

Summary Minutes
Metropolitan Planning Organization Committee
Meeting of July 22, 2008

Chairman Joe Frank called the Metropolitan Planning Organization Committee (MPO Committee) meeting to order at 10:37 a.m. in the HRPDC Board Room with the following in attendance:

MEMBERS:

Stan D. Clark (IW)	Mark D. Rickards (WAT)
Joe S. Frank (NN)	Ivan P. Rucker (FHWA)
Clifton E. Hayes, Jr. (CH)	James K. Spore (VB)
Dennis W. Heuer (VDOT)	Michael S. Townes (HRT)
James O. McReynolds (YK)	

MPO STAFF:

Jessica Banks	Mike Kimbrel
Dwight Farmer	Kelli Peterson
Kathlene Grauberger	Camelia Ravanbakht

OTHERS:

Chuck Cayton (HNTB)	Jim Oliver (HRCCE)
Rod Ingram (VB)	Eric Stringfield (VDOT)
Ray Taylor (FHR)	

Chairman Frank proceeded with the MPO Agenda.

1. Work Plan for Addressing the Quadrennial Certification Review

Mike Kimbrel reported there are three sections to the work plan: addressing the actions, addressing the recommendations, and the appendix with associated material. It was noted that Corrective Actions (CA) 1, 2, 3, and 11 have already been completed and work is currently underway on CAs 4, 5, and 8. A literature search is underway for CAs 7, 10, and 6. CA 9 will be supervised by the Virginia Department of Transportation (VDOT) one year following the MPO approval of Title VI Plan in CA 8. Dennis Heuer commented that CA 9 is not a task VDOT is doing independently. Mr. Kimbrel stated that the reason it was listed as a VDOT task is because CA 9 references that a comprehensive review of the Hampton Roads MPO be conducted by VDOT.

Mr. Kimbrel also summarized the progress made on the recommendations. Regarding Recommendation 10, Chairman Frank clarified that the Hampton Roads Transportation Authority (HRTA) still exists; however, it has no taxing authority. Mr. Heuer stated that we can still use the HRTA as a tolling authority to collect regional revenue for particular regional transportation projects. Pertaining to Recommendation 13, discussion ensued on whether we should wait for the Best Practices study to engage a Community Outreach Person. Chairman Frank believed we should not delay the hiring of this person and whatever work we do now can be amended or added on to once the Best Practice is completed. This same issue came up with regards to Recommendation 2 in the creation of the MPO Bylaws. Mr. Rucker stated that for now, the MPO Committee should focus its attention on the Standard Practices being used by other MPOs in Virginia to help guide it. It was decided that the MPO Committee would be pro-active now, draft its bylaws, and amend them after the Best Practices study, if necessary. It was also agreed upon that the MPO Committee would keep the MPO abreast of its CA conclusions as they are reached, rather than submit them as a full package.

Chairman Frank stated that the MPO Committee's next step is to receive authority from the MPO to hire a Community Outreach Person. Suggestions were taken for this particular job title. The title decided upon was that of Director of Communications and Community Outreach. MPO Staff will research other MPO's Standard Practices for developing a job description and decide upon a salary range to present to the MPO.

Chairman Frank reported the next position that needs to be discussed is that of the Legislative Liaison. Conversation ensued that this individual needs to keep the members of the Legislature informed and educated about the region's projects throughout the entire process. This person could also be a resource for the Legislature in transportation matters. In this sense, our Legislative officials will thoroughly know what the facts are when they vote on projects. Chairman Frank suggested to Dwight Farmer that he meet with current Legislative Liaisons Robert Matthias, Ron Williams, and Chris Bridge to hear their input regarding this new position.

It was suggested that perhaps the two new positions of Director of Communications and Community Outreach and the Legislative Liaison be one position with a higher salary. With no further discussion on this matter, talk then turned back to the position of the Legislative Liaison.

The MPO Committee then discussed inviting the Chair of the Hampton Roads Caucus to the MPO meetings to help him stay better informed regarding our MPO and projects. Also, a suggestion was made that the committee could send a letter notifying all members of the Legislature informing them that we would be delighted to have them come to the MPO meetings, and the Caucus Chair would be the liaison between the MPO and the Legislature. If the Chair chooses not to come, he could appoint a representative to attend.

