

Summary Minutes
Metropolitan Planning Organization Committee
Meeting of August 19, 2008

Chairman Joe Frank called the Metropolitan Planning Organization (MPO) Committee meeting to order at 9:37 a.m. in the HRPDC Board Room with the following in attendance:

MEMBERS:

Joe S. Frank, Chairman (NN)
Unwanna Dabney (FHWA)
Randall L. Gilliland (HA)
Clifton E. Hayes, Jr. (CH)
Dennis W. Heuer (VDOT)
James O. McReynolds (YK)

Mark D. Rickards (WAT)
Ivan P. Rucker (FHWA)
Douglas L. Smith (PO)
James K. Spore (VB)
Michael S. Townes (HRT)

MPO STAFF:

Jessica Banks
Dwight Farmer
Kathlene Grauberger

Mike Kimbrel
Camelia Ravanbakht

OTHERS:

Jim Carr (NOR)
Chuck Cayton (HNTB)
Christine Gergely (NN Citizen)
John Gergely (NN Citizen)
Rod Ingram (VB)

Les Lilley (VB)
Jeff Raliski (NOR)
Ray Taylor (FHR)
Vince Thomas (FHR)
Bruce Williams (FHR & VB Citizen)

Chairman Frank stated he would like the Committee to review the VDOT MPO Master Agreement and discuss any items that might need to be changed within the agreement. He would also like to bring as much closure as possible to the MPO bylaws with the exception of a few remaining items that need to remain open at the present time. He reported the MPO Staff will share their research regarding MPO membership and voting, and staff will also present the proposed organizational structure of the MPO related committees.

Chairman Frank informed the Committee he would be meeting with the CAOs on August 20th and the local community lobbyist groups on August 25th. He will have reports for the MPO Committee at the next meeting.

The status of the Best Practices Study will also be discussed this morning. One of the items not on the agenda today, but would be nice to discuss if there is time, is the two new job positions of the MPO. There has been some difference of opinions within the MPO Committee as to whether these two positions should be handled by one or two people. The Director of Communications and Community Outreach would go out to the public and engage them, encouraging them to become involved. The Legislative Liaison would go to the governmental bodies, including the state legislature, and work as a liaison between the MPO and members of the legislature. Chairman Frank further added that they are two distinct positions, however, the Committee needs to think about it and if it cannot be reviewed today, it will be deferred until after the meeting with the community lobbyist groups.

Chairman Frank then proceeded with the MPO Agenda.

1. Draft VDOT/MPO “Master Agreement”

Chairman Frank stated the Master Agreement looked fine except that, Article 2, which discusses the MPO and Transportation Technical Committee (TTC), needs to be better defined once the MPO Committee decides how TTC is going to function. Mr. Heuer reviewed the Memorandum of Understanding (MOU) and outlined its purpose and guiding articles. The MOU can be made as specific and strict as necessary. However, he stressed that once the MOU has been approved by the Federal Highway Administration (FHWA), the MPO is bound by it.

Mr. Heuer reported one of the components of the MOU that needs modifying is the TTC's function in Hampton Roads. Some of it is boiler plate, yet other aspects of it are available for interpretation and for implementation to suit the HRMPO needs. The guiding articles, the core activities, are ones that everyone has to follow and must be completed. These are part of the boiler plate statements in the MOU. To complete the MOU, the committee needs to address the corrective actions set forth by the FHWA review and tailor them specifically to Hampton Roads. The key to completing this is determining how we are going to structure the public involvement and the TTC (to be renamed the Technical Working Group) and the Transportation Advisory Committee (TAC). One last issue tied to the corrective actions is whether to include state elected officials as members of the MPO similar to other areas of the country.

Chairman Frank stated the outstanding MOU issues the committee needs to resolve are that of MPO voting membership and the role of the TTC while functioning in a transparent manner with respect to the public. Mr. Rucker asked if today's MOU is the basic standard agreement that all MPOs use prior to modifications that may then be negotiated. Mr. Heuer replied that there have already been a few adaptations made to the agreement and it can continue to be modified until it is signed.

Chairman Frank stated the current TTC has functioned historically with representatives that are the employees of the CAOs; to the extent they are representing local government. If the City Managers decide they want to leave the TTC alone and make it a public body then that is one outcome. If the CAOs do not want the TTC to be a public body and they are willing to be members of the TAC and act as a public body when dealing with transportation issues, then the MOU needs to be worded a little differently. Chairman Frank asked if there were any issues in the MOU that gave the Committee any concern other than the composition of the TTC and the voting membership. The Committee agreed that those were the only two issues.

Mr. Smith asked for Chairman Frank to go over the complete MPO process again for his clarification. Chairman Frank did so and stated the Committee needs to do the process in a timely manner in order to comply with the FHWA deadlines. He also believed improvements could be made now before the Best Practices Study is completed. However, if the Best Practices Study reveals better guidelines, then the Committee would ask the MPO to amend the bylaws. There was much discussion regarding whether the bylaws be adopted before or after the Best Practice Study. Mr. Rucker pointed out that the bylaws should not be rushed and it can be hard to modify the bylaws once they have been adopted. Mr. Farmer stated the final draft of the Best Practices Study should be completed by Christmas 2008. Therefore, a decision needs to be made whether to submit the MPO bylaws before that or wait till early 2009 after reviewing the Best Practices Study. Mr. McReynolds suggested the bylaws could be adopted before the Best Practice Study utilizing a sunset clause. After more discussion, the topic was deferred to a later time.

