



## POLICY COMMITTEE

**Council Chambers, City Hall, 800 Cushman Street, Fairbanks, AK  
Meeting Minutes – November 9, 2016**

### 1. Call to Order

Mayor Bryce Ward called the meeting to order at 12:00 p.m.

### 2. Introduction of Members and Attendees

#### Attendee

- \*Bryce Ward, Chair
- \*Kellen Spillman for Karl Kassel, Vice Chair
- \*Jim Matherly
- \*Ryan Anderson
- \*Van Lawrence
- \*Jerry Cleworth
- \*Denise Koch (via telephone)
- \*\*\*+Donna Gardino
- \*\*Alicia (Giamichael) Stevens
- \*\*Deborah Todd
- \*\*Margaret Carpenter
- +Judy Chapman
- +Lee Borden
- +Jackson Fox
- Janice Westlind

#### Representative Organization

- Mayor, City of North Pole
- Mayor, Fairbanks North Star Borough
- Mayor, City of Fairbanks
- Director, DOT&PF, Northern Region
- FNSB Assembly
- City Council, City of Fairbanks
- DEC, Division of Air Quality
- FMATS MPO Coordinator
- FMATS Transportation Planner
- FMATS Administrative Assistant
- DOT&PF Planning
- DOT&PF Planning
- DEC Air Quality
- City of Fairbanks
- Citizen

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

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

No public comment.

### 4. Approval of the November 9, 2016 Agenda

**Motion:** To approve the November 9, 2016 Agenda. (Spillman/Lawrence).

**Discussion:** No further discussion.

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

### 5. Approval of the October 19, 2016 Meeting Minutes

**Motion:** To approve the October 19, 2016 meeting minutes. (Matherly/Lawrence).

**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 they were still trying work on reorganizing the Coordinator's Office and finding affordable health care was one of the problems. Ms. Gardino stated that one of the things they were proposing was

to have a transition plan funded by the DOT to look at the organizational structure of FMATS to continue sustaining it in the future.

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

Ms. Gardino stated that the subcommittee had not met and it was decided at the Technical Committee meeting to use the existing air quality planning agreement as the method for air quality planning in the non-attainment area and would reference that in the Bylaws update.

**7. Old Business**

No old business.

**8. New Business**

**a. FMATS Improvement Program and Intersection Improvement Program**

Ms. Gardino stated that Page 13 of the meeting packet contained a list of the estimates for the various projects that were submitted under the FMATS Improvement Program totaling \$8.5 million. Ms. Gardino stated that some of the projects did not fit under the FMATS Improvement Program as they were not rehabilitation or restoration projects. Ms. Gardino stated that they had an FMATS Sidewalk Improvement Program that was a three-year program that could include some of the sidewalk projects on the nomination list.

Ms. Gardino stated that FMATS was asking to have the projects nominated and scored by the Technical Committee. Ms. Gardino stated that the estimates were provided by DOT and she was not sure what the fixes would be or how extensive, and they would not know that until they got into the design.

Ms. Gardino stated that FMATS would like to initiate the starts for the Sidewalk Improvement and Intersection Improvement Program listed in the TIP.

Ms. Gardino stated that FMATS would get clarification on the Sidewalk Improvement Program intent and had requested estimates for design from the DOT. Ms. Gardino stated that it was a good start on getting shovel-ready projects.

**b. FMATS 2017-2020 Transportation Improvement Program and Intersection Improvement Program (Action Item)**

Ms. Gardino stated that the reason they were pursuing the 2017-2020 TIP now, was because of the potential for a conformity freeze in the future.

Ms. Gardino stated that the agenda contained the Consent Decree that was currently out for public comment that stated that the EPA would have to make a determination on the Moderate SIP in January 2017. Ms. Gardino stated that it was verified by FHWA that if they did enter into a Conformity Freeze, they could not amend the TIP, but could do an Administrative Modification.

Ms. Gardino stated that given the dates published in the Consent Decree, the freeze was the action that could occur by August 2017 and they would not be able to add phases to the already approved TIP. Ms. Gardino stated that once in the freeze, the time clock began and August 20, 2019 would be the anticipated date for the highway sanctions. Ms. Gardino stated that the current TIP would expire on 10/1/20, so doing this new TIP this bought us until 2020 to be able to do those projects. Ms. Gardino stated that the air quality agencies were on board as long as no projects were added that were not considered in the MTP conformity. Ms. Gardino stated that she would lay that all out in the memo and be issuing another interagency consultation to make sure the TIP could move forward given the restrictions.

Mayor Matherly stated that he had a suggestion for verbiage to add in regarding the transition.

**Motion:** To approve the FMATS 2017-2020 Transportation Improvement Program for public comment. (Matherly/Anderson).

**Discussion:** Mayor Matherly stated that one of the things that Ms. Gardino had discussed with them the previous day had been FMATS and what would happen when she retired and had some additional verbiage he wanted to add as an amendment to the previous motion.

