

HAMPTON ROADS
METROPOLITAN PLANNING ORGANIZATION MEETING
MARCH 19, 2008

The Hampton Roads MPO Meeting was called to order at 9:37 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

Paul D. Fraim, Chairman (NO)	Douglas L. Smith (PO)
Bruce Goodson, Vice Chairman (JC)	Selena Cuffee-Glenn (SU)
James O. McReynolds, Treasurer (YK)	Louis R. Jones (VB)
Clifton E. Hayes, Jr. (CH)	Jackson C. Tuttle II (WM)
Randall L. Gilliland (HA)	Dennis Heuer (VDOT)
Stan D. Clark (IW)	Mark Rickards (WAT)
Joe S. Frank (NN)	Arthur L. Collins (HRPDC)
Charles W. Burgess, Jr. (PQ)	

OTHERS RECORDED ATTENDING:

Amar Dwarkanath (CH); Rowland L. Taylor (FR); W. Douglas Caskey (IW); Sanford B. Wanner (JC); Randy W. Hildebrandt (NN); Kenneth L. Chandler (PO); Gordon C. Helsel, Jr. (PQ); Linda T. Johnson (SU); Harry E. Diezel, Robert M. Dyer, Barbara M. Henley, James K. Spore (VB); Jeanne Zeidler (WM), Thomas G. Shepperd, Jr. (YK); Charles N. Sapp - Hampton; Brian Pennington, Ron Williams, Jeff Raliski, Arkeisha Whitley, Stanley Stein - Norfolk; Brian Swets, George Brisbin - Portsmouth; Joe Howell - Suffolk; Bob Matthias - Virginia Beach; Irene Shuman - VDOT; Ivan Rucker - FHWA; Rick Clawson - DRPT; Ron Hodges - HRT Traffix; Vince Thomas, Ray Taylor - FHR; Randy Lougee, Seneca Bock - LWV-SHR; Roger Leonard - RSR; Robert Bolich - Ecology & Environment, Inc.; Jim Oliver - HRCCE; Brandy Twiford - NSU Student; Angela Bezik - Vectre; Louis Guy - NHS; Parker Mills, W. Dewey Hurley - Branscome, Inc.; John Gergely, Chuck Cayton, Tom Best, Charles Flynn - Private Citizens; Ellis W. James - Sierra Club Observer; Tom Holden - The Virginian-Pilot; Kimball Payne - Daily Press; Lisa Godley - WHRO-TV; Ashley McKnight-Taylor - Suffolk News-Herald; Germaine Fleet - Biggs & Fleet; Staff: Art Collins, Jessica Banks, Shernita Bethea, John Carlock, Rick Case, Rob Case, Nancy Collins, Dwight Farmer, Marla Frye, Greg Grootendorst, Frances Hughey, Jim Hummer, Rob Jacobs, Whitney Katchmark, Brett Kerns, Mike Kimbrel, Robert Lawrence, Sharon Lawrence, Joe Paulus, Kelli Peterson, Andy Pickard, Camelia Ravanbakht and Joe Turner.

CONSENT AGENDA

The Consent Agenda contained the following items:

Summary Minutes of January 16, 2008

FY 06-09 Transportation Improvement Program Amendments: VDOT (Final Approval)

FY 06-09 Transportation Improvement Program Amendment: Williamsburg

FY 06-09 Transportation Improvement Program Amendment: Chesapeake

FY 08 Unified Planning Work Program Amendment: HRT

FY 2009 Unified Planning Work Program

Regional Transit Plan

Mid Atlantic Diesel Collaborative Port Sector Demonstration Project

Mr. Goodson Moved to approve the Consent Agenda; seconded by Mr. Burgess. The Motion Carried.

FY 06-09 TRANSPORTATION IMPROVEMENT PROGRAM REVISION: CMAQ ALLOCATION REQUEST - TRAFFIX

Mr. Collins introduced Mr. Ron Hodges of HRT Traffix to provide a briefing on the program in response to Mayor Frank's request several months ago for a cost benefit analysis on the program.

(Mr. Spore arrived.)

