

RICHMOND AREA
METROPOLITAN PLANNING ORGANIZATION
MINUTES OF MEETING

December 9, 2004

MEMBERS PRESENT

REPRESENTING

Russell E. Holland, Chairman	County of Powhatan
Malvern R. Butler, Vice Chairman	County of Goochland
Jack E. Apostolides (Non-voting).....	VDRPT
Rollo Axton.....	GRTC Transit System
Richard W. Ayers.....	County of Powhatan
Viktoria Badger (Alternate).....	City of Richmond
Edward Barber.....	County of Chesterfield
Robert Berry.....	RMA
Rebecca Draper.....	County of Hanover
Gary A. DuVal (Alternate).....	City of Richmond
E. Todd Eure.....	County of Henrico
Paul E. Fisher.....	RRPDC
Michael Holmes.....	County of Charles City
George Homewood (Alternate).....	County of New Kent
R. M. "Dickie" King.....	County of Chesterfield
Angela LaCombe.....	Town of Ashland
Joseph T. Lacy.....	County of Goochland
Sherman W. Litton.....	County of Chesterfield
Patricia O'Bannon.....	County of Henrico
William Pantele.....	City of Richmond
Mark Riblett (Alternate).....	VDOT
Ivan Rucker (Non-voting).....	FHWA
Barbara K. Smith (Alternate).....	County of Chesterfield
Frank Thornton.....	County of Henrico
Von Tisdale (Non-voting).....	RideFinders
Robert C. Thompson (Alternate).....	County of Henrico
Stran L. Trout.....	County of New Kent
David T. Williams (Non-voting).....	Citizen Appointee
Mohammad A. Zaid.....	City of Richmond

MEMBERS ABSENT

REPRESENTING

Robert Bredehoft (Non-voting).....	CTAC
Cliff Burnette (Non-voting).....	VDA
John Gordon.....	County of Hanover
Thomas A. Hawthorne.....	VDOT
Robert B. Jones.....	City of Richmond
Pat Kampf (Non-voting).....	FTA

MEMBERS ABSENT (Cont.)

REPRESENTING

Diane Linderman City of Richmond
Jon Mathiasen CRAC
John McCracken County of Chesterfield
Robert R. Setliff County of Hanover
Randall R. Silber County of Henrico
D. M. "Marty" Sparks County of New Kent

OTHERS PRESENT

REPRESENTING

Dan Lysy, **Secretary** (Alternate) RRPDC
Jameson Auten RideFinders
William R. Britton (Alternate) Charles City County
Robert Hodder (Alternate) GRTC Transit System
William E. Johnson (Alternate) City of Richmond
Ron Mustain VDOT
John Rutledge CRAC
Stephen Story James River Bus Lines
Kristin Tew VDOT
Nick Britton RRPDC
Mike Clements RRPDC
Geleene Goffena RRPDC
Larry Hagin RRPDC
Jin Lee RRPDC
Sharon Robeson RRPDC
Patricia Villa RRPDC

CALL TO ORDER

MPO Chairman Russell Holland called the December 9, 2004 meeting of the Richmond Area Metropolitan Planning Organization (MPO) to order at approximately 2:30 P.M. in the large conference room of the Richmond Regional Planning District Commission (RRPDC).

I. ADMINISTRATION

A. Minutes of the November 18, 2004 MPO Agenda –

On motion by Rudy Butler, seconded by Ed Barber, the November 18, 2004 MPO minutes were approved as presented with all voting in favor except for one abstention.

B. Open Public Comment Period –

Stephen Story, President of James River Bus Lines, said he attends Richmond Area MPO meetings on occasion to stay in touch with

transportation issues and to remain involved and he likes to reintroduce himself to the MPO when he attends. Chairman Holland thanked Mr. Story for attending and for his interest.

C. MPO Chairman's Report –

Chairman Holland said if the MPO is able to take care of old business on the agenda today, he will cancel the January MPO meeting. He also cautioned all to drive safely and wished all a merry holiday season.

