

METROPOLITAN COUNCIL
 390 North Robert St., St. Paul MN 55101
REGULAR MEETING OF THE TRANSPORTATION ADVISORY BOARD
 Wednesday, October 20, 2010

MEMBERS PRESENT:	Hargis, William	Bennett, Tony	Berg, Dennis
Petryk, Becky	Johnson, Ken	Have, Ron	Swanson, Dick
Hovland, James	Meyers, James	Lilligren, Robert	Mussell, Richard
Peilen, Lisa	Lampi, Steve	Ulrich, Jon	Krause, Paul
Smith, Jill	Thornton, David	Leppik, Peggy	Whalen, Julia
Tjornhom, Bethany	Gepner, David	Callison, Jan	Reinhardt, Andrew
Hegberg, Dennis	McBride, Scott		
ABSENT:			
Craig, Matthew	Maluchnik, Randy	Haik, Chuck	Gustafson, Dan
Ward, Bart	Heffelfinger, Thomas	Stark, Russ	
LIAISON/STAFF PRESENT:	Kevin Roggenbuck, TAB Coordinator		

I. CALL TO ORDER

A quorum was present when Chair Hargis called the October 20, 2010 TAB meeting to order at 1:35 pm, Metropolitan Council Chambers, St. Paul.

II. ADOPTION OF AGENDA

Motion by Lampi, seconded by Johnson, to adopt the agenda for the October 20, 2010 TAB meeting.
 Motion passed.

III. APPROVAL OF MINUTES

Motion by Krause, seconded by Swanson, to approve the minutes from September 15, 2010 TAB meeting.
 Motion passed.

IV. PUBLIC FORUM

Invitation to the public to address the Board about any issue not on the agenda. Public comment on the agenda items has occurred at the respective TAB subcommittee meetings.
 There were no members of the public that requested to speak at this TAB meeting.

V. SPECIAL REPORT on the Transportation Policy Plan Update

Connie Kozlak, MTS Manager Systems Planning, and Carl Ohrn, MTS Planning Analyst, appeared before the TAB and gave an update on the Transportation Policy Plan. The update is to primarily change the aviation and highway chapters. TAC Planning worked on, and the TAB Policy and full TAB reviewed the plan in July 2010 and comments were passed on to Metro Council and incorporated into the plan prior to the Council adoption of the plan for public comment. The TPP was posted on-line in August, a public hearing was held on Sept. 27 and the public comment period open until Oct. 7. Kozlak handed out a 1-page summary of the public comments; missing from the bullet points on the list is the vision for the highway system beyond the fiscally constrained plan; language is being worked on for that comment. In addition to the Transportation Committee agenda for 10/25, two documents will be posted on the Metro Council website: a TPP public hearing report and responses, and the modified Transportation Policy Plan.

Ulrich stated that Federal and State legislation defines the TAB as the MPO, and the roles and responsibilities and make-up of the MPO. He questioned why the Metro Council Transportation Committee would be the

body approving the TPP, instead of the TAB. Kozlak stated that the Governor's designation is that the Metro Council is the MPO. Discussion followed about the Federal and State legislation language. Ulrich stated that he felt the TAB was being railroaded into the TPP approval. There were 7 TAC or TAB-related meetings related to the adoption of the TPP in 2009. He stated that the TAB has not seen the comments received during the public comment period and the responses to those comments. Ulrich stated that other MPO's plans have both the constrained portion to their plans, but also address what projects could be funded if more funding became available. In the fiscally constrained scenario, many large projects could not have been done in the last couple of years because they wouldn't have been in the plan. The plan has no vision for larger projects if funding becomes available. The Governor was also not happy that the large projects were not mentioned in the plan. Ulrich also stated that it would be embarrassing if some TAB members took the Council to court for violating the law by taking away the authority of the TAB to approve the TPP. Ulrich expressed concern that the TAB cannot advise at this meeting today, without seeing the final TPP. Leppik stated that the TAB is the MPO, but that by statute the Metro Council is required to approve the TPP; the Transportation Committee is advisory to the full Council. Kozlak stated that the federal government requires the state and the MPO adopt a MOU as to the roles and responsibilities. Ohrn stated that the MPO is the TAB and the Metro Council together, and cited the defined roles from the MOU. Ohrn stated that the TPP was reviewed by the technical committees, TAC, Policy Committee, etc. and the draft that was approved is "99%" the same as it is going to the Transportation Committee on 10/25. Kozlak suggested also reading the regulations that implement federal law: 23-CFR-450.

