

**ANCHORAGE METROPOLITAN AREA TRANSPORTATION
TECHNICAL ADVISORY COMMITTEE
Planning and Development Center
Main Conference Room, 1st Floor
Anchorage, Alaska**

**May 21, 2009
2:30 PM**

This meeting was continued from May 14, 2009

Those in attendance were:

<u>NAME</u>	<u>REPRESENTING</u>
** Jennifer Witt	ADOT, Central Region, Planning
** Kim Rice	ADOT, Central Region
Dave Post	ADOT
Aneta Synan	ADOT
** Cindy Heil	Alaska Department of Environmental Conservation
** Steve Morris	MOA/Department of Health and Human Services
** Lance Wilber	MOA/Traffic Department
** Lois Epstein	MOA/AMATS CAQAC
** Bruce Carr	Alaska Railroad Corporation
Craig Lyon	MOA/TD
** Jerry Hansen	MOA/PM&E
** Tom Nelson	MOA/Planning Department
** Jody Karcz	MOA/ Public Transportation Dept.
Sandra Cook	HDR Alaska

* AMATS Policy Committee members

** AMATS Technical Advisory Committee members

1. CALL TO ORDER

CHAIR WILBER called the meeting to order at 2:35 PM. A quorum was present.

2. PUBLIC INVOLVEMENT ANNOUNCEMENT

CHAIR WILBER encouraged public involvement in this meeting of the AMATS Technical Advisory Committee (TAC). He explained that Staff would first make their presentation, followed by any comments from TAC members, and the floor would then be open to public comment.

3. APPROVAL OF AGENDA

CINDY HEIL moved for approval of the agenda. STEVE MORRIS seconded.

There being no objection, the motion passed unanimously.

4. APPROVAL OF MINUTES – None

5. BUSINESS ITEMS

a. LRTP Amendment Memo: Knik Arm Crossing

CHAIR WILBER noted that a motion was put on the floor at the May 14, 2009 meeting regarding this resolution and action was postponed to this meeting. He highlighted several changes made to the resolution.

MS. WITT noted that the resolution needs a title.

MS. RICE did not understand the first sentence of the resolution. MS. WITT suggested deleting “providing the” and inserting “having”. MR. POST suggested deleting “providing”.

MR. NELSON stated that normally if the Assembly has an issue of concern, they make a motion and refer the matter to a particular body to get a recommendation that is brought back to them.

MS. KARZCZ and MR. CARR arrived at 2:40 PM.

MR. NELSON did not understand the problem with the Policy Committee taking action to initiate a potential action and referring the matter to the TAC for a recommendation. CHAIR WILBER asked whether this situation has occurred with the Planning and Zoning Commission, for instance. MR.

NELSON stated that, for example, if the Assembly wants to initiate a change to the code, they will not take action until it is referred to the appropriate body for review, consideration, and recommendation.

MR. HANSEN asked if the Assembly is considering this issue on June 23, and questioned what this resolution would do. He was unsure what would be the effect of approving this resolution. MR. NELSON questioned how the TAC is not following the process. He asked what the TAC is doing that is inappropriate.

MS. WITT stated the resolution was initiated out of concern that the TAC was still deliberating and discussing the LRTP Amendment and had expressed some substantial concerns with the draft, and the Policy Committee was only driven to release the Amendment because of timelines. The Policy Committee said the TAC dragged its feet and did not take action; that was not the case. Even if the Assembly does not take action, the Policy Committee is scheduled to adopt the Amendment at their June 25, 2009 meeting. There is still information and aspects of the Amendment on which the TAC should provide input. She suggested that the matter be returned to the TAC for review and recommendation before the Policy Committee takes action.

MS. RICE felt that this item going to the Assembly first and bypassing the Policy Committee is the reverse of roles. It sounded to her that the Assembly made the decision rather than the MPO.

MR. NELSON understood that the Policy Committee referred this to the TAC for consideration and the TAC is currently deliberating. He noted that one of the "whereas" clauses says, "that the TAC has drug in its feet." He asked if this is in the minutes. MS. WITT stated that the Policy Committee said the TAC is dragging its feet and was reluctant to do its work. She did not object to deleting this clause. MR. NELSON stated that the TAC can make a recommendation and can support its recommendation with findings of fact, rather than passing a resolution such as this. MS. WITT explained that her concern is that the Amendment needs a lot of work. The public review period closes on May 27 and she understood there have been many comments. For staff to be able to review those and make a recommendation even to the TAC is difficult, given the schedule. She did not object to revising the resolution to

state that the TAC takes its role seriously and asking that the Policy Committee modify its schedule to allow the TAC to make a recommendation. MR. NELSON noted that the “whereas” clause that states, “the TAC is unaware of any other plan or amendment of this magnitude that has bypassed the TAC” is inaccurate because he did not believe the TAC has been bypassed and, in fact, would be making a recommendation. He agreed that this is a significant Amendment, there is a great deal of information and significant public interest and a short time frame within to act, given the schedule the TAC has been asked to follow, but the TAC is not being bypassed.

