

**ANCHORAGE METROPOLITAN AREA TRANSPORTATION SOLUTIONS  
POLICY COMMITTEE MEETING**

**Mayor's Conference Room, 8<sup>th</sup> Floor  
632 West 6<sup>th</sup> Avenue  
Anchorage, Alaska**

**August 23, 2012  
1:00 p.m.**

Policy Committee Members Present:

Name	Representing
Robert Campbell	Alaska Dept. of Transportation & Public Facilities, Regional Director (DOT&PF)
Cindy Heil *	Alaska Dept. of Environmental Conservation (ADEC), Air Quality
Dan Sullivan	Municipal Mayor
Patrick Flynn	MOA/Municipal Assembly
Chris Birch	MOA/Municipal Assembly

Also in attendance

Name	Representing
Craig Lyon	MOA/Community Development/Transportation Planning (CCD)
Vivian Underwood	MOA/CCD
Lance Wilber *	MOA/Public Transportation Department (PTD)
Rich Wilson	MOA/Port of Anchorage
Jennifer Witt *	DOT&PF
Bart Rudolph	DOT&PF
Gary Katsion	Kittelson & Associates

\*AMATS Technical Advisory Committee members

**1. CALL TO ORDER**

CHAIR CAMPBELL called the meeting to order at 1:00 p.m. A quorum was established with all Policy Committee members present. Cindy Heil represented the Alaska Department of Environmental Conservation in Ms. Edward's absence.

**2. PUBLIC INVOLVEMENT ANNOUNCEMENT**

MR. LYON encouraged public involvement in this meeting of the AMATS Policy Committee. He explained staff would first make their presentation, followed by any comments from Committee members, and the floor would then be open to public comment.

**3. APPROVAL OF AGENDA**

MS. HEIL moved to approve the agenda. MAYOR SULLIVAN seconded. *Hearing no objections, the agenda was approved unanimously.*

**4. APPROVAL OF MEETING MINUTES - None**

**5. BUSINESS ITEMS**

**a. Title VI Non-Discrimination Implementation Plan**

*Topic: Staff is asking the Policy Committee to review and approve the Draft AMATS Title VI Non-Discrimination Implementation Plan. The Technical Advisory Committee reviewed this draft and forwarded it with no changes and a recommendation for approval by the Policy Committee approval. Copies of the draft plan and the AMATS FFY 2010 Transportation Planning Certification Review were provided.*

MR. LYON discussed the AMATS Transportation Planning Certification Review. He noted this was a tri-annual certification, and it included a corrective action stating AMATS needed to have a Title VI Plan.

MS. UNDERWOOD provided a presentation on the proposed Title VI Non-Discrimination Implementation Plan

Discussion by the Policy Committee on the proposed implementation plan followed Ms. Underwood's report, and included:

- Measuring discrimination.
- Types of complaints include discrimination on the grounds of race, color, sex and national origin that can be related to any program or service under AMATS, and in particular AMATS Public Involvement Program and public outreach process during plan development such as the Metropolitan Transportation Plan (MTP) or the Areawide Trails Plan.
- Although AMATS provides funding for projects, it is not responsible for making sure the entity responsible for releasing the projects such as MOA and DOT&PF road construction comply with Title VI. MOA and DOT&PF have their own plan and complaint procedures.
- With regard to compliance with Title VI requirements, AMATS needs to approve a plan, provide assurances and have complaint procedures.

- Discussion of AMATS efforts in public outreach related to the recently approved MTP, including translations of newspaper inserts into 3 languages to reach the top 3 limited English proficient groups in Anchorage.
- Public outreach for next year's Work Plan.
- AMATS has not had any discrimination complaints, but there was no complaint process in place, and this plan will provide that formal process for filing a complaint.

ASSEMBLY MEMBER FLYNN commended the outreach efforts. He noted how much more diverse Anchorage is becoming, integrating new comers from all over the world, and how we do business. He stated the more we can do the better off we are.

MAYOR SULLIVAN moved to approve the AMATS Title VI Non-Discrimination Implementation Plan. MS. HEIL seconded.