**Amendment to the Motion:** To add the FMATS Transition Plan as a state funded project for \$60,000 to develop and implement a transition plan to ensure the sustainability of FMATS as an MPO in good standing by analyzing its hosting structure and recommending a structure to see FMATS continue to thrive in the future. In addition, provide for transitional services in the event of employee turnover which may include wages for personnel. (Matherly/Cleworth).

**Discussion:** Mr. Anderson stated that he liked the idea, wondered about how FMATS was funded, how that could be addressed in the future, and also added to the Transition Plan.

Mr. Spillman asked Mayor Matherly if he intended on tying the funding into the amendment or just adding it as a project to the TIP. Mr. Matherly stated that he wanted to add it as a project to the TIP. Ms. Gardino stated that it would be funded with State funding. Mr. Spillman asked Ms. Gardino if there was State funded amount associated with that. Ms. Gardino stated that currently they were thinking about adding \$60,000.

**Amendment to the Motion:** To include in the amount of \$60,000 State funds in the TIP in the event of an employee turnover to include wages. This could be in the amount of \$60,000. (Matherly/Cleworth).

**Discussion:** Mr. Lawrence stated that this seemed to him to be an organizational need and not a project and asked if this was something that had been previously done before; putting an organizational advancement as a transportation project.

Ms. Gardino stated that it had been done before and in 2006 and 2007, the DOT had added a project for how to form an MPO and how to best structure FMATS, which was how they came up with the structure they currently had. Ms. Gardino stated that FMATS also had the Freight Mobility Plan, Green Streets Plan that were non-structure items that were allowable.

Mr. Anderson asked Ms. Gardino how it would be managed. Ms. Gardino stated that it was a good question and she had not yet been able to have that discussion with DOT staff. Mr. Anderson asked what the \$60,000 estimate was based on.

Mr. Cleworth stated that when Ms. Gardino left in six months or whatever, they would be looking at a potential replacement who would have to come in for at least a couple months. Mr. Cleworth stated that taking salaries and benefits and dividing it by three months, that would be about \$60,000. Mr. Cleworth stated that he had a hunch that there would be a little overlap.

Ms. Gardino stated that making sure the structure was sustainable was important to her.

Mr. Cleworth stated that sooner or later FMATS needed to be autonomous and trying to divorce that would be difficult so they needed to tap into legal advice and attorneys to handle that. Mr. Cleworth stated that he thought a big component of that would be the health insurance.

Mr. Anderson stated that it was his understanding that this was a transition rather than hiring a consultant to fill the Coordinator position.

Ms. Gardino stated that she did not know exactly when she was leaving and there were questions about sustainability and continuing to do the job that they were supposed to do. Mr. Anderson asked Ms. Gardino if she knew the approximate balance of State funds that were available to keep FMATS operational for the next four years.

Ms. Gardino stated that they had \$407,000 dollars remaining in the three pots of money FMATS received in Fiscal Years 11, 12, and 13 plus state funds encumbered into the Coordinator's Office which were being tapped into this last fiscal year, for leave balances. Mr. Anderson asked Ms. Gardino the approximate cost to run the Coordinator's Office each year.

Ms. Gardino stated that it was about \$400,000 and they had about \$380,000 in Federal funding that was currently used for FMATS. Ms. Gardino stated that due to the large leave liability that had accumulated over the past few years, they were having to tap into that balance to cash that out.

**Vote on Amendment to the Motion:** None opposed. Approved.

**Amended Motion:** To approve the 2015-2018 Transportation Improvement Program for public comment and to add the FMATS Transition Plan as a state funded project for \$60,000 to develop and implement a transition plan to ensure the sustainability of FMATS as an MPO in good standing by analyzing its hosting structure and recommending a structure to see FMATS continue to thrive in the future. In addition, provide for transitional services in the event of employee turnover which may include wages for personnel.

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

**c. Request for Funding to the Governor (Action Item)**

Ms. Gardino explained that each November FMATS usually brought forward a request to the Governor for FMATS funding, and given the state of the State, it was thought that they should look at some of the repurposed earmarks.

Ms. Gardino stated that Cushman Street Bridge project was thought to be one request that should be brought forward to the Governor. Ms. Gardino stated that she was working on trying to set up a meeting with the Interior Delegation regarding the STIP and other matters.

Mr. Anderson asked Ms. Gardino to summarize how Cushman Street fit into the overall scheme of things that would be eligible for those funds.

Ms. Gardino stated that restarting the Wendell Avenue Bridge would require going through the Federal process and since it was far into the design they probably would not want to do that. Ms. Gardino stated that there were other projects that certainly had greater need but the bridge was the centerpiece of the town where a lot of things happened. Ms. Gardino stated that they did have other projects that were not being funded right now, that they might want

to consider. Mr. Lawrence asked what the status of funding was for the Wendell Street Bridge since the Governor had postponed that project.

