

PENNSYLVANIA STATE TRANSPORTATION COMMISSION
BUSINESS MEETING
HARRISBURG, PENNSYLVANIA
FEBRUARY 28, 2024



Please note that these minutes are not intended to capture every comment but to identify critical discussion points and highlights of the STC business meetings.

CALL TO ORDER:

Transportation Secretary Michael Carroll, convened the quarterly business meeting of the State Transportation Commission (STC) at 10:01 a.m. on February 28, 2024, in Harrisburg, PA.

ROLL CALL:

Commissioners Present:

1. Honorable Michael Carroll
2. Honorable James Kingsborough
3. Honorable Karen Michael
4. Honorable Marty Flynn
5. Honorable Wayne Langerholc, Jr., Mr. Nolan Ritchie, Alternate Present
6. Honorable Paige Willan

Commissioners Present on the Phone:

1. Honorable Ed Neilson, Kyle Wagonseller, Alternate Present
2. Honorable Kerry Benninghoff
3. Honorable Sharon Knoll

MINUTES:

ON A MOTION by Mr. Kingsborough, seconded by Ms. Michael, and unanimously approved, the December 13, 2023, STC business meeting minutes were accepted.

CHAIR'S REMARKS:

Mr. Carroll welcomed Mr. Larry Shifflet to his new role as Executive Deputy Secretary and Ms. Kristin Mulkerin to her new role as Deputy Secretary for Planning. He then welcomed Senators Flynn and Benninghoff to the meeting.

ELECTION OF OFFICER:

Mr. Carroll announced that there would be an election of a new STC Secretary, as Mr. Ron Drnevich had retired at the last meeting. He said Mr. Drnevich was a dedicated transportation advocate and will be missed.

Mr. Kingsborough nominated Ms. Karen Michael as Secretary of the State Transportation Commission.

ON A MOTION by Mr. Kingsborough and seconded by Mr. Ritchie, Ms. Michael was appointed as State Transportation Commission Secretary.

12-YEAR TRANSPORTATION PROGRAM:

Ms. Kristin Mulkerin, Deputy Secretary of Planning, presented the adjustments to the 12-Year Program.

For the period of November 25, 2023, through February 9, 2024, there were 189 project/phase additions, 446 changes, and 32 removals. The changes represented a \$48,980,909 increase for the period.

Ms. Mulkerin highlighted several projects in the Delaware Valley Regional Planning Commission (DVRPC) region, including a \$4,055,000 discretionary award from the Reconnecting Communities program included in the Bipartisan Infrastructure Law for Reconnecting Our Chinatown, and three projects totaling \$12.4 million to improve safety on US-1 in Philadelphia from the state's Automated Red-Light Enforcement (ARLE) program.

ON A MOTION by Ms. Willan and seconded by Mr. Kingsborough, the 2023 12-Year Program Adjustments were approved.

2024 AVIATION FOUR- YEAR PLAN:

Mr. Mark Matlock, Division Chief of the Bureau of Aviation, presented the Bureau of Aviation 2024 Four-Year Plan.

The Four-Year Plan has a total of 78 projects programmed, totaling \$22.8 million from the Aviation Restricted Account, and \$24 million from the Multimodal Transportation Aviation Funding. There was a small increase in revenue from the jet fuel sales tax, and \$1.6 million from the state budget.

Fifteen projects were added to the 2024-2026 program, either accelerated from later in the Four-Year Plan or were significant runway pavement projects. State Fiscal Year 2027-2028 was added to the Plan as the new fourth year; thirteen projects are planned.

Secretary Carroll noted that the Governor requested the funds in last year's budget and thanked the members of the General Assembly for passing it.

Mr. Ritchie asked if every public-use airport in Pennsylvania was on the list. Mr. Matlock said that 121 airports participate in the program, 40 of which are block grant airports. He is unsure if all airports are a part of the plan but as many as possible have been accommodated.

ON A MOTION by Mr. Kingsborough and seconded by Ms. Michael, the Bureau of Aviation 2024 Four-Year Plan was approved.