D. RRPDC Transportation Director's Report –

Mr. Lysy reported that staff had received a request from Chesterfield County to amend the agenda to add an item for MPO action requesting amendment to the Transportation Improvement Program (TIP). A handout with details of this item was then distributed. Mr. Lysy said staff received the request from Chesterfield on Friday, December 3 and submitted it to the MPO Technical Advisory Committee (TAC) for their review. He said this TIP amendment request only requires a three-day review period by TAC and staff has no objections to the amendment or to the request to modify the agenda. Mr. Lysy requested a motion to add this request to the agenda as new item III.B. On motion by Richard Ayers, seconded by Sherman Litton, the MPO voted unanimously to add Chesterfield County FY 2005 TIP Amendment Request to the meeting agenda as Item III.B (new). Mr. Lysy noted that this would also change old Item III.B to Item III.C.

II. OLD BUSINESS

A. Virginia Clean Smokestack Act –

Chairman Holland noted this matter was carried over from the November 18 MPO meeting to allow more time for consideration of the matter. He said to his knowledge, no other MPO in Virginia has taken a position on this matter. Chairman Holland also noted that the MPO does not have a legislative agenda and though this is an important matter to several counties, they are coming from different viewpoints and he does not believe the MPO could come to consensus at this late date. Chairman Holland said that if there were no objections, he would table this item to a later date and no objections were voiced.

B. Draft RSTP and CMAQ Projects Selection Process –

Chairman Holland called on Ed Barber, chairman of the RSTP and CMAQ Projects Selection Process Review Panel, to provide a report and Mr. Barber noted that the Review Panel's proposed revisions were mailed to

MPO members and alternates for review prior to the meeting and said members of the Panel would be happy to answer questions. Mr. Barber asked members of the Review Panel if they had any comments and Rebecca Draper asked Chairman Holland if he would like a member of the Panel to summarize the proposed resolution. Chairman Holland responded that he would like a summary because there may be other members who hold dissenting opinions or have other amendments and he asked Ms. Draper to field questions for the Review Panel at the end of her summary.

Ms. Draper said she would summarize the process and asked staff to correct her interpretation, if incorrect. Ms. Draper thanked Dan Lysy, Larry Hagin and Mike Clements for all the information they provided to the Review Panel. Ms. Draper noted that Regional Surface Transportation Program (RSTP) funding is the most flexible federal funding source available for capital construction projects providing 100 percent funding (i.e., includes state match), though it cannot be used for public transit operating costs. She said the *2026 Long-Range Transportation Plan* (LRTP) projects about \$2 billion for this region from all funding sources over the next twenty years and does a good job of distributing that \$2 billion among the LRTP's listed projects, which sort out to be about 75 percent highway and 25 percent non-highway projects. Ms. Draper said the region receives money in three-year increments and that it averages out to about \$10 million in RSTP funds per year. The MPO's current list of RSTP funded projects shows an estimate \$61 million is needed to complete these projects in the next six years or so, assuming only RSTP funds are used. She said the selection and distribution process approved at the November 18 MPO meeting requires all projects currently on the list to be completed before any new projects can be considered, effectively locking out new projects for a long period of time until all projects are fully funded. Ms. Draper said the Review Panel's proposed resolution attempts to do two big things—it adds a new category called highway safety for a total of seven categories in the RSTP and CMAQ systems, and it allows a locality to add and shift new projects as long as their total funds allocation amount doesn't exceed their current allocation thus eliminating the lockout of new projects. Ms. Draper briefly noted that the proposed new process will become a true competitive process starting in FY 08 when projects will be scored according to various criteria including an incentive to request a reasonable amount of RSTP funds by giving a higher score to a request for a lower amount of funds. Ms. Draper asked Mr. Hagin if her explanation was accurate and Mr. Hagin corrected her on one major point. He said the policy, as written, does not lock out per se any new project between 2005 and 2008 (when the competitive process begins) as long as any new project that's added is equal to or less than the sum that has been allocated to the jurisdiction or agency and with those funds transferred to that new project.

Ed Barber asked other Review Panel members if they wished to highlight any other points and Barbara Smith added that the proposed revised resolution includes formation of a committee of elected officials to meet with FHWA to talk about the previous process with regard to federal regulations to see if there might be a way to make that process fit these regulations and also to further evaluate the new process.