Mr. Anderson stated that the Wendell Street Bridge project was paused along with the University Avenue and Old Steese projects. Mr. Anderson stated that they were basically on hold and not doing any work. Mr. Anderson stated that in some cases or for certain activities they were permitted to move forward, but for the most part, those projects were on hold. Mr. Anderson stated that they had been able to receive permission to pursue the Coast Guard permit on the University Avenue Bridge over the Chena River because it was a structurally deficient bridge. Mr. Anderson stated that DOT was asking every week if they could continue with their right-of-way acquisitions but had not received permission to do that yet..

Mr. Lawrence asked what the likelihood was of the Governor reacting favorably to this request if he had paused two bridges that were in worse shape structurally than the Cushman Street Bridge was.

Ms. Gardino stated that the only difference was that FMATS was not funding University Avenue, the State was and Mr. Lawrence made a good point.

Mr. Cleworth asked Mr. Anderson about the status of the GO Bonds and whether they had been sold or what the Governor was intending to do with them.

Mr. Anderson stated that he did not believe that all those bonds had been sold so he thought there was something going on there, but as far as their level of knowledge in the Northern Region went, he did not know what that was.

Mr. Spillman asked Mr. Anderson about the fact that FMATS had asked for earmark repurposing in the past and it had not happened and whether he knew if there was an overall plan for them or where they were going.

Mr. Anderson stated that he knew there were a lot of people submitting requests for those earmarks and his only advice was that you needed to have a compelling need and it was his understanding that it was ultimately the Governor's decision.

**Motion:** To forward the letter to the Governor, as presented.  
(Cleworth/Matherly).

**Discussion:** Mr. Anderson stated that from the perspective of DOT priorities with the DOT fiscal construct, preservation was a big priority for them right now. Mr. Anderson stated that if there was a project on the table that could fit into those criteria, that was a good project they could move forward with, such as the University Avenue project. Mr. Anderson stated that he was having a hard time supporting the Cushman Street Bridge and did not know how they would prioritize it because it was kind of a tough time.

Mr. Spillman stated that he thought this was a good tactic. Mr. Spillman stated that in this fiscal climate and not having one since 2012 he thought it would be good to ask for the earmark money to be repurposed as opposed to asking for just a State appropriation.

Mr. Lawrence asked if the Federal earmark money could be directed to other projects such as the Lathrop Street Extension and how high a priority the Cushman Street Bridge project was as compared to other projects.

Ms. Gardino stated that Lathrop did not score as high as McGrath or Minnie Streets, but University Avenue was something that they had been concerned and asking about for a long time. Ms. Gardino stated that they had requested earmark money for University in the past and could not think why that would not be possible to do here.

Mayor Ward asked what the amount of the request would have to be to make that happen. Ms. Chapman stated that she thought that DOT had about \$23M that was GO Bonds that had not been spent, but would have to look at that to determine the exact number and the rest was made up of NHPP.

Ms. Gardino stated that they could determine that exact amount to request that it be repurposed toward the University Avenue project.

Mayor Ward stated that fundamentally speaking they had asked for money from the Legislature that had not had any money and now the approach was to look at money that the State had on hand with these funds and be able to put them towards projects that were important to the MPO. Mayor Ward stated that with the criteria that was there they might not be able to get the full amount, but would be able to continue. Mayor Ward stated that he would be in favor of something like that and thought that it would have a higher chance of success.

Mr. Anderson added that DOT could definitely look at the Phase 1 section from University Avenue across College Road to the intersection of Geist Road.

Mr. Spillman stated that he saw logic in keeping the Cushman Street Bridge in the letter as there was the option of funding the University Avenue Bridge with NHS funding that had a much bigger chunk of that pie as opposed to the Cushman Street Bridge that did not have that option.

Mr. Cleworth stated that he agreed with Mr. Spillman about leaving the letter the way it was.

**Vote on Motion:** Five in favor. (Cleworth/Matherly/Ward/Spillman/Lawrence). Two opposed (Anderson/Koch). Approved.

**d. EPA Proposed Consent Decree Comments**

Ms. Gardino stated that this was the proposed Consent Decree regarding the Clean Air Act citizen lawsuit and was their recommendation for the solution as far as EPA not acting in a timely manner with the Moderate SIP. Ms. Gardino stated that EPA was required to come up with a determination on the Moderate SIP no later than January 19, 2017 and that action would be published in the Federal Register and the public comment period on this proposed consent decree closed on December 5, 2016 so if anyone wanted to act on it and asked Ms. Koch if she could add more information on this.