REPORTS

Transportation Advisory Committee (TAC)

Ms. Jody Holton, Transportation Advisory Committee Chair, gave a brief update. At the February 5 meeting, the TAC decided to advance a study to examine e-commerce in Pennsylvania. A second study may advance after the release of the Master Plan for Aging in Pennsylvania.

Executive Secretary

Executive Deputy Secretary, Mr. Larry Shifflet, gave an update. A group from PennDOT traveled to the American Association of State Highway and Transportation Officials (AASHTO) Washington D.C. conference. A large topic of discussion was the re-authorization of the Bipartisan Infrastructure Law (BIL), as the law was entering its third year of its five-year authorization. The AASHTO recommendation is for a new authorization to continue funding at current levels.

Mr. Benninghoff asked if the goal was to establish a new baseline going forward, and not just set up a one-time infusion. Mr. Shifflet confirmed and that this is AASHTO's goal.

Mr. Benninghoff stressed the importance of creating a recurring funding source rather than a series of single payments that must be reauthorized. Mr. Shifflet said that the 12-Year Program maintains flat funding after the end of the current BIL in anticipation of a potential re-authorization.

Mr. Ritchie asked if it was correct that there were no new taxes included in the BIL, just fund shifting from the General Fund to the Highway Trust Fund and asked when the last time the federal government raised taxes for transportation. Mr. Shifflet said the last federal gas tax increase was in the early 1990s, to 18.3 cents, and it is part of the discussion.

Driver and Vehicle Services

Deputy Secretary for Driver and Vehicle Services (DVS), Ms. Kara Templeton, highlighted sections of the report.

Ms. Templeton said that PennDOT offers driver license testing in 25 languages, and also in audio format for non-commercial drivers. The exception is that HAZMAT materials are only offered in English by federal law. Grant funds have been received from the Federal Motor Carrier Safety Administration to translate the Commercial Driver's License (CDL) Manual to match the amount of languages testing is offered. Testing in five more languages will be added over the summer.

Ms. Templeton said that a pilot of a mobile translator device was performed. Phone service in multiple languages was already provided, but the device is more flexible and can be taken outside for driving tests or other functions. Staff has also been given additional training for Limited English Proficiency (LEP) customers.

PennDOT is working with the Commonwealth Office of Digital Experience (CODE PA) to improve processes for customers. Customers can now complete over 40 forms online.

License plate re-issuance continues for older plates. “D” series plates were being re-issued during registration transfers. Approximately 200,000 “D” series still remain and Driver and Vehicle Services will be replacing those at no cost to the customer.

As of February 24, 2024, the contract with the vendor that provides call center service for Driver and Vehicle Services expired. Monday, February 26th was the first day of in-house operation. Many enhancements to the system are planned. All previously used phone numbers have been forwarded.

Local use fee continues to be collected in counties that passed ordinances to implement it. Lawrence County recently repealed the fee, and PennDOT is making enhancements to make sure the fee is no longer passed on to Lawrence County registrants.

The federal enforcement date for REAL ID is May 7, 2025. 2.1 million Pennsylvania residents have a REAL ID, an opt-in rate of 20.8%. PennDOT will increase communication efforts as the enforcement date approaches.

Mr. Ritchie stated that the customer care center received 800,000 calls in the December quarter and asked if DVS could handle that much traffic. Ms. Templeton stated that there are now more staff than there were previously under the contract, and plans are in place to add more staff and additional capabilities to the interactive voice response system and website.

Mr. Ritchie asked if business partners would also use this call center. Ms. Templeton said that it depends on the situation. The call center would handle some issues, but others may have direct contact.

Highway and Bridge Program

Deputy Secretary, Mr. Michael Rebert, highlighted several Highway and Bridge Program report sections.

The winter budget for this year started at \$197 million, with approximately three-quarters of that now spent. Barring an extreme weather event, 90% usage is expected. The remaining funds will be distributed to counties for maintenance operations.