After a discussion, it was agreed by the MPO Committee to ask the MPO Chair to write a letter to the Chairman of the Caucus and ask him to provide a liaison from the House and from the Senate and this would let the Caucus choose who they want to observe and to be an ex-officio member at the MPO meetings.

A determination was made that Chairman Frank and Mr. Farmer would meet with Consultants Robert Mathias, Ron Williams, Chris Bridge, and James Toscano to hear their input about the Legislative Liaison.

Discussion then turned to the last remaining item on CA 4 which is the Transportation Advisory Committee (TAC). Chairman Frank briefed the committee on his meeting with the Transportation Technical Committee (TTC) and outlined his idea to TTC that they would be a technical working group, a support staff, and not a staff that made recommendations or gave advice to the MPO. He discussed with TTC that there would be a Transportation Advisory Committee (TAC) that would be comprised of the Chief Administrative Officers (CAOs), and other stakeholders. The stakeholders would be comprised of Hampton Roads Transit (HRT), Williamsburg Area Transport (WAT), and possibly the ports, rail, and airports. The TAC would send out public notices and receive public comments. Chairman Frank suggested the creation of a Citizens Advisory Board (CAB) and this board would engage the public. He stated the TTC supported the idea of being a working group.

Mr. Farmer added that the TTC definitely wants to remain a technical group and that their main concern was that they did not want their role in the process to be diminished.

Chairman Frank reported that the CAOs have not met, and therefore, he has not had a chance to meet with them and discuss the TAC. Mr. Farmer stated that as of right now, there is not pressing business for the Planning District Commission meeting in August, that the CAO's could meet at the 11:00 am timeslot and discussion could take place then on their role as the TAC.

Mr. Rucker stated that the MPO has the responsibility and the right to organize itself as it sees fit. What the FHWA is interested in is the process and full and open access of the public to that process. The Hampton Roads MPO has a history of having a TTC advising the MPO and what we are talking about now is changing that history and the MPO committee needs to clearly outline this to all those involved. Chairman Frank stated that we are starting this process of change. He suggested that the Chairman of the Citizens Advisory Board be an ex-officio member of the MPO and have the chair make a report to the MPO every month.

A question was raised concerning whether MPO Board Members would be elected officials. After some discussion, it was decided that the committee would revisit the MPO membership, including who should be at the table, voting and non-voting members, and ex-officio members. Much of this will be discussed when the committee reviews the drafted bylaws later in the meeting.

Mr. Rucker then asked the question of how much the public will be involved during the process of developing transportation studies for this area. Mr. Farmer discussed this at length with his staff and Mayor Frank, and believes that there will be a far more aggressive public involvement process. He plans at least quarterly meetings dedicated to public comment and engagement on specific issues before they appear on the MPO Agenda. These comments will then be transmitted at the MPO meetings. It is the goal of staff and the board members to have the public more involved. Mayor Frank believes there should be standard language in every RFP that requires the consultant to describe and implement a public input piece to their process. Then, as studies get done, there would be public input in the process before the study evolves into a final piece for consideration by the MPO. No one objected to this.

Mr. Rucker asked if the TAC will in essence be doing the functions of the existing TTC. Chairman Frank answered that the TAC and TTC will be two different groups. The TTC, now being referred to as the Transportation Working Group (TWG), will do the technical work necessary to support the MPO Staff. They make no recommendations to the MPO. Recommendations come from two sources: the MPO Staff and the TAC. The TAC is comprised of the CAOs who will rely on their representatives in the TWG to give each of them the data needed to be prepared for the next TAC meeting. Also on the TAC will be the stakeholders. The TAC will directly advise the MPO and they will be a public body, so they will have an announced agenda, a published notice of meeting, and the public will have the opportunity for comment.

Mr. Rucker asked if the investment decisions pertaining to federal aid projects, will come from the TTC via MPO staff to the MPO policy board, or via the TAC to the MPO policy board. Chairman Frank responded it is an issue that will still need to be worked out.

