



**Policy Committee Meeting Minutes  
December 10, 2018**

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

**Adopted January 28, 2019**

**Members Present:**

Mr. Tim McLaughlin, Chair, County of Spotsylvania  
Mr. Tim Baroody, City of Fredericksburg  
Mr. Matt Kelly, City of Fredericksburg  
Mr. Billy Withers, City of Fredericksburg  
Mr. Kevin Marshall, Spotsylvania County  
Mr. David Ross, Spotsylvania County  
Ms. Meg Bohmke, Stafford County  
Mr. Mark Dudenhefer, Stafford County  
Ms. Cindy Shelton, Stafford County  
Mr. Chuck Steigerwald, PRTC  
Ms. Marcie Parker, VDOT

**Others Present:**

Mr. Todd Horsley, DRPT  
Ms. Susan Gardner, VDOT  
Mr. Stephen Haynes, VDOT  
Ms. Linda LaSut, VDOT  
Ms. Michelle Shropshire, VDOT  
Mr. Dave Swan, CTAC Chairman  
Mr. Dave McLaughlin, CTAC  
Mr. Paul Milde, Fredericksburg Chamber of Commerce  
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. Diana Utz, GWRC

Ms. Kate Gibson, GWRC  
**CALL FAMPO MEETING TO ORDER**

Chairman, Mr. McLaughlin called the meeting to order at 5:56 p.m. with a quorum present.

### **APPROVAL OF FAMPO AGENDA**

Mr. Kelly stated while he is not opposed to the agenda, however, changes have been made to tonight's agenda from Wednesday to Thursday to Friday & as late as today. Mr. Kelly stated that even though most of the changes are positive points; however, there is a lot of information in tonight's agenda packet and with continual changes and updates, this has not allowed for ample time for committee members to review the material. Mr. Kelly stated that because of this, he hopes more discussion will occur tonight and less action being taken. Mr. McLaughlin stated the committee is always open to discussion. Mr. Kelly stated he was glad to hear this as the agenda has changed significantly from the one initially posted on the website.

Mr. McLaughlin asked for approval of tonight's agenda. All unanimously concurred.

**PUBLIC INVOLVEMENT** - None

**CHAIRMAN's COMMENTS** - None

### **FAMPO ADMINISTRATOR REPORT**

Mr. Agnello advised he would be providing administrator report updates with regard to the Smart Scale Round 3 process & to the recent transportation meetings.

#### a.) Federal Certification Review

Mr. Agnello advised the annual Certification Review is scheduled for early March of 2019 and will be held in Washington, DC. Mr. Agnello stated this review is actually the Washington Metropolitan MPO Certification Review and FAMPO is included within this review process only because the northern portion of Stafford County is included in the Washington, DC MPO area.

Mr. Agnello stated the certification review looks at a lot of things and the federal agencies are planning to use a new risk based approach for the upcoming review process. Mr. Agnello stated staff is still learning more about the new process and what it will entail.

Mr. Agnello relayed that typically the reviews look at major MPO documents such as the CLRP, TIP, UPWP, MOU's, etc. Mr. Agnello stated the MOU between Washington, DC & FAMPO will likely be reviewed. Mr. Agnello relayed this process will be a major work task for FAMPO staff between now and the March time frame. Mr. Agnello stated more information would be forthcoming at the January 28<sup>th</sup> Policy Committee meeting.

Ms. Shelton asked why they have Stafford County as part of the Washington reviews as Stafford County also has to undergo its own review process. Mr. Agnello advised that urbanized areas are determined by the decennial census and the most recent census data is from the 2010 census.

Mr. Agnello stated that based on the 2010 census, the Washington urbanized area was defined to include Northern Stafford. With the census urbanized area determination process, it can sometimes jump over things resulting in small breaks in development as it can skip military bases – i.e. at Quantico; a body of water, etc.

Mr. Agnello stated that for this region, we are very close to connecting with the Washington, DC urbanized area due to the break between the FAMPO and Washington Urbanized area being less than 3.5 miles away. Mr. Agnello stated it is a possibility that the 2020 census data will combine both regions.

Ms. Shelton asked for clarification that the determination is based on population numbers and Mr. Agnello concurred. Mr. Dudenhefer asked if FAMPO could formally invite Mr. Ivan Rucker to attend the January Policy Committee meeting so the Certification process could be better explained. Mr. McLaughlin asked Mr. Dudenhefer who Mr. Rucker is. Mr. Dudenhefer advised Mr. Rucker is the federal representative from Richmond who is this region's FHWA contact.

