



Policy Committee Meeting Minutes

October 15, 2018

<http://www.fampo.gwregion.org/committees/policy-committee/>

Members Present:

Mr. Tim McLaughlin, Chair, County of Spotsylvania
Mr. Tim Barody, City of Fredericksburg
Mr. Matt Kelly, City of Fredericksburg
Mr. Billy Withers, City of Fredericksburg
Ms. Nancy Long, Caroline County (Non-Voting Member)
Ms. Ruby Brabo, King George County (Non-Voting Member)
Mr. Kevin Marshall, Spotsylvania County
Mr. David Ross, Spotsylvania County
Ms. Meg Bohmke, Stafford County
Ms. Wendy Maurer, Stafford County (Alternate for Mr. Mark Dudenhefer)
Ms. Cindy Shelton, Stafford County
Ms. Marcie Parker, Virginia Department of Transportation (VDOT)

Members Absent:

Mr. Mark Dudenhefer, Stafford County
Mr. Chuck Steigerwald, PRTC

Others Present:

Mr. Tom Harrington, Cambridge
Mr. Todd Horsley, DRPT
Ms. Susan Gardner, Virginia Department of Transportation (VDOT)
Mr. Stephen Haynes, VDOT
Ms. Michelle Shropshire, Virginia Department of Transportation (VDOT)
Mr. Dave Swan, CTAG Chairman
Mr. Mark Taylor, Spotsylvania County
Mr. Paul Milde, Fredericksburg Chamber of Commerce
Mr. John Jenkins, King George County
Mr. Todd Rump, Spotsylvania County
Mr. Randy Comer, Thrasher Group
Mr. Scott Shenk, Free Lance Star

Staff Members Present:

Mr. Paul Agnello, FAMPO
Ms. Briana Hairfield, FAMPO
Mr. Nick Quint, FAMPO
Ms. Kari Barber, FAMPO
Mr. John Bentley, FAMPO
Mr. Colin Cate, FAMPO
Ms. Linda Millsaps, GWRC
Ms. Michele Dooling, GWRC
Ms. Diana Utz, GWRC
Ms. Leigh Anderson, GWRC
Ms. JoAnna Roberson, GWRC

CALL FAMPO MEETING TO ORDER

Chairman, Mr. McLaughlin called the meeting to order at 7:15 p.m. with a quorum present.

APPROVAL OF FAMPO AGENDA

Upon motion by Mr. Kelly and seconded by Ms. Maurer, with Mr. Marshall, Mr. McLaughlin, Mr. Ross, and Ms. Shelton in opposition, and Mr. Kelly, Mr. Withers, Mr. Baroody, Ms. Parker, Ms. Bohmke, and Ms. Mauer concurring, request was made to remove the following items from the October 15th Policy Committee meeting from category 8 – Action/Discussion Items: Items 8d (FAMPO Policy Committee By-Laws & Proposed Changes); 8e (Summary of FAMPO Mission, Activities & Funding; FAMPO Orientation Manual; Amended FY2019 UPWP; FY2019 FAMPO Budget Summary & UPWP Summary Financials); (Approval of Resolution No. 19-12, Directing a Public Comment Period & Public Hearing be held prior to Amending the FY2019 UPWP); & 8f (Outlook for FAMPO Growth & Potential Membership Changes) & to add new discussion item for GWRC/FAMPO Update – Legal Advice under category 8.

Mr. Agnello advised that if the public comment for the amended FY-19 UPWP is not approved tonight, that this may not give staff ample time to complete Air Quality Conformity for the 2050 LRTP and could possibly delay some projects depending on the schedule. Ms. Parker stated the northbound Rappahannock River Crossing project is already included within the 2045 LRTP as well as the Fred Ex project and both projects have been submitted with air quality conformity concerns and VDOT sees no issues with advancing projects. Ms. Parker stated that if project scopes are changed significantly this would supersede what has already been submitted. Ms. Shropshire stated that the other MPO's across the state are currently adhering to the 2045 LRTP and an update is not required until February of 2019. Mr. Agnello directed staff to show the Updated: Interim Guidance on Conformity from USDOT/FHWA dated October 1, 2018 from the FAMPO correspondence. Mr. Agnello clarified that based on this guidance, 82 MPO areas nationwide including FAMPO have until February 16, 2019 to complete Air Quality Conformity for their current MPO CLRP. FAMPO has just completed this process for the 2045 CLRP so no action is needed immediately. However, if there are changes to regionally significant projects as a result of Smart Scale Round 3 project selection, the 2050 LRTP, or other significant project changes, this would trigger Air Quality Conformity for the region for the 1997 Ozone standard.

Mr. McLaughlin asked if VDOT would provide FAMPO a written memo confirming the compliance requirements in the UPWP are not needed tonight; that the 2045 LRTP is active & currently updated; that the 2045 LRTP is still active/valid until February of 2019, and that additional Air Quality Conformity analysis is not needed in FY-19. Ms. Parker concurred with Mr. McLaughlin's comments and advised a confirmation letter will be forwarded to FAMPO.

PUBLIC INVOLVEMENT - None

CHAIRMAN's COMMENTS - None

CONSENT AGENDA

a.) Approval of September 17, 2018 Policy Committee Meeting Minutes – Mr. Paul Agnello

Upon motion by Mr. Kelly and seconded by Ms. Bohmke, with Ms. Maurer abstaining and all others concurring, the September 17th Policy Committee meeting minutes were accepted as presented.

b.) Approval of Resolution 19-13, Amending the Transportation Improvement Program to Update the Mudd Tavern Road Widening Project – Mr. Nick Quint

Upon motion by Mr. Kelly and seconded by Ms. Bohmke, with all concurring, Resolution 19-13 was adopted by the FAMPO Policy Committee at the October 15th meeting.

ACTION ITEMS/DISCUSSION ITEMS

a.) Performance-Based Planning Target Setting – Mr. Thomas Harrington, Cambridge Systematics

Mr. Harrington advised a Transportation Performance Management (TPM) is a strategic approach that utilizes system information to inform investment and policy decisions to achieve performance goals. Mr. Harrington stated that FAMPO finalized the TPM in both 2016 & 2018.

