OZARKS TRANSPORTATION ORGANIZATION

TECHNICAL PLANNING COMMITTEE MEETING MINUTES

November 18, 2009

The Technical Planning Committee of the Ozarks Transportation Organization met at its scheduled time of 1:30-2:30 p.m., at the Missouri State University Plaster Student Union (3rd Floor, Room 315).

The following members were present:

Mr. Harry Price, City of Springfield (chair) Mr. Bob Atchley, Christian Co. Planning

Mr. Randall Brown, City of Willard (a) Ms. Carol Cruise, City Utilities

Mr. Bill Robinett, MoDOT Mr. King Coltrin, City of Strafford

Mr. Rick Hess, City of Battlefield (a) Mr. Steve Childers, City of Ozark

Mr. Frank Miller, MoDOT Mr. Dan Smith, Greene Co. Highway Dept.

Mr. Terry Whaley, Ozark Greenways Mr. David Brock, City of Republic

Ms. Jenni Jones, MoDOT Mr. Dan Watts, SMCOG

Mr. Pat Lloyd, Willard Mr. Ralph Rognstad, City of Springfield

Mr. Brian Bingle, City of Nixa Mr. Shawn Schroeder, Airport

Mr. Mike Giles, City of Springfield (a) Mr. Ron Effland, MoDOT (a)

Mr. Duffy Mooney, Greene Co. Highway Dept.

1. *Denotes alternate given voting privileges as a substitute for voting member not present*

The following members were not present:

Mr. Jim Dow, Springfield R-12 Schools (a) Mr. Andy Mueller, MoDOT

Mr. Mark Schenkelberg, FAA Mr. Bradley McMahon, FHWA

Mr. Earl Newman, City of Springfield Mr. David Bishop, R-12 Schools

Mr. Daniel Nguyen, FTA (a) Mr. David Hutchison, City of Springfield (a)

Mr. Gary Snavely, MSU Mr. Joel Keller, Greene Co. Planning Dept. (a)

Ms. Ann Razer, City of Springfield (a) Ms. Dawne Gardner, MoDOT

Mr. Roger Howard, BNSF Mr. Ryan Mooney, Chamber of Commerce

Mr. Kent Morris, Greene Co. Planning Dept Mr. Mike Tettamble, Jr., O & S Trucking.

Ms. Diane May, SMCOG Ms. Diane Gallion, City Utilities (a)

Mr. Mokhtee Ahmad, FTA Mr. Kevin Lambeth, City of Battlefield

Mr. Mark Roy, Airport (a) Mr. Rick Artman, Greene Co. Highway Dept.

Others present were: Mr. Tim Conklin, Ms. Sara Edwards, Ms. Natasha Longpine, Ms. Debbie Parks, and Mr. Chris Stueve, Ozarks Transportation Organization; Mr. Steve McIntosh, Congressman Roy Blunt’s Office; Mr. Carl Carlson, Scott Consulting Engineers; and Mr. Wes Johnson, Springfield Newsleader.

Mr. Newman called the meeting of the Technical Planning Committee to order at 1:35 p.m.

**I.** **Administration**

**A. Introductions**

**B. Approval of Technical Committee Meeting Agenda**
Mr. Hess motioned to approve the Meeting Agenda. Mr. Bingle seconded and the motion carried unanimously.

# C. Approval of the September 16, 2009 Meeting & October 7, 2009 E-meeting

# Minutes

Ms. Cruise motioned to approve the September 16, 2009 and October 7, 2009 E-meeting minutes. Mr. Miller seconded and the motion carried unanimously.

**D. Public Comment Period**
None.

**E. Executive Director’s Report**

Mr. Conklin thanked all the jurisdictions that received ARRA funds for meeting the obligation deadline and getting those projects bid out and awarded. He recognized those jurisdictions that worked with multiple partners to get projects that were ready to go, including Springfield, MoDOT, and Cox Health on the James River and National Diverging Diamond; Greene County and MoDOT on the 60/65 six-lane project; and Ozark, Nixa, and Christian County on the CC design project. OTO was the first MPO in the state to obligate all of the selected ARRA projects. He also thanked all the jurisdictions and MoDOT for working together to make sure that happened. The OTO Board of Directors has an e-meeting scheduled for December 1, 2009 to approve TIP Amendment Number Two if that is approved at the TPC meeting, to obligate the additional remaining ARRA funds which were left over from the low bids that were received from the construction projects.