MR. MORRIS asked if the intent of the resolution is for the Policy Committee to withdraw the public review draft, remand it back to the TAC for changes, a recommendation would come from the TAC, and then the Policy Committee re-release the draft for public review. MS. WITT thought the Policy Committee could not withdraw the draft, which has been released. The recommendation is that they modify their schedule to allow staff adequate time to review the comments and work with the TAC on technical changes to the Amendment and to not take action as scheduled on June 25. MR. MORRIS thought the discussion at the TAC was regarding fiscal constraint and whether language related to the environmental process should be in the Amendment. He thought that some of the comments may address that. He understood that if major changes are made to the draft, it may be necessary to go out for public comment again.

MS. EPSTEIN was curious why the two work sessions were not mentioned in the resolution. MS. WITT stated a work session was held on April 2 and a meeting on April 9. She agreed there was a meeting on April 16. MS. EPSTEIN asked how many meetings or what length of time might be sufficient for the TAC’s review. MS. WITT replied that sufficient time is whatever time is needed for the Amendment to document what has changed to drive the deletion of the KAC from the LRTP. The draft that has been released simply takes the KAC out of the LRTP. MS. EPSTEIN asked if there would need to be a rewritten document and would the TAC need to make its recommendation how to do that; or are there other means to get recommendations to the drafters without a recommendation from the TAC. MS. WITT was unsure what comments are being made, but there is more work to be done because tweaking the text will not be sufficient. There is not

a technically-based reason to remove the KAC from the LRTP. This was her concern as a member of the TAC. The only thing driving this schedule is the change of local Administration on July 1. MS. EPSTEIN responded that there has been discussion of the things that have changed, which include lack of financial information, the listing of the beluga whale as an endangered species, and that the language in the Assembly resolution requires that the comments of Anchorage and Mat-Su have to be sufficiently addressed. She wanted to better understand at what point the matter will be sufficiently discussed.

MR. CARR stated that the reasons Ms. Epstein listed to delete the KAC from the LRTP are best answered in the environmental impact statement (EIS) process, not the LRTP Amendment. He was concerned with the fiscal constraint analysis. It took 11 or 12 months to add this project into the Plan, but the world has changed dramatically since that was done two years ago. He questioned the rush to act on this Amendment. He has found nothing in the LRTP Amendment that supports removing the project. He did not currently support the Amendment. He asked when the TAC should take a vote on the Amendment. CHAIR WILBER responded that the TAC did not have the benefit of making a recommendation before the Policy Committee released the Amendment for public review, but that does not mean the TAC should not proceed with making a recommendation before action is taken on the Amendment itself. Many comments have been received. He assumed each TAC member is reviewing Chapter 13 and making recommendations that staff can assess and make recommendation upon. If language is removed based on a decision that it is more appropriately in a NEPA process, the Policy Committee may determine that is a major change and re-release the Amendment for public review. The TAC would need to make a recommendation whether or not a longer review period is needed. He intended that the TAC will have something to consider in the second week of June.

MS. WITT asked if staff intends to rewrite the document in response to the comments received during the public review period and make a recommendation to the TAC to forward the rewritten Amendment to the Policy Committee. The schedule only mentions the TAC taking action on the air quality conformity determination. CHAIR WILBER stated the intent is for the TAC to give a recommendation to the Policy Committee on the

Amendment before it takes action. MS. WITT asked if it is reasonable to expect this to be done. She questioned if the Policy Committee would be interested in seeing a rewritten document or expects to adopt what is out for public review. CHAIR WILBER did not know their expectations. He recalled Assemblymember Flynn acknowledging that work is needed on the Amendment and an expectation of an edited document.

MR. CARR asked for a one-page document explaining the technical reasons to remove the KAC from the LRTP. He noted that the Amendment must be technically sufficient to stand up to public scrutiny. The verbiage in the current document is well worked, but does not give technical reasons for the Amendment.

MR. NELSON stated that, in his experience with local government, the process that has been followed is not unusual. The TAC has not been bypassed and he understood that the Policy Committee expects a recommendation from the TAC before taking action. The schedule is aggressive, but it is not uncommon in his experience. It is not unusual for the Assembly to initiate some kind of action, introduce it, set a hearing date, and refer it to the appropriate body for evaluation and recommendation that comes back to them. That is the process being undertaken here. He stated that this issue has been always political.