FHWA representative Ivan Rucker noted that highway safety is an important FHWA priority and he said he appreciates the added focus on safety. Mr. Rucker also concurred that RSTP is a very flexible funding program. However, Mr. Rucker said that focus on highway safety alone narrows the scope of eligible safety projects and does not adequately reflect the flexibility of RSTP funding which can also include other kinds of safety projects including rail, pedestrian, and bicycle safety. Mr. Rucker encouraged dropping the word "highway" from the new safety projects category to just focus on safety projects in general. Mr. Rucker then asked Chairman Holland if he might ask a few questions of the author of the revised resolution particularly regarding the part that addresses the CMAQ and the RSTP process and the move towards making it a temporary process. Dan Lysy identified that portion of the resolution as having been submitted by Chesterfield County and Mr. Rucker asked Barb Smith to help clarify the purpose of the statement, because he believes it goes right to the heart of the corrective action that FHWA identified in the Richmond MPO Certification Report. Ms. Smith responded that while there may have been a lot of discussion between staff and Mr. Rucker, there hasn't been an opportunity for the MPO and especially its elected officials to speak with FHWA about the difficulties it has with the whole process. Ms. Smith said the Review Panel is not saying the new process is something they want to discard, but they want to be able to explore and talk with FHWA a little more about the process and requirements. Mr. Rucker responded that he thought there had been an opportunity for that discussion when each and every entity seated at the MPO table has a representative at the Technical Committee level. Ms. Smith said that was discussion at the staff level, but not at the MPO level. Ms. Draper added that the old system allowed budgeting and programming ahead of time and they would like to salvage anything that can be kept from the old process and blend it with the new process. Angela LaCombe suggested that the proposed process be considered the new process and that the MPO modify the process as they go through it to catch any shortfalls.

Ivan Rucker said he believes the MPO will now have a great framework in place and noted that the process wasn't developed overnight but over the course of a year of hard work during which time he, staff, and other representatives met numerous times for two and three hours at a time to develop this new framework. Mr. Rucker encouraged keeping this new framework in place and tweaking the process as proposed by including a separate category for safety projects. Mr. Rucker pointed out that he met

with the representatives of the elected officials and that he hopes any committee that is formed will include all parties that reflect the membership of the entire regional body. He reiterated that a lot of time, manpower, and money have been invested in developing a process that would be acceptable to everyone at the table and that those meetings included Federal Highway with the technical representatives. Barb Smith said her point was that MPO elected officials want the opportunity to talk with FHWA about this new process.

Chairman Holland expressed appreciation for Mr. Rucker's comments, but said the charge today is to address this resolution on its merits and he recognized Bill Britton, also a member of the Review Panel. Mr. Britton said that FHWA had indicated that the MPO's previous process didn't meet the requirements of federal law and regulations. He said a lot of work was put into developing a new process, but noted that the old process was also a lot of work because all parties sat at the table to find a way to be fair to every locality, which is what the MPO really wants. Mr. Britton noted that Charles City County, a very small jurisdiction received a small amount of money under the old process, for which they were very appreciative because it allowed them to complete some projects they wouldn't otherwise have been able to undertake, one of which is a new bridge on Rt. 106, the Charles City industrial corridor. Mr. Britton said he believes the MPO is moving away from a regional process they worked so hard to develop noting that there are several ways of working regionally. One, he said, is with only totally regional projects. Another is to give funds to the best project in each locality thereby adding to the region by strengthening each locality. Mr. Britton said what the Review Panel is now asking is how can we be as fair as we were and still meet the federal regulations; is there another way that we can meet the federal regulations and have more flexibility.

Angela LaCombe again suggested that the proposed process be adopted as the process and that the MPO make changes as the process is implemented and the need for changes becomes apparent. She also asked for clarification of what happens to monies left over from a project where the actual cost was less than anticipated. Larry Hagin said that after FY 08, if a project receives funding as part of the competitive process and if it is not all spent on the project, the funds are not the locality's money, but will be considered part of the region's money. He clarified that the funds they had been speaking of earlier are those currently on paper for projects already budgeted through the old process during this interim process (before FY 08). Several comments clarified that any new project funded with unused allocated monies during the interim period would still need to meet the RSTP eligibility criteria and would need to be presented for TAC approval.