Mr. Hodges reviewed the mission of the Traffix program as well as the transportation demand management (TDM) in Virginia with Richmond's budget being \$1.4 million, Northern Virginia's budget of \$9.1 million and Hampton Roads' budget at \$1.1 million.

He then reviewed some performance measures comparing the participation in January 2007 to current participation. The ridership in the Traffix vans has increased from 253 to 453, the Teleworks program has increased from 2 to 62 participants, NuRide, the ride sharing program, increased from 288 to 758 registered participants. Usage of the Park and Ride lots has increased from 67 to 218 people at the Holland Road site, and 88 to 277 registered people at the Indian River lot. He summarized that from 2007 to the present there has been an increase from 698 to 1,728 people who are engaged in some form of alternate transportation.

Mr. Hodges stated that Traffix has been funded by an STP Grant of \$1.1 million since 1997. Current funding expires in 2008 but will hopefully be extended so the program can be continued.

Traffix is responsible for the removal of 1,700 vehicles from the road, averaging approximately \$2,904 per driver annually. This number also equals approximately 51,000 vehicle miles not driven on the roadways each day, 1.08 million vehicle miles per month, and 12 million vehicle miles per year. Cumulative savings to drivers is approximately \$242 per day, \$418,000 per month and \$5 million per year. Comparing the investment to the payback, with a \$1.1 million TDM budget and a \$5 million savings, a net return of investment for every dollar invested is approximately \$3.92.

Mr. Hodges further discussed the contributions to air quality in the region due to an annual reduction in chemicals being released into the air based on the 1,728 vehicles. This equates to a reduction of 6 million pounds of carbon dioxide; 308,000 pounds of carbon monoxide and 17,400 pounds of oxides of nitrogen. He added there is also a reduction in the amount of oil and other fluids leaking into the stormwater runoff as well as a reduction in highway maintenance costs.

Employees also report more productivity, less stress, more money in their pockets as well as an improved quality of life.

Mr. Hodges reviewed the growth and forecast of the program. The participant base grew by 14 percent in 2½ months in 2006, by 247 percent from 2007 to 2008. He predicted with the interest in the program growing significantly, there will be a conservative growth in participation of 20-30 percent annually.

He concluded his presentation by thanking Mayor Frank for his invitation to speak to the Newport News City Council in February, adding that the program is moving very quickly on the Peninsula.

Mayor Frank commented that his concerns are that in spite of the numbers and impacts, \$1.1 million is still being spent for just over 1700 vehicles in the program. He agreed that it is clear that action must be taken to reduce the number of vehicles on the roads and into alternative transportation. He added that this should be reviewed again next year, but he would support it for another year.

Mayor Frank Moved to approve the program for public review and comment; seconded by Mr. Clark. The Motion Carried.

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) PROCEDURES MEMORANDUM OF AGREEMENT

Mr. Collins asked Mr. Dennis Heuer, VDOT Hampton Roads District Administrator, to provide a brief regarding the memorandum of agreement (MOA).

Mr. Heuer stated that in a December memorandum, VDOT Commissioner Dave Ekern challenged the MPO to streamline some of the processes of the Statewide Transportation Improvement Program (STIP). The first steps include a more efficient way of grouping projects in the STIP to reduce some of the administrative burdens involved as well as executing a new MOA. By the adoption of the MOA, there should be an associated drop in TIP amendments. After working with the Transportation Technical Committee, it was found that 490 of the 1,027 projects in the program could be grouped. As data is minimized in the STIP while still meeting the intent of the regulation, the administrative burden is reduced whenever there is an amendment required.

Mr. Heuer stated that VDOT's intent is to get the concurrence of all the MPOs in the Commonwealth within the next several months. He reviewed a flowchart depicting the current amendment method timeline of 90 days. With the new streamlined method, there should be a significant reduction in time required for an amendment.

Mr. Heuer concluded that success is a team effort that must include the HRPDC, the Transportation Technical Committee, VDOT, VDRPT, FHWA and FTA. He added that the technical committee recommended approval and asked that the MPO endorse the MOA.

