

**ANCHORAGE METROPOLITAN AREA TRANSPORTATION  
POLICY COMMITTEE MEETING  
Planning and Development Center  
4700 Elmore Road  
1<sup>st</sup> Floor Conference Room  
Anchorage, Alaska**

**December 4, 2008  
1:00 PM**

Those in attendance were:

<u>NAME</u>	<u>REPRESENTING</u>
* Gordon Keith	Alaska Department of Transportation and Public Facilities, Regional Director
David Post	ADOT/PF
Aneta Synan	ADOT/PF
Mark Parmalee	ADOT/PF
** Jennifer Witt	ADOT/PF
* Alice Edwards	Alaska Department of Environmental Conservation, Air Quality
** Cindy Heil	ADEC
** Bruce Carr	Alaska Railroad Corporation
* Michael Abbott	Municipal Manager
* Patrick Flynn	MOA/Municipal Assembly
** Lance Wilber	MOA/Traffic Department
Craig Lyon	MOA/TD
Vivian Underwood	MOA/TD
Teresa Brewer	MOA/TD
Christine Bernardini	MOA/TD
** Jody Karcz	MOA/ Public Transportation Dept.
Walt Parker	Self
SaraEllen Hutchison	Alaska Center for the Environment
Elizabeth Glooschenko	ATA
Dale Paulson	KABATA
William Greene	KABATA
MaryAnn Pease	KABATA
Brady Loomis	Self
Kevin Doyle	HDR Alaska

\* AMATS Policy Committee members

\*\* AMATS Technical Advisory Committee members

**1. CALL TO ORDER**

CHAIR KEITH called the meeting to order at 1:04 p.m. A quorum was established. Michael Abbott served on behalf of Mayor Mark Begich. Sheila Selkregg was absent. Mr. Flynn arrived at 1:46 p.m.

**2. PUBLIC INVOLVEMENT ANNOUNCEMENT**

CHAIR KEITH encouraged public involvement in this meeting of the AMATS Policy Committee. He explained that Staff would first make their presentation, followed by any comments from Committee members, and the floor would then be open to public comment. Following a motion, discussion will be reserved to Committee members only.

**3. APPROVAL OF AGENDA**

*There being no objection, the agenda was unanimously approved.*

**4. APPROVAL OF MINUTES**

*There being no objection, the minutes of July 10, 2008, August 14, 2008 and September 11, 2008 were unanimously approved.*

**5. BUSINESS ITEMS**

**a. 2009 Budget Amendment to the 2008-2009 Unified Planning Work Program**

CHRISTINE BERNARDINI explained that the Policy Committee is asked to review a major amendment to the biennial work program. The two-year Unified Planning Work Program (UPWP) was approved in November 2007, but budgets are approved on an annual basis because the Municipality appropriates on an annual basis. The budget before the Policy Committee for approval is for 2009. This item was released by the Technical Advisory Committee (TAC) on September 25, 2008 and it has been available on the website. This item was also taken to the Planning and Zoning Commission, acting as the Citizens Advisory Committee to AMATS, and both that body and the TAC recommend approval to the Policy Committee. A very small

increase in the PL allocation allotted to AMATS was received for a total of \$930,138. Of that amount, \$90,000 is remitted back to Central Region ADOT. The remaining funds are disbursed among the various planning tasks in the UPWP. MS. BERNARDINI noted that there have been slight modifications from the UPWP that the Policy Committee reviewed last year in terms of the scope of some projects and the addition of the West Anchorage District Plan, East Anchorage District Plan, a consolidated Long-Range Transportation Plan (LRTP) update for 2011. No funding is shown for the LRTP update in 2009. Another new focus in 2009 is the Regional Transportation Plan. The Highway-to-Highway Connection is also continued from 2008.

MS. BERNARDINI noted that the packet before the Policy Committee would become part of the UPWP.

