

Meeting Record

MPO Officials Committee Meeting

Tuesday, September 27, 2011; 1:30 p.m.
Mayor's Conference Room
County/City Building, 555 South 10th Street
Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Mayor Beutler; Gene Carroll, Adam Hornung, City Council; Bernie Heier, Deb Schorr, County Commission; Monty Fredrickson, NDOR.

OTHERS IN ATTENDANCE: Rick Hoppe, Mayors Office; Miki Esposito, Public Works & Utilities; Nicole Fleck-Tooze, David Cary, Michael Brienzo and Michele Abendroth, Planning Department

Roll call and acknowledge the Nebraska Open Meeting Act

The meeting was called to order at 1:30 p.m. The Nebraska Open Meeting Act was acknowledged.

Review and action on the draft minutes of the June 23, 2011 Officials Committee meeting

Heier moved approval of the June 23, 2011 Officials Committee meeting notes, seconded by Hornung. The motion carried unanimously.

Election of committee officers

Heier nominated Schorr as Chair, seconded by Hornung. The motion carried unanimously.

Carroll nominated Hornung as Vice Chair, seconded by Heier. The motion carried unanimously.

Brienzo requested that item #5: "Briefing on the 2040 Long Range Transportation Plan update" be next on the agenda. There were no objections.

Briefing on the 2040 Long Range Transportation Plan (LRTP) update planning activities, planning schedule and Planning Commission recommendations

Brienzo stated that it is the responsibility of the Metropolitan Planning Organization for the Lincoln-Lancaster planning area to develop a Long Range Transportation Plan (LRTP). All projects of regional significance or implemented using federal funds are required to be consistent with the LRTP to be eligible for federal funds. The MPO LRTP has been developed in conjunction with the Comprehensive Plan since the creation of the MPO in the 1970s. The development of these documents together allows for better coordination of the plans. This update process began in the spring 2010 with the development of the land use plan. A citizen advisory committee (LPAC) provided oversight for this process. The Planning Commission received the draft plan in July and requested public input at that time. Three public hearings were held by Planning Commission on the draft LRTP and Comprehensive Plan and recommended approval of the draft plan on September 7th.

This plan make significant progress is satisfying the federal corrective actions for the MPO. Out of the twelve corrective actions identified by the federal review, the draft plan will satisfy seven of those actions. A public hearing on the draft LRTP and Comprehensive Plan is scheduled on October 18. The draft plan will also be reviewed by the Technical Committee at their October meeting, and this recommendation will be forwarded to the Officials Committee for action at their December 1st meeting.

Cary noted that the LRTP is required to be updated every five years. It is related directly to the Comprehensive Plan especially regarding land use planning. In this plan, we are looking out nearly 30 years which allows us to look over the long term in terms of growth and the transportation needs to meet that growth. It is a multi-modal plan, which is a requirement of the federal guidelines and regulations. This plan has a very big emphasis in this Plan on fiscal constraint. This means that projects that we show over the planning period are projects that we can fund.

Next, Cary briefly reviewed the needs based trails plan and the transit system concept map. He also reviewed the needs based capital roadway projects and programs. This table identifies projects programmed to 2025, projects programmed to 2040 and unfunded needs.

Mayor Beutler stated that he has objections to the overall process that was used. It is his objective to change back to what was done before this year and the relationship between the Comprehensive Plan and the LRTP. What happened this year was a little different in so far as the LRTP was developed with the Comprehensive Plan. By doing that, there are at least 3 problems that are significant in nature. One of the problems is the matter of the role of elected officials. Another matter is the role of administration. The third matter is that you need five votes to change the Plan. In this particular atmosphere where we added money at the last minute, and we were involved in a negation with regard to the Comprehensive Plan, it all happened very fast, and it happened in a way that it shouldn't. Every time we want to change the LRTP, we have to change the Comp Plan.

Schorr asked why it was different this year. Brienzo stated that the federal regulations required prioritization. During the federal review of the Lincoln MPO planning process, the corrective actions stated the LRTP was deficient in identifying a set of fiscally constrained priorities for system improvements. The federal review team is requiring that the LRTP reflect be directly reflected in the annual Transportation Improvement Program (TIP).