Mr. Conklin thanked the member jurisdictions for getting the MOU between OTO and the planning partners executed. That was one of the Federal Certification requirements that came from FHWA and FTA. OTO is still developing and working with the committee on the reasonable progress policy. The goal is to work with planning partners and MoDOT to develop something that is practical and that will work for everybody. OTO will continue to work on the MPO Congestion Management Process update. OTO will report on that in the next several months. OTO has developed a transit provider brochure, working with Senior Link and City Utilities. It will be given out to the elderly and disabled to assist them in selecting a transit provider for specific trips.

OTO is continuing to work with the Bicycle and Pedestrian Committee to update the Bike/Pedestrian plan and to work with the Ozarks Clean Air Alliance to look at ozone reduction strategies. EPA is reviewing the current ozone standards and this could impact the OTO area. Staff will be in Kansas City for training on transportation conformity. This will get the OTO up to speed if Springfield does become a non-attainment area sometime in the future.

Mr. Price stated that review implies a stricter standard. Mr. Conklin stated that a stricter standard is what is being discussed.

The current highway program is funded through December 18, 2009. The Congress will need to act prior to the eighteenth on funding the highway program. The current impact to Missouri is about $20 million dollars less per month and $200 million dollars less per year of federal funding based on that continuing resolution and recession.

**F. Bicycle and Pedestrian Advisory Committee Report**Ms. Longpine stated that BPAC is reviewing the existing plan to update what work has been completed. The Plan includes a number of objectives to be accomplished in the OTO area. BPAC is reviewing those objectives and is assigning the percent complete while describing responsible agencies and the tasks that have been completed. Staff is going to use that information to help OTO establish prioritization criteria for the priorities that everyone has already submitted.

There are a number of objectives about what the MPO would like to see accomplished in the area. So OTO is going through and trying to assign a percent complete and describing what agencies and what tasks have been accomplished within each of those objectives. Staff is going to use that information to help the MPO establish prioritization criteria for the priorities that everyone has already submitted.

 OTO is also looking for reappointment of committee members. The OTO will send out letters soon for that. Even if someone is currently coming to the meeting, OTO will require a new letter reappointing the representative or appointing a new representative for the record.

**II. New Business**

1. **ARRA Project Update and Use of Remaining Unobligated ARRA Funds**
Staff is requesting the Technical Planning Committee make a recommendation on the reallocation of unobligated ARRA STP-Urban and Enhancement funds due to the construction costs of several projects being lower than estimated.

Mr. Conklin stated there is a table under Tab 2 that shows approximately $132,974.15 of potential funds that were left over. Staff is recommending this amount, less 10 percent, be placed on the Ozark Greenways Frisco Highline Trail. Battlefield held a special Council meeting to discuss their remaining STP-Urban funds and approved the possible reallocation of these funds to another project.

The Frisco Highline Trail was the one project that when selected, was described as being paved from Springfield to Willard. The remaining funds of approximately $92,538 would help complete the project, which would be from Kearney where the trailhead begins and back to the Northwest, up to Farm Road 115. Most of that project, about two miles of it is located in the City of Springfield city limits. This project is ready to go. The MPO has a limited amount of time in order to meet the obligation deadline. MoDOT has indicated to OTO that OTO will need to hit January 4, 2010 to make sure the MPO does not lose any of this money.

Mr. Hess motioned to award the remaining unobligated ARRA Funds to the Ozark Greenways Trail. Ms. Cruise seconded and the project was carried unanimously.

1. **Amendment Number Two (2) to the FY 2010-2013 Transportation Improvement Program**

Ms. Edwards statedthat a new Amendment Number Two was handed out. The first amendment is the same as on the printed agenda. MoDOT is requesting for a scoping project at Chestnut and Sherman, at a cost of $15,000 dollars to identify what is needed to do an intersection improvement project.

The second is the project just discussed, the paving of the Frisco Highline Trail. OTO changed the funding on that, lowering the ARRA funds from what was published in the first agenda, because the need for extra for change orders on the other projects was realized. Staff lowered the amount from the $118,792 down to $92,538 and added some Enhancement Funding in there. There is a little Enhancement Funding left over from ARRA funds for projects coming in under bid, so staff wanted to make sure that there was enough funding between the two sources to cover the entire project. The OTO is proposing a total of $331,952 to complete the Frisco Highline Trail Paving Project.

Ms. Cruise motioned to approve TIP Amendment Number Two to the FY 2010 to 2013 TIP for recommendation to the Board of Directions. Mr. Dan Smith seconded and the motion was carried unanimously.