MR. MORRIS agreed that the TAC did not have an opportunity to thoroughly review the Amendment and was unsure whether the TAC would be prepared to make a recommendation before June 25. He felt there may be technical reasons to remove the KAC from the LRTP, but there is the need for more discussion of technical issues. He did not think that it is realistic for the TAC to take action before June 25. He felt the Policy Committee should be asked to delay action until the TAC has an opportunity to make a recommendation to them and the TAC should inform them that their recommendation will likely not be ready before June 25.

MS. RICE added that when the TAC makes an informed decision and recommendation on this Amendment, it should be clear about the ramifications of a decision to remove the KAC.

MS. WITT stated she would be happy sending a one-sentence recommendation to the Policy Committee asking them to not adopt the Amendment on June 25 in order to allow the TAC to review public comments and information.

CHAIR WILBER asked whether Ms. Witt desired to withdraw her motion or make edits to the resolution. MS. WITT deferred to the TAC members to give her direction. This TAC needs to consider whether or not there is an alternative to removing the KAC from the LRTP. There has not been a process to consider the Amendment; it was just done.

MR. CARR suggested that if the resolution were to be amended, he would recommend deleting the 7th and the last “whereas” clauses and amending the 9th “whereas” clause to reflect Mr. Morris’s concern that “the TAC has not had an opportunity to fully review the implications of the proposed LRTP Amendment and public comment received in order to make a technically sufficient recommendation to the Policy Committee.”

BRUCE CARR moved to amend to delete paragraphs 7 and 11. JENNIFER WITT seconded.

There being no objection, the amendment passed unanimously.

LOIS EPSTEIN wished to amend paragraph 5 to say, “the TAC has discussed the working draft at one work session on April 2, 2009, a meeting on April 9, 2009, and a continuation of that meeting on April 16, 2009.” MS. HEIL noted that short portions of those meetings were spent on this topic. CHAIR WILBER stated there was a work session on April 7, 2009, a meeting on April 9, 2009 where the discussion was primarily on the LRTP and some on the TIP, and the meeting was continued to April 16, 2009 at which time there was discussion of the TIP and little discussion on the LRTP. MS. WITT suggested that paragraph 6 read, “WHEREAS, at the April 9, 2009 TAC meeting, continued to April 16, were the only TAC meetings after...” MS. EPSTEIN felt it was important to convey that aspects of the LRTP were discussed at the work session. MS. WITT also suggested adding “and discussed” before “a working draft” in paragraph 5. BRUCE CARR seconded Ms. Epstein’s amendment.

There being no objection, the amendment passed unanimously.

LOIS EPSTEIN moved to amend to add “and discussed” before “a working draft” in paragraph 5. JENNIFER WITT seconded.

There being no objection, the amendment passed unanimously.

TOM NELSON moved to amend to delete paragraph 4. JERRY HANSEN seconded.

MR. NELSON stated his concern was the tone of this language.

There being no objection, the amendment passed unanimously.

MR. NELSON reiterated that the City’s legislative body does not necessarily ask for recommendation before introducing an item, but it does ask for a recommendation before action. He believed the reason for the resolution is that the TAC has not been allowed sufficient time to do a thorough evaluation before the Policy Committee takes action. He felt that could be done without this resolution. He moved to delete paragraph 1. JODY KARCOZ seconded. MR. HANSEN suggested only deleting “without the TAC review and recommendation.” *This was accepted as a friendly amendment.*

MR. CARR suggested including “without a TAC recommendation.”

The amendment failed with Rice, Carr, Morris, Heil, and Witt opposed.

KIM RICE moved to amend the paragraph 1 to end with “on April 23, 2009 without the TAC recommendations; and.” CINDY HEIL seconded.

There being no objection, the amendment passed unanimously.

MR. HANSEN moved to amend to delete paragraph 8. JODY KARCOZ seconded.

The amendment passed with Carr and Rice objecting.

STEVE MORRIS moved to amend the last two paragraphs to read “NOW THEREFORE BE IT RESOLVED, that the TAC requests that the Policy Committee delay final action on the Amendment until the TAC has had opportunity to prepare a final recommendation that considers public comment received and a more thorough review of the financial analysis.” CINDY HEIL seconded.

MR. CARR suggested “technically sufficient” rather than “final” before “recommendation”. MS. HEIL did not agree to this suggestion because “technically” is subjective.

MS. EPSTEIN believed this is part of the TAC’s schedule; the TAC will have an opportunity to review and discuss. MR. MORRIS explained his point is that he did not think the TAC would have an opportunity to thoroughly review the Amendment before June 25. MS. EPSTEIN felt this was subjective.

MR. CARR asked if the Freight Advisory Committee has reviewed the Amendment. MR. LYON replied that they have not. MR. CARR asked if a meeting with the Freight Advisory Committee is scheduled in order for them to make a recommendation. MR. LYON replied that they have not received nor considered the Amendment.

