METROPOLITAN COUNCIL
390 North Robert St., St. Paul MN 55101
REGULAR MEETING OF THE TRANSPORTATION ADVISORY BOARD
Wednesday, April 20, 2011

MEMBERS PRESENT:	Hargis, William, Chair	Hegberg, Dennis	Meyers, James
Petryk, Becky	Johnson, Ken	Have, Ron	Maluchnik, Randy
Hovland, James	Smith, Jill	Lilligren, Robert	Westerberg, Andy
Peilen, Lisa	McBride, Scott	Ulrich, Jon	Whalen, Julia
Tjornhom, Bethany	Callison, Jan	Krause, Paul	Rossbach, Will
Bennett, Tony	Gepner, David	Trepanier, Mike	Duininck, Adam
	Gallagher, Steven		
ABSENT:	Swanson, Dick	Ward, Bart	Thornton, David
Reinhardt, Andrew	Mussell, Richard	Stark, Russ	Heffelfinger, Thomas
LIAISON/STAFF PRESENT:	Kevin Roggenbuck, TAB Coordinator		

I. CALL TO ORDER
A quorum was present when Chair Hargis called the April 20, 2011 TAB meeting to order at 1:00 pm, Metropolitan Council Chambers, St. Paul.

II. ADOPTION OF AGENDA
Motion by Maluchnik, seconded by Lilligren, to adopt the agenda for the April 20, 2011 TAB meeting.
Motion carried.

III. APPROVAL OF MINUTES
Motion by Johnson, seconded by Smith, to approve the minutes from March16, 2011 TAB meeting.
Motion carried.

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 present to address the TAB at today's meeting.

V. WELCOME NEW TAB MEMBERS
Chair Hargis welcomed new TAB members and each spoke of their background and experience:
Mike Trepanier, City of Brooklyn Park
Steven Gallagher, City of Newport
Adam Duininck, Metro Council District 8

Hargis stated that the process has begun for filling the at-large seats on the TAB. The Metro Council appoints these members; Duininck stated that it may take a few weeks. Roggenbuck will email a list of applicants to TAB members.

VI. COMMITTEE REPORTS
A. Technical Advisory Committee
Karl Keel reported that the TAC met on April 6, 2011 and, in addition to the action items on the TAB agenda today, the committee heard information on the following:

Frank Pafko from MnDOT gave a presentation on the 106 process (Environmental Review) of projects, of particular interest to TAC members as TAB has encountered projects of historical and cultural significance.

Serge Phillips from MnDOT gave a presentation of his knowledge to date concerning the reauthorization of the Transportation Funding bill. There was a long discussion at the TAC about the impacts of changes, proposed reductions and unknowns.

Keel stated that the TAC also heard two functional classification changes requests (Maple Grove and Hennepin County). These requests do not go through the TAB, but will be shown on the Functional Classification Map which the TAB does approve.

B. Executive Committee

Hargis reported that he, Hegberg, Roggenbuck and the co-chairs of TAB subcommittees met with Metro Council Chair Haigh, Regional Administrator Born and Councilmember Duininck on 4/08 to emphasize the collaborative relationship and discuss respective roles of TAB and MC. Roggenbuck will write a summary of the meeting points and provide to the TAB. Hovland pointed out that it was the first meeting of that type in his recollection that the TAB has had with the MC. Hargis and Roggenbuck also attended the 4/11 Transportation Committee to inform the committee of the Regional Solicitation process, along with other information.

Clarifying the TAB's role in the Twin Cities MPO. Roggenbuck noted items provided in the TAB packet: House Bill 1403 recreating the Twin Cities MPO; most recent federal rules regarding Metropolitan Transportation Planning (from Cornell University Law School website); letters from FHA to Bell documenting the last federal certification; letter from FHA to Scott County Attorney Patrick Cilberto; and an update of exhibits within the Transportation Prospectus (Exhibit 17 & 19). These documents are provided as information to facilitate the discussion at today's TAB meeting.

Johnson stated that the Policy Committee discussed the following points in March, and came to these conclusions:

1. Is the TAB operating legally as the MPO as the FHWA envisioned? The documents and letters seem to indicate so.
2. The process for handling the TPP, TIP, Prospectus. There is nothing to indicate that the TAB cannot review and modify these documents.

Ulrich stated that the issue of "who" is the MPO (TAB or Metro Council) is probably not an issue that is going to be settled here and will probably be handled in court or at the legislature. The question of whether the unique relationship between the TAB/MC fulfills federal law can't be answered here. Johnson stated that the FHWA has not had an issue with this, but Senator Beard has proposed legislation.

Ulrich then stated that the TAB should spend considerable time on establishing the processes. He proposed three "fixes":

1. That there be three TAB meetings prior to approving the TPP:
    a. First meeting - the draft TPP is presented in full to the full TAB prior to the public comment period.
    b. Second meeting – the public comments on the TPP are presented to the TAB for input to help guide MC responses to these comments.
    c. Third meeting – the Final TPP, with the responses to comments is presented to the full TAB.

Arlene McCarthy addressed the TAB, stating that a letter from Bell to Scott County indicated receptiveness to looking at the processes. She asked for clarification on the level of "presentation" that the TAB would like. She questioned the word "TAB" - does it mean directly to full TAB. or the TAB process of Policy Committee, Programming Committee, F&P Committee, etc.?

Callison pointed out that Ulrich's proposal is very prescriptive as to the number of meetings, yet unclear as to the word "full". She stated that the membership should agree that the TAB should make decisions based on full information, including the public comment and understanding of what the responses are.

Ulrich pointed out that the TPP passed by a narrow margin vote at the end of last year, and following the TPP vote, the committee voted nearly unanimously that they wanted to revisit the process.