The letting goal for 2024 is \$2.8 billion. The goal for 2023 was \$2.7 billion but the Department finished the year with \$2.9 billion in lettings. Mr. Rebert said that the Department is not expecting to surpass the goal in 2024. Projections now better account for inflation. In the last quarter of 2023, 131 projects were let for \$643 million, including Route 61 Reconstruction in Schuylkill County for \$116 million, Interstate 78 Rehabilitation in Lehigh County for \$38 million, and bridge work on Interstate 376 in the Monroeville area for \$70 million.

Multimodal Transportation

Deputy Secretary for Multimodal Transportation, Ms. Meredith Biggica, highlighted a few items in the report.

The Port of Philadelphia received a \$13 million federal INFRA grant for their Publicker Bridge project, which connects Packer Avenue Marine Terminal to the Publicker site. The project will ease congestion within the site.

AMTRAK's Keystone Line has returned to 80% of pre-pandemic ridership, which was previously stagnant at 70%. The Pennsylvanian Line is close to 100% pre-pandemic ridership.

PennDOT is now allowing applicants to cure applications for Multimodal grants. That first batch of applications will move to internal and Metropolitan Planning Office (MPO)/Rural Planning Office (RPO) review. It is hoped that those applications will be announced in late spring. There are close to 200 applications, with \$40 million available.

Mr. Carroll noted that Senator Pittman and Representative Struzzi led the push to cure applications.

Office of Planning

Deputy Secretary for Planning, Ms. Kristin Mulkerin, gave an update from the Office of Planning.

Since the last meeting, PennDOT has submitted two grant applications under the Accelerated Innovation Deployment (AID) and Advanced Transportation Technology and Innovation (ATTAIN) programs. Another application was submitted after the STC book was printed, for the West Newton Bridge in Westmoreland County under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program. To date, Pennsylvania has received over \$800 million of BIL discretionary grants for 56 projects.

The Transportation Alternatives Set Aside (TASA) Program received 137 eligible applications requesting a total of about \$165 million. Awards will be announced in the spring.

Ms. Mulkerin noted that federal funding is currently limited due to a Federal Continuing Resolution, which will expire on Friday, March 1.

Mr. Carroll asked what it would mean for the department if that date passes without a solution. Ms. Mulkerin said that there would be no effect initially, but it would eventually affect PennDOT's ability to reimburse funds. Mr. Shifflet said that the Federal Highway Trust Fund is walled off, but after a few weeks it would become a potential issue.

Mr. Ritchie asked how much a Transportation Management Association (TMA) receives from the federal government. Ms. Mulkerin said that nothing is received directly through the federal government, it is a regional MPO decision to allocate funding.

Mr. Ritchie asked if there was an effective reduction in pollution from the investments in TMAs. Mr. Shifflet said that TMA's have been around since the early 1990s. The TMAs do not just improve air quality and congestion reduction, but also safety and provide transportation services.

Mr. Ritchie said that there are concerns that some counties, such as Cambria, that have reached their attainments are not able to get out of emissions, and those counties do not receive any of those resources. The southwest and southeast areas will likely always have those issues. He asked about the funding mechanism and if it is effective.

Mr. Shifflet said that the funds originally came from the Congestion Mitigation and Air Quality program, but it is now funded through the Surface Transportation Block Grant program.

National Electric Vehicle Infrastructure (NEVI) Program

Ms. Natasha Fackler, Infrastructure Implementation Coordinator, gave an update on the NEVI program.

On December 21st, Pennsylvania became the third state to have an operational NEVI-funded station. The site in Pittston received \$10,000 in NEVI funds and had over 200 charging sessions in its first month of operation. The site is at a Pilot travel center and operated by EVgo.

There are 55 Round 1 projects that are moving forward that total approximately \$34 million. Notice to Proceed has been given to a second project in Emlenton, Venango County, which will kick-off in spring along with other projects.

Round 1A closed on January 26th. 86 proposals have been received and we expect to make 25-30 conditional awards in April. Amounts requested were similar to Round 1, approximately \$650,000, on average. Total requests from Round 1A were about \$56 million, and Round 1A is expected to distribute \$20-25 million.