Ms. Bohmke stated that as Chair of GWRC, she herself would like to understand a little more about the certification process so she too has reached out to Mr. Rucker for clarification and further explanation. Ms. Bohmke advised that Mr. Rucker forwarded her a letter that he sent out on May 17, 2017 to the Richmond MPO. Ms. Bohmke stated this was a fairly lengthy letter and the second page is everything that was reviewed on all of the MPO agreements and describes how all of them relate.

Ms. Bohmke also concurred that in asking Mr. Rucker to attend a joint GWRC & FAMPO meeting which would be a good thing to pursue and thinks Mr. Rucker would do a great job in informing both boards about the certification process.

Mr. McLaughlin asked Ms. Bohmke what GWRC's involvement within the FAMPO Certification process would be? Mr. Dudenhefer advised the review process is the overall operational input of how each Board cooperates; how decisions are made; etc.

Mr. Dudenhefer relayed that Mr. Rucker advised him there have been rule changes and that we will not be going through a process that is that detailed. Ms. Shelton concurred that having Mr. Rucker come present to both boards is a good idea.

Mr. McLaughlin asked if Mr. Rucker is being invited to attend the January GWRC meeting and if so, would this be the same meeting night he would also be scheduled to speak to FAMPO. Mr. Dudenhefer concurred and stated that even though Mr. Rucker has agreed to come, that FAMPO needs to initiate an official invite for presentation at the January meeting. Mr. Agnello advised that staff can accommodate Mr. Dudenhefer's request and invite Mr. Rucker to attend on January 28th.

Mr. McLaughlin asked if there are any risks involved in meeting with Mr. Rucker or if so, would these be covered anyway before March. Mr. Agnello stated that with the Washington review, FAMPO will be only a small part of the review process and will only be applicable to the portion in northern Stafford County. But Mr. Agnello stated that even though Stafford County is a small

portion of the overall Washington review area, FAMPO will still need to demonstrate that they are upholding the federal metropolitan planning responsibilities within the process.

Mr. Dudenhefer stated he is looking at the big picture & Mr. Rucker made it emphatically clear to him that they intend to get involved in any local issue & they are available to help us if needed.

Ms. Bohmke asked Mr. McLaughlin how the Title VI requirements for meeting qualifications got folded into the certification process. Mr. Agnello stated that historically, this has been a major consideration with the previous certifications; however, now they are taking a different approach. Mr. Agnello stated he assumes Title VI is still something that will be looked at.

Ms. Bohmke stated she sent Mr. Agnello an email several weeks ago with this question and to her knowledge she does not think she ever got a response back. Ms. Bohmke asked if we are currently in compliance with the Title VI requirements? Mr. Agnello advised FAMPO is in full compliance with the Title VI requirements. Ms. Bohmke asked if staff would provide this information to the committee members for member review. Mr. Agnello advised staff would distribute to the committee.

Mr. McLaughlin asked for Mr. Agnello to explain what Title VI is. Mr. Agnello stated that Ms. Hairfield is FAMPO's Title VI Coordinator and she will be able to answer questions in more detail. Mr. Agnello stated that Title VI compliance is something that is required of entities whenever they are federally funded. Mr. Agnello stated that FAMPO receives a lot of federal funding so we need to demonstrate we are in compliance. Mr. Agnello stated that Title VI are requirements/regulations which essentially is against discrimination; complies with equitable distribution of resources; & ensures no favoritism is being demonstrated to one locality over another.

Mr. Agnello stated there are specific criteria guidelines for Title VI compliance in place and just recently FAMPO completed Title VI training which was organized by Ms. Hairfield. Mr. Agnello stated the training was held in Fredericksburg in November and other nearby regions also participated. Mr. Agnello stated the training session included all of the FAMPO staff, as well as VDOT staff, participating in the training course. Mr. Agnello stated that FAMPO is in good shape in meeting the Title VI requirements.

Mr. McLaughlin asked Ms. Hairfield if Title VI requirements are aggregated across the region or are they solely for multiple MPO's. Ms. Hairfield advised that Title VI requirements are by region and are not based on state-wide reviews. Mr. Agnello stated that if the board desires, we can give a Title VI presentation at an upcoming meeting to provide more detail if needed. Mr. Dudenhefer asked if this is like an internal audit to make sure we are in compliance. Ms. Hairfield concurred and relayed the compliance updates are completed every 2 years. Ms. Hairfield relayed that the actual review was not due until FY2020; however, since she is new to FAMPO, she wanted to have the review re-done for this year. Ms. Hairfield relayed she has worked consistently with VDOT's Civil Rights Director to ensure standards are in fact being met.