Mr. Harrington relayed the performance based planning requirements (MAP-21/FAST ACT) includes planning rules; HSIP & Safety Performance Management Final Rules (PM1); includes Pavement & Bridge Condition performance measures Final Rules (PM2); Asset Management Plan Final rule; System Performance/Freight/CMAQ Performance Measures Final Rule (PM3); Transit Asset Management Final Rule; & Public Transit Safety Program Final Rule.

Mr. Harrington advised it provides a strategic direction on where we want to go and sets goals & objectives in compliance with performance measures. It details analysis on how we are going to get where we want to go by identifying trends/targets; identifying strategies; analyzing alternatives; & developing investment priorities.

Mr. Harrington stated the programming determines what it will take with an investment plan, allocation of resources & project programming. The implementation & evaluation determines how well and successful the plan is by monitoring, evaluating & reporting data.

Mr. Harrington advised the TPM terminology is compiled of 3 parts and they are as follows:

Goal – a statement that describes a desired end state (i.e. to improve the reliability & connectivity of the transportation system)

Performance Measure – expressed data that is based on a metric that is used to establish targets & to assess progress toward meeting targets (i.e. the percentage of reliable travel time based on existing highway speed limits)

Target – a quantifiable level of performance or conditions to be achieved within a specified time period (i.e. 80% of travel times are met based on current speed limits)

Mr. Harrington advised that FHWA has implemented performance measures that are applicable state-wide and there are 9 targets to be addressed tonight and these targets were adopted by the CTB in September of 2018. These are as follows:

PM2 – Pavement/Bridge Performance Measures:

- % of pavements on the Interstate system that are in good condition
- % of pavements on the Interstate system that are in poor condition
- % of pavements on non-interstate NHS systems that are in good condition
- % of pavements on the non-interstate NHS systems that are in poor condition
- % of NHS deck areas that are classified as in good condition
- % of NHS deck areas that are classified as in poor condition

PM3 – System Performance/Freight/CMAQ Performance Measures

- % of person miles on the Interstate system that is reliable
- % of person miles on the non-interstate NHS system that is reliable
- % of Interstate mileage that provides for reliable truck travel times

Mr. Harrington advised that interagency & MPO coordination on these efforts began in the fall of 2017 and quarterly meetings were held with MPO. The coordinated meetings were with OIPI, VDOT & DRPT present. Mr. Harrington stated that the FAMPO research & VDOT/OIPI coordination efforts began in early August of 2018.

Mr. Harrington stated the MPO guidelines stipulate they may establish targets by either of the following 2 options:

- 1 – by agreeing to comply with planning & programming projects so that they contribute toward the accomplishment of the relevant State DOT targets or
- 2 – an MPO can commit to a quantifiable target of performance measures for its own metropolitan planning area

Mr. Harrington stated that by supporting the State VDOT targets, the MPO agrees to plan & program projects that contribute toward the State's targets being achieved. If an MPO sets its own targets, the MPO's must still plan and program projects that contribute toward achievement of its own targets.

Mr. Harrington advised that which of the target approaches utilized, the MPO's must evaluate system performance with respect to the performance targets in the LRTP. Mr. Harrington stated that VDOT is held to performance target measures with FHWA and an MPO is still required to show they are setting targets and working towards meeting them.

In regard to the interstate & national highway system focus, these performance measures pertain to a portion of the interstate. For the VDOT maintained NHS system it comprises less than 15% of the total interstate system and less than 13% for bridges/pavement.

Mr. Harrington advised in regard to PM2 – Pavement & Bridge MPO requirements, the State DOT requirements and performance measures are as follows:

State target timing – set 4 year targets; revisited every 2 years
Adjust targets at the State's mid-performance period progress
report (Oct 1, 2020)
MPO's support State DOT 4-year target or will need to establish
its own 180 days after the State DOT target is established

Mr. Harrington advised that while MPO's must establish targets, the MPO's are currently not subject to any of the penalties related to failure to achieve or make significant progress toward meeting the targets. Mr. Harrington relayed the condition performance measures for both the interstate and NHS systems show the following performance measures: percentage of pavements in good/poor condition on the interstate system – 4-year target; percentage of pavements in good/poor condition on the non-interstate NHS system – 4-year target; & percentage of bridge deck area that is classified in either good/poor condition – 4-year target.

Mr. Harrington stated that currently VDOT has different ways of measuring pavement & bridge conditions so 2 sets of targets for non-interstate NHS pavement conditions are illustrated in tonight's handout. Mr. Harrington relayed the 2-year targets cover the time period of January 1, 2018 to December 31, 2019; with the exception for CMAQ targets that follow the federal fiscal year from October 1, 2017 to September 30, 2019. The 4-year targets cover the time period of January 1, 2018 to December 31, 2021; with the exception for CMAQ targets that follow the federal fiscal year from October 1, 2017 to September 30, 2021.

Mr. Harrington stated that per federal regulations, pavement conditions are measured by 2 methods: 1 – International Roughness Index (IRI); 2 – IRI, cracking rutting or faulting. For FY2018-2022, non-interstate NHS pavement conditions are to be measured by IRI only. Beginning in FY2022, non-interstate NHS pavement conditions will be measured by all 4 distresses.

Mr. Harrington advised that the VDOT pavement performance includes 197 miles on the interstate system and 368 lane miles that are not maintained by VDOT and generally most areas are good on both the interstate & non-interstate roadways. Mr. Harrington advised the FAMPO region is better rated than the state's target which is 60% in good condition compared to the 45% statewide target;

0.0% in poor condition as compared to less than 3% statewide target for the 197 miles on the interstate. For the non-interstate NHS system, this encompasses 368 lane miles and FAMPO is at 34.4% in good condition as compared to 25% statewide target; & 0.8% in poor condition as compared to less than 5% statewide target.