Senator Flynn said that the Pittston project was done by non-union, non-electrical-education background workers, when NEVI projects require both union and education by federal law and asked how this is enforced. Ms. Fackler said that the requirement is that the on-site electrician must have an Electric Vehicle Infrastructure Training Program (EVITP) certification. The on-site electrician had that certification but was not part of a local union in Pennsylvania. A process is in place to verify the certifications and payroll of workers on-site.

Senator Flynn asked if there was only one electrician on-site. Ms. Fackler stated that the NEVI rules say installation, operation and maintenance must be done by an EVITP certified worker, and if additional workers are necessary, there must be a registered apprentice. Only one electrician was on-site, and only the day before the meeting had PennDOT received payroll documents from Pilot for verification.

Ms. Fackler said that PennDOT has received an Electric Vehicle Charger Reliability and Accessibility Accelerator (RAA) grant. Twenty states and fourteen Departments of Transportation received the award. The money must be used to repair or replace chargers at specific existing locations. The kickoff meeting for that project will begin soon.

A Department of Energy Vehicle Technology Office (DoE VTO) grant was awarded to PennDOT to pilot electric construction equipment. Contract negotiation is ongoing. The pilot will create a best practice report that then could be used by municipalities and other Departments of Transportation.

Mr. Carroll asked about the amounts of the two grants. Ms. Fackler said the RAA grant was about \$5 million, and the VTO was about \$2 million.

Mr. Kingsborough asked what the usage fees were for a charge, and who collects the fees. Ms. Fackler said that fees from chargers at public charging stations will go to the owner. There are several factors that would affect the charging cost, such as charging slower at home as opposed to at a station, as well as car model, but an average charge cost would be \$12 to fill from empty to 80% full.

Mr. Carroll asked if those providers are required to pay the Alternative Fuel Tax (AFT) to the Department of Revenue. Ms. Fackler said that they are. PennDOT is working with the Department of Revenue so that they will have the list of NEVI awards to ensure that the AFT is collected.

Mr. Ritchie asked if the NEVI guidelines have anything about AFT collection requirements. Ms. Fackler said that while there is no national requirement, PennDOT's NEVI contract stated that providers must pay the AFT and that Ms. Fackler would verify that.

Mr. Benninghoff asked what the average charge time would be. Ms. Fackler said it would take about twenty minutes to charge from empty to 80%, the recommended fill point.

Mr. Benninghoff asked if any station was being installed in a local government lot. Ms. Fackler said that the initial NEVI funds must be placed on the Alternative Fuel Corridors, which are mostly interstates, and within one mile of the interstate/interchange. About \$100 million will be spent on community charging across the state later in the process.

Mr. Ritchie further clarified that if a local government installed a charger for public use, the AFT must be collected, but if it is exclusively for fleet charging, there is no AFT collected. This is also true at state parks.

WORKING SESSION:

Manual on Traffic Control Devices

Mr. Jason Bewley, Senior Traffic Engineer from Highway Administration's Highway Safety and Traffic Operations Division, presented updates to the Manual on Uniform Traffic Control Devices (MUTCD).

Mr. Bewley said that the MUTCD is the national standard for traffic control devices (TCD) and undergoes periodic updates by the Federal Highway Administration (FHWA). There have been 11 updates since 1935. Two notable changes between the 2009 and 2023 versions include an increase of pages, from 864 to 1161, and a new chapter on automated vehicles.

The adoption of the current version, v11, is as follows: In December 2020, a Notice of Proposed Amendments was posted. Public comment was closed in May 2021. On December 19, 2023, the final rule was published, and became effective January 18, 2024. Agencies have a deadline of January 18, 2026, for adoption of v11. New updates will now occur in a four-year cycle.

Adoption of the manual is mandatory, and states have three options to do so. The manual could be adopted outright, or the state could publish its own manual, which would need to be approved by the FHWA, but both of which are uncommon. Most states, including Pennsylvania, publish a supplement to the manual which also requires FHWA approval.

Non-compliant devices that are being refurbished or replaced must be replaced with a compliant device. There are specific target compliance dates for each subject area, mainly five years out, with the exception of September 6, 2026, for pavement markings, and ten years for traffic signals at or near grade crossings.