1. **Annual Listing of Obligated Projects (ALOP)**Ms. Edwards stated that the OTO is required to publish an Annual Listing of Obligated Projects (ALOP) and approve the ALOP as part of the OTO’s Federal Planning Requirements. The ALOP lists every project in the OTO region that has utilized federal funds. Included is information on what money has been spent and what amount of obligated funds remains to be spend. Staff noticed an error that on the City Utility project. It should have a date of 2005 instead of 1905. Everything else is accurate and staff is asking that the TPC make a recommendation to the Board for approval.

Mr. Rognstad motioned to recommend approval of the Annual Listing of Obligated Projects to the Board of Directors. Mr. Duffy Mooney seconded and the motion carried unanimously.

1. **OTO Public Participation Plan (PPP) Update**Ms. Longpine stated that the current Public Participation Plan is an update of the plan that OTO has had in place since 2001. This plan update includes some public involvement from a survey that staff did of stakeholders and the public, focus group. The OTO also did a public notice just for general input. This is outlined in Appendix A which includes an evaluation handbook. Staff will be using the handbook in the future to evaluate the success of the public participation plan. In general, the plan outlines policies for carrying out public involvement, including documentation of what staff has already been doing.

There are some new elements in the plan, specifically regarding the public notice time. The Public Participation Plan itself still requires forty-five days notice. The UPWP, the Uniformed Planning Work Program, the Long Range Transportation Plan, and the TIP in the past have had forty-five days notice, also. Staff is changing that to a thirty-day public notice. An amendment to those plans and the TIP will have a fifteen-day notice.

Something else that is new is the clarification between the difference of a TIP amendment and an administrative modification of the TIP. That is spelled out under the TIP section of the plan. TIP Amendments are major revisions identified by the dollar amount, like the change in the scope of a project and changes in funding sources. Administrative Modifications include moving spending amounts from year to year if it is less than a certain amount of change in the programmed amount, or if it was in a prior TIP if for some reason it was not included in the current TIP. This is outlined further in the PPP. A regular TIP Amendment will still require fifteen days for public notice. It will still go through all the processes, including through the Technical Planning Committee to the Board of Directors. An Administrative Modification will be something that can be changed as staff, but will still require notifying the Technical Planning Committee and the Board of Directors of those changes. These are the more significant changes in the public involvement processes that the OTO has been doing the past few years. It is just all documented now.

Mr. Price asked what the project cost threshold was for the projects regarding changes to the TIP.

Ms. Longpine stated that the line between an Amendment and an Administrative Modification is fifteen percent, up to $2 million.

Mr. Price asked if this Public Participation Plan would have to be reviewed every so many years.

Ms. Longpine stated that every three years it will have to at least be reviewed. The evaluation process in Appendix A will be the same questions used when staff goes out again to do that process. That way a comparison of current input with future input can be made.

Mr. Miller commented that on page fifteen where it is talking about TIP Amendments. It says only chapters containing proposed amendments are presented for public comment and approval. He wanted to recommend that it might say for public comment and OTO Board of Directors approval, to clarify that it is the Board of Directors that approves it and not the public.

Ms. Longpine stated that would be changed.

Mr. Miller also had a comment on page 20, regarding provisions for prior TIP amendments, under bullet two, where the last example is changing the type of project, such as from rehabilitation to reconstruction. MoDOT does not recognize the difference, so maybe reconstruction could change to expansion or something like that.

Mr. Conklin stated that this is one of the Federal Certification recommendations that OTO completed this year. He appreciated Natasha’s work and a student volunteer who helped complete the survey. OTO held a public meeting at the Kansas Library Station. Mr. Miller asked how many were at the meeting. Ms. Longpine stated three other than staff.

Mr. Hess motioned to recommend approval of the OTO Public Participation Plan to the Board of Directors. Ms. Cruise seconded and the motion was carried unanimously.

1. **SAFETEA-LU Rescission**

Mr. Conklin stated that most jurisdictions were aware that Congress did not act to repeal the rescission. There was discussion that there may be additional action but there has not been any. It seems unlikely that the rescission will be repealed. Staff did send out an email in October that illustrated the rescission of the sub-allocated funds to member jurisdictions that received them. After that email was sent, OTO received from MoDOT the final Obligated Balances Report. The numbers are slightly different from that email than in this report. Staff had to pull back money from the OTO area. Staff is asking that that Technical Planning Committee make a recommendation to the Board of Directors accepting this methodology because the OTO does allocate funds based on a formula. Staff feels it is appropriate for this body to make that recommendation and then have the Board approve the actual rescission amounts so the jurisdiction amounts can be tracked. This is the methodology that OTO staff has used and it is based on the unobligated balances each jurisdiction had over the life of the bill.