In response to Chair Campbell with regard to the multi-language outreach where AMATS is translating documents and whether it is a requirement for Title VI, MS. UNDERWOOD stated she believes it is one of the executive orders. She noted that based on a threshold of 1,000 people or 5% of the population AMATS is supposed to provide translations in that language for populations, and for Anchorage the top 3 are Tagalog, Korean and Spanish.

In response to Chair Campbell, MS. UNDERWOOD indicated not translating into those languages could be a basis for a Title VI complaint. She explained that if AMATS receives a request for a translation it can be followed up on an individual basis. She indicated it is also resource dependent, and AMATS is not going to translate all its documents, only key documents.

MS. UNDERWOOD confirmed Chair Campbell's statement that there is a judgment component to this as far as what AMATS thinks is reasonable outreach.

MS. UNDERWOOD confirmed that FHWA through Elizabeth Hoffman has been kept in the loop throughout development of this plan. She noted FHWA has been provided with a copy of the draft plan, but there has been no feedback yet.

There were no comments or questions from the public.

*Hearing no objections, the motion was approved.*

**b. 3<sup>rd</sup> Quarter Obligation Report**

MR. RUDOLPH reviewed the 3<sup>rd</sup> Quarter Obligation Report. He explained the Obligation Report consists of the following:

- Current list of projects contained in the Transportation Improvement Program.

- Estimated dollar amounts in the TIP for each project.
- Amounts that have been obligated to date for specific projects in the TIP.
- Additional amounts anticipated for obligation for the remainder of this fiscal quarter.

MR. RUDOLPH explained this is the July report that was postponed when the Policy Committee meeting in July was cancelled. He noted that although some of the numbers in this report will be changing, he wanted to keep the report the same as what the Technical Advisory Committee saw at its meeting in July. Highlights of the Obligation report included:

#### Roadway Projects

- Project 53943, Eagle River Road Rehab. This project will fully obligate this year. Anticipating advance construct (AC) of approximately \$18.7 million from next year's program to fund this project. Any funding left over from this year will decrease that AC from next year. Mr. Rudolph indicated they are anticipating a small shortfall, which will reduce the amount of money being borrowed from next year to fund this project.
- Project 50898/51030, Dowling Road Extension West/Reconstruction (Minnesota Drive to Old Seward Hwy). Anticipating some de-obligations, but adding more money to fund utility relocation as well.
- Various Projects. Deobligations as a result of project closeouts freeing up more money that goes back into the program this year.

#### Transportation Enhancement Projects

- Project 53620, Pedestrian Plan Project Implementation. Originally \$100,000 project funded in last year's program. However, an additional \$50,000 is need. This requires approval by the Policy Committee because this change is over 20% of the original amount obligated. He clarified this is a new change that was subsequent to the report made to the TAC so there was no action by the TAC.

#### Congestion Mitigation Air Quality (CMAQ)

- CMAQ projects are consistent with what is in the TIP.
- Various Projects. Deobligations as a result of project completion and closeouts.

In summary, MR. RUDOLPH stated AMATS had approximately \$36.9 million programmed in the TIP, obligated \$4.4 million, and anticipates obligating another \$29.9 million. At the end of July AMATS was within 5.24%, which is consistent with the requirement for AMATS to be within +/- 5%.

MR. RUDOLPH noted the report also contains a list of projects not in the fiscally constrained TIP, but which have already been obligated.

In response to Ms. Heil, MR. RUDOPH explained it is not uncommon to obligate large amounts of money (\$29 million in this report) for projects late in the fiscal year, and it happens every year. He did indicate the numbers had gone down significantly during August.

In response to ASSEMBLY MEMBER FLYNN, MR. RUDOLPH explained the reason monies were deobligated on the Dowling Road project was because of a low bid, then once the project started it was realized that more money needed to be funded for utilities, and that money was put back in. He explained money is obligated based on the bid amount, and then as construction proceeds that amount is adjusted as needed.

ASSEMBLY MEMBER FLYNN asked whether it made sense to obligate more money to the Eagle River Road project this quarter in order to get back under 5%. MR. RUDOLPH explained they will not actually do that until the whole project obligates at one time, and it will be shown in the final fiscal report. The exact funding amount is unknown at this time and will most likely be higher than the \$8.7 million in this report.