Ms. Koch stated that Ms. Gardino provided an accurate description, but she wanted to provide a little bit more information. Ms. Koch stated that DEC was working with the Borough and submitted it in December of 2014 and EPA was due to make that finding in February 2016. Ms. Koch stated that the implications for FMATS were that if EPA made a finding of even a partial disapproval could result in a conformity freeze which motivated Ms. Gardino to take action toward preparing a 2017-2020 TIP. Ms. Koch stated that DEC had made it very clear to EPA that they really wanted that Moderate SIP to be approved because it was important to the State and local area. Ms. Koch

stated that DEC knew the area would be redesignated as a Serious Non-Attainment area and would have to do the planning associated with that anyway. Ms. Koch stated that the implications for FMATS was that there was a lot of distance in their proposed time frame between when EPA took their proposed action and when they would have that action. Ms. Koch stated that the important issue was that FMATS would have a new TIP well in advance of that proposed freeze with the EPA proposed time frame

**e. Green House Gas Planning and Travel Efficiency Assessment (Action Item)**

Ms. Gardino explained that EPA had contacted her at the annual MPO Conference that there was an opportunity for submission of letters of interest for Green House Gas Planning and Travel Efficiency Assessment grants. Ms. Gardino stated that they would be doing scenario planning in their Long Range Plan and keeping an eye on the Safety Performance Measures and also the measures for on-road mobile source emissions reductions and would have to have some way of documenting and quantifying them. Ms. Gardino stated that she thought this might be something they would be interested in applying for. Ms. Gardino stated that she saw that this was starting to get some traction at the State level and thought that if FMATS wanted to pursue this opportunity, they could use the assistance of DEC and DOT. Ms. Gardino stated that she wanted to give the Policy Committee an opportunity consider this opportunity.

Mr. Anderson asked Ms. Gardino if this was a requirement or how they would frame this in terms of the need to do something like this.

Ms. Gardino stated that it was not a requirement and Ms. Koch might have some more ideas about how it could be implemented.

Ms. Koch stated that this opportunity was voluntary but in order for an entity to receive this EPA assistance, they would have to put in a letter of interest and in that letter, there were a lot of criteria that EPA would be looking at. Ms. Koch stated that one of the critical ones was the likelihood that Green House Gas would be taken into account in transportation planning. Ms. Koch stated that DEC had experience both in house and with contractors with the MOVE Model and could provide assistance, but the first question was the likelihood that FMATS would consider Green House Gas emissions when considering travel alternatives.

Mayor Ward asked if the process they put in place would have to be used for all their future projects.

Ms. Koch stated that EPA was not requiring a commitment that FMATS would absolutely use Green House Gas Emissions Reductions as a criteria but in the letter of interest there would have to be a statement about the likelihood of adopting the strategies related to Green House Gas reductions.

**Motion:** To forward a letter of interest on the Green House Gas Planning and Travel Efficiency Assessment. (Lawrence/Spillman).

**Discussion:** Mr. Cleworth stated that he did not have a good feeling about this one at all. Mr. Cleworth stated that it became another task and they had a lot of things going on already and if they did this, there might be some obligations for them to adhere to some of the findings whatever they may or may not be.

Mr. Lawrence stated that Green House emissions were a huge problem for this world as well as the state and he thought there was a real need given the science we know of today that we factor in some of the Green House Gas emissions in some of the projects in the community.

Mr. Spillman asked if this was something that they could get quantifiable information about, such as the benefits of bicycle/pedestrian facilities and what that did to reduce Green House Gasses because that was one of the factors they used in scoring particular types of projects that were very difficult to score such as a bike/pedestrian facility versus a bus versus a congestion management program, etc.

Ms. Gardino stated that the Team approach that they used in the past evaluated the emissions reductions benefits of a range of different strategies. Ms. Gardino stated that they had looked at improving travel efficiency by reducing VMT from single occupancy vehicles, and evaluated road pricing measures including parking and mileage based fees. Ms. Gardino stated that she had learned at the AMPO Conference that the FHWA had a tool out now for traffic light synchronization, and you could plug in your parameters such as the ADT length of corridor to come up with a quantifiable emissions benefit for those types of projects. Ms. Gardino stated that they were developing that tool for twenty different types of projects and the one Mr. Spillman mentioned was among those.

Mr. Anderson asked Ms. Gardino to describe the current emissions modeling that FMATS used and how this was different from the current processes they were using. Ms. Gardino stated that right now she did not believe that they were looking at Green House Gasses and were looking at PM<sub>2.5</sub> and the precursors to PM<sub>2.5</sub> and CO. Mr. Borden stated that he did not think they were doing CO emissions currently in the model. Ms. Koch stated that Ms. Gardino was correct and DEC was not currently considering Green House Gas when modeling emissions standards for different projects.

Mr. Anderson stated that there was no regulation or requirement that this Green House Gas was necessary, so they were trying to establish a baseline.

Ms. Gardino stated that if they were to develop standards for Green House Gas Emissions today, they would have a baseline.

Ms. Koch stated that Alaska did not have any regulations that required the consideration of Green House Gas reduction when weighing different transportation alternatives.