Ms. Hairfield advised the Title VI plan will be updated in 2019 & a Title VI Training was completed this year by FHWA and VDOT and that the Title VI plan was recently submitted to VDOT for review to ensure compliance. Ms. Hairfield also stated that FAMPO's Title VI plan was last reviewed in 2015 and determined to be in compliance with both VDOT and FHWA's standards. Mr.

McLaughlin requested that results of both recent reviews be distributed to committee members for their review. Mr. McLaughlin stated that if questions still remain after review of the 2 results, we can then determine whether there are still unanswered questions resulting in scheduling Mr. Rucker to come to an upcoming meeting. Mr. McLaughlin stated that it appears FAMPO is in good shape with Title VI conformities at this time.

b.) State Fall Transportation Meeting & Meeting with Secretary Valentine

Mr. Agnello advised the VDOT Fall Transportation meeting and meeting with Secretary Valentine was held on November 29<sup>th</sup>. The purpose of the fall transportation meeting was to provide comments on regional priorities. Mr. Agnello stated that staff prepared a draft letter which entails FAMPO's support of the FAMPO/GWRC regional projects. Mr. Agnello advised public comments were available for all of the local projects submitted by FAMPO/GWRC were also a part of process. Mr. Agnello advised that December 13<sup>th</sup> is the public comment deadline.

i. Draft Public Comment Letter

Mr. Agnello advised that included in tonight's agenda packet is the letter that was sent to the State endorsing the regional projects submitted by FAMPO/GWRC. Ms. Bohmke asked if the letter to the State is an additional requirement. Mr. McLaughlin stated it is not a requirement but is just indicating what we would like to see receive approval. Mr. Agnello relayed that other MPO's submit a letter as well and it is something that the State looks at favorably.

Mr. McLaughlin stated the letter to the State is a listing of all projects being endorsed within the region & FAMPO is acknowledging they are in support of the projects and the letter is requesting that the State take another look at them with consideration for approval. Mr. McLaughlin stated the letter contains nothing different than what FAMPO/GWRC/localities have already approved and submitted independently.

Ms. Shelton asked if there is any previous demonstrated value as to the deliverance of the letter. Ms. Shelton asked if there are any results of actions being taken from previous letters that have been submitted. Mr. McLaughlin advised that it's just a way of FAMPO being proactive in keeping projects in front of VDOT & Secretary's eyes saying they are important to us and would like to see them move forward.

Mr. Kelly stated that some projects have already been unofficially eliminated so is there any consideration to include additional projects for review. Mr. Agnello advised the Gateway Boulevard project in the City of Fredericksburg was not considered due to the project readiness so this item was not included in the letter. Mr. Agnello relayed there were 2 other projects previously submitted from FRED transit that the State said were ineligible so they were removed from the letter as well. Mr. Agnello stated the letter in today's packet is everything else that was previously submitted and previously reviewed. The question was asked if a letter to the Secretary is sent annually? Mr. Agnello stated a letter has been sent concurrent with the Smart Scale process, which is currently every other year.

Upon motion by Mr. Ross and seconded by Mr. Kelly, with no opposition, the Policy Committee agreed to submit the letter to the State with a request that projects listed be further considered.

Mr. Agnello advised that FAMPO submitted a letter to the Secretary of Transportation based on the October 15<sup>th</sup> meeting requesting feedback on FAMPO's legislative priorities. This meeting occurred on November 29<sup>th</sup>. Mr. Agnello stated this part of the letter was discussed with the Secretary of Transportation & her senior staff and was gone over sequentially one by one. Mr. Agnello advised the responses given are at the top of the document. Mr. Agnello presented a document provided by the State at the meeting which stated that the FAMPO region has received about \$1.8 billion in funding from Smart Scale and 95 Express lane related improvements and FAMPO has been very successful with getting projects approved within the existing Smart Scale process. Mr. Agnello advised that some of the projects approved for funding include the Atlantic Gateway project and Fred Ex projects.

Mr. Agnello stated there is still a question for FAMPO with regard to the extent to which weekend traffic is included in the Smart Scale scoring process for congestion. The State is planning to provide more information on this. Mr. Agnello also advised that there has been a concern with the access to jobs measure for the FAMPO region. The State has been looking into this as well.

Mr. Dudenhefer stated to Ms. Parker that routinely the traffic data counts from Monday – Thursday did not account for traffic on all 7-days & basically only included week day traffic counts and asked if VDOT had any updates on this request.

Ms. Parker stated the State did look into this request and advised that weekend travel counts were already included within the analysis. Ms. Parker advised the State has given a longer list of road segments via the top 100 congested roadways state-wide & this data did include weekend data as well.