Mr. Heuer clarified there are four ways a recommendation arrives to the MPO: from TAC, the MPO Staff, CAB, and an MPO member. The TAC and CAB will be public bodies.

Mr. Farmer interjected that if we get the TWG and the TAC as described by Mayor Frank, the MPO staff is going to come to the MPO Agenda with much more information, including embellished agenda notes, comments from staff regarding pros and cons, and the MPO will have a more robust, open dialogue on the agenda items. There will be much more information on the table and that will contribute to a higher level of dialogue at the MPO level. There will also be a stronger briefing from the MPO Staff on the technical items for the Transportation Improvement Program (TIP).

Mr. Rickards proposed that the TWG change its name to the Administrative Working Group; however, after some discussion it was agreed to keep the TWG as such.

Chairman Frank stated that he was aware that Mr. Rucker wanted a visual flow chart to help clarify the process and MPO makeup for the Federal Highway Administration (FHWA). He believes we have made enough progress now to give this information to the FHWA for them to understand the process and how it is actually going to work in the context of the reorganization that has been identified.

Mr. Farmer is going to compile everything we have discussed today and put it into a package and give to Mr. Rucker and Chairman Frank.

Mr. McReynolds believes we need to draw a distinction between the CAO Caucus, the group that meets and confers on other issues, and the CAOs participation in the TAC. The CAO Caucus has a separate function to talk about issues that are important to the region that have nothing to do with transportation. The TAC is not the CAO group, but rather, it is an organization, a committee of the MPO that consists of the CAOs and the stakeholders. When there is a transportation issue regarding the MPO, the TAC is a public body; it is a committee of the MPO. The rest of the issues that the CAOs work on have nothing to do with the MPO and it is up to the CAOs on how to organize themselves to achieve their agenda.

The committee broke for lunch. Mr. Clark, Mr. Hayes and Mr. Townes departed.

2. Draft MPO Bylaws

Mr. Rod Ingram led the discussion regarding the drafting of the MPO bylaws. When drafting these bylaws, Mr. Ingram and Mr. Les Lilley, Virginia Beach City Attorneys drew from four documents: the organizational structure the attorneys recommended at last month's MPO Committee meeting, the Memorandum of Understanding on Metropolitan Transportation Planning Responsibilities, the bylaws of the Broward County MPO, and the HRTA bylaws.

First in the bylaws is the preamble which Mr. Ingram summarized. It is based upon the Broward MPO preamble. Proposed membership of the MPO would consist of the 13 localities, Williamsburg Area Transport, Transportation District Commission of Hampton Roads, and VDOT. The one voting member that is missing is Hampton Roads Planning District Commission. In Article 8 of the bylaws, the Executive Director would take direction from the MPO as a body, not serve as a voting member. Mr. Farmer asked if that is standard practice amongst the MPOs. Mr. Rucker stated the Richmond PDC Executive Director is a voting member. However, he thought that was very unusual. Mr. Farmer stated whatever leadership wanted to do would be fine with him. Chairman Frank believed since the Executive Director is a paid position, he should not have voting rights, but instead, the Chairman of the HRPDC be a voting member. Also, he thought the Chairman of the HPRDC and the Chairman of the MPO should be two different people. The Chairman of the HRPDC could be from the Southside and the MPO Chairman from the Peninsula and after their terms, the two localities would reverse. After some discussion, it was decided that this was a good idea. It was also decided that the Chairman of the HRPDC be an ex-officio member of the MPO and the HRPDC Executive Director would not be

an MPO voting member.

The next section of the bylaws pertains to non-voting members of the MPO. Mr. Ingram stated the non-voting members consist of the Virginia Department of Rail and Public Transportation, Virginia Port Authority, Virginia Department of Aviation, Federal Transit Administration, Federal Highway Administration, and Federal Aviation Administration. He also said they have contemplated adding representatives of freight, railroads, and commercial airports. The Chairman of the PDC, General Assembly members, and the Chair of the CAB would also be included. Chairman Frank asked Mr. Farmer to have his staff look at the Standard Practices on how these representatives should be selected and through what means we would invite them to participate. Mr. Heuer stated that there is a Southeast Virginia Motor Carrier Association that is meeting in August and that might be a good source of information. Mr. Rickards suggested that Amtrak also be included as a non-voting member.

