

MINUTES
Of the
TRANSPORTATION POLICY BOARD
Of the
Nashville Area Metropolitan Planning Organization
August 15, 2018

Attendees: Mayor Rogers Anderson, Mayor Bernie Ash, Mr. Andy Barlow (for Mayor Ed Hagerty), Mr. Michael Barr (for Mayor Timothy Lassiter), Mr. Steve Bland, Mayor Howard Bradley, Mayor David Briley, Mayor Paige Brown, Mayor Jill Burgin, Mayor Jamie Clary, Mayor Dean Dickey, Mayor Jeff Duncan, Mr. Gerald Herman (for Mayor Michael Arnold), Executive Anthony Holt, Mayor Randall Hutto, Ms. Pam Kordenbrock, Mr. Victor Lay (for Mayor Rick Graham), Mayor Ken Moore, Mr. Toks Omishakin (for Gov. Bill Haslam), Mayor Mary Esther Reed, Mr. Sean Santalla, Mayor Ken Wilber

Call to Order

Mayor Mary Esther Reed, Chair, opened the meeting at 11:00 a.m.

Approval of June 20, 2018 meeting minutes

Mayor Howard Bradley moved to approve the June 20, 2018 meeting minutes. Mayor Ken Moore seconded and the motion passed unanimously.

Public Comment

There was no public comment.

Informational Items

a. Federal Certification Report

Ms. Pam Kordenbrock, FHWA, introduced Mr. Sean Santalla who went over the results of the federal certification review. He said that the review is required every four years of areas over 200,000 people. The review consisted of an assessment of the degree to which the MPO meets the requirements of the federal regulations, a desk review of all the planning products that the MPO has developed, an on-site visit, and an opportunity for the public, Transportation Policy Board, and TCC members to speak with the reviewers.

Based on the Federal Review Team's review and evaluation of the metropolitan planning process for the Nashville TMA, FHWA and FTA find that the process substantially meets the requirements of 23 CFR 450 and jointly certify the planning process subject to corrective actions. Pending

timely completion of the required corrective actions, this certification will remain in effect until August 3, 2022.

The summary of findings:

- **Commendations** (commendations highlight noteworthy practices that demonstrate innovative, highly effective, or well-thought-out procedures for implementing the planning requirements)
 1. **Metropolitan Transportation Plan:** MPO's use of a data-intensive Land Use modeling tool to forecast future population and job growth at the parcel level as a data source to inform the MPO's travel demand modeling and understanding of future travel patterns and congestion
 2. **Metropolitan Transportation Plan:** MPO's data-rich identification of potential environmental resources within the planning area for consideration of potential environmental impacts in the project screening process
 3. **Transportation Improvement Program:** Partnering with TDOT, Johnson City MTPO, and other interested MPOs to share knowledge of the development and use of electronic TIP/STIP systems
 4. **Freight Planning:** Partnering with TDOT in the identification and designation of Critical Urban Freight Corridors. The MPO also aligned the data and designations made with their Phase III Regional Freight & Goods Movement Study

- **Recommendations** (recommendations concern the state of practice or technical improvements that would enhance existing processes and procedures. FHWA and FTA expect planning agencies to give due consideration to the implementation of recommended actions.)
 1. **MPO Organization Structure:** Develop and adopt bylaws specific to the Planning Oversight Committee, the Technical Coordinating Committee, and any other committees as necessary to formalize the membership, roles, responsibilities, and expectations of these committee in the metropolitan transportation planning process
 2. **MPO Organizational Structure:** Enforce the requirement provided in the Bylaws of the Transportation Policy Board for the Planning Oversight Committee to provide the Policy Board an update on UPWP work activities at least quarterly
 3. **Metropolitan Transportation Plan:** Consider incorporating a public-facing component to the project application tool to allow the public to more transparently and readily provide meaningful input on the project solicitation and selection process prior to decision-making.
 4. **Transportation Improvement Program:** Enforce approved TIP policies related to TIP project status and funds obligations to support timely and effective delivery of projects in the ITP, particularly through regular updates on project status to MPO members.

- **Corrective Actions** (denote items that do not meet the requirements of the applicable Federal rules and regulations.)

1. **Planning Agreements:** Per 23 CFR 450.314(a), there shall be an agreement(s) between the State DOT, the MPO, and public transportation providers to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. At a minimum, FHWA expects this agreement to provide specific provisions detailing the cooperative relationship between TDOT, the Nashville Area MPO, and public transportation providers in the Nashville region in carrying out the metropolitan transportation planning process, including:
 - a. Development and management of the MTP, including financial plans supporting the MTP;
 - b. Development and management of the TIP, including financial plans supporting the TIP;
 - c. Development and publication of the annual listing of obligated projects;
 - d. Development and management of the UPWP;
 - e. Integration of a CMP into the metropolitan transportation planning process and identification of congestion performance measures; and
 - f. All other metropolitan planning activities taking place in the region.

This corrective action must be addressed no later than February 4, 2019. FHWA and FTA will issue a determination of the compliance with this corrective action no later than March 4, 2019.