Mr. Gilliland stated Code C4 450.314 refers to the MOU as the Metropolitan Planning Agreement. He asked if the Committee could change the title of the MOU to reflect this. Mr. Heuer said he would look into it.

2. Draft MPO Bylaws

Chairman Frank suggested the Committee defer this matter and go directly to Item 3 of the Agenda.

3. MPO Staff Research on MPO Membership and Voting

Ms. Ravanbakht outlined the research MPO Staff completed on two major items: voting structure and membership. She stated the staff summarized the results into 3 major areas. The first part of the study is the Combined MPOs Analysis and Tables, consisting of 13 Virginia MPOs (excluding Hampton Roads) and 18 MPOs throughout the United States for a total of 31 MPOs. This is 10% sample of all the MPOs in the United States. The second part of the study consists of 13 MPOs (excluding Hampton Roads) throughout Virginia. The last section is a nationwide sample of 18.

The voting structure statistics reveal roughly half of all MPOs have weighted voting. Within Virginia, the MPOs with greater populations were more likely to have weighted voting. A wide range of population was used in the study for better comparison. Member representation for the Combined Analysis showed that there was a wide range of non-transportation entities on the MPO Boards. Within Virginia, the study showed that there was no representation from the ports, freight, or railroads on the MPO boards and that the non-transportation entities were not as well reflected as the combined nationwide survey.

Mr. Townes asked how the national samples were chosen. Ms. Ravanbakht reported they tried to find areas geographically similar to Virginia and also within the same size range. She stated they did have a larger number of MPOs to sample; however, many of them did not respond back and therefore could not be included in the study.

Mr. Hayes asked if the Committee could look at the best models, rather than random sampling. Mr. Farmer stated this analysis was a study of reasonable samples and the Best Practices Study will look at the best models.

Ms. Ravanbakht concluded her presentation by summarizing the final data from the study. A useful statistic from this study is that local governments make up 65% of the MPO voting membership. A surprising statistic is that 15 of the 31 MPOs have no transit representation. Chairman Frank asked the Committee to thoroughly review this report and come back with feedback at the next meeting.

Chairman Frank believed the Committee had agreed to invite the chair of the Hampton Roads Legislative Caucus to designate one member of the House and one member of the Senate (1 from the Southside and 1 from the Peninsula) to serve on the MPO as an ex-officio, non-voting member. After much discussion, it was decided that the Committee would indeed do this.

Chairman Frank asked to obtain the Committee's consensus regarding the idea of a Citizens Advisory Board (CAB). He would like to believe that the MPO will have one and the Chairman of the CAB would be a non-voting, ex-officio member of the MPO Board. He would like to ask MPO Staff to develop a plan to determine how the CAB would be composed, how it would function, how often it would meet, etc. It is expected that the CAB would meet on a regular basis, have support from the MPO Staff, and be a public body with published agendas and public notice. The CAB, at the appropriate times, would conduct public information sessions around the various jurisdictions. The CAB would be an outreach organization to hear from the public on a regular basis. It would not be in lieu of the public hearing process at the MPO or public access to the MPO meeting, but an adjunct to that. Chairman Frank asked if there were any objections to having a CAB. For clarification purposes, Mr. Farmer stated it was his understanding that the CAB would be under the MPO Board and not the MPO Staff. The MPO Staff will support them as a staff function but the CAB would communicate and report to the MPO. Chairman Frank stated that was a correct understanding of the CAB. There was some discussion regarding whether the Chairman of the CAB should be a voting or a non-voting member. Chairman Frank believed the CAB Chairman should be non-voting because the local

government should have the over arching vote to make the ultimate decisions that bind their citizens together. He stated that if more voting members are added, the percentage of local government representation on the MPO Board needs to be checked because that is where the ultimate accountability is to the public. The Committee agreed to ask MPO Staff to outline the CAB with the option to have the CAB Chairman as a voting member. Chairman Frank stated the Best Practices Study might be helpful with this issue. Mr. Farmer believed the Committee might find that while weighted voting might not be the preferred method, having weighted voting would allow the Committee to bring these other non-elected official entities to the table with a voting status. This, in turn, would allow the MPO to incorporate other people at the table.

Chairman Frank asked Mr. Farmer to make notes of these various issues that the Committee is discussing so they can be checked off after decisions have been made.