Mr. Spillman stated that from what he was hearing, he did not think there were any sticks involved in this and could benefit from this particular type of information. Mr. Spillman stated that Goal 3 of this MTP was to protect the environment and promote air quality consistency and this would be consistent with that goal.

Mayor Ward stated that although he could see some of the merits and benefits, he knew that they had some issues with some of these air quality mandates in the past and when it came to develop there were still a lot of areas that could be developed in the Interior and he would hate to have that impeded. Mayor Ward stated that if they developed a baseline today how

would that factor into it and he would hate to be penalized for that in the future. Mayor Ward stated that would be his concern with this.

Mr. Cleworth stated that we were not the primary candidates for the release of Green House Gas since the refinery was not even in operation anymore and he agreed with Mayor Ward.

Ms. Koch stated that she wanted to clarify that if there were a letter of interest to EPA, their work for Green House Gas would be inventory related to transportation.

Mayor Ward inquired if there were a large change in population and whether that would account for that or just gave a baseline or was based on population because an increase in population would have a negative impact on that greenhouse gas emission.

Ms. Koch stated that she understood that concern, but it was not particularly clear in terms of whether that was a particular component and would imagine that the baseline would have a population component to it but it was not explicitly listed in the EPA guidelines.

Ms. Koch stated that if FMATS wanted to proceed with a letter of interest, that issue that Mayor Ward raised could be listed as part of the letter.

Mr. Lawrence stated that all they were doing was proposing to contact EPA to express an interest in learning about these Green House Gasses and the effect and that was better than sticking their heads in the sand and pretending those greenhouse gasses did not matter.

Mr. Cleworth stated that we were not sticking our heads in the sand and it was not mandated. Mr. Cleworth stated that it was amazing the amount of money that was spent on compliance with all the rules and regulations in this Borough. Mr. Cleworth stated that there was a point where it was necessary, and a point where it got to be absurd. Mr. Cleworth stated that to him it was an incredible waste of money given all the hoops that they already had to jump through and this was something that was not mandated, not necessary, and going to take somebody's time, why shoot yourself in the foot if it was not needed at this time.

**Vote on Motion:** Three In Favor: (Lawrence/Spillman/Koch). Four Against: (Cleworth/Anderson/Ward/Matherly). Motion failed.

**f. Technical Appendix: Freight Model Documentation (Action Item)**

Ms. Gardino stated that this was another piece of the Freight Plan and she wanted to keep them up-to-date on what was happening with it. Ms. Gardino stated that they were updating the Existing Conditions Report and this documentation was letting them know the process the Consultant used to update the Freight Model for this purpose to identify the future demand and mobility in the region. Ms. Gardino stated that they found that this model was satisfactory when predicting observed truck volumes and would be a good tool to use in the future.

**Motion:** To approve the Technical Appendix on Freight Model Documentation (Lawrence/Anderson).

**Discussion:** No further discussion.

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

**Note:** Mayor Matherly stepped out of the room at this point in the meeting.

**Motion:** To take a five minute recess (Cleworth/Lawrence).

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

**g. Public Participation Plan Update (Action Item)**

Ms. Gardino explained that FMATS reviewed and updated their Public Participation Plan every time they updated their Long Range Plan. Ms. Gardino stated that the Plan would be out for a 45-day public comment period and it was reviewed in-house and updated to include the FAST Act and the Fairbanks Transportation Partnership Group. Ms. Gardino stated that FMATS did not see the need for a complete overhaul to the plan. Ms. Gardino stated that FMATS was currently updating the new Bylaws and thought they would go out for public comment as well. Ms. Gardino stated that FMATS had added some new social media items that they used such as booths at the Farmers Market. Ms. Gardino stated that when they did the Long Range Plan Update, they had a separate Public Involvement Plan.

**Motion:** To approve the Public Participation Plan for public comment. (Matherly/Lawrence).

**Discussion:** No further discussion.

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

**h. FMATS Bylaws Update (Action Item)**

Ms. Gardino explained the changes made by the Technical Committee were incorporated and included in the meeting packet. Ms. Gardino stated that because the Bylaws referenced them, Items 2-7 on Page 83 were included. Ms. Gardino stated that Article 9 regarding the roles, responsibilities, and duties was discussed at great length at the Technical Committee Meeting. Ms. Gardino stated that Page 95 referenced the Air Quality Planning Agreement.

Mr. Anderson asked Ms. Gardino to explain the scope of the review by the Borough Attorney. Ms. Gardino stated that she did not know what the scope of that review had been. Mr. Spillman stated that the Borough Mayor had asked one of his staff attorneys to review the document and they had made a couple of revisions but nothing major. Mr. Cleworth asked about Item 7 on Page 8.

Mayor Ward stated that they needed a motion to bring it forward for discussion.

