin Rd over US-31, Snow Rd over US-31, Old US-31 over US-31, and E Shawnee Rd over US-31 (rural). Length is 6.13 miles, primary work type is Bridge – other, and project description is "Healer sealer, joint replacement, concrete surface coating for railing." Construction phase. Federal cost (BHN) is \$306,279, state cost (M) is \$76,571, total phase cost is \$382,850, and total project cost is \$1,004,259. MDOT job number 111239. Comments: 41.44% of project is in NATS area; full project cost is \$739,133 federal BHN, \$184,785 state.
  - Add in FY 2012, the general program account named Pre-Construction Phases GPA. Limits are regionwide, and project description is "Pre-Construction Phases Trunkline." Federal cost (ST) is \$4,093, state cost (M) is \$907, and total cost is \$5,000.
  - Add in FY 2012, the general program account named Program Development Scoping Trunkline GPA. Limits are regionwide and project description is "Program Development Scoping Trunkline." Early Preliminary Engineering phase. Federal cost (ST) is \$39,162, state cost (M) is \$11,842, and total cost is \$51,004.
  - *Motion by Getman-Dissette, seconded by Auvil, to recommend that the Policy Committee approve the amendment of the FY 2011-2014 Transportation Improvement Program to include the above four MDOT amendments. Motion approved unanimously with no corrections.*
- **NDART (Conditional CMAQ project)**
  - Add in FY 2011, the Niles Dial-a-Ride Transit project named Free Fare Days for areawide transit operations. Project description is "Offer free fares when an Ozone Action Day is declared by MDNRE to encourage public transit use." T-ops phase. Federal cost (CM) is \$2,000, city cost is \$500, and total cost is \$2,500.
  - *Rahz noted that this project will only be added if it is approved for CMAQ funding, as proposed, by the Federal Highway Administration.*
  - *Motion by Ganum, seconded by South, to recommend that the Policy Committee approve the*

*amendment of the FY 2011-2014 Transportation Improvement Program to include the conditional addition of the above CMAQ project for NDART. Motion approved unanimously with no corrections.*

○ **BCRC Local Match**

- Rahtz asked if Berndt had planned to discuss a local match issue on a BCRC NATS project, and he responded that he is still in discussions with the township involved and will bring the issue to the next meeting if necessary.

**7. Public Comment**

- Sue Kronewitter asked Bellina what will be done about the flooding on Gumwood Rd, and he responded that his crew had been planning to work on it today but was delayed because of the tornado warning. Within the next week, they will dig a detention basin near the state line.
- Kronewitter also remarked that she had seen in the newspaper that the Cass County Road Commission Manager Louis Csokasy will be working jointly for Cass County and for St. Joseph County, Michigan.

**8. Privilege of the Floor**

- Personette announced that the City of Niles has finished work on its walking/biking trail, and invited everyone to attend the dedication at 10am on Saturday, October 30<sup>th</sup>.

**9. Adjournment**

- *Motion by Personette, seconded by South, to adjourn the meeting at 2:21 P.M.*
- The next meeting is **November 16, 2010 at 1:30 P.M.**

Minutes compiled by: Anna Rahtz and Trevor Thomas, Transportation Planners, 10/27/10