Mayor Frank Moved to endorse the MOA; seconded by Mr. Smith. The Motion Carried.

2030 LONG RANGE TRANSPORTATION PLAN (LRP) AMENDMENT: KINGS HIGHWAY BRIDGE

The Chairman stated that a request was received from Suffolk to add the Kings Highway Bridge to the 2030 LRP. He asked Ms. Cuffee-Glenn, Suffolk City Manager, to comment.

Ms. Cuffee-Glenn stated the Suffolk City Council adopted a resolution requesting the MPO to include the Kings Highway Bridge to the 2030 LRP. She asked the Suffolk Public Works Director, Eric Nielsen, to provide the members with a brief overview.

Mr. Nielsen stated the Kings Highway Bridge was a little more than one-half mile long and was built in the 1920s by a private citizen. VDOT purchased the bridge for \$1 million in 1963 and maintained it until 2005. In 2005, the bridge was deemed unsafe and closed to through traffic. Kings Highway, which is supported by that bridge, carries approximately 3,000 vehicles per day and it acts as an emergency route to get vehicles from east to west, and ultimately to Route 460. VDOT completed demolition on the bridge in February 2008 so there are a number of communities that are upset and divided. There is about an 18-mile detour without the bridge.

Currently, there is about \$6 million in the VDOT Six-Year Plan. The project was in the MPO 2026 LRP, but is not in the 2030 Plan. Mr. Nielsen added that he gave a presentation to the technical committee in February 2008 and everybody voted to add it to the LRP except one. Later that day, the Suffolk City Council adopted a resolution requesting the MPO to include the Kings Highway Bridge project in the 2030 LRP. Suffolk continues to work with state and federal government agencies to find funding for this \$50-60 million project. One critical component that continues to surface is the project must be in the LRP to get federal funding. He offered to answer any questions.

Chairman Fraim asked Mr. Heuer to comment since VDOT was the dissenting vote at the February meeting.

Mr. Heuer stated that VDOT is charged with developing a constrained LRP. Projects added to the Plan are expected to be funded through construction with the funds identified. This is a \$50-60 million project with \$6 million in the primary fund in the current state of affairs and Suffolk has identified in the Capital Improvement Plan \$1 million for this year, but it is not until six to ten years out that Suffolk is looking to start to put in \$29 million. At that, it is only approximately 50 percent of the funding with no identification for the rest of the money. He added that VDOT's objectives and recommendations to the Commonwealth Transportation Board are to put monies on projects that are ready to go to construction or are ready to go to the next phase in order to meet the federal obligation. The Kings Highway Bridge project does not meet that criterion. He added that the FHWA letter addresses the loss of revenue from the Hampton Roads Transportation Authority, and the peril the six major projects may face.

Ms. Cuffee-Glenn added that Suffolk met with their congressional leaders regarding the Kings Highway Bridge and if it is not in the 2030 LRP, they are not willing to help.

Mr. Shepperd asked how that is taken into account when VDOT objects to the project being in the LRP since it undermines the plan constraint, but Suffolk cannot get the federal support they need unless it is in the LRP.

Mayor Frank suggested that the PDC staff convene the appropriate authorities, representatives of the congressional delegation as well as Suffolk and VDOT. At the next MPO meeting it could be proposed to tentatively support the project if there was federal money available to support it. That may be enough to go to the congressional delegation to make a case. The information discussed could be brought back to the next MPO meeting.

Ms. Cuffee-Glenn agreed that would be acceptable.

Chairman Fraim added that the LRP is currently in peril. To add another project just widens the fiscal constraint hold. There are other MPO members who have worthy projects that were not included in the Plan due to fiscal constraint issues.

Mayor Frank Moved to table this issue until the next meeting of the MPO.

Mr. Collins added that the fiscal constraint was concluded in February following a letter from the federal government. If the motion could be amended to a date after the parties have actually convened and the issue is resolved that would allow the MPO this option.

Mayor Frank Moved to amend his motion to defer this issue indefinitely to be brought back before the MPO when ready; seconded by Mr. Jones. The Motion Carried.