In response to Mayor Sullivan, MR. RUDOLPH noted with regard to the consultant contract modifications for the Pedestrian Plan that \$100,000 was programmed for that plan. However, after the ICAP and MOA Central Services charge was taken off the top, it was realized the plan itself still needed to be \$100,000, which was what the bids came back in at from the consultant. He explained the money taken off the top was in the \$20,000 to \$30,000 range. He indicated the additional \$50,000 would leave a contingency for the consultant contract.

CHAIR CAMPBELL responded to part of question Assembly Member Flynn had about the obligations and deobligations. He indicated that systemically right now FHWA is pushing really hard for ADOT to clean up any languishing projects, such as projects that have not been closed out yet with \$100, \$100,000, \$200,000 remaining. As a result, at its level AMATS will see increased deobligation activity. He noted closing out and deobligating these projects has been a challenge this year at the ADOT. He thinks in the future we are going to see more things of this type where FHWA is not going to let us carry forward that projected contract amount because we think there may be construction overruns in 6 months or a year. He thinks FHWA is going to say “no, you’ve got your bid, deobligate the money and put it back in the pot. If you need more in 6 months come back and get it, but we are not going to let you just carry it in your bank account and see if you need it.”

ASSEMBLY MEMBER FLYNN indicated it sounds like AMATS is going to need to keep a little advance construction out there all the time.

CHAIR CAMPBELL noted the second thing to Ms. Heil’s comment is that if we obligate Eagle River this year it is going to give us a huge step up on next year. We are basically going to have the whole program obligated in the first quarter.

ASSEMBLY MEMBER FLYNN moved to approve the modification to the Pedestrian Plan for an additional \$50,000 as shown in the 3<sup>rd</sup> Quarter Obligation Report. MS. HEIL seconded.

There were no comments or questions from the public.

*Hearing no objections, the motion was approved.*

**Earmarks Funds deobligated & returned to DOT&PF General Fund**

Mr. Lyon distributed a list of earmarks that came into the State over past years. He explained FHWA had sent out a flyer noting fund balances remaining that would be deobligated from those specific earmarks. Shown on the flyer were the project name, amount earmarked, amount obligated during the life of the earmark, and the remaining amount that was swept. The DOT&PF received this flyer as well. He noted there were two earmarks within AMATS:

- Bartlett Access Intersection Safety Improvements – all but \$26 was spent.
- C Street Railroad Bypass - \$2 million.

CHAIR CAMPBELL explained the remaining money was cleared of these earmark names, but put back into the State as federal money for obligation. He indicated there were varying successes in obligating the earmarked money. CHAIR CAMPBELL explained these earmark monies were deducted out of the program to start with and were not additive money, but clarified the State did not lose any money. The money is coming back into the program in the shape of federal monies that can be obligated in a lot of different categories. He indicated the federal government is taking an active management role on these matters and not letting things sit around.

MAYOR SULLIVAN asked whether DOT&PF would be putting together a list for obligating those funds, and how local communities could submit requests for those funds.

CHAIR CAMPBELL noted there was a lot of interest in those funds noting it is not a good time of year for this. He explained this money will go back through the State process like anything else, and if there is a STIP project out there under development that is eligible for that money, the money can go to that project. If there is a construction overrun that comes up, this money can go towards that project. He stated this money cannot be spent on projects that are not in the STIP or TIP right now, but projects that are active now in those two documents are eligible for this money.

CHAIR CAMPBELL noted the MAP-21 (Moving Ahead for Progress in the 21<sup>st</sup> Century) reauthorization has come through, which includes new formulas, new money, approximately 10% less money than in the past, and changes to some definitions of Metropolitan Planning organization areas, or the threshold for populations to qualify. He indicated AMATS is not affected by that, but believes Fairbanks will be grandfathered in because they may not meet the criteria, which he thinks is 200,000. He does not think AMATS funding will change very much

based on the MAP-21 reauthorization, the STIP and TIP should be fairly close for fiscal constraints next year, and he does not think a wholesale change will be needed. He indicated this is what the DOT is anticipated at this time.

CHAIR CAMPBELL noted he does not think AMATS will see a huge increase in AMATS funding based on this \$20 million.

MAYOR SULLIVAN asked if these are discretionary grants that can be applied for if there is either a new project, not particularly within AMATS, but simply a direct grant project.