Beutler stated that the third plan (LRTP) and the TIP, is now tied into the budget process. He asked what we need to do change the LRTP. Brienzo stated that we can amend the plan at this table. The MPO has a process in place that that includes public review by the Planning Commission of the Technical Committee actions which are forwarded to the Officials Committee for action. This same process is used for the TIP so that the projects in the TIP will directly reflect the LRTP implementation strategies. How transportation project track through the TIP may depend on the size and character of the project as well as the budget process. However, the relationship between the TIP and the LRTP will need to be maintained. The feds also require this to be an open process and this process is laid out in the Public Participation Plan.

Beutler stated that the problem is that by giving additional power to the Comp Plan, you are essentially giving additional power to the Planning Commission, and the Planning Commission is not elected and should not be talking about how much money to spend or order of prioritization. Fleck-Tooze stated that there is a history of the Transportation chapter in the Comp Plan being identical to the MPO LRTP, and perhaps this is the time for that to change because of the level of detail that is required in the LRTP which may not be necessary in the Comp Plan. The level of detail would still be in the LRTP.

In response to a question about the timing of removing the detail from the Comp Plan, Fleck-Tooze stated that one way of doing that would be to take an amendment to the Planning Commission recommended plan which would remove some of the detail from the Comp Plan.

Fredrickson asked why that level of detail is needed in the LRTP. Fleck-Tooze stated that is the guidance that we received from the federal government. Fredrickson stated that the State's long range plan will not be project specific. Brienzo stated that the MPO Plan is to be project specific with the scope of each project with enough detail to identify project costs for a fiscally constrained plan.

Schorr asked who came up with the prioritized list in the pink and green bands. Cary stated that it was a result of the LPlan Advisory Committee (LPAC) as well as staff input. Schorr asked if there was any input by elected officials. Cary stated that there was not.

Hornung inquired about the process to make a change to the LRTP. Brienzo stated that the planning process calls for technical review by the MPO Technical Advisory Committee and recommendations from this analysis will be forward as an amendment to the Officials Committee. The Officials can accept these recommendations or send them back to the Technical Committee for further study. The TIP is to reflect the LRTP in terms of projects selected and process. The state and federal oversight is on the TIP requires their approval. Cary stated that there would be a public hearing of changes at Planning Commission, and they would act on any amendments before being brought to this body.

Hornung then inquired about the process to change the Comp Plan. Fleck-Tooze stated that the Planning Commission also serves that role for the Comprehensive Plan. Hornung asked why we can't have two separate documents now. Fleck-Tooze stated that we could do that now, but staff felt it would be better to make the change early next year before the CIP and TIP would be coming forward. This way, we would achieve the goal of taking the detail out of the Comp Plan. In theory, we could make those changes before the Comp Plan was adopted. Brienzo stated that if this was done in the spring, it would have the benefit of the CIP and TIP discussions.

Hornung asked if this is the level of detail that is required. Cary stated that the first 10 years need to be very detailed and that level of detailed is required for the LRTP.

Carroll asked if the LRTP could be referenced separate from the Comp Plan. This would allow us to change the LRTP but not the Comp Plan. Brienzo stated that this could be done since they are viewed as separate documents. The Comp Plan is viewed as a policy plan that the LRTP draws upon for the staging of projects. Cary stated that staff is proposing to leave the general information in the Comp Plan but remove the detail.

Schorr asked about postponing the hearing date. Fleck-Tooze stated that staff will look at if these changes can made for the October 18 hearing. Beutler stated that when he met with staff, he agreed to wait until the spring. Hornung stated that he does not believe it is a good idea to wait until the spring or to make policy decisions based on ten years from now.

Hoppe stated that there is a practical reality that it may be better to delay the hearing and allow for a more thoughtful discussion.

Schoor stated that it would be hard to get this through two elected bodies knowing that it will be changed significantly in the future.

Brienzo stated that staff will review the timeline and make a recommendation on how to proceed. The primary concern is that the public hearing date has been advertised.

Review and action on the Project Selection Task Force recommendations on project funding and programming for the Federal Transit Administration Job Access/Reverse Commute and New Freedom programs. Action is to include amending the proposed FY 2012-2015 Transportation Improvement Program to add these projects and federal funding.

