



**POLICY COMMITTEE**

**Council Chambers, City Hall, 800 Cushman Street, Fairbanks, AK  
Meeting Minutes – October 19, 2016**

**1. Call to Order**

Mayor Bryce Ward, Chair, called the meeting to order at 12:02 p.m.

**2. Introduction of Members and Attendees**

<b>Attendee</b>	<b>Representative Organization</b>
*Bryce Ward, Chair	Mayor, City of North Pole
*Karl Kassel, Vice Chair	Mayor, Fairbanks North Star Borough
*John Eberhart (absent)	Mayor, City of Fairbanks
*Ryan Anderson	Director, DOT&PF, Northern Region
*Janice Westlind	FNSB Assembly
*Jackson Fox for David Pruhs	City Council, City of Fairbanks
*Denise Koch (via telephone)	DEC, Division of Air Quality
***+Donna Gardino	FMATS MPO Coordinator
**Alicia Giamichael (absent)	FMATS Transportation Planner
**Deborah Todd	FMATS Administrative Assistant
**Linda Mahlen	DOT&PF Planning
+Lee Borden	DEC Air Quality
Luke Hopkins	Citizen/Former Policy Committee Member
Patrice Lee	Citizens for Clean Air/Fox Water Task Force
David Guttenberg	State of AK Representative-District 4
Silvan Schuttner	Aide to Representative Guttenberg

*\*FMATS Policy Committee Members, \*\*FMATS Staff Members, +FMATS Technical Committee Members*

**3. Public Comment Period (3 minute limit)**

No public comment.

Mayor Ward presented Ms. Westlind with a Certificate of Appreciation in recognition of her service to FMATS. Mayor Ward stated that they also had a certificate for Mayor Eberhart who was absent from the meeting.

**4. Approval of the October 19, 2016 Agenda**

**Motion:** To approve the October 19, 2016 Agenda. (Westlind/Kassel).

**Discussion:** No further discussion.

**Vote on Motion:** None opposed. Approved.

**5. Approval of the September 21, 2016 Meeting Minutes**

**Motion:** To approve the September 21, 2016 meeting minutes. (Westlind/Fox).

**Discussion:** No further discussion.

**Vote on Motion:** None opposed. Approved.

**6. Committee Reports**

**a. Coordinator’s Office Report and Technical Committee Action Items**

Ms. Gardino provided information and highlights for all meetings, briefings, conferences, seminars, open houses, workshops, presentations, forums, and field trips she or FMATS staff had attended or participated in since the last meeting.

**b. Coordinator's Office Reorganization Update**

Ms. Gardino stated that she had no new updates to report.

**c. Air Quality Planning Subcommittee Meeting Update**

Ms. Gardino stated that FMATS had not yet received a copy of the agreement that the DEC and the DOT had reviewed and made comments regarding changes. Ms. Gardino stated that they are updating the Bylaws to include information about how the air quality planning should take place in the Bylaws instead of through an update of the other agreement.

**7. Old Business**

**a. FMATS 2017-2020 Transportation Improvement Program Draft Update**

Ms. Gardino stated that the new TIP had not been included in the meeting packet. Ms. Gardino stated that she had been informed by Ms. Koch of DEC that the DEC had received word that they were working with the EPA to address the issues in the Moderate SIP. Ms. Koch had stated that EPA was looking at potentially approving the Moderate SIP so there would not be partial disapproval of the Moderate SIP. Ms. Gardino stated that it behooved them to come up with a new TIP to buy them more time in the event that there was a conformity freeze in order to have a TIP that went beyond September of 2018. Ms. Gardino stated that even if there was not a conformity freeze, she planned to come out with the new TIP next month. Ms. Gardino stated Ms. Koch was able to provide them with additional information.

Ms. Koch stated that she wanted to frame the overall concern since this got really confusing with the Moderate SIP and Serious SIP. Ms. Koch stated that the issue was that DEC had already submitted a Moderate SIP to EPA. Ms. Koch stated that if EPA disapproved or even partially disapproved a portion of the Moderate SIP, then the Motor Vehicle Emissions Budget could be disapproved and that would cause a conformity freeze. Ms. Koch stated that the potential for a conformity freeze would be the action related to the non-attainment area that would have the most immediate impact on transportation planning, even more immediate impact than the items related to the upcoming Serious SIP because EPA had not yet re-designated the area. Ms. Koch stated that after the Borough held their "Clear the Air Conference" during the week of September 26, 2016, EPA, the Borough, and DEC had some technical meetings. Ms. Koch stated that at that meeting DEC had made it very clear to EPA that the approval of the Moderate SIP was a very high priority for them. Ms. Koch stated that EPA had subsequently worked with DEC to get back to them and let them know the areas that needed specific clarification that DEC had already submitted to them and DEC was working to provide those answers so there was a chance that the Moderate SIP could be approved. Ms. Koch stated that in terms of the time frame that Ms. Gardino had mentioned, there were a few caveats. Ms. Koch stated that the best estimation was that EPA would make a finding on the Moderate SIP sometime around January of 2017. Ms. Koch stated that would start the process where they would have to publish something in the Federal Register, take public comments on it, and then they would need a few months to process and analyze the public comments they received. Ms. Koch stated that they would then have to publish a final determination in the Federal Register followed by at least a thirty day lag time for the effective date of that decision. Ms. Koch stated that would mean that the EPA decision on the