**Motion:** To approve the Bylaws, as presented. (Matherly/Cleworth).

**Discussion:** Mayor Ward asked about the duties and responsibilities of the different agencies, particularly the Fairbanks North Star Borough duties. Mayor Ward stated that those duties were not predicated on the MPO and the overall Land Review Process was something the Borough had to do as its obligation to the State and was not predicated on the MPO as part of their duties. Mayor Ward stated that they had to participate in the process but the process did not exist because they were here so was it appropriate to have that listed as part of the duties of the MPO.

Mr. Spillman stated that the Local Planning Authority was included in State statute and would be done whether in this document or not. Mr. Spillman stated that it was not an eligible activity in the UPWP and the Borough would keep doing it whether in this document or not as part of their planning process.

Mr. Anderson stated that he felt a little left out as DOT's attorney had not reviewed this. Mr. Anderson stated that he had some thoughts and there were some items added that were fairly specific as to the Coordinator's Office Agreement. Mr. Anderson stated that DOT was questioning whether they wanted to get into specifics about shared duties especially when talking about the transition plan. Mr. Anderson asked if they wanted to keep this document at a broader level so that it would not have to be changed. Mr. Anderson stated that it would be worthwhile to have a subcommittee review and another month to review it would be great.

**Motion:** To postpone action on the Bylaws until the next Policy Committee meeting and release the Public Participation Plan noting the Bylaws are still being drafted and attach both the current Bylaws and the draft Bylaws. (Anderson/Cleworth).

**Discussion:** Mr. Anderson stated that he thought this was moving along very well and they supported everything in it, but thought it would be nice to have some additional time to have their attorneys to look at it and make sure it was all there. Mr. Spillman asked Mr. Anderson if it was his intention for the Public Participation Plan to go out for public comment without the Bylaws attached to it.

Mr. Anderson stated that he had asked Ms. Gardino how that would work and he thought it would go out for public review with the old Bylaws attached.

Ms. Gardino stated that to keep their Public Participation Plan on track, they would issue it for 45-day public comment with the old Bylaws and then if they changed the Public Participation Plan, they would have to issue it again for 45 days. Ms. Gardino stated that either they modified the Public Participation Plan not to include the Bylaws, or they postponed release of the Public Participation Plan until the Bylaws were settled.

Mr. Cleworth stated that he did not see why they were married together and asked Ms. Gardino if there was a compelling reason for it.

Ms. Gardino stated that she would have to look it up, but it was just that they were at this time, and that was what was approved.

Mr. Cleworth stated that he did not see any reason to stop one for the sake for the other, and it did not make any sense to him.

Ms. Gardino stated that any time they amended the Public Participation Plan, according to Title 23, it had to go out for a 45-day public comment period. Ms. Gardino stated that if they issued this with the old Bylaws which was what was approved and then they changed them, they would have to put it out again for public comment.

Mayor Ward stated if he could offer a suggestion in the effort to keep the two things together, if they were to vote down the postponement and allowed it to continue, it would still allow 45 days before it was back before the Policy Committee and amendments to be made should there be an issue that came to light from the State review or from the public comment period. Mayor Ward stated that they still had a two month window to make comments and keep the two things together.

Mr. Lawrence asked for clarification about the Public Participation Plan that referenced the existing Bylaws at this point. Mr. Lawrence asked what

happened if they amended the Bylaws in 30 days and how that impacted the 45-day time period for giving public comment.

Ms. Gardino stated that on Page 55 of the meeting packet she had put in that FMATS had reviewed and updated the Bylaws in 2015 and they were attached.

Mayor Ward stated that he apologized because he was unaware that they were voting to approve the Bylaws today since there was no need for a public comment period on that. Ms. Gardino stated that was what the problem was.

Mayor Ward apologized and asked Ms. Gardino when they first started working on it, and how many times it had gone to the Technical Committee for review.

Ms. Gardino stated that she thought it had been several times but could not be sure and had Ms. Stevens look it up.

Mayor Ward stated that there were some issues that were addressed at Technical Committee and he did not want to squelch anybody's concerns, but if the State at this point had not taken the opportunity to review it, he wished they would have done that sooner instead of waiting until now and that was his concern.

Mr. Anderson stated that he did not realize that all these legal reviews were going on. Mr. Anderson stated that he could not sign this without having their attorneys look at it and that would be something that he was bound to do, at a minimum, would have to have that occur.

Mr. Cleworth stated that he still thought they could do both here since they were postponing this part and there was only once sentence that referenced it and there was no other mention to it in the document. Mr. Cleworth stated that if they went ahead and released those and changed that sentence to say; "FMATS was reviewing and updating its Bylaws and they were attached in Appendix B." Mr. Cleworth stated that anybody that was going to read it, maybe two people, were going to read that and go to Appendix B.

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

**Motion:** To postpone action on the Bylaws and release the Public Participation Plan noting that the Bylaws are still being drafted and attach both the current Bylaws and the draft Bylaws. (Cleworth/Anderson).