Brienzo stated that the MPO receives federal money through the Federal Transit Administration for two transportation programs, the Job Access Reverse Commute (JARC) and New Freedom programs. This year we are receiving \$438,000 in JARC funding, and \$99,000 in New Freedom funds. To allocate these funds to projects for these types of programs we hold a public "Call for Proposals" as required under FTA requirements. As a result of this call, five applications were received for separate projects requesting these funds to be used for a portion of project operating costs.

The Technical Committee has reviewed the applications and made recommendations based on available funding. There is slightly less funding than last year and the requests for funding have increased. We received three applications under the JARC program, which include the Lincoln Literacy Council, StarTran, and the Center for People in Need. There is not sufficient funding to support the entire request of all three applications. All three programs are very good programs, and each have a different role in providing transportation services in the community. The committee wanted to support these programs as close as possible to what we provided last year. This resulted in funding each at a 97% level of last year's requests. We received two applications under the New Freedom program, which include the League of Human Dignity and the Seniors Foundation of Lincoln and Lancaster County. We are fortunate to have sufficient funds to fund both programs as requested.

Schorr asked if there were any county program applications. Brienzo stated that there were none. Schorr asked if the rural transit program could be funded. Brienzo stated that there are specific requirements but he believes programs within the county could be funded.

Brienzo noted that this action will include an amendment to the 2011-2014 Transportation Improvement Program to add these projects.

Fredrickson moved approval of the Job Access/Reverse Commute project funding, seconded by Carroll. The motion carried unanimously.

Review and action on revising the MPO Transportation Improvement Program amendment policy to better reflect the State STIP revision criteria

Brienzo stated that this is an update to the policy to amend guidelines to revise the TIP. There are three parts to this, which include 1) formal amendments, 2) administrative modifications, and 3) an expedited amendment process. For formal amendments and administrative modifications, this update is to reflect the new Nebraska Department of Roads (NDOR) guidelines. Currently all amendments are brought to the Officials Committee for action and then forwarded to the state and federal government. The revised policy is basically the same with the addition of an expedited amendment process. Formal amendments require approval by the Officials Committee and are submitted to the NDOR for approval. Administrative Modifications are minor revisions which can be made to a project already included in the TIP by Lincoln MPO staff. Administrative modifications are minor changes which do not impact LRTP conformity or the social and environmental Impact Analysis. These typically are used to change the title or project description for greater clarity or to change in the project number. We consider these as typographical errors or other misinterpretation of project descriptions and do not require public review and comment. We do notify NDOR for concurrence on these changes.

Brienzo reviewed the expedited TIP amendment process whereby the proposed amendment will be posted on the MPO web page for public review, and email notices will be sent to those who have requested direct notification. Upon completion of the seven day review period, the Committee will be asked to vote on the proposed TIP amendment by written correspondence via email. The expedited amendment process is new and will be an efficient process in amending the TIP. This is not expected to be used often but only when situations arise out of the normal committee review process to accelerate the review and approval process for eligible projects that need immediate action. This is an elective process that can be used using an email review and approval process. Public review would be accommodated by way of email contacts and postings on the MPO website.

Schorr asked for an example of a project that would go through the expedited project and one that would go through the regular process. Brienzo stated that the stimulus projects would be an example of projects that could go through the expedited process. We had problems getting these programmed in a timely manner to obligate the federal funds. We did get this done but sometimes with great difficulty.

Schorr asked if the city attorney has reviewed the email process as the county attorney would not allow an email vote. Brienzo stated that the city or county attorney did not review this document, but will seek an opinion from both the county and city attorneys.

Hornung stated that an important piece missing is the public discussion of the motion. Brienzo stated that if any one member would like to have a discussion on the motion proposed through the expedited process, any committee action would be postponed.

Hornung inquired about the 20% or \$2 million (whichever is greater) cutoff between a formal amendment and an administrative modification. He believes that number seems high and would like to reduce that number.

No action was taken. Brienzo stated that he would review these questions with NDOR and members of the Technical Advisory Committee.

Other topics for discussion

There being no further business, the meeting was adjourned at 2:36 p.m.

*** Please note that these minutes will not be formally approved until the next meeting of the Metropolitan Planning Organization Officials Committee. ***

ma/mb

Q:\MPO\Officials Committee\Minutes\2011-2012\Officials Minutes 09-27-11.docx