Mr. Harrington advised the recommendations from Cambridge were brought before the FAMPO Technical Committee at its October meeting and were endorsed accordingly. Mr. Harrington stated the recommendations from Cambridge are as follows:

To accept State targets – across all pavement measures, the FAMPO region is above average relative to the rest of the District and to the statewide averages

Both State of Good Repair & Smart Scale projects will help to maintain the current conditions (and likely improve) with the existing projects planned for the region

4-year considerations for the interstate show for potential more segments to slip to a fair rating with the ongoing/planned construction & the non-interstate planned State of Good Repair projects will also support maintaining the current performance measures & address current & future poor pavement areas

In regard to the 2018 bridge ratings, NBI on the NHS system are based on structure and sub decking and there are 70 bridges in the FAMPO region. Mr. Harrington advised that most of the bridges in need of repair within the FAMPO region are on I-95.

Mr. Harrington advised that the NBI bridges on the NHS system show that 7.3% of the deck areas are in good condition & this is compared to 33% of the statewide targets. Mr. Harrington stated 7.2% deck areas are in poor condition compared to 3% of the statewide targets. Ms. Bohmke stated that as the secondary roads are experiencing more wear/tear was any comparison done with other areas such as Hampton Roads, etc. Mr. Harrington stated comparisons were done to other areas but he does not have that data with him tonight but will forward these results to FAMPO.

Mr. Harrington advised there are 78 NBI NHS bridges & culverts that equal 910k square feet of deck area and 8 poor bridges that equal 65k square feet of deck area. Mr. Harrington advised that even though bridges are rated poor or structurally deficient, this does not mean the bridge is unsafe and likely to collapse. It simply means that there are elements/sections where the bridge needs to be monitored and/or repaired/replaced.

Ms. Parker advised that the 2 bridges on the interstate that are structurally deficient are on Route 17 and both of these bridges will be replaced/enhanced & completed with the southbound Rappahannock River Crossing project that is currently underway.

Mr. Harrington advised the recommendations from Cambridge are for the MPO to accept the existing State targets. Mr. Harrington stated the FAMPO region is below average relative to the statewide averages for both the ratings of good & poor.

Mr. Harrington stated that both State of Good Repair & Smart Scale projects will address many of the bridges that received a poor rating over the next 4 years which will also aid the State in helping to obtain its state targets. Mr. Harrington advised that many of the bridges which received a fair rating will also be addressed through Rappahannock River Crossing projects and other I-95 improvement projects. Mr. Harrington relayed the 4-year considerations for I-95 at the Rappahannock River equals 16% of regional deck area (currently rated 5 for sub and super, 6 for deck).

Mr. Harrington relayed the 3rd area within federal rules/regulations includes the PM3 System Performance measures. The State target timing is set for 2 & 4 year targets and these will be revisited every 2 years. Adjustment of the targets will occur at the State's mid-performance period progress report on October 1, 2020.

Mr. Harrington stated it is Cambridge's recommendation that the MPO's support the State 4-year targets & if establishing its own will need to do so 180 days after the State DOT's measures have been established. Mr. Harrington advised that while MPO's must establish targets, they are not subject to any of the penalties related to failure for achievement or make significant progress toward meeting the goals. The System Performance Measures for both the interstate & NHS systems are as follows: percent of person miles traveled that are reliable on the interstate system for 4-year targets; the percent of person miles traveled that are reliable on the non-interstate NHS system with a 4-year target review; & the truck travel time reliability index on the interstate system's 4-year target dates.

Mr. Harrington advised the PM3 System Performance measures the Level of Travel Time Reliability (LOTTR) and Truck Travel Time Reliability (TTTR). The LOTTR reliability measure is based on 80th percentile speed versus 50th percentile speed and is combined with person miles traveled on the interstate system and non-interstate NHS system separately to estimate the percent of person-miles traveled that are reliable. The TTTR reliability measure is based on the worst 95th percentile truck speed versus the 50% percentile truck speed and is averaged across the length of all interstate segments and is the ratio of the worst truck speed on the corridor.

Mr. Harrington defined reliability basics or "dependability in travel times" For unreliable, one would need to budget an additional 50% more time compared to a typical trip in order to ensure one arrives on time. For example, if an average 20 minute trip takes 30 minutes or longer to arrive on time the majority of the time, then this would be considered as an unreliable trip.

Mr. Harrington stated the interstate LOTTR trend for regional comparisons statewide show the FY2016 at 49.9% & FY2017 at 53.1% for the FAMPO region based on state targets of 83.2% & 82.3% respectively. Mr. Harrington relayed the state 2-year target percentage is 82.2 & the 4-year target is 82.0%.

Mr. Harrington stated the VDOT System Reliability tool for the interstate LOTTR shows FY2017 data to be at 53.1% reliable. To date, the FY2018 data shows 56.6% reliable. These percentages are weighted by VMT and below state target projections. For the non-interstate LOTTR data, the region is much closer to the state targets at FY2017 being 87.0% reliable and to date in FY2018 reflects 80.9% reliable.

For the interstate TTTR trends that are measured as ratios show regional comparisons for the FAMPO region to be 2.60 in FY2016 & 2.61 in FY2017 with statewide rating of 1.49. The 2-year target is 1.53 & the 4-year target is 1.56.

Mr. Harrington relayed the recommendations from Cambridge are for FAMPO to accept the state targets. The FAMPO region is well below the statewide performance measures for both LOTTR & TTTR and the next 4 years of projects will continue to create opportunities to significantly change performance past FY2021 which will continue to contribute to both state & regional goals.

Mr. Harrington advised that performance over the next 4 years will likely degrade which is similar to both performance & targets in the statewide plan. Continued traffic growth and work zone impacts will be ongoing. Mr. Harrington stated that it is recommended that both VDOT & FAMPO proactively track reliability data & study work zone & project completion impacts along the I-95 corridor.