Ms. Parker advised this was new information to FAMPO staff. Ms. Parker stated that a K-factor was used for congestion management factors & this data collection consisted of I-95 traffic on both weekdays & week end days.

Ms. Parker advised the State has a K-factor calculation that is used when measuring the congestion management factors & that factors in all traffic by hour, by use, by day, 365 days a year/24 hours a day & then computes the data by the most & least congested times of the year. The State then takes the top 100 hours is what is used for the basis for traffic congestion. Ms. Parker stated that the State says that if the data was compiled 365 days a year/24 hours a day then this data collection would also include weekend data counts. Ms. Parker stated VDOT staff here will be forwarding this report to Mr. Agnello for his review.

Mr. Kelly asked Ms. Parker when K-factors are estimated, is there any way we can find out how much of an impact these factors affect project scores. Mr. Kelly stated that regarding I-95, when K-factors are decided on behind closed doors with no representation by staff or the board included in the process, we are then out of the picture. Mr. Kelly stated that seeing how things have been in the past, & how the I-95 projects have scored over the years, even with the last 2 sessions & seeing the overall list of projects being considered, we continue to come in low within the scoring process. Mr.

Kelly stated this would lead him to believe the K-factoring indicates that it really has no impact in the real overall review of the projects

Mr. McLaughlin asked Ms. Parker if the guy at the transportation meeting was not in fact a VDOT planner. Ms. Parker stated no, that Chad Tucker was in attendance and he works in the Secretary's office. Mr. McLaughlin stated Mr. Tucker indicated he had a lot of information and was going to be relaying the information back to us. Mr. McLaughlin asked if there is any way he or someone from his office or someone from the local VDOT office here can come to an upcoming Policy Committee meeting to answer Mr. Kelly's questions regarding the inside working of the formulas.

Ms. Parker stated she was sure someone could come to Fredericksburg for a meeting; however, she is not sure how much information would actually be available or how helpful it would be. Ms. Parker stated this is a very confusing process and she does not even understand it completely.

Mr. Dudenhefer stated his concern is that we have discussed the issues for the last 2 years with no changes in the process and then 2 weeks ago they now tell us the scoring criteria has always included weekend data but this is the first time we have been given this information. Ms. Parker stated that she too was given this information an hour before giving Mr. Agnello the updates.

Mr. Dudenhefer stated if they do not know how it worked or could even tell us that it is actually working, then how do we know this method works. Ms. Parker stated they know the gauge for the 30<sup>th</sup> hour was accounted for but as this question had not come up previously they had not reviewed this data to see when the 30<sup>th</sup> hour data occurred. Ms. Parker stated it was determined the 30<sup>th</sup> hours of data actually computed both week day & weekend congestion counts.

Ms. Parker stated she has spoken to both Mr. Tucker & Mr. Donohue and advised them something more concrete was going to be requested from this region. Ms. Parker stated she relayed something else was going to be needed to be done because we need to figure out what is going on behind the scenes.

Ms. Parker stated that FAMPO will want to be told whether these calculations will hurt or help the region & whether they will help or hurt another region. Ms. Parker stated this is when the State was asked what else could be looked at. Ms. Parker stated the K-factor was then introduced as the additional data review needed it and it was determined that some of the data collection had in fact occurred on both week day weekend congestion data collection.

Mr. Ross stated the k factor was not mentioned at the meeting so is the K-factor the day of the week the highest 30<sup>th</sup> hour of data collection or is the 30<sup>th</sup> highest hour actually the K-factor. Ms. Parker stated the percentage is the K-factor and concurred this needed further explanation. Mr. Haynes stated is it the percentage of daily traffic occurring during the peak hour, e.g., a K-Factor of 0.10 would indicate that 10% of daily traffic occurred during the peak hour.

Mr. McLaughlin stated that no answer would be given tonight & asked that Mr. Agnello check with the Secretary's office or with VDOT to determine who is the best spokesperson to come to the committee to explain the formula and its impacts. Mr. Agnello stated that the key people with the State who would have answers to these questions are going to be pretty busy now with finalization

of the Smart Scale process on going. Mr. McLaughlin asked Mr. Agnello to contact the State and find out the earliest availability to which Mr. Agnello agreed.

Ms. Bohmke stated she has been ill with the flu and out of commission for about 10 days so she could have easily missed or overlooked something; however, she would like more information about the meeting with Secretary Valentine. Ms. Bohmke asked if this meeting was a legislative meeting; was it a CTB meeting; or was this a separate meeting. Ms. Bohmke asked who was invited to participate in the meeting.

Mr. McLaughlin stated this was the response from the letter we sent to the Secretary's office regarding the legislative agenda items that came as a briefing to the letter submitted by the FAMPO Chairman. Ms. Bohmke stated she does not recall being invited to participate in this meeting as a member to FAMPO.