Ed Barber said he noted two changes during discussion, a request to change “highway safety” to “safety” and a suggestion to change “temporary process” to “process.” He said he accepts both of those changes as friendly amendments to his original motion to pass a resolution as amended. Ms. LaCombe said she believes the question with the second item is whether or not the MPO is going to form a committee of elected officials to review the process.

Mark Riblett said VDOT recognizes that as part of the MPO’s certification review, it has a corrective action to satisfy and VDOT wants to be certain that what is passed today will satisfy that requirement. Mr. Riblett said VDOT would support going back and tweaking, improving, looking at the process as something the MPO should do, but that VDOT wants a commitment that the MPO is embracing the process being considered and that the last paragraph is not somehow interpreted to mean that this is only a temporary process. Mr. Riblett said during the interim period in FYs 06 and 07 the MPO won’t even have implemented the new process and VDOT wants to be sure the MPO is appropriately satisfying the corrective action. Chairman Holland questioned the need for the last paragraph and Mr. Riblett said it is possible to acknowledge that the MPO will continue to monitor the process for its effectiveness and continue to make changes appropriately. Mr. Pantele said that approach makes a lot of sense and inquired as to how projects already approved and in the funding stream will be capable of continued funding beginning in FY 08. Mr. Hagin said that in FY 08, each project would be considered on a case-by-case basis and assessment criteria will be developed to assess them and decide whether the money for projects in progress will come off the top or if those projects will have to compete along with all the other new projects to get that remaining funding. Additional discussion ensued. Paul Fisher noted that staff would recommend against the last paragraph since it is staff’s mission is to make sure the MPO is in compliance with the federal certification review requirements. He asked Mr. Rucker if FHWA would be willing to meet with any committee that the MPO established to meet and discuss this process without having this in the resolution and Mr. Rucker replied affirmatively. More discussion followed on the point of whether it is necessary to include establishing an MPO committee to meet and review the process and discuss it with FHWA in the resolution or whether that could be established separate from the resolution and have the MPO be in compliance. Chairman Holland asked if the MPO could keep the two issues separate. Mr. Rucker said FHWA has no problem with tweaking a process within the acceptable process that currently exists, nor does it have a problem with the MPO developing an alternative process that meets the federal regulations laws and regulations. He cautioned that FHWA would want any special MPO committee appointed to consider the process and designated to meet with FHWA to include representatives from all parties and jurisdictions and not just from a couple of jurisdictions so that the process would be a truly regional effort. Ed

Barber responded that the MPO could appoint a committee with membership as it sees fit saying that this body has worked well together for years and the new process might destroy what we have built. He said FHWA appears to be dictating to the MPO that it must conform in some way when the MPO would have preferred to tweak the process that was already in place instead of tweaking this new process and that the MPO is not convinced that it could not have done so. Mr. Rucker suggested that if the MPO wanted to tweak the original process that it should have indicated that to technical staff at the beginning of the process. Mr. Barber disagreed stating it works the other way by first going through staff for its recommendation, then to the Technical Advisory Committee, and then to the MPO for consideration by elected officials.

Mr. Barber said for the sake of moving forward he would make the motion that the MPO adopt the new resolution as amended (included in the mailout) striking wording related to a temporary process in the last paragraph, adding the words “the new and” in front of the word “previous” in the last paragraph, changing “highway safety” to “safety” in Section II, and that this would be the process that would be recognized during the next year with the MPO establishing a committee to refine the process. After some clarification, Pat O’Bannon seconded the motion. George Homewood requested that each of the items in the resolution be voted on separately; however, Chairman Holland noted that a motion is on the floor and the vote was called.