Mr. Harrington advised the target setting schedule is as follows: bridge & pavement condition (PM2) & system performance (PM3) targets were submitted for consideration to the FAMPO Technical Advisory Committee on October 9th. The recommendations are being submitted tonight for consideration by the FAMPO Policy Committee at the October 15th meeting. Targets & performance measures will be submitted to VDOT/OIPI prior to November 14th.

i. Resolution 19-09, Adopting the Virginia Department of Transportation (VDOT) Transportation Pavement/Bridge & System Performance Targets – Mr. Paul Agnello

Upon motion by Mr. Kelly and seconded by Ms. Bohmke, with all concurring, Resolution 19-09 was adopted by the FAMPO Policy Committee at the October 15th meeting.

b.) Approval of Resolution 19-10, Endorsing Regional Base Year & Future Years Population and Employment Control Totals for Use in the 2050 Long Range Transportation Plan (LRTP) – Mr. Nick Quint

Mr. Quint advised that socioeconomic data projections per jurisdiction have been compiled by staff for inclusion in the FY2050 LRTP. Mr. Quint stated that staff has worked with local planning department staff & the FAMPO Technical Advisory Committee to ensure the assumptions are correct. Mr. Quint advised that Cambridge Systematics completed the data approximately 18 months ago. Mr. Quint stated that staff will continue working with locality representatives for distribution of the numbers into the TAZ's. Ms. Long asked how often the data is updated. Mr. Quint relayed that previously it was updated every 5 years; however, plans now are to update every other year.

Mr. Quint stated that after review by the localities, the data provided from Cambridge was somewhat overly aggressive so the updated projections have subsequently been adjusted and decreased to more accurately reflect the expected population growth rate within the region.

Mr. Quint advised the updated demographic data is based on data from the Weldon Cooper Center, the population estimates from the US Census data, employment data from VEC and the data provided by Cambridge.

Mr. Quint relayed the projections are for 4 major areas which include: population, number of households, total employment retail employment and the base year has been adjusted to FY2017. Mr. Quint stated the region is continuing to grow but not as rapidly as previously forecasted. Mr. Quint stated the revised data shows approximately 11,500 less in population totals than was originally projected.

Upon motion by Mr. Kelly & seconded by Ms. Maurer, with all concurring, Resolution 19-10 was adopted by the FAMPO Policy Committee at the October 15th meeting.

c.) Legislative Agenda– Mr. Paul Agnello

Mr. Agnello advised the proposed legislative agenda items for consideration by the General Assembly was presented and supported at tonight’s GWRC meeting. However, Mr. Agnello advised the legislative items being requested for consideration are slightly different than those submitted by GWRC so the agenda items would need to be updated accordingly.

i. Letter to the State requesting consideration of a 95 Express Lane Southbound Access Point in Stafford County

Mr. Agnello advised that it was a request from the September FAMPO meeting, specifically from Mr. Dudenhefer, asking that consideration be given for a new access point at Exit 140. Mr. Agnello stated the letter being submitted tonight for Policy Committee adoption is more generic in nature.

Ms. Parker stated the State already has plans for improvements along the corridor and she does not know if the State plans can be modified. However, a letter to the State asking for a review of the proposed project with a meeting to be followed-up with the Secretary of Transportation would be acceptable. Ms. Parker stated she is not necessarily opposed to a letter being written for further review; however, she will abstain from voting on the item.

Ms. Parker advised that she has spoken directly with Mr. Dudenhefer regarding his request. Ms. Parker relayed that Mr. Dudenhefer was advised his specific letter of improvements at Exit 133 was premature at this time. Ms. Parker relayed the bids are coming to VDOT tomorrow for the Fred Ex project so any changes/modifications would thusly delay the project; therefore, keeping congestion in Stafford occurring for a longer period of time.

Ms. Parker stated that Mr. Dudenhefer was also told that with the express lanes going out to Exit 133, which with adding commuter lots & increasing current size of existing commuter lots, the current commuting patterns will change and again reiterated the letter to the State is premature.

Mr. McLaughlin confirmed with Ms. Parker that this issue had been directly discussed with Mr. Dudenhefer. Ms. Parker confirmed discussion has occurred; however, also stated that during these discussions that Mr. Dudenhefer did not request that the letter be pulled from submittal at this time.

Mr. McLaughlin asked when the request needed to be submitted. Mr. Agnello asked if even nothing can be done at this time, is there any harm in FAMPO indicating what their requests are. Ms. Parker stated no harm; however, just a reminder that Stafford County passed a resolution in November of 2017 supporting the Fred Ex project as it currently is.

Mr. Agnello stated the request was made last month for submission of the letter and no one seemed to have an issue with it. Per Policy Committee request, FAMPO staff has generated the letter so it will now defer as to what/how the committee wishes staff to pursue. Mr. Ross asked the Stafford County representatives what they would like to do. Stafford County representatives advised that as this was requested by Mr. Dudenhefer and he is not able to be in attendance at tonight's meeting, that it would be their request for the action to be deferred until the December meeting.

Upon motion by Mr. Kelly and seconded by Ms. Shelton, with all concurring, request to defer letter requested to be submitted by Mr. Dudenhefer be tabled for further discussion at the December 10th meeting.

ii. Letter to the State requesting comment on the FAMPO Legislative Agenda

Mr. Agnello advised that the legislative subcommittee met on September 6th with State Delegates Mr. Bob Thomas & Mr. Mark Cole. Mr. Agnello relayed the subcommittee members are: Mr. Kelly, Mr. McLaughlin & Ms. Shelton. Mr. Agnello stated that FAMPO has developed legislative priorities for inclusion into the GWRC legislative agenda for the November meeting.

Mr. Agnello advised the following legislative priorities are being submitted at tonight's meeting for adoption by the Policy Committee and these are as follows:

Smart Scale Scoring Process (HB2) review to include traffic for all 7 days of the week within the project scoring process; request to use total cost in project scoring instead of Smart Scale request cost; request to change accessibility measure threshold from 45 minutes to 90 minutes; & to restrict statewide high priority program funding to highway & transit projects on a corridor of statewide significance that cost at least \$10m.

In regard to the Smart Scale Funding Process (HB1887) request was made for a study to review and potentially change the District Grant Allocation Formulas. Mr. Agnello stated the major district grant formulas were created for a different purpose in 1986 & primary/secondary/urban allocations were based on a 40/30/30 split; interstates were not included in the formulas; however are eligible to receive funding; it is not consistent with national standard of 2010 Federal Functional Classification system; & Urban component of population based on city/town populations instead of national standards of urbanized areas hurts the FAMPO region.