Ms. Edwards stated that just in case it is not clear OTO multiplied 26.17 percent times the unobligated balance of each jurisdiction. Each jurisdiction lost 26.17 percent of their unobligated balance. That percentage is the amount OTO lost overall.

Mr. Price stated that the more each jurisdiction had obligated the less funding was taken from them.

Mr. Price motioned to recommend the approval of the amount to be rescinded of STP-Urban unobligated funds to the Board of Directors. Mr. Dan Smith seconded and the motion carried unanimously.

Ms. Edwards mentioned that the Enhancement funding was also rescinded, in the amount of $553,000. This will be made up in the next round of enhancement funding. If the next transportation bill comes out with Enhancements, OTO will already have used those funds and may not get that first round of Enhancements since the current balance is negative. MoDOT decided to do this rather than take away funds that the OTO had already programmed and planned for.

Ms. Edwards stated that MoDOT had a dollar amount rescinded for enhancements that they distributed among the TMAs. It is not reflective of funding lost by any one jurisdiction it is the total enhancement rescission for the MPO.

Mr. Miller stated that this happens every time Congress gives continuing resolutions they include enhancement funds in that bill, so rather than distribute the funds at this time MoDOT is going to make up for the rescinded funds this way.

Mr. Childers had a comment on attachment three regarding in the Off System Bridge, questioning how the funding distribution worked.

Ms. Edwards stated that it works like the STP-Urban Funds. It is allocated to that county for off system bridge improvements and when the county spends it they can request reimbursement at eighty percent. The funding it is set aside for the county and they have a running balance.

1. **STP-Urban Balance Annual Report**

Ms. Edwards stated that at the last meeting the jurisdictions were given their balances, but then there was the rescission so now the OTO is a little better on the balances. MoDOT was reporting the OTO had a balance of $14 million, but that includes the bridge money and does not include the rescission. The OTO is instead looking at $9.9 million, as can be seen on page one. The MoDOT three year lapse policy allows $12.2 million and the OTO fiscal year ’09 end of the year figure shows that the OTO is not in danger of losing of any money. That doesn’t prohibit any other federal action as Congress can rescind the funds. Staff updated the report with the rescission numbers for every jurisdiction, so everyone is asked to review the jurisdiction reports that have the rescission amount reflected.

Ms. Edwards mentioned that staff also added in the projected Fiscal Year 2010 allocation. That number is up from the last estimated numbers shown, staff has had some conversations with MoDOT and that number could go up again. Staff is hopeful that funding levels will continue into Fiscal Year 2010. If Congress continues doing continuing resolutions then FY 2010 funding amount could go up, since the OTO was twenty percent low last year. The Fiscal Year 2010 balance, with the MoDOT cost shares, would be $8.6 million, which is still below the $12 million that the OTO is allowed to have. The cost shares that are programmed into the STIP are on page four of the report. MoDOT will count the cost shares as obligated if they are programmed in the STIP.

Ms. Edwards stated that on page five the allocated On System Bridge funding includes Fiscal Year 2010, so there will be over $1 million available. The OTO is only allowed to have $700,000, so the bridge money is over and OTO will need to find a bridge project that could be obligated by September 30, 2010. Staff has been working with Mr. Frank Miller to see if a bridge can be found that needs rehab on the MoDOT system. The goal is to get that done quickly.

Mr. Price asked if the On System Bridge funding was sub-allocated to the jurisdictions. Ms. Edwards stated that it is not sub-allocated since $700,000 a year is not enough to sub-allocate.

 Mr. Price asked if the funds were restricted to the MoDOT system roads.

Mr. Miller stated the funds were for functional class collector or higher.

Ms. Edwards pointed out that on page fourteen there is a percent of STP Urban funding allocated to each jurisdiction every year. That relates back to the page that shows every body’s balances. If a jurisdiction is showing a balance then there is a sheet that reflects what has been obligated versus what has been allocated. In the past there has been a sheet that showed what was programmed in the TIP, but staff decided to remove that since it does not really count as far as the amount obligated. The report is for information only.

Mr. Miller added that even though the policy is that the cost share projects must be in the STIP, MoDOT might count Chestnut and 65 even though it is not in the STIP yet.