The Committee then discussed the different stakeholders that could possibly be on the MPO Board. Chairman Frank stated that both the Port and Virginia Department of Rail and Public Transportation (VDRPT) should be voting members of the MPO. The Committee agreed to this. Chairman Frank asked for input regarding Freight and Airports as to whether they should be at the MPO table. Mr. Rucker stated FHWA calls for participation from other major modes which would include the Airport Commission. It does not say anything about freight. The Committee decided to include representatives from both Norfolk International Airport and Newport News/Williamsburg Airport at the MPO table, but did not decide if they should be voting or non-voting. Chairman Frank asked MPO Staff to research as to whether the smaller airports could be contacted through a local association. Mr. Rickards commented there are 15 local small airports in the area. Chairman Frank also asked MPO Staff to identify a freight group that could be contacted in order to decide if they are an appropriate organization to be represented on the MPO Board. The Committee decided not to have representatives from the local universities. After some discussion, the Committee agreed to ask the commanding generals of each of the military installations to designate a liaison officer to attend the MPO meetings. It was suggested that Harry Kenyon and Frank Roberts could assist with providing a list of contact people for the MPO Staff. The Committee decided it was not necessary to have representatives from Economic Development or any Environmental groups. MPO Staff will draft a letter to the regional directors of CSX and Norfolk Southern to inquire if the freight rail companies have any interest in appointing a formal contact person as an invited participant to the MPO meetings. Finally, it was decided to invite representatives from any Bicycle Associations to the CAB. Chairman Frank asked Mr. Lilley to incorporate these changes into the MPO Bylaws. Mr. Farmer, Mr. Heuer, and Mr. Lilley will incorporate these changes into the MOU as well.

4. Proposed Organizational Structure of MPO-Related Committees

Chairman Frank suggested that except for Mr. Kimbrel's presentation, the Committee should defer this topic until after the meeting with the CAOs. Mr. Kimbrel stated it is Corrective Action 4 that needs to be resolved as soon as possible, which concerns the reorganization of the different committees and how that relates to public involvement. Mr. Kimbrel summarized a diagram showing how the proposed structure would work and also how the committees would work related to how they work now. The diagram shows the structure in two columns with the left hand column representing the MPO Board, the TAC, other advisory committees, and possible subcommittees such as the CAB. These would all be public bodies subject to FOIA regulations. The right hand column, showing MPO Staff, TWG (renamed for the TTC), and other possible subcommittees would not be public bodies. Chairman Frank suggested the TWG be renamed to the Technical Staff Working Group (TSWG) to further identify that the committee is composed of staff and is not a public body. Mr. Kimbrel reported the TSWG would be connected to the MPO Board through the MPO Staff. He also outlined the current responsibilities versus the proposed responsibilities of the TTC.

For the next meeting, September 2, 2008, Chairman Frank suggested the following items be completed and/or discussed:

- The group working on the MPO bylaws will have the current changes complete.
- Chairman Frank will have met with the CAOs and the public legislation liaisons.
- Discussion is needed regarding the structure of the TTC and TAC.
- The above discussion will then transform the paragraph in the MOU, Page 3, Section B (the TTC), and how that will work.
- The bylaws will have to again be addressed regarding the committee structuring.
- Discussion is also needed regarding the issue of weighted voting.

Mr. Rucker asked what level of knowledge the CAOs will possess regarding federal laws if they are to be members of the TAC. Chairman Frank responded that the CAOs will have their own legal and engineering staff to help get them up to speed. They will also have support from the MPO Staff and the stakeholders. Mr. Rucker reiterated how important it was for the CAOs to possess basic knowledge of the transportation planning process from the viewpoint of the FHWA. Chairman Frank suggested the TAC be briefed by Mr. Rucker, Mr. Heuer, and Mr. Farmer for a better understanding of the process. After some discussion, it was also suggested that there be a TAC and CAB training program to help assist in this matter. Ms. Dabney

recommended an MPO Handbook be drafted to further help with the planning process.

Mr. Farmer stated the TSWG will be very active and there will be a much more robust discussion to the MPO in their packets. Mr. Heuer would like to see better information in the packets such as background information, discussion, alternatives, pros, cons, analysis, recommendations, and reasons why a decision was made. After some discussion, this subject was deferred until after the CAO meeting with Chairman Frank.

5. MPO Best Practices Study – Status Report

Mr. Farmer reported MPO Staff issued a nationwide Request for Qualifications (RFQ) for the MPO Best Practices Study. After a sufficient amount of lead time, seven proposals were received. MPO Staff went through selection criteria and have selected three companies: Cambridge Systematic, Inc., Hampton Roads Center for Civic Engagement and PBS&J. These three companies were clearly the top three companies out of the seven who submitted proposals and they will be interviewed on August 20th. Mr. Farmer stated MPO Staff, Mr. Heuer, and Mr. Rucker will be on the Selection Committee. Mr. Farmer also stated there is a budget figure of \$50,000 to \$100,000 given to the selected firm because the report is fast tracked and a draft needs to be completed by December. Chairman Frank asked if the firms were the best of the group of seven, or were the firms truly qualified to do the work. Mr. Farmer said they are absolutely qualified.

6. Old/New Business

The next MPO Committee meeting will be Tuesday, September 2nd at 9:30 a.m. in the HRPDC Boardroom

There being no further business, the meeting adjourned at 11:50 a.m.