State Transportation Funding study request – current system based on gas taxes is failing due to the emergence of hybrid & alternative fuel vehicles so a request for study is needed to develop a new sustainable system that is less reliant on gas tax revenues.

Lastly, the preserving of the option to widen I-95 in Stafford County between Exit

143 & Exit 133 from 6 to 8 lanes without an I-95 Express Lane restriction requiring the State to pay competition compensations.

iii. Approval of Resolution 19-14, Approving the FAMPO Legislative Agenda

Upon motion by Ms. Maurer and seconded by Mr. Kelly, with Ms. Parker abstaining, and all others concurring, Resolution 19-14 was adopted by the FAMPO Policy Committee at the October 15th meeting.

d.) GWRC/FAMPO Update – Legal Advice – Mr. Matt Kelly

Mr. Kelly advised he would like to turn this portion of tonight’s meeting over to Ms. Bohmke, Chair of GWRC.

Ms. Bohmke stated that as Chair of GWRC, the executive committee held a meeting with Mr. Eric Gregory from Hefty, Wiley & Gore, who is GWRC’s legal counsel. Ms. Bohmke advised that those in attendance at the meeting were herself, Mr. Kelly, Mr. Benton, Mr. Black & Ms. Brabo. Ms. Bohmke stated no action was taken at the meeting and the purpose of the meeting was to obtain legal counsel of the status of the existing relationship and MOU between GWRC & FAMPO.

Ms. Bohmke stated that it was shared to the executive committee from GWRC that FAMPO is not a legal entity as far as the State of Virginia is concerned and the current MOU in place stipulates that every employee is a GWRC employee. Ms. Bohmke stated that Stafford County is the fiscal agency and all pay checks say GWRC and then states that FAMPO falls under GWRC.

Ms. Bohmke stated she understands there are members on the FAMPO Policy Committee that would like to see the MOU changed/amended; however, until any revisions are made & approved by both FAMPO & GWRC, the existing MOU from 2013 remains valid and active. Ms. Bohmke advised that all FHWA/State contracts between both agencies have GWRC as the designee and all documents refer to the “Commission” on behalf of FAMPO.

Ms. Bohmke stated for the record that the meeting was held in closed session and was discussed at tonight’s GWRC meeting. It was requested by the GWRC members for the item to be added to the FAMPO agenda for discussion at tonight’s meeting.

Mr. McLaughlin asked what actually is being added. Ms. Bohmke stated she is informing the Policy Committee accordingly of the results of the executive committee meeting with GWRC’s legal counsel.

Mr. McLaughlin stated he has been on the FAMPO board for the last 7 years and his frustrations are that now over the last few months it has been decided that FAMPO works for GWRC directly and get/take direction from them. Mr. McLaughlin stated this is not how we have run the 2 boards over the last 7 years so it is frustrating that it comes up here at tonight’s meeting. Mr. McLaughlin stated that he would also like to make note for the record, that he, as the current FAMPO Chair, was not invited to attend the meeting with the attorney and feels that if FAMPO was being discussed, then at least the Chair of FAMPO should have been included in on the meeting.

Also, Mr. McLaughlin stated the fact that twice prior to tonight's meeting, he has brought up to FAMPO to address the concerns on the MOU and at any time the discussions could have been open to the public and could have included everyone; instead of it being held behind closed doors, with limited representation, and quite frankly held behind his back. Mr. McLaughlin stated the process that has occurred is very frustrating because it is now no longer an open process at this point as all discussion on the MOU, the organization, etc. and how to move if forward has already been shut down. Mr. McLaughlin stated it was bad and unfortunate governess to have items taken off of an agenda without even having discussion on them. Mr. McLaughlin stated that all items removed from the agenda were on the agenda for the purposes of discussion from the committee members. Mr. McLaughlin stated again for the record, it needs to be noted that MOU review and interpretation from the attorney is not clear and if changes needed to be made, then they could have been discussed and voted on.

Mr. McLaughlin stated if the State required input, then we could have asked the State for it because GWRC is not a mandated organization; however, FAMPO is. Mr. McLaughlin stated that FAMPO does not have to be under any organization and can be a standalone entity within the region; could fall under a specific locality; or could potentially be funded by other sources.

Mr. McLaughlin stated none of these discussions have occurred at the FAMPO level and instead GWRC has decided to make decisions to move forward without any FAMPO input. Mr. McLaughlin stated that he hopes as we move forward we can at least put items on an agenda for public discussion for FAMPO to determine whether it is or is not the pattern it wants to undertake.

Ms. Bohmke stated with all due respect to Mr. McLaughlin, she disagrees with those comments. She is the chair of GWRC and is not in charge of personnel matters. However, some of the concerning matters deal with personnel and these are items that should absolutely not be discussed in a public forum setting and this is why personnel related issues will not be discussed tonight.

Mr. Ross stated that some discussion items may involve personnel; however, what is really being talked about is how the FAMPO organization is going to run. Mr. Ross stated he thinks it is a conflict of interest to remove personnel from the equation & it is a huge conflict of interest for FAMPO to have all of our administrative staff, including the director, under an organized body who contains many voting members who are not FAMPO elected members.

Mr. Ross stated reference to the Executive Committee from GWRC's perspective as to why review of an existing MOU, looking at the intent of the MOU, & looking at how one wants to move forward should not be discussed at a public setting is beyond him because these should all be items discussed openly.

Mr. Ross stated if you take out the personnel related issues & just discuss the MOU, there is a huge conflict of interest for someone else to direct, in this case Mr. Agnello, or just signifying the position as the FAMPO administrator, to have this employee take direction from elected officials from 3 localities, not 5, even though on GWRC there are 5 localities represented and thinks this is something that should have publicly been discussed.

Mr. Kelly stated he would like to make a few points. Mr. Kelly concurs that items should be discussed openly at some point; however; at the last meeting a lot was made quite clear that things were occurring

that were being pushed forward that were totally contrary to the 2013 MOU and a number of board members stated at that meeting that a base line discussion needed to occur.