MR. LYON noted that after the UPWP was released and there was review by the Planning and Zoning Commission it was recognized that more funds would be needed for the LRTP update. Staff is suggesting transferring \$10,000 from Project 280, Intelligent Transportation Systems, and \$15,000 out of Project 270, Emergency Transportation Management to transfer \$25,000 to the LRTP update, Project 131.

WILLIAM GREENE noted that he had provided the Policy Committee with a communication sent to members early this morning. One of the comments has to do with a potential increase in funding to cover the cost of proceeding ahead with amending the LRTP and Transportation Improvement Program (TIP) to remove the Knik Arm Crossing from those documents. He remarked that amending the LRTP is contrary to the provisions of federal codes and is essentially an illegal action, so to appropriate or authorize use of funds to proceed with that is a misuse of public funds. He strongly urged the Policy Committee to reject that request.

MICHAEL ABBOTT moved to approve a Major Amendment to the 2008-09 Unified Planning Work Program (UPWP) to incorporate the 2009 Budget as amended by Mr. Lyon. ALICE EDWARDS seconded.

***There being no objection, the motion passed unanimously.***

**b. Other Business Reports – None**

**6. INFORMATIONAL REPORTS**

**a. Knik Arm Crossing Amendment to the Anchorage Bowl Long-Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP)**

CHAIR KEITH noted that the municipal attorney has been asked to respond to the points made by William Greene on behalf of KABATA. MR. LYON indicated that an opinion has not yet been issued by the municipal attorney. MR. ABBOTT offered to follow up with the municipal attorney's office. CHAIR KEITH stated that he has contacted the state Attorney General's office, however, normally that office does not act as counsel to AMATS.

LANCE WILBER stated that upon further investigation pursuant to the Policy Committee's direction in September for the TAC to pursue the proposed amendments, it has been determined that a substantial amount of work would be required to effect those amendments. The most time consuming work is an update of the financial plan. That work is being coordinated with ADOT with the Municipality's CIP. The costs have been updated to 2008 figures based on inflation, and then an inflation rate has been projected to 2027. Revenue was projected concurrently. At this point, the program is financially constrained at 2019 and at 2027. He wanted to confirm the assumptions underlying those determinations, followed by operating estimates. Staff has also prepared a working draft for an amendment. He thought that once there is confirmation of the projections and funding forecast is sound, a work session for the Policy Committee and TAC will be scheduled.

CHAIR KEITH noted that the schedule to accomplish this amendment is daunting. He was aware that Ms. Selkregg was anxious to complete this work in December, but that could not occur. MR. ABBOTT indicated that Ms. Selkregg is aware of this situation.

WILLIAM GREENE stated he has lived and worked in the state for over 42 years. After beginning as a trial attorney, he moved into corporate, commercial and regulatory work. He appeared before bodies, including the

Planning and Zoning Commission and Platting Board. He was the municipal attorney under the former administration and provided services to AMATS. He stated that in the history of his career he has not experienced a situation similar to the current one between two government agencies. He stated he has sent several prior communications to the Policy Committee, the Attorney General's office, the Municipal Attorney's office, and to others who have an interest in this project. He contacted the Municipal Attorney's office and offered to provide information, documentation, and research. He has long advised KABATA and the Policy Committee that under the federal regulations governing AMATS the Knik Arm Crossing, as an NHS and a regional project, is clearly required to be in the AMATS LRTP. He stated he could only assume that staff or the Policy Committee has been in contact with FHWA in Juneau and is aware that the Knik Arm Crossing must be in the LRTP and TIP. He stated he was dismayed and befuddled because he was uncertain why AMATS is proceeding on a path that is directly contrary to the federal regulations under which it operates. He noted that KABATA is a sister State agency. He concluded that the money presently allocated to this project, although considerably less than half of what was originally allocated to it by Congress, is a sum of money that AMATS and the Municipality want for their own projects. He noted that there are very important projects in the TIP, including Highway-to-Highway, but there is plenty of room for the parties to talk to KABATA about those projects in an attempt to come to some resolution where everyone can reach their individual goals. To date, the opportunities for those discussions have been substantially rebuffed. He believed this was irresponsible and it is irresponsible simply to amend an LRTP and TIP when it cannot be done under federal rules. He stated that since August 7 he has yet to have had an opportunity to discuss with attorneys or with staff what the rules and regulations permit and what they prohibit. He felt it was unfortunate that an impasse has been reached that is unnecessary, unprofitable, expensive, and not in the best interest of this municipality as well as the citizens of the Mat-Su Borough. He believed there has been very little, if any, effort on behalf of AMATS to coordinate this proposed amendment of the LRTP with Mat-Su. He strongly recommended that the Policy Committee rescind its motion and sit down with all major stakeholders to work out a means by which each party's individual goals can be attained. He felt that the current parties have lost sight of the ability to sit down and work together for common goals.