1. **Limited English Proficiency Plan (LEPP)**

Ms. Longpine stated that this plan is required by federal guidance, due to an Executive Order signed in the mid-nineties by President Clinton. It is about how the MPO works to solicit comments from people who speak English less than very well regardless of the language they speak. The plan itself focuses on Spanish speaking persons who are the OTO’s most significant limited English proficiency population. Staff also recognized in the plan that the next level is German and French. Those are the three most spoken languages in the area besides English.

The plan focuses on how these persons interact with OTO and the actions that OTO could do to reach out and how staff can recognize and make sure everyone has an equal opportunity to participate. That includes having “I Speak” Cards, which state in a variety of languages “I speak (this language)”. It is about three pages. Staff will use these to know if at that point in time or in the future, assistance for that language will be needed. There are a lot of different resources in the area for Spanish translation. Groupo Latino said they would assist in the translation of documents if someone needed that or if someone needed an interpreter. The plan also addresses how OTO staff would be trained to know this information.

Mr. Rognstad motioned to recommend approval of the OTO Limited English Proficiency Plan to the Board of Directors. Mr. Dan Smith seconded and the motion was carried unanimously.

1. OTO Technical Committee Chair Rotation Schedule

Mr. Conklin stated that it was the time of year to elect the next chair of the Technical Planning Committee. He stated that in the past there has been a rotation of chair between the different jurisdictions. Willard is up for 2010 and Republic is up for the 2011. The By-laws have a Chairman position and a Chairman-Elect position. Mr. Pat Lloyd from Willard is willing to become the Chairman for next year. Mr. David Brock from Republic is going to be the Chairman-elect. In the event that Mr. Lloyd is not able to run the meeting, then Mr. Brock will. Staff is looking for a motion to elect the chairman and the chairman-elect positions for next year.

Mr. Rognstad motioned to elect the Chairman and Chairman-elect positions of the 2010 Technical Planning Committee. Mr. Whaley seconded and the motion carried.

**III. Other Business**

1. **Technical Committee Member Announcements**
Mr. Miller stated that the statewide cost share program is $30 million a year. Missouri has been very successful in getting money out of the program and it has been popular lately. There is $20 million left in 2014 and $25 million in 2015. There is a possibility that by the end of December there will not be any 2014 money left.

Mr. Miller stated that if any of the jurisdictions are interested in the cost share program, MoDOT is encouraging them to get applications submitted in the first of 2010. The deadline for the application, if there is a March meeting, is February 18. If District 8 is helping to fill out the application MoDOT can work with the February 18 deadline. If the jurisdiction is presenting it cold turkey to the MoDOT office, it will be needed a month ahead of time. MoDOT will have to write a letter supporting the project. MoDOT staff will have to evaluate the application before it can go to the committee. If there is no March meeting, then the next meeting is July 8, and the applications would be due on June 3.

Along these lines, the Missouri Transportation Finance Corporation has $6.8 million to loan out. That can go to the jurisdiction’s share of the cost share and could go to accelerating the MoDOT share of the cost share to earlier than 2014 or 2015. It can also go on the remainder of the jurisdiction’s project on the state system. The application for the February meeting is December 17. The partnership development website (on the MoDOT website under the partnership development icon) has the dates on it. It also has the application outline. MoDOT staff in District 8 can help with the member jurisdiction’s applications. This money is only available for the cost share program.

Mr. Whaley stated that next month Ozark Greenways has a Sustainable Transportation Committee meeting and Ms. Melissa Anderson, who is the Bicycle/Pedestrian Coordinator for MoDOT, will be at the meeting. It will be held December 16 at 5:30 p.m.

1. **Transportation Issues For Technical Committee Member Review**
Mr. Conklin outlined summaries of three additional bills that will impact the MPO. Staff wanted to make the TPC aware of these bills. The Kerry-Boxer bill is the “Clean Energy Jobs and American Power Act.” It talks about greenhouse gas emissions and strategies and targets for reducing those. The Waxman-Markey “American Clean Energy and Security Act of 2009” also talks about greenhouse gas emissions. In 2009, Oberstar-Mica put out the “Surface Transportation Authorization Act of 2009.” It talks about MPOs and large MPOs over 1 million and different planning requirements. There are also greenhouse gases and other issues that the MPO will have to face. OTO may also have to review its Travel Demand Model if the area becomes non-attainment or if greenhouse gas standards are enacted. It is going to be a while before these bills are actually enacted into law. There has been discussion that there might be additional planning funds available to carry out some of these additional mandates. These are just some of the items being discussed in Washington that could impact the OTO Region.

**IV. Adjournment**

Ms. Cruise motioned to adjourn the meeting. Mr. Hess seconded and the meeting was adjourned at 2:17 p.m.