Mr. Kelly stated that as of now, a base line discussion has not occurred; however, according to the valid & active 2013 MOU, every FAMPO staff member is subject to documental requirements of adhering to the existing 2013 MOU.

Mr. Kelly stated that speaking of the GWRC meeting held in closed session, for the last 6 months, ongoing discussions have occurred with FAMPO staff members and other members of the Policy Committee that have resulted in emails, copies, discussion, decisions being made, making changes, taking unilateral actions, etc. without consent, discussion or amendments made by the Policy Committee.

Mr. Kelly stated that Mr. McLaughlin as FAMPO Chair, has been made aware of these actions that have occurred and to date, no action has been initiated or taken by Mr. McLaughlin to address & correct these issues/concerns so this is why we are here today.

Mr. McLaughlin stated FAMPO has tried for the last 2 meetings to bring up the existing MOU for discussion; however, you, Mr. Kelly, have refused to discuss them and instead tabled them to tonight's meeting where you have taken the opportunity to work this Board to get the votes in your favor.

Mr. Kelly stated this could apply to GWRC; however, FAMPO cannot take any unilateral actions. Mr. McLaughlin stated even if action could not have been taken, FAMPO could have openly held discussion on the items/concerns.

Ms. Bohmke stated at the last FAMPO meeting the board requested for you, me, Ms. Millsaps & Mr. Agnello to meet. After that meeting, we had a meeting with GWRC's executive committee regarding the discussions that occurred at the joint meeting. At that time, the GWRC executive committee was advised differently on how the meetings should proceed & looked at issues much differently than we as board members had. Ms. Bohmke stated again that this is a reason why she will not say anything at tonight's meeting that involves personnel.

Ms. Bohmke stated at the last Policy Committee meeting we had a personnel issue that involved whether an employee went from a part-time to full-time status and this matter was openly discussed while the employee was present. Ms. Bohmke stated this was very unprofessional and an embarrassment as a public official.

Mr. McLaughlin stated that item was placed on the September agenda at his request because he saw it as a minor issue, but this concern is off the topic right now and the topic now is are we going to discuss the MOU? Mr. McLaughlin stated it seems that some members of this board do not want to have this discussion.

Mr. Kelly stated he thinks the board wants to have discussion; however, thinks the problems have occurred because the discussions over the last several months have not been addressed at the board level but instead have been ongoing between the FAMPO Chairman and the FAMPO Administrator.

Ms. Long stated that even though she is a non-voting member to FAMPO, she does attend FAMPO meetings regularly & has only missed 1 meeting which was the meeting in July. Ms. Long stated she went back and re-read the July minutes to clarify/confirm that nothing was in the July minutes about either of the documents in question tonight. There was no August meeting and then she comes to the September meeting and here are items to be presented that already have changes/amendments notated given the assumption that changes were already written up for vote/endorsements to occur. Ms. Long stated her question to the board is when were these items previously discussed? Ms. Long stated she would give credit to whomever made the changes as they hit GWRC at a time of transition with previous staff retiring, a new Executive Director recently hired & on board so the goals & desired objectives/accomplishments were strategically laid out.

Ms. Long stated she is not one to get mad often; however, she was mad last week and Mr. Agnello is fully aware of her feelings about how things had transpired because she/he had over a 30-minute phone conversation about her concerns. Ms. Long stated it was at this point that someone should have said there are concerns and the current MOU needs to be re-visited; however, changes had already been made with no discussion occurring at the Policy Committee level.

Mr. McLaughlin stated maybe this was not communicated as effectively as it should have been and what should have been referenced is that with my approval draft changes had been made for review and further discussion/comments by the Policy Committee first at the September and then at the October Policy Committee meeting.

Mr. McLaughlin stated at the last Policy Committee meeting we deferred discussion until tonight's meeting with a request that changes submitted be reviewed; additional comments added; etc. However, what happened here tonight is that GWRC worked behind closed doors to make a decision to remove the agenda items from tonight's meeting without any discussion prior to with the Policy Committee.

Mr. Ross stated that from reading the MOU, last year it was made perfectly clear who the director of FAMPO works for as referenced accordingly in the current MOU which states "FAMPO should appoint a FAMPO Administrator from among GWRC employees, who shall serve at the pleasure of the FAMPO Policy Committee and shall have supervisory responsibility for staff assigned by the GWRC Executive Director and to the Urban Transportation Planning department."

Mr. Kelly stated the MOU clearly states that even though a FAMPO employee, that all employees are under the realm of authority to GWRC and to the GWRC Executive Director. Mr. Ross stated this comment is strictly an interpretation on Mr. Kelly's part while as it is not clearly stated in the MOU, has different interpretations for other members. Mr. McLaughlin stated the confusion is with the MOU & that is why it needs to be more clearly stated because the way it is written now says that FAMPO employees work under the FAMPO director.

Mr. McLaughlin stated that as discussions have never even been addressed and just want to arbitrarily be shut down is very frustrating for him. Mr. Kelly stated that discussions have occurred at both FAMPO & GWRC and discussions can continue on requests for amending the MOU; however, both Boards need to approve any/all changes and it is not a unilateral decision for changes to be made by FAMPO only.

Mr. McLaughlin concurred and stated the FAMPO Board could make recommended MOU changes and then present these changes to GWRC for consideration. If GWRC approves, then there is nothing wrong with the process; however, what is wrong is that after repeated requests for agenda discussion to occur, this request continues to be deferred.

Mr. Kelly stated the 2013 MOU was adopted by the Policy Committee and is still an active document; however, changes can certainly be discussed and made. However, until such time that the existing 2013 MOU is updated, the 2013 MOU remains active. Mr. Kelly stated this MOU designates that the GWRC Executive Director is in charge of the FAMPO operation.

Both Mr. McLaughlin & Mr. Ross stated the current MOU is not clear in content. Mr. Kelly asked if they would like to see a vote taken tonight to obtain concurrence. Mr. Ross stated that Mr. Kelly already has the votes swayed tonight but FAMPO can also have legal opinion as well and thinks this is something that needs to be looked into.