Mr. Bewley used a railroad crossing in Danville as an example. There are methods that use traffic signals to clear car queues to ensure that the train doesn't conflict with traffic. He said that PennDOT is generally in compliance with this already.

Mr. Carroll asked if current traffic signals have the technology to integrate with the rail. Mr. Bewley said that some do, and some don't. Urban areas more commonly have the more advanced systems. In Pennsylvania, the municipalities generally own the signals.

Mr. Carroll asked if the new regulations require the municipalities to upgrade. Mr. Bewley said it currently does not, just to determine what needs to be done and prepare the engineering section.

Mr. Bewley stated that other notable changes include new processes for experimentation, revised TCDs for vulnerable users such as pedestrians and bikes, clarified requirements for appropriate colors and patterns for pavement markings, application of locally applied crash data, and clarification of electronic TCD applications.

An action plan is in place to implement the changes. A steering committee will oversee seven technical work groups, one for each chapter of the manual, to ensure compliance with federal

requirements, provide technical assistance from subject matter experts, and review and track changes to publications, standards, and forms. The work groups will review MUTCD changes, collaborate with key stakeholders, estimate resource impacts, and recommend changes to publications, standards, and forms.

Ms. Willan asked what changes have been made for vulnerable road users, and how road users become inured to pedestrian and wildlife crossing signs. Mr. Bewley said that there were significant changes to pavement markings and extension of curb elements. There is no one location for the changes, but as a whole, the manual was more mindful. There are elements that are still outstanding, and some that are currently technically impossible, but those are being worked on.

Ms. Willan asked about the new guidance on low-clearance signage for bridges. Mr. Bewley said that Pennsylvania is a very proactive state, and largely already conforms to the new requirements which are effective. The standards reinforce the need for advance warning signs so trucks have an out before they are stuck, with which Pennsylvania is in compliance. Signage can only go so far when trucks are following GPS over the roadway's traffic devices.

Mr. Carroll said that wayward trucks are not only a Philadelphia problem. Truck drivers going through Luzerne County will ignore signs and go down a State Route, which can be fatal for the driver.

Mr. Ritchie said the last Motor Carrier Safety Advisory Committee meeting had a good presentation on those safety issues, and that he would send it over.

COMMISSIONERS REPORT:

Mr. Kingsborough thanked Mr. Carroll for his recent participation in the Aviation Council of Pennsylvania, stressed the need for an increase in the jet fuel tax, and asked if the state was looking at hydrogen.

Ms. Fackler said that the Governor's Office has an Energy Office under the Department of Community & Economic Development, which is working with the Critical Investments Office to get funding for the hydrogen hubs and is developing a team to work on hydrogen initiatives.

PUBLIC COMMENT:

None

OTHER BUSINESS:

Ms. Fackler said she had checked on the NEVI contract, and clause 22(c) states the requirement for providers to pay tax. She said she would follow up with the exact text.

NEXT MEETING:

The next STC quarterly meeting is scheduled for **Wednesday, May 15, 2024, in Erie, Pennsylvania.**

ADJOURNMENT:

ON A MOTION by Ms. Michael and seconded by Mr. Kingsborough, the STC quarterly meeting was adjourned at 11:19 a.m.

Meeting Follow-ups

Mr. Ritchie was provided TMA funding information from CPDM after the meeting.

As per Ms. Fackler in the Other Business item:

NEVI agreement Clause 22 (c) :

Alternative Fuels Tax. The Contractor shall remit alternative fuels taxes required by law. Reports and payments are due to the Pennsylvania Department of Revenue by the 20th day of each month for fuel sold or used PennDOT NEVI Formula Program: Round 1A Funding Opportunity in the preceding month. The Department of Revenue may permit dealer users to report the tax on an annual basis, provided the amount of annual tax liabilities meet criteria set by the Department of Revenue. If the Alternative Fuels Tax is amended, repealed, or replaced, the Contractor shall comply with the updated legal requirements.