2. **Public Involvement:** Per 23 CFR 450.316, the MPO shall adhere to the policies and practices described in the existing PPP to ensure adequate opportunity for full participation of the entire MPO membership and the public in a transparent, comprehensive, and collaborative decision-making process. Areas of particular concern to FHWA and FTA include:
 - a. Providing sufficient advanced public notice of and an opportunity for public comment at all meetings of governing bodies and committees of the MPO and the GNRC in which information relating to the metropolitan transportation planning process is to be presented and/or discussed, regardless of whether an action is proposed to be taken on the subject at said meeting, and documenting how public input is considered in the decision-making process;
 - b. Ensuring that the MPO TPB act as the primary forum for discussion on metropolitan transportation planning activities to ensure full MPO member jurisdiction participation, ensure that all MPO members are well-informed of the authorities and responsibilities of the TPB, and maintain the integrity of the metropolitan transportation planning process; and
 - c. Compliance with the Tennessee Open Meetings Act, particularly as it relates to openness in electronic communication for the Planning Oversight Committee.

This corrective action must be addressed prior to the next MPO TPB meeting, scheduled for August 15, 2018. FHWA and FTA will issue a determination of the compliance with this corrective action no later than February 4, 2019.

3. **Public Involvement:** Per the MPO's existing PPP, the PPP shall be updated every four years. The PPP was most recently updated in 2007. Accordingly, the MPO shall perform an evaluation of the effectiveness of its public involvement strategies and update the PPP appropriately. This update shall address all requirements of 23 CFR 450.316, shall be fully reflective of the change in the MPO's organizational structure, and shall undergo a minimum public comment period of 45 days before adoption by the MPO.

This corrective action must be addressed no later than May 3, 2019. FHWA and FTA will issue a determination of the compliance with this corrective action no later than June 3, 2019.

4. **Congestion Management Process:** Per 23 CFR 450.322, the MPO shall develop and integrate a CMP into the metropolitan transportation planning process. The CMP is expected to be incorporated into all activities of the MPO, including the update to the MTP and TIP, all MTP and TIP amendments, and all additional planning activities.
 - a. No later than February 4, 2019, the MPO shall develop an action plan to guide the development and integration of a compliant CMP into the metropolitan transportation planning process. This action plan shall be developed in cooperation with TDOT and FHWA, shall detail the steps necessary to develop and implement a CMP, and shall act as a commitment by the MPO to carry out this corrective action.
 - b. FHWA and FTA will review and approve or disapprove the work plan prior to the MPO taking further action on this corrective action. This review will occur no later than 30 days following receipt of the action plan.
 - c. Based on the approved action plan, the MPO shall fully integrate a compliant CMP into the metropolitan transportation planning process no later than the time of Federal approval of the FY 2020 – 2023 STIP.

FHWA and FTA will issue a determination of the compliance with this corrective action prior to approval of the Nashville TMA portion of the FY 2020-2023 STIP, anticipated in January 2020.

Mr. Santalla said that the next steps are for FHWA and FTA to work with the MPO/TDOT to address the corrective actions. Training and technical assistant opportunities will be provided as needed. FHWA is currently funding a congestion management training focusing on Nashville to directly address the concerns as related above. FHWA is also working with TDOT to develop a planning agreement that will meet the requirements federal regulations.

Mayor Reed said that she has been working closely with the MPO staff on this. She wants to make sure that the members have read the response to the Corrective Actions by the staff.

Mayor Briley asked whether the proposed action of the MPO included in the packet for the first corrective action related to planning agreements seems acceptable. Ms. Kordenbrock said that that they are working with the Department on a template for this type of agreement and is using this opportunity to look at other MPOs in the state. She said that what the MPO has provided to FHWA is not being considered as a formal response by the Board. She said they asked the MPO if the items in the report was factual. Anything received from this point forward the FHWA will consider a formal response. Mayor Briley asked if the proposed action sent by the MPO sufficient to meet the corrective action requirement. Ms. Kordenbrock said that the FHWA is not acting on what they have received previously. She said that if the Board would like to resubmit a response, they are happy to consider it.

Mayor Randall Hutto asked in regards to the response by the MPO if the Board passes it as the Board's response today would the FHWA accept it. Ms. Kordenbrock said on Item #1 that if the Board agrees today, FHWA then that would be fine.

On Corrective #2, Ms. Kordenbrock said that FHWA will be observing going forward from this meeting on how the MPO is carrying out the public involvement process. She said that if the Board agrees today, the FHWA will observe and get back with the Board. She said that the FHWA will be happy to discuss in depth issues of public involvement.

On Corrective Action #3, Mayor Briley asked if the action recommended was fine. Ms. Kordenbrock said yes.