On motion of Ed Barber, seconded by Pat O’Bannon, the Richmond Area Metropolitan Planning Organization approved the following resolution with all voting in favor except for one vote in abstention:

I. On pages 7 and 8: Remove the entire “Guidelines for the Modal Split of Total Yearly RSTP Funds” subsection.

II. Starting on page 9: Add a seventh project category under the “RSTP Project Evaluation and Methods” subsection. The new category would be entitled “*Safety Projects*” and appropriate evaluation criteria and application forms would be added to the policy to support the inclusion of this category in the project selection process. The MPO Technical Advisory Committee would be required review and approve the criteria and application forms prior to their inclusion in the policy.

III. Revise Section II, “Policies and Procedures Governing the Interim RSTP Project Selection Process,” as follows:

On page 3: Remove the last sentence in the paragraph found under the “Implementation Schedule and Project Selection” subsection. In this same paragraph, revise the third sentence as follows:

Project allocations will be determined for FY 2006 and FY 2007 based on the goal of providing needed RSTP allocations to established projects prior to the beginning of the competitive RSTP project selection process.

On pages 3 and 4: Remove the entire “Continued Funding of Existing RSTP Funded Projects” subsection.

Revise Section III, “Policies and Procedures Governing the Competitive RSTP Project Selection Process,” as follows:

Add a new subsection on page 6, immediately after the “Implementation Schedule and Project Selection” subsection, entitled “*Continued Funding of Projects That Have Received RSTP Allocations Prior to Fiscal Year 2008.*” The following text would be included under this new subsection:

MPO localities and agencies with projects that have received RSTP funds in any of the fiscal years prior to FY 2008, and that still have projects in need of RSTP allocations starting in FY 2008, will have to submit a request and justification for the needed funds. Requests for additional funds will be assessed by the MPO’s Technical Advisory Committee. Criteria will be developed to assess each project’s additional funding needs on a case-by-case basis. After the assessment, TAC may choose one or any combination of the following:

- 1. Distribute the needed RSTP funds as an off-the-top allocation of the region’s yearly RSTP allocation.*
- 2. Identify another fund source(s) to supply the needed funds.*
- 3. Recommend that the project’s sponsoring locality or agency enter the project in the competitive project selection process.*

On page 6: Revise the subsection entitled “Continued Funding of Existing RSTP Funded Projects” as follows:

“Continued Funding of Projects Selected Through the Competitive Project Selection Process”

All of the recommendations mentioned above under the third section of the resolution would need to apply to the continued funding of existing and competitively selected CMAQ projects as well. Accordingly, the same changes would need to be incorporated under both the interim and competitive process sections of the CMAQ project selection process.

AND BE IT FURTHER RESOLVED, that the CMAQ and RSTP project selection process detailed in the policy report function as a process to be used in the upcoming year and that the MPO form a committee of elected officials to examine both the new and the previous processes and meet with FHWA to develop an acceptable process.

Following the vote, Rudy Butler suggested that the chairman consider the MPO Executive Committee, with an elected official from every MPO jurisdiction, as a logical group to consider for this new MPO committee.

Bill Pantele expressed a desire to serve on that committee and also requested that Mr. Homewood's objection prior to vote be reflected in the record. Mr. Homewood said he raised a point of order that the motion be separated into individual components in the resolution; however, it was ruled as a motion made and seconded and since the question was already called, it was acceptable to proceed.

C. CTAC Recommended MPO Bylaws Modifications –

Chairman Holland said that in the interest time he would briefly report that the MPO Citizens Transportation Advisory Committee (CTAC) had sent a request for bylaws modifications that he did not concur with and noted that his letter of response is included under tab four of the agenda package along with other information on this item.

III. NEW BUSINESS

A. Consent Action Items –

1. MPO Bylaws Amendment for EDAC Membership Expansion and Nonvoting Membership Status on MPO –

Chairman Holland asked if there was a request to place this item for discussion and hearing none, called for a motion for approval. No motion was forthcoming so he pulled the consent item for discussion. Mr. Lysy advised that this item was on the agenda last time and the MPO took action to approve two requests from the Elderly and Disabled Advisory Committee (EDAC), one to expand EDAC membership by six members to add various organizations representing low income persons and other disabled groups so that EDAC would better represent the elderly and disabled community and low income persons as well. Mr. Lysy said this would help the MPO meet federal certification review requirements. The other request from EDAC was for nonvoting membership status on the MPO similar to CTAC. Mr. Lysy said the MPO approved both those requests at the last meeting and said they are now moving forward as bylaws amendments and today is the first reading and review of this proposed amendment. He said the second reading and final action will take place at the next meeting assuming that they are approved affirmatively today.