Ulrich restated that he does not think the TAB is being given adequate time to advise the Council prior to the Transportation Committee meeting on 10/25. He questioned why approval is needed now, when the TPP is not due until 2012. Ohrn responded that in 2009, when the 12 major projects were taken out of the TPP, a commitment was made to come back and adopt a revised plan on this schedule, after a reassessment of the 12 major projects was complete, in order to attempt to get the projects-or parts of the projects-back into the plan. The current Metro Council is committed to that. If the adoption of the TPP is delayed until there is a new Governor, new legislature, new TAB, new TAB Chairman then the TPP may not be adopted for another 2 years and the 12 major projects as reassessed will not be in the plan.

Bennett commented that he believes the TAB is in violation of the law if the TAB does not advise on the final TPP prior to Council approval, and the TAB would be within its rights to ask to review the final document prior to advising.

Motion by Ulrich, seconded by Bennett, that the TPP return to the TAB for advisement prior to going to the Metro Council for final approval. Callison suggested the motion be revised to include legal analysis of the rights and responsibilities of the TAB. Bennett restated the motion to state that before the TPP is returned to the TAB for approval, that legal counsel advise whether the TAB is within its rights to request.

Ohrn pointed out to the TAB that the TAB legal counsel and the Metro Council legal counsel are one in the same.

Lilligren stated that it is important to move forward now, prior to a new administration and perhaps the meeting schedules could be worked out in order to satisfy TAB members. He stated he believes the TAB has already done its job of advising to the Council.

Hovland stated that the TAB voted in July 2009, but did not explore the "visioning" piece on expansion projects to great detail. If there were to be greater than anticipated federal reauthorization of funding or a second round of stimulus money, then the TPP could be amended again to add projects.

Peilen stated these are good comments from Ulrich, perhaps the process is flawed; she has concerns with changing the process during this round and this late in the process. Berg questioned why the rush to approve, if an amendment is possible. Discussion followed regarding visioning, governance, roles and responsibilities, Leppik asked to divide the motion (above) into two parts -1) the legal counsel review, and 2) the final TPP be brought to the TAB. Although she stated she would not support a motion with/or without the legal review, Callison moved to amend the motion to delete the language regarding legal counsel review; motion to delete the language seconded and passed. The original motion by Ulrich, seconded by Bennett stands: That the TPP return to the TAB for advisement prior to going to the Metro Council for final approval. Motion failed with a 13-No/ 11-Yes vote.

Leppik recommended that the issues of governance and legal responsibility that have been brought up during this TPP discussion be researched and discussed further in the future.

VI. COMMITTEE REPORTS

A. Technical Advisory Committee

Karl Keel reported that the TAC met on October 6, 2010 and heard information on

Information:

Presentation from Sue Groth, MnDOT Traffic Department regarding the Highway Safety Improvement Program (HSIP).

The TAC also discussed additional funds that are coming to the region which is on the TAB agenda today, and approved three items also on the TAB agenda.

B. Policy Committee

Johnson reported that the Policy Committee met and approved the following items:

Information and discussion:

Prospectus/Transportation Planning Handbook Update.

The handbook is an abbreviated version of the MOU and should be ready by year end 2010.

Information and discussion:

Transportation Economic Development (TED) Program and the Safety and Mobility (SaM) Interchange Program

These are two MnDOT funding programs using money tagged by the legislature, about \$40M each, half of which goes outstate and half of which goes to the Metro area. The money is primarily being used to complete projects where not all of the funding has been put in place. There was a motion at the Policy Committee that MnDOT's plans for distribution of these funds will be presented to the Policy Committee with the intent that the Policy Committee review for coordination between the Council Regional Solicitation programs and these two MnDOT programs. Motion passed at the Policy Committee.

Information and discussion:

Regional Transitway Guidelines (Regional Transitway Guidelines Advisory Committee)

MTS staff Cole Hiniker and Mary Karlsson presented on this subject.

There are four major sources of funding, all parties are involved in the process. Due to time constraints at the Policy Committee, the entire presentation was not shown. It was suggested that Hiniker and Karlsson return to the full TAB in the future with a presentation/update.

C. Programming Committee

Prior to the Programming Committee report, Hovland made a motion that the TAB recommend to the Metro Council that in the future the TPP be sent to the TAB for comment at the appropriate time, and return to the TAB for an advisory decision after the TPP is in its final form prior to being sent to the Metro Council.

Motion seconded by Bennett.

Callison suggested discussing the matter at another time. Hovland withdrew his motion.

Motion by Berg, seconded by Bennett to lay over the discussion regarding the TPP advisory process to the 11/17/10 TAB meeting.