Mr. Ingram stated that the next issue in the bylaws, voting representation, would need input from the MPO Committee. The suggestion in the bylaws now is that the representative of each of the thirteen voting localities shall be an elected official. With respect to the transit organizations, they would be represented by the Executive Director and the representative from VDOT would be the designee of the State Secretary of Transportation. Chairman Frank stated this raises the policy issue of do we have CAOs elected to serve on the MPO Board. Historically they have been and it would be helpful to have them at the table. After discussion, it was decided to have the CAOs at the table but they would be ex-officio members only.

The next topic discussed in the bylaws was weighted voting. To clarify how the HRPDC votes, Mr. Farmer explained that there are 4 months (3 quarterly and 1 annual meeting) where there is weighted voting. Mr. Spore believed that there should be weighted voting based on population. Mr. Rucker stated that there were not Federal or State rules regarding weighted voting. Mr. Rickards commented that a one-to-one locality voting ratio would keep the vote more even. Retired Admiral Ray Taylor researched other MPOs and summarized that there are pros and cons to both views, but since we are dealing with transportation issues and transportation is more of a regional issue, he would suggest majoritarian voting. After much discussion, it was decided to defer this matter until the next MPO Committee meeting and Mr. Farmer will have staff research the Standard Practices on weighted voting.

Chairman Frank suggested the second sentence of Article 3.02 regarding Reconsideration be stricken from the bylaws. After discussion, all agreed to strike this sentence from the bylaws.

Mr. Ingram stated the language in Article IV of the bylaws was taken from the Freedom of Information Act (FOIA). He outlined the information regarding regular and special meetings and all concurred that to call a special meeting, the Chair or

any five voting members of the MPO should give at least 48 hours notice to all members. In Article 4.05 of the MPO bylaws, the definition of a “meeting,” should be changed to read, three or more members of the MPO conducting MPO business would be classified as a “meeting.” It was also agreed upon by the committee to have public comments only at the beginning of each MPO meeting which is described in Article 4.06. Mr. Rucker suggested that we include citations from the Federal Regulations regarding public notice. Mr. Farmer stated that he and Mr. Ingram would do this. Mr. Ingram will also reference the FOIA and the Virginia Code in the bylaws.

Article V of the bylaws details the officers and duties of the MPO. Mr. Ingram will add that the HRPDC Chair and the MPO Chair will rotate by term from a Southside to a Peninsula member. Also to be added to the bylaws is a statement that the Chair of the MPO may not serve as the Chair of HRPDC contemporaneously. Mr. Ingram stated the Executive Director of the HRPDC will serve as the MPO Secretary. The pros and cons were discussed regarding term of office and term limitations. It was agreed that the term of office would be one year with one year of re-election, if applicable. Article 5.7 deals with the nominating process for the MPO. The committee asked Mr. Ingram to change the language to reflect that the MPO Chair shall appoint a nominating committee to seek those who are willing to serve.

Mr. Ingram reported the language in Article IV, Committees, is very vague and more input is needed on this section. Due to a time factor, it was decided to defer this discussion to the next MPO Committee meeting, when Mr. Farmer will have more research regarding Standard Practices from around the state.

Regarding Article VII, Staff, Mr. Farmer and Mr. Ingram will input all financial aspects that need to be referenced.

Mr. Ingram continued stating that Article VIII references all procedures will be according to Robert’s Rules.

Article XI deals with Amendments, or changes in the provisions of the bylaws.

3. Draft VDPT/MPO “Master Agreement”

Due to a time factor, this will be discussed at the next MPO Committee meeting.

4. Old/New Business

The MPO Committee decided to meet next on Wednesday, August 19, 2008, at 9:30 a.m. and after that, every first Tuesday at 9:30 a.m.

5. Adjournment

There being no further business, the meeting adjourned at 2:12 p.m.