On motion of Richard Ayers, seconded by Pat O'Bannon, the Richmond Area Metropolitan Planning Organization unanimously approved the following resolution:

RESOLVED, that the Richmond Area Metropolitan Planning Organization (MPO) approves the first reading of proposed amendments to the MPO bylaws:

1. Article III – Membership, Section 3 – to add “MPO Elderly and Disabled Advisory Committee Chairman” to the MPO’s list of nonvoting members.

2. Article V– MPO Committees, Section 3 – To insert a new sentence following the fourth sentence that reads as follows:

“The Committee should also have representation from organizations that represent low income persons.”

3. Article V – MPO Committees, Section 3 – To revise the third sentence to read as follows:

“The MPO shall provide for the appointment of up to eighteen (18) member organizations to this committee providing for a maximum of eighteen (18) voting members.”

and;

BE IT FURTHER RESOLVED, that the MPO directs submission of the above proposed MPO bylaws amendments for a second reading and adoption at the next MPO meeting.

B. (New) Chesterfield County FY 2005 TIP Amendment Request –

Mr. Lysy said there was a request from Chesterfield County to amend the Transportation Improvement Program (TIP) to show the amount of NHS funds recently provided by VDOT for the Route 360 project in Chesterfield County between Swift Creek and Winterpock. Mr. Lysy said Chesterfield County would like to proceed to advertisement with this project in January; however, they cannot since no funds are currently programmed on this project in the TIP. Since VDOT has recently advised that funds are now available to be obligated for this project, this item is now being presented for MPO review and approval.

On motion of George Homewood, seconded by Michael Holmes, the Richmond Area Metropolitan Planning Organization unanimously approved the following resolution:

RESOLVED, that the Richmond Area Metropolitan Planning Organization amends the FY 2005-2007 Transportation Improvement Program (TIP) to reflect the FY 2005 obligation of \$839,800 in NHS

funds for the construction phase of the *Route 360: widen westbound lane only-phase 1* project (UPC #68725), as requested by Chesterfield County.

C. Collaboration with the Greater Richmond Chamber of Commerce and Others to Implement the 2026 Long-Range Transportation Plan –

Dan Lysy stated that staff had hoped to have Greater Richmond Chamber of Commerce President James Dunn present today to speak about collaboration items between the Chamber and the MPO, but Mr. Dunn was unable to be present. Mr. Lysy noted that staff meets with the Chamber on occasion as needed to share information on projects and other matters and said staff would appropriately advise the MPO of any projects or information resulting from this collaboration in a timely manner.

IV. OTHER BUSINESS

Vickey Badger advised the MPO of a new mid-day transportation service in downtown Richmond called the Lunch Time Express. She said it operates Monday through Friday from 11:30 A.M. to 2:30 P.M. and connects up to 78 different restaurants, 13,000 parking spaces, and nine hotels to numerous businesses and residents. Ms. Badger said this is a pilot project being conducted for 100 days to test the economic impact of the service and she passed out flyers and schedules.

Angela LaCombe inquired if there would be a January MPO meeting and Chairman Holland said there would not since all business was handled.

Rudy Butler noted that at the MPO Executive Committee meeting earlier today an issue which had been rumored around the state had been brought up about the state highway department losing federal funds because they don't match some of these federal funds. Mr. Butler asked if anyone from VDOT would care to speak to that matter. Mark Riblett said he was not aware of anything of that nature and Mr. Lysy also said he was not aware of any funds being lost. Mr. Riblett said VDOT's programming division works very hard to make sure that does not happen, but he would be happy to request information from them about this matter and report back. Chairman Holland asked if Mr. Riblett would address that issue at the February MPO meeting and he responded affirmatively.

V. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 3:25 P.M.