MS. WITT suggested amending the motion to state, “NOW THEREFORE BE IT RESOLVED, that the TAC requests that the Policy Committee delay final action on the Amendment until the TAC has prepared a final recommendation that considers public comment received and a more thorough review of the financial analysis.” *This was accepted as a friendly amendment.* MS. EPSTEIN asked what would happen if the TAC does not prepare a recommendation or the vote is tied. CHAIR WILBER explained that the Policy Committee would be told that the TAC voted and does not have a recommendation. MR. CARR understood that the TAC would be making a recommendation on the Draft LRTP Amendment and the recommendation would be “no” in the event of a tie. CHAIR WILBER agreed with this understanding.

There being no objection, the amendment passed unanimously.

JENNIFER WITT suggested a title for the resolution that reads, “A Resolution to the Policy Committee Regarding the LRTP Schedule.” CINDY HEIL seconded.

There being no objection, the amendment passed unanimously.

The motion passed with Wilber, Epstein and Nelson objecting.

b. Transportation Improvement Program (TIP) 2010-2013

MR. LYON stated that staff is still working to get the TIP into a form that has prioritized projects. A large dollar amount of projects is ready to go in 2010 with a much smaller allocation. ADOT staff and he will meet tomorrow to work out a schedule to determine which projects can go first. The Transportation Enhancement (TE) and Congestion Mitigation and Air Quality (CMAQ) project prioritization is nearly finished. The Policies & Procedures were out for review and will be before Planning and Zoning Commission on June 1 for their review and comment. MS. HEIL noted that the TAC should give a recommendation to the Policy Committee on the Policies & Procedures. MR. LYON stated the Policy Committee asked for a draft TIP showing an allocation for pavement replacement and for a recommendation. That draft TIP is not done to show the impact of this change in the Policies & Procedures. He suggested that this meeting could be continued in order to take action on the TIP and Policies & Procedures.

CINDY HEIL moved to continue the meeting to May 28, 2009 or a date/time that best fits in order to deal with the TIP. JENNIFER WITT seconded.

CHAIR WILBER polled members for their ability to attend a meeting the morning of May 28, 2009. After discussion, he offered to inform members if this date would be feasible and of an alternate date/time if it is not.

CHAIR WILBER stated that the Planning and Zoning Commission would consider the TIP on June 8, rather than June 1. He suggested that the continuation of this TAC meeting be May 28, 2009 at 8:00 AM.

There being no objection, the motion passed unanimously.

c. CO Maintenance Plan Revisions

CINDY HEIL moved to recommend that the Policy Committee approve the CO Maintenance Plan revisions. JERRY HANSEN seconded.

MS. HEIL recommended the changes shown in gray on the document labeled “5c”. CHAIR WILBER noted these changes begin at III.B.5-8. MS. HEIL explained that there were concerns with what is a primary control measure and during the course of the week Mr. Morris developed edits to the Plan and she reviewed the Policies & Procedures. In order for a primary control measure to be considered in the SIP, it needs to be committed. Mr. Morris edited the text to include commitment language. MR. MORRIS believed the primary concern was the inclusion of transit service improvements as a primary control measure, requiring mandatory funding under CMAQ and that it was not feasible, given the budget constraints. He talked with Ms. Karcz and others and developed alternative language that adds the commitment to support transit marketing, but strikes the commitment to fund transit service improvements.

MS. EPSTEIN noted that this document is different than the CAQAC approved and asked if it should go back to them. MR. MORRIS stated the CAQAC is advisory; the recommendation to include transit service improvements was made by the CAQAC. MS. EPSTEIN felt they should be informed of this change.

MS. WITT stated the identification of expanded transit service as a primary measure mandated that it be funded before other things are funded. She understood from staff that it was not the CAQAC’s understanding that this was the case. MS. EPSTEIN did not recall a deep discussion on funding. She thought the CAQAC would prefer the money be spent on transit to the detriment of some other modes.

MS. WITT understood that primary control measures must be funded in any case, not only if the area is CO non-attainment. MR. MORRIS confirmed that this is the case. MS. EPSTEIN believed this was not clear to the CAQAC.

There being no objection, the motion passed unanimously.

d. Other Business Items

6. INFORMATIONAL REPORTS

a. Committee Comments

MS. WITT stated that low bids came in on the Glenn Highway rut repair between Hiland and Eklutna and ADOT is positioning itself as an agency to advance other sections of the Glenn Highway as well in order to take advantage of the low bids. ADOT is moving ahead to ensure delivery of the Stimulus money within 120 days. MR. CARR asked if the STIP has been approved. MS. WITT believed it was approved within the last two days.

b. Other Informational Items – None

7. Scheduled AMATS Meetings

Policy Committee, May 28, 2009

Technical Advisory Committee, June 11, 2009

8. ADJOURNMENT

The meeting was adjourned at 3:48 PM