CHAIR KEITH commented that none of the Policy Committee members enjoy being in a confrontational situation with regard to this issue, but members of the Assembly and members of this Policy Committee have the thought that somehow public sentiment has changed and, therefore, are pursuing these amendments. He stated he has read everything submitted by Mr. Greene and he apologized that there was not a response from reviewers. He did not necessarily agree with everything stated in Mr. Greene's letter. He has reviewed the citations in the CFRs and some of the things Mr. Greene used to show that this project cannot be removed from the LRTP are just work items that must be done before removal. Those things can be time consuming and costly, but they do not prohibit removal. He stated that if the Policy Committee members thought Mr. Greene's argument was convincing enough that it was doing something illegal by advancing funds to look into the desire of the Assembly and the Policy Committee, they would not vote for it. But he did not think it was illegal. He believed there was simply a difference of opinion between KABATA and Policy Committee. He noted that the same process was used to put the Knik Arm Crossing into the LRTP and there was no objection from anyone when that was done. FHWA said there could never be a Record of Decision (ROD) unless it was put into the LRTP and that is why it was put into the LRTP. Therefore, the reverse should hold true and if it is removed from the LRTP, a ROD will not be issued.

MR. GREENE stated that he is not suggesting to the Policy Committee that it is outside of their purview or improper for them to take a look at this, he was saying that it is improper to proceed with the process for amendment. To issue a proposed amendment to remove the project from the LRTP is a totally different matter. The motion said to put an amendment out on the street and he was suggesting that to proceed to put an amendment on the street is inappropriate and contrary to his view of the law. CHAIR KEITH stated that he could not see much advantage of considering an amendment and holding internal discussions. He is a firm believer in the public process and if there is a change in the public sentiment, he knew no better way to do it than to begin the process by having an amendment upon which the public can comment before the TAC, the Planning and Zoning Commission and the Policy Committee.

DAVE POST stated that, in addition to removal of the Knik Arm Crossing from the TIP, amendments are needed to the 2009 program in order to keep the funding process moving forward. The schedule for amending the TIP is similar to the schedule for the LRTP amendment. Staff has discussed putting forward a 2009 amendment process and combining that with the development of a 2010-2013 TIP so that the public process would be seamless. There is also a question whether or not it is warranted to build public expectations by going out for nominations during this process. When the TIP was last developed over 200 prospective projects were evaluated, so there is some question whether new nominations are advisable, particularly given that the majority of the money is already allocated to projects that are underway. MR. POST also advised including a contingency plan in this TIP for the event of additional money being allocated through the State capital budget process.

CHAIR KEITH asked if Mr. Post was referring to a General Fund appropriation to AMATS rather than State-funded earmarks that are specific to a project. MR. POST replied that it could be either case. MR. ABBOTT asked whether AMATS has ever received State funds that were not directed to particular project(s). He felt that an expectation should not be created in the public about something that has low probability of success. CHAIR KEITH noted that there are many projects already in the TIP and he felt that asking for nominations for more projects would be disingenuous.