Moderate SIP would be final sometime in the summer of 2017. Ms. Koch stated that she wanted to communicate that time frame to Ms. Gardino to give her a sense of when the final action was likely to be in effect when preparing the new TIP.

Ms. Gardino stated that they would obviously be moving forward with preparation of the new TIP and hoped to have it ready for the Technical Committee in November 2017.

**b. Letter to EPA Regarding the Non-Attainment Area (Action Item)**

Ms. Gardino stated that the recommendation from the Technical Committee had been to pause the letter to EPA until they had further information.

Ms. Gardino stated that it was discussed, and for the reasons that Ms. Koch referenced earlier, it did not seem like a timely letter when it looked like there might be a way to move through this process successfully.

**Motion:** To table the letter to the EPA indefinitely. (Koch/Fox)

**Discussion:** Mayor Ward asked if the motion was to table it indefinitely or until a specific date.

Ms. Koch stated that the reason that she could not give them a specific date was because if EPA did disapprove the Moderate SIP this was a letter that it would make sense to send. Ms. Koch stated that she would make a motion to table the letter until such time as EPA approved or disapproved a portion of the Moderate SIP.

Ms. Westlind asked Mayor Ward if indefinitely killed the letter entirely and whether they would have to redraft an entirely new letter. Ms. Westlind stated that if that were the case, she would agree with Mayor Kassel that it would be up to the call of the Chair.

Mayor Ward stated that Ms. Westlind was correct and his understanding of Roberts Rules of Order was that the same exact letter could not come forward, but as long as it was not the same exact letter and had some subtle changes to it, they could bring it forward again.

Ms. Koch stated that if the Policy Committee wanted to bring that forward in a future letter, she could provide additional information if that was what the Policy Committee decided to do.

**Vote on Motion:** None opposed. Approved.

**8. New Business**

**a. Alaska Statewide Long-Range Transportation Plan Comments (Action Item)**

Ms. Gardino stated that the comments for the Plan were due on Monday, October 24, 2016. Ms. Gardino stated that the recommendation from the Technical Committee had been to forward the comments on the Alaska Statewide Long Range Transportation Plan with the inclusion of a discussion about the military construction impacts.

**Motion:** To forward the comments on the Alaska Statewide Long Range Transportation Plan with the inclusion of a discussion about military construction impacts. (Westlind/Kassel).

**Discussion:** Mayor Ward stated that he wanted to ask for clarification about the matrix they had about the percentage of growth versus the volume of

growth because that could have an impact on even smaller communities where they had a larger percentage increase.

**Amendment to the Motion:** To include, in the discussion about new construction, the percent growth rate as opposed to the volume of growth rate. (Kassel/Westlind).

**Discussion:** No further discussion.

**Vote on Motion:** None opposed. Approved.

**Amended Motion:** To forward the comments on the Alaska Statewide Long Range Transportation Plan with the inclusion of a discussion about military construction impacts and to include, in the discussion about new construction, the percent growth rate as opposed to the volume of growth rate.

**Vote on Motion:** None opposed. Approved.

**b. FFY2015-2018 Transportation Improvement Program Administrative Modification #5 (Action Item)**

Ms. Gardino explained the changes that precipitated the administrative modification.

**Motion:** To approve the 2015-2018 Transportation Improvement Program Administrative Modification #5, as presented. (Fox/Westlind).

**Discussion:** No further discussion

**Vote on Motion:** None opposed. Approved.

**c. FMATS Bylaws Update**

Ms. Gardino explained that the Technical Committee reviewed and commented and she summarized the comments received on Page 42 of the meeting packet. Ms. Gardino stated that she also met with Mayor Kassel's staff who had it reviewed by their lawyer and provided their comments. Ms. Gardino stated that the intention was to have the Policy Committee review and comment on it. Ms. Gardino stated that while they did not have to go out to public comment on the Bylaws they would be going out to 45-day public comment on the Public Participation Plan and the bylaws would be incorporated in that document. Ms. Gardino stated that Mayor Ward would explain the changes that were made.

Mayor Ward stated that the changes were proposed and incorporated to provide clarity and make it simpler for folks who were unfamiliar with the process. Mayor Ward stated that if you looked at the revised document it provided a better flow for how the MPO operated.