Mr. Kelly stated that FAMPO has had months to get a legal opinion so why has one not been obtained already. Ms. Bohmke stated she had previously asked Mr. McLaughlin if he had reviewed the MOU and Mr. McLaughlin replied he had not even looked at it. Mr. McLaughlin stated he has in fact reviewed it and felt this comment is an imperfection to Ms. Bohmke herself. Mr. McLaughlin stated once again, at this point, no discussion will occur tonight and he is requesting again that discussion of the FAMPO MOU occur at the next meeting.

Mr. Marshall asked if FAMPO can obtain a legal opinion from the GWRC attorney. Mr. Kelly stated they could ask, or seek their own, however, the GWRC attorney is hired and budgeted by GWRC and is hired for the purpose of representing GWRC.

Mr. Kelly stated that FAMPO is an advisory committee that is mandated by Federal law & GWRC is a governing body that is mandated by State law. Mr. Marshall asked does every jurisdiction have an entity such as GWRC that includes a FAMPO board. Mr. Agnello stated there are different models for MPO structure with some independent MPOs, some MPOs housed within localities, and some MPOs housed with regional agencies like GWRC.

Mr. Ross stated he was going back to the conflict of interest being demonstrated – FAMPO is its own board and is not tied to GWRC & this Board is not GWRC – it's FAMPO so if you are saying that our Board is dependent upon a GWRC attorney's interpretation that FAMPO does not have access too, how is this not a direct conflict of interest?

Mr. McLaughlin stated what he thinks Mr. Ross is trying to say is that 2 of the 5 members from the GWRC Executive Committee are non-voting FAMPO members so 30% of the committee is giving direction to FAMPO's board.

Mr. Ross reiterated that if you take personalities out of the equation, how can anyone here not agree that this is direct conflict of interest for the FAMPO board?

Ms. Brabo stated that both Caroline County & King George County representatives are voting members on the GWRC board and are also non-voting members on the FAMPO board. Mr. Ross

stated to Ms. Brabo that she is not getting the point & asked if he needed to repeat it again for everyone to understand.

Mr. Marshall stated so the question is should FAMPO have the opportunity to speak with GWRC's attorney. Ms. Brabo stated FAMPO should have the opportunity to speak with the attorney as long as the attorney represents them; however, at this time the attorney represents GWRC & not FAMPO.

Mr. Marshall stated if FAMPO employees work under the direction of GWRC and they need legal counsel then who pays for this – GWRC or FAMPO? Ms. Long stated that if FAMPO has a line item budget allocation included within its budget to cover the expenses of legal counsel then FAMPO would be responsible for payment. However, at this time, legal counsel is allocated for within the GWRC budget and currently only represents this board.

Ms. Long stated she would think employer regulations would however allow for a joint meeting to be held for advisement to 1 of its sub-committees as long as it was approved by both boards. Mr. Kelly stated in the 20 years he has been affiliated with GWRC/FAMPO, that there has never been a conflict between GWRC and FAMPO – not with funding; not on any issue whatsoever. Now, all of a sudden, a conflict has arisen.

Mr. McLaughlin concurred that is correct that over the last 7 years no conflict has arisen; however, over the last 4 months one has and he wants to get answers on why this changed. Mr. Kelly stated it changed because some Policy Committee members were adamant in their thoughts that FAMPO had become an organization totally & completely on its own without adhering to any GWRC policies, employee status, or direction from the Executive Director at GWRC. Mr. Kelly stated that the fact of the matter is that GWRC is still in charge of where money is spent; in charge of all studies; in charge of disbursement of locality dues; etc. Mr. Kelly stated it is not the intent for the GWRC Executive Director to undermine FAMPO but this seems to be the thought process from some FAMPO board members.

Ms. Bohmke stated that when Ms. Millsaps was hired, she was told by Mr. Ware what the structure of the organization was & that Mr. Agnello, or the FAMPO Administrator, falls under the direction of GWRC. Ms. Bohmke stated 10 days after Ms. Millsaps was hired and brought into the organization, certain employees have gone to specific FAMPO board members with attempts to change the structure of the organization and these actions are not appropriate.

Ms. Bohmke stated she has spent hours over the summer on trying to make sense of the current office concerns and has not been able to do so. Ms. Bohmke stated she feels these actions have resulted in the current working environment for the employees to not be a good atmosphere because of some things that have been occurring within the office. Ms. Brabo concurred and stated this is why these items should not be discussed openly at a public meeting.

Mr. McLaughlin asked Ms. Brabo if she was referring to the office structure or specifically the issues of concern. Ms. Brabo stated both as they all tie in together. Ms. Shelton stated that any time there is conflict she thinks it needs to be brought out & if we have disagreements there are models within the Commonwealth where office protocol, personalities, etc. are not adhering to established chains of command. Ms. Shelton stated it has been proposed by some members that FAMPO/GWRC should

take a look at the existing models as it is something that has not been explored to date and may be something we need to explore now. Ms. Shelton stated that taking this action could only be positive.

Mr. Kelly asked a fundamental question – when the issues that have arisen have not even come before the entire FAMPO board, much less before GWRC, this is where the problems begin. However, the reality for now, whether you agree or disagree, is that MOU changes/amendments, etc. will still be subject to review and endorsement by both GWRC & FAMPO and will not result in a unilateral decision made by FAMPO only.

Mr. McLaughlin stated this is what he has been asking for all meeting – changes and recommendations have already been received and others that will be forthcoming are in draft format only at this time and once finalized will be reviewed & voted on by both FAMPO & GWRC but if FAMPO continues to not even allow the concerns to be on a Policy Committee agenda for discussion you do not move forward.

Mr. McLaughlin stated since he has asked for discussion to occur at 2 previous meetings, he is once again asking to set a FAMPO agenda item that from a FAMPO perspective that all members have the opportunity to recommend changes/amendments to the current MOU. Mr. Kelly concurred with Mr. McLaughlin's request for FAMPO discussion; however, again reiterated until this occurs, then Ms. Millsaps is in charge of this office & all of the employees.