CHAIR CAMPBELL thinks these monies will suffer the same process that any other TIP or STIP project does. If it is in the TIP, it would be ranked within the TIP process as an eligible project, and if it comes up in the TIP and approved then this money could be directed at that. He indicated this money, as far as he knows, is going to have to be spent in the next 3 or 4 months, and it unlikely anybody would have time to modify their planning documents in that amount of time. He indicated the monies could go towards cost overruns and advance construction.

CHAIR CAMPBELL reiterated he does not think the AMATS funding will change appreciably out of MAP-21. He noted a dramatic change is there is a real emphasis from FHWA on performance measures that is coming forward. He noted there are 7 categories, which he thinks includes environment, safety, serviceability of your system, the efficiency of your system. He indicated as a state that uses federal funds to find ways to measure performance in these areas, which will affect AMATS, the State of Alaska, and everyone who touches federal money. This will be discussed over the next year, and everyone should be concerned. For example, he noted concern for any performance measure that may be beyond Alaska's ability to reach it will have problems, such as whether pavement smoothness is the same in Nebraska and Alaska, and Alaska needs to think about how to measure performance as an MPO, as a city and a state, and work hard to make sure the federal government has enough flexibility and foresight to recognize that Alaska cannot be held to the same standard as other states with our population density, remoteness of roads, climatic conditions, which all work against Alaska to perform in some areas.

ASSEMBLY MEMBER FLYNN asked if those performance standards are prescriptive. CHAIR CAMPBELL stated the categories have been identified, but the measures themselves and the targets for those measures have not been identified. CHAIR CAMPBELL discussed an example of a performance measures and possible targets such as percentage of fatalities per miles of roads for safety. He noted the only category that was defined in law was bridge deck, and 90% of the bridge deck has to be at a certain service level, and at this time within Alaska we are right on that threshold.

CHAIR CAMPBELL noted this will be an ongoing effort.

c. **Other Business Items - None**

## 6. INFORMATION ITEMS

### a. Implementation Status of Adopted AMATS Plans

MR. LYON explained this report on implementation status of adopted AMATS plans is part of the Public Involvement Plan. He reported the Obligation Report shows AMATS is implementing the MTP and TIP, and AMATS is working on implementing both the Bicycle Plan and the Pedestrian Plan. He indicated there were some small projects that were built this summer or are in the process of being built this summer.

### b. Other Informational Items - None

## 7. COMMITTEE COMMENTS

MAYOR SULLIVAN asked to have an update (with pictures) from Ms. Schanche on the Bike and Ped projects. MR. LYON advised he would provide a list of the projects as well.

CHAIR CAMPBELL asked whether there is a TIP amendment coming forward anytime soon. In response, MR. LYON noted this was discussed at the TAC, and in particular as it relates to the illustrative projects. He indicated the formal process for a TIP amendment would probably need to be started later this year and early next year. He indicated AMATS will need to look at its criteria for ranking and scoring projects in the TIP with an eye towards performance measures, which should be done soon.

MR. LYON explained that with the changes in SAFETEA-LU AMATS went from having major amendments and minor amendments to having major amendments and administrative modifications. The discussion at the TAC centered around the fact that if a project is added that is not in the fiscally constrained portion of the TIP, such a grant project under Table 8, and it needs to be added to the TIP so the grant money can be obligated quickly to rebuild the roof of the bus barn, the language in SAFETEA-LU it appears to say that if a project is added into the TIP it needs to be a major amendment, which is a 6 month timeframe of trying to obligate monies. The TAC discussion was AMATS should develop a policy and procedure that allows for the addition of projects into the non-fiscally constrained portion of the TIP as an administrative modification.

MR. LYON indicated a new TIP needs to be developed, and it may just be that 2014 and 2015 year fiscally constrained. He indicated that DOT&PF headquarters has not given AMATS a solid allocation funding amount for 2014 yet.

CHAIR CAMPBELL indicated the TAC should take the lead, but it needs to start happening.

**8. SCHEDULED AMATS MEETINGS**

Technical Advisory Committee, September 13, 2012

Policy Committee, September 27, 2012

**9. ADJOURNMENT**

The meeting adjourned at 1:39 p.m.