On Corrective Action #4, the CMP, Mayor Briley asked if the action recommended sufficient. Ms. Kordenbrock asked if there was an action outlined with regard to corrective action #4. She said that the current CMP does not meet the intent of the law. Ms. Michelle Lacewell said that the staff will pull out the CMP process and send it to FHWA by the end of today. Ms. Kordenbrock said that this will not meet their requirements. Mayor Reed asked what would meet their requirements. Ms. Kordenbrock said that they are requiring the MPO to review what is currently there. She said that there is significant updating that is required and that FHWA will assist in fixing it. Ms. Lacewell said that the existing process that was commended in the 2035 plan will be outlined and also used in the 2040 plan as part of the proposed action. She said that the staff has outlined the regulations as stated in the federal regulations and we will make sure that we are in compliance based on FHWA requirements. Ms. Kordenbrock said that it is not about a plan but the congestion management process which has been determined as not compliant with current regulations. It is not about pulling out what has been done in the past and putting it in an addendum. She said that is why we want to sit down with the staff and go over the details that are in the current CMP that do not meet the requirements of the law.

She said that the corrective actions provided to the Board represent violations of the law. These are not comments that are made lightly. This is a situation that the MPO finds itself in, that the

Department finds itself in, and that FHWA is willing to assist in correcting them. She said that what the MPO is currently doing has been determined to not meet the law. We need see fundamental changes in the public involvement process and the congestion management process.

Mr. Toks Omishakin said that the MPO has stated that it agrees with most points and will address them all. He said that it seems that FHWA is not taking the MPO response as a formal response by the Board. Ms. Kordenbrock said that it is not necessary for the Board to make a formal response today. Mr. Omishakin said that TDOT never wants to jeopardize any money and will encourage and work with the MPO to correct actions.

Mayor Briley suggested that the staff work with FHWA to reach an agreement to meet compliance within the next 4 weeks. And if there can't be an agreement by then, the staff needs to let the Board know why.

Mr. Gerald Herman asked if there is an appeals process. Ms. Kordenbrock said no.

Executive Anthony Holt asked what the ramifications of not being in compliance are. Ms. Kordenbrock said that it is the desire of FHWA for the MPO to achieve compliance but if not, it means pulling federal funds or de-certification. Executive Holt asked if action today is required. Ms. Kordenbrock said that she deferred to the Board as to whether they want to take action today. Executive Holt said that he understands that the staff needs to come up with corrective actions for approval by the Board, but wouldn't that necessitate TDOT's involvement. Mayor Reed assured the Board that this MPO will be in compliance by working with TDOT and FHWA in the next 30 days.

Mayor Hutto asked whether the proposed actions by staff for Corrective Actions 1, 2 and 3 are good. Ms. Kordenbrock said that the timing laid out for these actions can certainly be done faster if that is what the Board wants.

Mayor Bradley called for questions.

Executive Holt moved to have the staff create a corrective action plan (with TDOT's approval) in the next 30 days. Mr. Herman seconded and the motion passed unanimously.

b. Active Transportation Program (ATP) Award Recommendations

Ms. Mary Connelly, MPO Coordinator, briefly went over the 17 projects that were submitted to the MPO's Active Transportation Program (ATP). She said that all projects submitted were either fully or partially funded by the \$12M funding and are included in this current cycle of TIP amendments.

Business Items

- a. Resolution 2018-007 adopting the FY 2019 Unified Planning Work Program (UPWP).

Ms. Connelly said that the UPWP guides the planning activities and is the budget and dues structure for the coming year. The UPWP has been out for the required 7-day public review and comment period and there have been no comments received.

Mayor Bradley moved to adopt the FY 2019 Unified Planning Work Program with Mr. Herman seconding. The motion passed unanimously.

b. Resolution 2018-008 amending the 2040 Regional Transportation Plan (RTP)

Ms. Connelly said that the amendments have been out for the required 30 days public review and comment period and no comments have been received.

Mayor Hutto moved to adopt Resolution 2018-008 amending the 2040 RTP. Mayor Ken Moore seconded and the motion passed unanimously.

c. Endorse proposed amendments to the Transportation Improvement Program (TIP) for a 21-day public review and comment period.

Ms. Anna Emerson briefly went over the amendments.

Mayor Jamie Clary moved to endorse the amendment for public review and comment. Mr. Herman seconded and the motion passed unanimously.

Regular Reports

a. MPO Coordinator's Report

Ms. Connelly said that the staff is working with consultants contracted for the South Corridor Study to help understand our data needs.

She said that the staff is about to kick-off our Regional Smart Mobility Assessment as well as updates to our Regional ITS Architecture. We have partnered with a team lead by Stantec to do that.

b. TPB Chair's Report

Mayor Reed reminded the members of the Power of 10 Summit on September 13th at the Music City Center

She announced that it is the last meeting of Mayor Bradley, Mayor Ernest Burgess and Mayor Charlie Norman. She thanked them for their service.

With Mayor Bradley retiring, a nominating committee was named to select a new Vice Chair. The committee is Mayor Hutto, Mayor Wilber, and Mayor Anderson.

She suggested that a Board orientation be done for the new members coming onto the Board.

With no further business, the meeting was adjourned at 11:58 a.m.

Date:

September 19, 2018



The Honorable Mary Esther Reed
Chairman, MPO Transportation Policy Board



Mary Connelly, MPO Coordinator