**9. Public Comment Period (3 minute limit)**

Ms. Patrice Lee, 676 Hillcrest Drive, Fairbanks-Ms. Lee thanked them for the opportunity to testify and for the work that FMATS was doing. Ms. Lee stated that her first comment, as a citizen, was a comment on public comment. Ms. Lee stated that she would like to propose to various organizations wherever she might be commenting, that it be "public comment and questions" even though they might not have the answers and they might have to obtain the answers. Ms. Lee stated that she thought a more informed public would occur if they were able to ask questions. Ms. Lee stated that people did not always come to these meetings having a particular comment, because they did not know everything they needed to know to make an intelligent comment, but they might have some well thought out questions. Ms. Lee stated that nobody had ever not taken the questions, but people did not ask them because they felt like they needed to

come and comment and they did not have anything to comment on, but did have questions. Ms. Lee stated that it was just something to consider and think about.

Ms. Lee stated that the second thing was that she was here with her Citizens for Clean Air cap on and they had a recent meeting and there was some concern that they wanted to make sure that the emphasis in their air quality situation was always on cleaner air and no one was suggesting that it was not. Ms. Lee stated that they knew that there was a lot of federal bureaucracy that occurred when dealing with the Clean Air Act and it would help them if they had some knowledge both in dealing with FMATS, and roads and government that the end result was always on cleaner air for the citizens of the Borough and the Interior. Ms. Lee stated that if there was some way to reemphasize it that would be really nice.

Ms. Lee stated that her third comment was as the Acting Chair of the Fox Water Task Force. Ms. Lee stated that they were very active right now, had a number of amazing people on the Board, and it was moving forward with proposals and ideas. Ms. Lee stated that the only reason she brought it to this meeting was because it was still under DOT and had not changed out yet, even though there were a number of recommendations about where it might go or how it might be sold, etc. Ms. Lee stated that at the June FMATS meeting there was a reference to an \$800,000 amount of money that was not enough for a project and did not seem to have a home. Ms. Lee stated that she guessed she was asking if they could look back through the minutes of that meeting and see if any of that money still existed and, if so, could it be funneled to DOT to provide some time for the task force to be able to come up with their proposals and ideas. Ms. Lee stated that \$55,000 or something of it, to extend DOT's work at the Fox water hole for another year or maybe two, if that money was available. Ms. Lee stated that was the task she was sent forth with from the Fox Water Task Force today.

#### **10. Other Issues**

No other issues.

#### **11. Informational Items**

##### **a. DEC Update on the Non-Attainment Area Status and Plans**

Ms. Koch stated that Ms. Lee's comment was well taken. Ms. Koch stated that often times she would dive into some of the technicalities, but DEC's emphasis was always on cleaner air. Ms. Koch stated that unfortunately there was a lot of bureaucracy associated with the planning. Ms. Koch stated that DEC still did not have a definitive date by which EPA would redesignate the area to a Serious Non-Attainment Area, however, they continued to know that it was coming and would communicate that to this group as soon as it happened. Ms. Koch stated that on the Moderate SIP, DEC was having encouraging dialogue with EPA Region 10. Ms. Koch stated that EPA was asking DEC for clarification on what they defended in the Moderate SIP and they were working their hardest to provide responses. Ms. Koch stated that those actions would increase the potential that the Moderate SIP could be approved which was important for DEC as well as for FMATS. Ms. Koch stated that from the DEC perspective, they also knew that EPA would redesignate the area as "serious" and they would need to shift their attention to working on a Serious SIP to get the area moving toward compliance.

Mayor Kassel asked Ms. Koch if she could clarify the interplay between the Serious SIP designation and the Moderate SIP because it was his

understanding that the serious designation could come at any time and they were just discussing that the Moderate SIP approval could come in January. Mayor Kassel asked Ms. Koch how those two interacted because he was slightly confused.

Ms. Koch stated that Mayor Kassel had a great question and it was incredibly bureaucratic and confusing. Ms. Koch stated that the Clean Air Act required essentially sequential movement in terms of them being in a Moderate Non-Attainment Area that triggered a requirement for DEC to submit the Moderate SIP which required EPA to make a finding on that Moderate SIP. Ms. Koch stated that in some ways, from a common sense perspective, it seemed a little unusual because they knew that the area did not come into non-attainment by the end of 2015, especially with the EPA redesignation of the regulatory monitor being the monitor at the North Pole Fire Station. Ms. Koch stated that EPA would still have to make their finding. Ms. Koch stated that if EPA did a disapproval or partial disapproval, DEC would still have to use the resources and go back and address the EPA areas of disapproval even if, in the interim, EPA redesignated the area to "serious". Ms. Koch stated that started their official clock for working on the Serious SIP. Ms. Koch stated that DEC had already started working on the Serious SIP, because they knew that there would be a serious redesignation. Ms. Koch stated that they did not have all the pieces that they needed to fully work on a Serious SIP because that required information from the stationary sources on Best Available Control Technology and other information they were still waiting to receive. Ms. Koch stated that DEC was going to try to be efficient as possible, but without knowing what EPA's final determination on the Moderate SIP was, it was hard to make any commitments. Ms. Koch stated that DEC would certainly try to build on whatever they had in the Moderate SIP that had been approved to work on the Serious SIP. Ms. Koch stated that she hoped that clarified it because it was a very complicated answer.