Lilligren stated the issue of processes was also brought up during the meeting with Chair Haigh and Regional Administrator Born. Hovland suggested that the TAB Policy Committee form a subcommittee to work with the Metro Council Transportation Committee (or a sub group of the Transp. Committee), with staff assistance, to see how the all of processes where the TAB provides advice to the Met Council can be improved.

Motion by Ulrich to amend the TPP process to include three meetings: first meeting the TPP is presented to the TAB; second meeting the public comments are presented to the TAB; and the third meeting the Metro Council response to the comments is presented to the TAB. Motion seconded. Discussion followed that this should be discussed through the Policy Committee or another group but not at this meeting.
Ulrich withdrew his motion.

Motion by Hovland to direct the TAB Policy Committee to review the processes that involve the TAB providing advice to the Metro Council, and return to the TAB with recommendations whether the TAB should make recommendations to the Metro Council on modification of processes. Seconded by Callison. Motion passed.
There was no time frame for this task indicated.

Ulrich requested a clarification to the note at the bottom of updated Exhibit 19.
Current language: "Note: Although final approval rests with the Metropolitan Council, TAB's action will be changed only if the Council finds it inconsistent with Council policy".
The Metropolitan Council cannot change TAB action, they can return the action to the TAB for reconsideration.

C. Policy Committee
Johnson reported that the Policy Committee did not meet in April.

D. Programming Committee
Lilligren reported that the Programming Committee heard information on the following items:

Information and action: 2011 Regional Solicitation
Roggenbuck presented on the 2011 Regional Solicitation and will provide the powerpoint presentation to TAB members. Discussion about contingency planning with the uncertainties at the federal level on transportation policy and funding prompted discussion about the Regional Solicitation process, and whether it would be prudent to wait until the new Federal Transportation Act is in place before going through the Regional Solicitation process. A letter to applicants will be included in the packet informing them of the uncertainties.

Hegberg commented that scoring of the regional solicitation applications should take into consideration (and award additional points) when a number of communities and entities collaborate together to work out funding scenarios in order to be able to construct a project. Although he is generally in favor of the Regional Solicitation item, he will not be voting in favor of the Regional Solicitation today because of this point.

James Andrew made a recommendation to the Programming Committee that the public be given an earlier opportunity to comment on the Regional Solicitation process. This will make the comments more relevant to the process that just passed, prior to revising the packet for the next solicitation.

2011-41: 2011Regional Solicitation – Lilligren reported that the Programming recommended adoption of this item.
Motion was made by Lilligren, seconded by Smith:
That the Transportation Advisory Board accept the response to public comment on the draft 2011 regional solicitation package and adopt the package for release to the public for the solicitation of project applications including the schedule of events incorporated into that document.
Motion carried with one dissenting vote.

Information: Draft 2012-2015 Transportation Improvement Program for the Twin Cities Metropolitan Area
The discussion at the Programming Committee was about projects that were deferred, and the sunset schedule. MnDOT has had the ability to cover these movements so that other projects could move forward while these projects are deferred. It is becoming more difficult, MnDOT may not have the fiscal flexibility to cover those projects. It is a considerable amount of funds, nearly $60M. The matter was referred to the Funding and Programming Committee and Technical Committees for discussion and recommendations, if any. Roggenbuck added that this is usually done by MnDOT, MC Staff and Roggenbuck before the Draft TIP is sent to the F&P Committee for review, maintaining fiscal balance within the TIP and accommodating the deferral of local projects that are unable to meet their program year.

2011-39: 2011-2014 Transportation Improvement Program Amendment: Metro Transit
There were no comments from committee members.
Motion was made by Lilligren, seconded by Smith:
That the TAB adopts an amendment to the 2011-2014 TIP that adds a Metro Transit TIGGER Funded pilot project for two hybrid-drive buses.
Motion carried.

2011-40: CMAQ funding set aside for Travel Demand Management activities
Cole Hiniker presented to the Programming Committee. A portion of these funds are intended to be used for innovative programs.

Motion was made by Lilligren, seconded by Hovland:
That the TAB approve the Metropolitan Council's TDM Funding Recommendation for the use of $7,000,000 in CMAQ funds in 2011 and 2012 and to require that the Metropolitan Council involve the technical committees of the TAB in its distribution of competitive funding as it comes available.
Motion carried.

VII. SPECIAL AGENDA
Federal Highway funding Primer
Derrell Turner, Federal Highway Administration-Minnesota. presented on the Federal Highway Administration funding including how the money is collected, how it is distributed to Minnesota, funding program categories, distribution of funds, and allocations and formulas for apportionment. Smith questioned whether any funding considerations are given to regions with harsh weather conditions. The answer was that interstate maintenance funds are based on interstate miles and used for major resurfacing, construction of bridges. The formula is written in law and does not look at diverse climate.

TAB members discussed electric cars and the proposal of mileage based user fees versus gasoline tax.

VIII. ITEMS OF TAB MEMBERS
Gepner called attention to the Hennepin County Road and Bicycle Map he provided. He stated that the 7th annual TAB Bike Outing will take place on 6/30/11 in Washington County, near Forest Lake. More information will follow as the date nears.

Hovland announced that a groundbreaking was held on 4/14 for the 169/494 project. This is a performance-based design project, the first of its type in the country.

IX. AGENCY REPORTS
None

X. OTHER BUSINESS
None

XI. ADJOURNMENT
Chair Hargis adjourned the regular meeting of TAB at 3:00 pm on Wednesday, April 20, 2011.

Respectfully submitted: LuAnne Major, Recording Secretary