**Discussion:** Mr. Lawrence asked if procedurally they had just approved the Public Participation Plan for distribution to the public, did they have to reconsider that motion or could they change that motion now.

Mayor Ward stated that if there was no issue with that motion to carrying and amending the Public Participation Plan, the motion would carry unless someone objected to that.

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

**i. LEAP Pilot Program Application Letter of Support (Action Item)**

Ms. Gardino explained that a notice was published in the Federal Register and applications for this new pilot program were due on November 25, 2016.

Ms. Gardino stated that this pilot program would allow, in this case, the City of Fairbanks to manage Federally-funded projects directly with federal oversight

by FHWA as opposed to the State Department of Transportation. Ms. Gardino stated the City would appreciate an FMATS letter of support for this.

Mr. Anderson asked Ms. Gardino if the City had engaged on this at all or if there had been any coordination with the State on this.

Mayor Matherly stated that he could not really give them a good answer since he did not know much about it.

Ms. Gardino stated that she did know that the State had spoken with the Preconstruction Engineer about this opportunity. Ms. Gardino stated that she knew that the City was excited to participate in this regard in an effort to try to streamline projects and be more cost effective.

Mr. Cleworth stated that it was coming back to him. Mr. Cleworth stated that he remembered this discussion and thought it was a great idea.

**Motion:** To approve the Letter of Support from FMATS for the City of Fairbanks' application for the LEAP Pilot Program. (Lawrence/Matherly).

**Discussion:** Mr. Anderson stated that DOT was all for partnering and doing things more efficiently and cost-effectively. Mr. Anderson stated that the concern he had with this particular letter of support that made it hard for him to support, was that he had spoken with the Preconstruction Engineer and they had not been engaged on this yet. Mr. Anderson stated that there were some very specific requirements that any agency was going to take on as the State transportation agency. Mr. Anderson stated that he fully respected that people had an interest in that and perceived it as a great thing to be doing.

Mr. Anderson stated that he believed they needed to have a good, robust discussion about some of the requirements included in the LEAP Pilot Program such as the State agreeing to partner and the voluntary funding contribution requirements, certifications that there was legal authority under State law to act independently in this capacity, and determining that they had the adequate delivery system as included in Title 23, and having the necessary financial management systems. Mr. Anderson stated that there were a lot of things that could lead to problems whether unexpected or not. Mr. Anderson stated that DOT was willing to engage with the City of Fairbanks and have discussions but was not sure at this time, what this letter of support was supporting.

Mr. Cleworth stated that he appreciated that concern, but this could accelerate project delivery greatly since they had such a short building season. Mr. Cleworth stated that this was an opportunity that the City had not had before and he would appreciate it if DOT would let them do it.

Mr. Lawrence asked if it was correct that the funding was accelerated and thought it was basically not partnering but just having the City of Fairbanks run this project with Federal money and cutting out the State DOT.

Mr. Cleworth asked why Federal funding would have to be funneled through another bureaucracy. Mr. Lawrence stated that he was not objecting but this was all about turf, pretty much. Mr. Anderson stated that he did not have anything about turf going on. Mr. Anderson stated that the way the State budget was looking right now, they were looking to get rid of as much as they could since they were getting squeezed pretty tight. Mr. Anderson stated that he wanted the City of be aware of what they were getting into because the

Title 23 requirements were pretty extensive. Mr. Anderson stated that they had been partnering with the City to give them the opportunity to get more experience before taking something like this on. Mr. Anderson stated that with the Uniform Act and the Right of Way side, they had a lot of very specific requirements. Mr. Anderson stated that these were things that, if done incorrectly, could result in them having to pay the Federal government back from their own budget if they did not follow procedures. Mr. Anderson stated that was the piece that he wanted people to be fully aware of because that was a big undertaking. Mr. Anderson stated that there was this perception that the DOT was this big bureaucracy but there was a reason why they had all these groups such as Civil Rights because there was a lot of responsibilities when taking on these federal requirements.

Ms. Gardino added that Mr. Anderson was right and there were a lot of federal requirements when producing a Federal Highway project and the City had only overseen that as far as the design phase and some utilities. Ms. Gardino stated that they had never overseen a construction project using Federal funding. Ms. Gardino stated that it was more arduous. Ms. Gardino stated that there were going to be things that the City would have to do and learn that they had never done before in order to be successful.

Mr. Cleworth stated that they had a great engineering department and had a lot of experience there. Mr. Cleworth stated that they had partnered well with DOT on many things. Mr. Cleworth stated that he thought this was a great opportunity and they had the staff and expertise to do it. Mr. Cleworth stated that he was sure that if there was something that they felt uncomfortable with, they would certainly reach out to the State to do it.

Mr. Lawrence inquired how many engineers were on staff in the City of Fairbanks. Mr. Cleworth stated that there were three engineers that they always kept on staff just for City functions. Mr. Lawrence asked how responsibility of managing the project was allocated between the City and the State. Ms. Gardino stated that the City had managed the project.