MR. WILBER supported Mr. Post's suggestion for what is essentially a 2009-2013 TIP, in order to be consistent with the STIP, and explained that both the staff and TAC need some direction with regard to whether or not nominations might occur. He noted that the Policy Committee would have other opportunities to review the TIP.

MS. EDWARDS asked what is the deadline for the next required revision of the TIP. MR. WILBER replied that the current TIP is valid through the end of September 2009, but if adjustments to 2009 are needed, it would be good to begin those now in recognition of the construction schedule and in order to be in the same cycle as the state STIP.

MARYANN PEASE stated that \$41 million has been spent on the Knik Arm Crossing to date and she thought that when the community hears the project is not moving forward, there would be a reasonable outcry. This is a significant expenditure after which to say that the decision-makers have changed their minds. She felt this decision would adversely affect the state for additional legislative funding in the future. She suggested that thought be given to the repercussions of this decision. She felt there should be a public outreach, in writing, to inform the public what has been spent on this project and asking them whether they want to see it go forward or end it. She noted that generally the individuals who offer comment at meetings are those who are opposed to a project, not those in favor.

MR. GREENE asked if the TAC is going to put the TIP and LRTP on the street without a particular amendment or would they come back to the Policy Committee with the amendment to the TIP and the LRTP before putting it on the street. MR. POST believed that the policy has been that the TAC can release an amendment. He presumed that all legal requirements would be met.

BRUCE CARR, Alaska Railroad representative on the TAC, felt it was never ill advised to go to the public with an explanation of the situation regarding the TIP and asking for their help. He noted that one of the reasons the Knik Arm Crossing is being re-examined is a perceived change in public sentiment. At the same time, there is a desire to understand what projects the public wants to see in the 2010-2013 TIP. There may be other projects in the current TIP that the public does not want to see proceed and others that now have priority. AMATS has struggled to get the public involved in this process and he did not believe that expectations would be raised, if information is presented properly. He felt that an amendment to the TIP is an opportunity to educate the public and seek their input.

CHAIR KEITH remarked that he has heard the average length of residency in Alaska is four years so there may be an entire body of people who are not even aware of the public process. He suggested that funding availability and the backlog of projects be made clear, as well as being clear that some projects are grandfathered in the TIP and others may be included in out years.

CINDY HEIL suggested that nominations could be sought with the caveat that if a project is already in place, it is not going to be re-ranked, instead focusing on new projects.

MICHAEL ABBOTT moved that the Policy Committee direct the TAC to develop a TIP around a process that would include a public solicitation for nominations for the years 2010-2013, and appropriately set public expectations regarding likely available funding. ALICE EDWARDS seconded.

*There being no objection, the motion passed unanimously.*

**b. Committee Comments – None**

**c. Scheduled AMATS Meetings**

Policy Committee, January 8, 2009, 1:30 PM – 3:30 PM

Technical Advisory Committee, January 22, 2009, 2:30 PM – 4:30 PM

Policy Committee, February 12, 2009, 1:30 PM – 3:30 PM

Technical Advisory Committee, February 26, 2009, 2:30 PM – 4:30 PM

Policy Committee, March 12, 2009, 1:30 PM – 3:30 PM

Technical Advisory Committee, March 26, 2009, 2:30 PM – 4:30 PM

**d. Other Informational Reports**

MR. LYON noted that many road projects are underway, the Pedestrian Plan, Bicycle Plan, and Public Participation Plan are completed or nearly completed. In addition, 18 new buses were added to the transit fleet this year. He also thanked ADOT staff for their assistance, as well as municipal staff. He indicated that Christine Bernardini would be retiring and this would be her last AMATS Policy Committee meeting. MR. WILBER stated that he began working in AMATS 15 years ago and Ms. Bernardini has been of great assistance to him.

MR. POST stated that his former post as AMATS Coordinator at ADOT has been filled by Anita Synan, a very competent planner.

**7. ADJOURNMENT**

The meeting adjourned at 2:00 PM.