Mr. McLaughlin stated that on the December FAMPO agenda the MOU, issues, concerns, etc. are going to be discussed. Mr. McLaughlin asked all members to review the current MOU, By-laws, etc. and if you have any additions, amendments, etc. to the draft document then make them and be ready to discuss each of them at the upcoming December 10th meeting.

Ms. Long stated that in reviewing the changes already submitted for consideration, would it not be helpful to know why a specific board member has requested a specific change to be considered. Mr. McLaughlin stated he thinks this is a part of what will come from the discussions that will occur in December prior to any action being taken.

Ms. Bohmke stated it is important for the FAMPO Board to be aware of issues discussed at GWRC meetings. Previously under Mr. Ware's tenure & leadership, she personally was not aware of the cash flow distributions & allocations. Ms. Bohmke stated just so everyone on the FAMPO Board is aware, the organization has cash flow issues.

Ms. Bohmke stated as Chair of GWRC, she writes a check each month to reimburse the treasurer in Stafford County because the organization has borrowed money from Stafford County because financial obligations are not received timely. Ms. Bohmke stated that Stafford County receives no kick-back from these efforts and it is being done just as a good-will effort between the 2 organizations.

Ms. Bohmke stated that the localities are contributing to the cash flow problems. If you are unaware, Spotsylvania County just made their first payment to GWRC – 4 months after the budget was approved. Ms. Bohmke stated that data shows that Spotsylvania County always pays in an arrearage status – so when they pay late, it causes the Commission to pay late or to have to arrange for funding to pay bills from other sources.

Ms. Bohmke stated that on the GWRC level, the commission members are now discussing how each locality currently pays and whether payment schedules can be changed by meeting with each localities respective finance directors to see if a re-design for payment terms can be occur.

Ms. Bohmke stated this is a concern of hers and thinks the localities need to be financially responsible for paying dues in a timely manner, preferably early or in advance but certainly not in an arrearage status.

Mr. McLaughlin stated he is aware of the financial issues and feels structural discussion needs to occur; however, Stafford County could consider becoming the fiscal agency and then the cash flow problems would cease.

Mr. Kelly requested the motion be brought before the Policy Committee. Ms. Parker advised that a motion can be called for; however, wanted to advise that the current MOU cannot be changed if it is not referenced in the current UPWP. Ms. Parker stated the current MOU does not include the items discussed tonight and is not an activity that already exists in the current UPWP. Mr. Ross stated that he did not think this was true and he would need to re-check Ms. Parker's comments. Ms. Parker stated she has looked at the draft currently being considered versus one previously approved and these items were added as a task for the FY2019 UPWP. Ms. Bohmke stated she has reviewed both the current MOU & the current UPWP and she also concurred with Ms. Parker's comments.

Mr. McLaughlin asked for clarification that the current UPWP has no MOU changes as a task included within the existing UPWP. Ms. Parker advised the current UPWP has no task for FY2019 to have discussions about the existing MOU; however, the draft copy provided on Friday with the agenda does have it added for discussion. Ms. Parker stated that if MOU updates should occur, they also need to be included into the FY2019 UPWP.

Upon motion by Mr. Kelly and seconded by Ms. Bohmke, the following motion was presented:

- 1 - to begin discussion with both GWRC/FAMPO on requested MOU changes/revisions; By-Law revisions; etc. at the upcoming December 10th meetings
- 2 - concurrence that any changes/amendments to existing MOU will require approval by both GWRC & FAMPO
- 3 - concurrence that until which time the existing 2013 MOU is modified, that the GWRC Executive Director remains in charge of all employees

A substitute motion by Mr. Ross and seconded by Ms. Shelton, asks for approval of the following items with items #1 & #2 above being included in the substitute motion & #3 being removed as it is controversial in nature.

The substitute motion was presented for vote and the vote count is as follows:

- 4 – In favor of Substitute Motion

6 – Against Substitute Motion

The substitute motion did not carry with a majority vote.

The original motion was then submitted by Mr. Kelly and seconded by Ms. Bohmke that includes the 3 items listed above. The original motion was presented for vote and the vote count is as follows:

- 6 – In favor of motion that includes 3 points listed above
- 4 – Against motion that includes 3 points listed above

The original motion was approved with a majority vote.

STAFF AND AGENCY REPORTS

Mr. Agnello advised that a letter in Correspondence discusses the Air Quality conformity measures the region will need to be in compliance with going forward. Mr. Agnello also relayed that on November 28th from 4-6:00 p.m. the VDOT fall transportation meeting will be held at the VDOT Fredericksburg District Auditorium. Mr. Agnello stated this is 1 of 2 VDOT meetings held each year and encouraged everyone to attend. Mr. Agnello advised the Secretary of Transportation will be in attendance and providing presentation.

Mr. Agnello stated that on December 10th, it will be FAMPO's 25th anniversary as it was formed in 1993 as a planning organization and special recognition will be made at the December 10th meeting.

MEMBER REPORTS - None

CORRESPONDENCE - In packet & self-explanatory

CLOSED SESSION

Mr. McLaughlin requested to go into closed session for the purpose of discussing a personnel related issue. There were concerns by both Mr. Kelly & Ms. Bohmke about this item not being listed on the original meeting agenda as a personnel issue that had been distributed and they indicated they would not support a closed session occurring tonight. Mr. Agnello stated the items to be discussed were a follow up of discussion from the September meeting as requested. Due to it being controversial with committee members, Mr. McLaughlin indicated the Closed Session meeting would not occur at the October 15th meeting and asked for motion for tonight's meeting to be adjourned.

FAMPO COMMITTEE MEETING MINUTES – Minutes from the Technical Committee and CTAG are included in tonight's agenda packet.

ADJOURN FAMPO MEETING/NEXT MEETING, SEPTEMBER 17, 2018 – The October 15, 2018 meeting adjourned at 8:47 p.m. & the next meeting date will be on December 10, 2018 at 6:00

p.m. Motion for adjournment was made by Mr. Kelly & seconded by Mr. Marshall, with all concurring.