Discussion followed regarding the timing required to obtain legal counsel opinion.

Motion passed.

Hovland reported that the Programming Committee heard information on the following item:

Information and discussion:

Additional FFY 2011 federal funds

Some ARRA money that was awarded to certain states did not get used and was redistributed. There is \$12M available to be spent in 2011. A memo from MnDOT is included in the meeting packet stating how MnDOT intends to invest their money. The Programming Committee discussed a range of approaches for the TAB to distribute its money. As a result of the discussion, Hovland made a motion that the TAB send this matter to the F&PC for recommendation with the concept of creating as many jobs as possible and look carefully at pavement investments consistent with MnDOT. Motion seconded by Berg; motion passed.

Hovland stated that the Programming Committee discussed and approved the following items. There were no objections to acting on the items as consent in one action. Motion by Hovland, seconded by Petryk to approve TAB Action Items 2010-58 through 2010-65 (as listed below). Motion passed.

Item 2010-58: STP Project Scope Change: City of Savage

Motion: That the Transportation Advisory Board (TAB) approve a scope change for Savage SP#211-010-07: TH13/Quentin Avenue to keep the Lynn Avenue intersection signalized and convert the Quentin Avenue Intersection to a T-intersection, removing the north leg with traffic signal control, and require that both T-intersections be right-in/right-out.

Item 2010-59: Transportation Improvement Program Amendment: Include the revised scope for SP#211-010-07 described in item 2010-28.

Motion: That the Transportation Advisory Board (TAB) adopt an amendment to the 2011-2014 Transportation Improvement Program (TIP) to include Savage SP#211-010-07: TH13/Quentin Avenue Improvements.

Item 2010-60: Transportation Improvement Program Amendment request for MnDOT SP#0280-66: I-35W North Mitigation and Design Feasibility Study from downtown Minneapolis to I-35E intersection.

Motion: That the Transportation Advisory Board (TAB) amends the 2010-2013 Transportation Improvement Program (TIP) to include MnDOT SP#0280-66: I-35W North Mitigation and Design Feasibility Study from downtown Minneapolis to I-I-35E intersection.

Item 2010-61: 2011 Regional Solicitation: Revising the Regional Functional Classification System for Highways.

Motion: That the Transportation Advisory Board (TAB) initiate a process to re-conceptualize the functional classification system after development of the 2011 Regional Solicitation has concluded.

Item 2010-62: 2011 Regional Solicitation: Elevating Preservation as a Goal in STP Regional Solicitation.

Motion: That the Transportation Advisory Board (TAB) adds criteria in the "A" Minor Augmenter category to measure the preservation value of proposed projects.

Item 2010-63: 2011 Regional Solicitation: Cost Estimating in Regional Solicitation

Motion: That the Transportation Advisory Board (TAB) requires a more detailed breakdown of project elements and costs for projects submitted for STP funding.

Item 2010-64: 2011 Regional Solicitation: Revising Integration of Modes Criteria in the Regional Solicitation

Motion: That the Transportation Advisory Board (TAB) simplify the integration of modes prioritizing criterion to evaluate the degree of connectivity to modal networks or destinations that new elements provide.

Item 2010-65: 2011 Regional Solicitation: Encouraging more signal timing projects to compete in the CMAQ solicitation.

Motion: That the Transportation Advisory Board (TAB) establish a new CMAQ funding program for signal re-timing projects.

Information and discussion:

2011 Regional Solicitation: Non-Freeway Principal Arterials and Consistency with new 2030 TPP Eligibility Requirement.

Programming Committee recommended waiting until the 2030 TPP is adopted at the end of the current calendar year to evaluate how the new TPP will affect project eligibility for non-freeway principal arterials in the Regional Solicitation.

Information and discussion:

2011 Regional Solicitation: CMAQ Transit Issues.

There was no consensus on the three proposals put forward by the Metropolitan Council, there were statements that the issues were noteworthy and deserved further consideration in the future. There was no recommendation from F&PC or Programming Committee. The full TAB had nothing more to add.

VII. SPECIAL AGENDA

MnPASS II Study

Nick Thompson, MnDOT Office of Policy Analysis, Research and Innovation was present, but due to time constraints, was asked to appear at a future meeting.

VIII. ITEMS OF TAB MEMBERS

None

IX. AGENCY REPORTS

None

X. OTHER BUSINESS

None

XI. ADJOURNMENT

Motion, seconded and passed to adjourn the regular meeting of TAB at 3:00 pm on Wednesday, October 20, 2010.