FOR YOUR INFORMATION

The Chairman asked for questions or comments regarding the informational items. None were noted.

OLD/NEW BUSINESS

Chairman Fraim asked Mr. Ivan Rucker if he would like to address the members.

Mr. Rucker replied he had a statement in response to staff comment numbers 1 and 3 to the Quadrennial Certification. He stated that staff's response to Corrective Action 1 states that the CAO meeting is an informal luncheon of the CAOs and is not an advisory committee to the MPO. He continued that the federal team concluded that the CAO is an advisor to the MPO and there is a relationship between them. One day prior to the Quadrennial Review meeting with the MPO staff, federal officials reviewed the MPO website to determine its committees. The first committee identified under MPO Committees (included in Appendix F of the Certification Report) is the CAO Advisory Committee. This name was removed the next day. The federal team reviewed the October 18, 2006, meeting minutes (included in Appendix G of the Certification Report). The minutes confirmed to federal officials that the MPO took action to approve the recommendations of the CAO Committee relating to several major projects. The current

2030 Long Range Plan states on page 4 that the following groups of persons developed the 2030 Plan and the fourth bullet states the CAO advises the MPO on high profile projects. Page 27 of the Plan states on June 15, 2005, the MPO proposed a package of six toll projects. This package had been prepared by the CAOs who met on May 26, 2005. Mr. Rucker added that the federal team based its conclusions on information they read and information provided to them. He added they had a difficult time reconciling the statement that the CAO is not an advisory committee to the MPO when information such as the October 18, 2006, meeting minutes indicate that the MPO was taking approval action based on advice from the CAO Committee. He added that any help to clarify the relationship between the MPO and CAO Committees is greatly appreciated.

Mr. Rucker continued that he would like to update the MPO on Corrective Action 3 regarding advisory committees. In the preliminary finding to the MPO, it was mentioned that the federal team remained concerned that the Hampton Roads MPO advisory committees, unlike all other MPO advisory committees in the state, are not advertised and have been closed to the public since the last review in 2002. Review of the agreement between the MPO and the Governor (included in Appendix I of the Certification Report) states that the responsibilities of the MPO shall be determined as prescribed in 23 CFR 450 of Federal Regulations and in accordance with applicable statutes of the Constitution of Virginia.

The federal team asked the state to determine whether advisory committees to MPOs are considered public bodies, and if so, are they subject to Virginia's open meeting notification requirements under the Freedom of Information Act (FOIA) statutes. State Assistant Attorney General, VDOT special counsel and FOIA counsel reviewed the matter and it was their opinion that MPO board and advisory committees of the MPO are either a public body or a regional public body and are subject to open meeting and notification requirements. The federal team is aware that a legal review is underway by the MPO. The federal team felt it was important to share this information with the MPO.

He concluded by saying that FHWA and Federal Transit Administration are committed to working with the MPO to allow whatever support it needs to address the corrective action.

Mr. Collins stated he had not had the benefit of Mr. Rucker's comments before the meeting but would like to make a few comments. He added that he believed the federal and state officials would understand the CAOs have a responsibility to advise their elected officials on an ongoing basis as to where their particular community is on particular issues. The mistake was inferring that an individual city manager's advice to a mayor or city councilman was some kind of a group process when in fact it is not. The fact the CAOs get together from time to time and have lunch does not constitute an official advisory committee. It is simply a convenience as any community would have to get their public works department and planning department together before they make a recommendation to a planning commission or city council on matters of policy. He added he did not think the state or federal government would argue that those types of staff meetings are subject to FOIA. Mr. Collins added that the PDC attorneys are looking at the issue and will be back to the team in due course.

He added that the characterization in the Long Range Plan of the CAOs as a collective body was a misstatement of facts. It is a reflection of the fact that the city managers advise their mayors when they come to the MPO meetings on their city's position. It is a stretch to suggest that an informal luncheon is an advisory committee. We have committed as part of the certification process to look to the establishment of an official advisory committee that would involve people outside the bureaucracies to engage and advise the MPO on an ongoing basis. That was committed to in the Retreat, provided in the Work Program and will be in effect by July 1, 2008. It is hoped that will resolve the misunderstandings that have arisen.