Mayor Kassel stated that it clarified quite a bit. Mayor Kassel asked Ms. Koch if they had any sort of a guesstimate of when they might hear about the "serious" designation, timeframe wise.

Ms. Koch stated that she would guess it was still a few months out. Ms. Koch stated that with the Serious SIP designation, one thing that EPA had told them was that it would be a process in that they were not just going to post a notice in the Federal Register saying that this area was now a Serious Non-Attainment Area. Ms. Koch stated that instead, EPA would post a notice in the Federal Register that would "propose" that this area be redesignated as a Serious Non-Attainment Area. Ms. Koch stated that then they would have a public comment period, the public comment period would close, they would analyze any comments received on that proposal, and then they would post a final notice on that determination. Ms. Koch stated that because of that process, she would guess that they were still four to six months out from an effective date of when the area would be redesignated as "serious".

**b. FFY17 Metropolitan Planning Funds Distribution Letter**

Ms. Gardino stated that FMATS was supposed to be notified in July about how much planning funds would be received for the next fiscal year.

Ms. Gardino stated that they had not received the letter until September 30<sup>th</sup> and they had to have their Unified Planning Work Program in by August in order to get it approved by October. Ms. Gardino stated that they used an estimate in the UPWP based on a meeting that they had with DOT Headquarters. Ms. Gardino stated that the estimate had been about \$440,000. Ms. Gardino stated that now it looked like they could plan on receiving about \$448,000 and some change, so they would have to amend the UPWP to figure out planning items they wanted to do with that extra funding. Ms. Gardino stated that as far as the UPWP itself, they had not received notification that it had been approved and October 1<sup>st</sup> was the date that they needed to get it approved since that could not program the funding until they received that approval.

**STIP Amendment #1**

Ms. Gardino stated that she wanted to let everyone know that STIP Amendment #1 was approved.

**c. NPRM on MPO Reform Update**

Ms. Gardino stated that the National Proposed Rulemaking on MPO Reform was commented on last month and explained what the reform meant. Ms. Gardino stated that the concern that FMATS voiced was the new planning rule that came out on the FAST Act released on May 27<sup>th</sup> and then right on its heels was a whole new reform on how MPOs operated which would have a significant impact on how MPOs operated without any change in legislation. Ms. Gardino stated was a very big concern for us and others. Ms. Gardino stated that FHWA had reopened the comment period and they were interested in hearing under what circumstances multiple MPOs would be allowed to serve a single urban area, the impact of requiring one set of plan documents, and the forecasted cost of the proposed rule. Ms. Gardino stated that this would probably not impact FMATS significantly but could impact the Mat-Su Borough. Ms. Gardino stated that next week was the annual MPO Conference so she would be much more educated next week after learning about all the ins and outs of the proposed rule.

**d. Obligations and Offsets**

Ms. Gardino explained that there were no obligations and offsets this time due to the FHWA accounting system being down and nothing being programmed.

**12. Policy Committee Comments**

- Mayor Kassel stated that he wanted to thank Ms. Westlind for her service to both FMATS and the Borough Assembly. Mayor Kassel stated that they would miss her here at FMATS, but they would miss her even more at the Borough Assembly.
- Ms. Westlind stated that it was her last meeting as a member of the Policy Committee. Ms. Westlind stated that she wanted to thank everyone for the well wishes and it had been a pleasure serving with all of them over the last two years. Ms. Westlind stated that she wanted to thank everyone again for the wonderful certificate which was really nice. Ms. Westlind stated that she would still be showing up for meetings, they would not be getting rid of her that easy, and she would see Ms. Gardino tomorrow.

- Mayor Ward stated that he wanted to echo the comments thanking Ms. Westlind and Mayor Eberhart for their service to the Policy Committee. Mayor Ward stated that it definitely took a little bit of getting to know how things worked and he appreciated their ability to dive into that and grasp on to the complicated issues they dealt with here.

**13. Adjourn**

**Motion to adjourn.** (Westlind/Kassel). The meeting adjourned at 1:09 p.m. The next Policy Committee Meeting is scheduled Wednesday, November 9, 2016, at 12 p.m. in the Fairbanks City Hall, Council Chambers

Approved: \_\_\_\_\_



Mayor Bryce Ward, Chair  
FMATS Policy Committee

Date: 11-9-16