Mr. Lawrence stated that meant the City had managed projects just not federal funded projects. Ms. Gardino stated that Mr. Lawrence was correct.

**Vote on Motion:** Five in favor. (Ward/Matherly/Cleworth/Spillman/Lawrence). Two Opposed. (Anderson/Koch).

**j. Election of Chair and Vice-Chair (Action Item)**

**Motion:** To nominate Mayor Bryce Ward as the Policy Committee Chair. (Spillman/Cleworth).

Nominations for Vice-Chair were closed by Mr. Lawrence and seconded by Mayor Matherly.

**Discussion:** No further discussion.

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

**Motion:** To nominate Mayor Karl Kassel as Policy Committee Vice-Chair. (Lawrence/Matherly).

Nominations for Vice Chair were closed by Mr. Lawrence and seconded by Mayor Matherly.

**Discussion:** No further discussion.

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

**k. Safety Performance Target Setting Discussion**

Ms. Gardino stated that the two-page fact sheet was included in the meeting package about the State measures that would have to be adopted.

Ms. Gardino stated that the State was formulating a group that would meet in January 2017 to go over how they proposed to develop those safety measures. Ms. Gardino stated that they were not an MPO of over a million people so the Safety and On Road Performance Emissions Measures were the only measures that the State would have to come up with, either their own, or the State's targets and how they would measure them.

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

No public comment.

**10. Other Issues**

No other issues.

**11. Informational Items**

**a. Revitalization Award**

Ms. Gardino stated that FMATS received a framed certificate from the Downtown Association of Fairbanks to recognize the role public infrastructure played in urban area development presented at their annual meeting and accepted by Mr. Fox on their behalf.

**b. UPWP Approval and MPO Distribution Letter**

Ms. Gardino stated that FMATS had received notification on November 3, 2016 regarding approval of the 2017-2018 UPWP and also received their PL funding allocation in the amount of \$448,228, so that had gone up from the \$446,000 they programmed so they would have to do an amendment to the UPWP. Ms. Gardino stated that if there were any suggestions for what they should do with that extra money, they should bring them forward.

**c. NPRM on MPO Reform Update**

Ms. Gardino stated that FMATS had commented and 580 comments were received. Ms. Gardino stated that 88 percent of the comments received were against the proposed rule, so the US DOT had extended the comment period. Ms. Gardino stated that there was a move toward regionalization, as opposed to each MPO having their own TIP and Long Range Plan, but it would not affect FMATS directly.

**d. Obligations and Offsets**

Ms. Gardino explained that there were no obligations and offsets in the meeting packet due to the shutdown of the FHWA accounting system and they should have the list next month.

**12. Policy Committee Comments**

- Mr. Cleworth stated that it was good to be back. Mr. Cleworth stated that it was amazing to him over the years how quickly this body had changed, but the one thing that kept it together was Ms. Gardino and when he strayed, she promptly brought him back in line so he appreciated that. Mr. Cleworth stated that he appreciated all the work she had done over the years to keep this thing going. Mr. Cleworth stated that following the numbers from project to project was

such an incredible task, and somehow she had magic to do that. Mr. Cleworth stated that it was good to be back.

- Mayor Matherly commented that he was looking forward to getting more involved in FMATS. Mayor Matherly stated that he had kind of watched it from afar during his time on the Council when he was assigned to other committees. Mayor Matherly stated that he wanted to thank Ms. Gardino for the FMATS 101. Mayor Matherly stated that it was really helpful and he thought she could recite it in her sleep. Mayor Matherly stated that he followed everything that she said, and may not have understood very well, but she was so knowledgeable that she broke it down for him pretty well. Mayor Matherly thanked Ms. Todd and Ms. Stevens and congratulated Ms. Stevens on getting married. Mayor Matherly stated that he looked forward to working with all of them and getting to know Mr. Anderson and Mr. Spillman better.
- Mr. Anderson commented that he appreciated the discussion, thought it was good, and had learned a few things. Mr. Anderson stated that DOT was going through excruciating budget cuts and trying to find better ways to do things. Mr. Anderson stated that his door was always open and if they had any ideas, he wanted to hear them.
- Mr. Lawrence stated that this meeting was very interesting and knew this was a very important committee and might have a future on it but it was up to the presiding officer. Mr. Lawrence thanked Ms. Gardino for getting him started toward understanding what this organization was all about.

### 13. Adjourn

**Motion to adjourn.** (Lawrence/Spillman). The meeting adjourned at 2:45 p.m. The next Policy Committee Meeting is scheduled Wednesday, December 21 2016, at 12 p.m. in the Fairbanks City Hall, Council Chambers

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

  
Mayor Bryce Ward, Chair  
FMATS Policy Committee

Date: 12-21-16