Mayor Frank stated he read the FHWA and the FTA report and the items on the cover letter were somewhat troublesome since they have been discussed over the years. To have them continue to come back is troublesome. He asked for a report from staff that outlines in writing the response to each one of the 11 items outlined in the letter and what, if any, action plan staff intends to take to address those items.

He added that the approval was conditional if these items are addressed within the twelve month timeframe. He added there are enough problems with transportation without having everybody looking at process and procedure.

Mr. Collins replied that staff is committed to doing that to achieve full unconditional certification.

Chairman Fraim thanked Mr. Rucker for his comments and added it is the MPO's intention to comply with all the regulations the FHWA and FTA require. He added that he had certainly never considered that the informal luncheon meetings held by the CAOs would be considered advisory committee meetings.

Mr. McReynolds pointed out the CAO group has no bylaws, no official structure and no capacity to commit any of the jurisdictions. They collectively meet to discuss common interests and report to their individual boards and councils. It is not an official body.

Mr. Rucker asked if there was a recognized body that provides recommendations to the MPO since the board has acted on recommendations from the CAO committee.

Mr. Collins replied that the MPO acts on recommendations from the Transportation Technical Committee who meets on the first Wednesday of the month. That is the official method of providing input to the MPO.

Mr. Rucker replied that it says "The following groups and persons developed the 2030 Plan. The CAO advises the MPO on high profile projects." It seems they have to be a recognized advisory committee by the MPO if the entire body is voting on recommendations by them.

He added that he asked VDOT whether or not they knew the relationship between the CAOs and MPO. They were not clear on the relationship even though they are a voting member of the MPO.

Mr. Collins replied there is no relationship so he could understand why they would not be aware of one.

He added that Mr. Hildebrandt sits beside his city's mayor, Mr. Spore sits beside his vice mayor and so forth. Their staffs' thoughts are brought to the meetings by them. Their staffs are on the technical committee. He again apologized for the language that was used and added it will be corrected. He added there is nothing official about the CAOs and they have never been charged with making recommendations on transportation policy to the MPO. The city managers have a responsibility to advise their MPO voting members as to what their city staffs' positions are and that is done in concert with their members on the technical committee which involves a representative from the city manager's office, the planning office, public works office. That is the group that is designated to bring advice and recommendations to the MPO.

Mr. Rucker stated there are members of the MPO that serve on the CAO committee. He asked if there are members that serve on the advisory committee.

Mr. Collins replied affirmatively.

Chairman Fraim added there is no advisory committee.

Mr. Gilliland asked who the Chair was of the CAOs.

Mr. McReynolds responded that he was the Chairman.

Mr. Gilliland then asked why a chairperson is necessary for an organization that does not exist.

Mr. Collins replied that they get together for lunch and did not understand the concern.

Mr. Gilliland added that in practice and in function and historically the CAOs have met and talked about issues and provided advice to the MPO. This cannot be denied. He did not understand why it would be denied.

Mr. Collins replied that as discussed at the Retreat, there will be a different arrangement for advising the MPO on transportation issues starting July 1 that will be consistent with the recommendations received in the Quadrennial Review. That will be part of the response to the federal government on the review. It will not include the CAOs.

Mr. Gilliland stated that would be the MPO's vote as to whether it is included or not, not the staff's. He then added that a subcommittee was selected at the Retreat to begin to define the scope of work with respect to the PDC and MPO. He asked Mr. Collins to assign a staff member to organize the first meeting to get the members together.

Mr. Collins agreed and stated that Messrs. Spore, Gilliland, Smith, Hayes, Clark and McReynolds are in that group.

(Mayor Johnson arrived.)

Chairman Fraim agreed that a staff member would be assigned and it would be done soon.

He then thanked Mr. Rucker for the information and communication.

No further old or new business was brought before the MPO.

ADJOURNMENT

With no further business to come before the Hampton Roads MPO, the meeting adjourned at 10:25 a.m.