Mr. McLaughlin stated those in attendance were himself, Ms. Parker, Mr. Ross & Mr. Agnello and these were responses and feedback given prior to the public meeting beginning. Ms. Bohmke stated that if three FAMPO committee members were invited to participate then it was a public meeting that should have been open to all committee members to partake in.

Ms. Parker stated she was not actually invited to participate but she just sat in to hear the report from the Secretary. Ms. Parker stated she was unaware of the meeting until about an hour before it occurred. Mr. McLaughlin stated it is not a big issue that Ms. Parker was just getting feedback and was already in the VDOT district office attending another meeting. Mr. McLaughlin stated that as he was just receiving feedback from a document it did not seem the entire FAMPO Policy Committee needed to be apprised. Mr. McLaughlin stated the chair was just being briefed which he thinks are some of the duties/responsibilities that go along with being chair to a board. Mr. McLaughlin stated that he would certainly not expect to be invited to every FAMPO/GWRC meeting unless everyone is going to be invited to every GWRC meeting. Mr. McLaughlin stated it was certainly no ulterior motives or scandal and was simply just a meeting where feedback on a letter was being given.

Mr. McLaughlin stated some points addressed in the letter were the following: the State Transportation Funding Study – Mr. McLaughlin stated the State has already begun this study so is glad for the support from the region as well as obtaining support from other areas state-wide; the next comment was in regard to the 4<sup>th</sup> lane in Stafford County between exits 133 & 143 to be maintained for future widening from 6 to 8 lanes in each direction considering that the express lanes are coming to Exit 133. The secretary agreed there could be traffic issues if the express lanes are open in 1 direction without enough general-purpose lane capacity going in the opposite direction. The state is looking into some 4<sup>th</sup> lane options.

Mr. Dudenhefer stated this is a big issue for Senator Stewart & Delegate Thomas & both feel they have gotten positive response from the Secretary's office on ways to address this issue.

Mr. Kelly stated that he would recommend that if a meeting like this is held again with local legislators and/or State officials that at least two FAMPO jurisdictions be represented at the meeting. Mr. Kelly stated that I-95 issues could directly affect Stafford County so he hopes in the future the word gets out to all members.

Mr. McLaughlin stated again this was simply an oversight and there was no intent to purposefully leave any member out.

c.) FAMPO's 25<sup>th</sup> Anniversary

Mr. Agnello advised December is FAMPO's 25<sup>th</sup> anniversary after being formed in 1993. Mr. Agnello stated the UPWP budgets have increased from \$132,000 in 1993; approximately \$300,000 in 2006; & approximately \$1.8m today. Mr. Agnello stated the region has experience tremendous growth over the last 25 years. Mr. Agnello stated the growth from 1984 to the present has resulted in tremendous land use development and the region is still the second fastest growing region in the state.

Mr. Agnello stated VRE has tripled its ridership from 1993 to the present at 1.4 m riders to 4.8m riders today. Mr. Agnello stated the population in 1993 was 157,000 & is 300,000 in 2018.

Mr. Agnello stated that all existing FAMPO staff are now all gone and all current FAMPO staff has come on board over the last 3.5 years. Mr. Agnello stated FAMPO has had 4 administrators to include Stephen Manster who was here for a long period of time; followed by Lloyd Robinson who was administrator for 9 years; Andy Waple for 1 year; himself here since 2015.

### **CONSENT AGENDA**

Mr. Dudenhefer made a motion, and seconded by Mr. Withers, with all concurring that Item a from Category 7 Consent Agenda be removed and voted on separately. This motion was in concurrence from everyone.

**a.) Approval of October 15, 2018 Policy Committee Meeting Minutes – Mr. Paul Agnello**

Upon motion by Mr. Kelly and seconded by Ms. Bohmke, with all Mr. Dudenhefer & Mr. Steigerwald abstaining & all others concurring, the minutes from the October 15<sup>th</sup> meeting were approved as submitted.

**b.) Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)/Fixing America's Surface Transportation (FAST) Act Performance-Based Planning & Programming Requirements – Mr. Paul Agnello**

- i. FAMPO Continuous, Cooperative & Comprehensive (3-C) Agreement
- ii. Letter Adopting MPO State Targets for Safety

**c.) Approval of Resolution 19-16, Endorsing Revised Regional Base Year & Future Years Population & Employment Control Totals for Use in the 2050 Long Range Transportation Plan (LRTP) Update – Mr. Nick Quint**

Upon motion from Mr. Dudenhefer and seconded by Mr. Steigerwald, with all concurring, Items B & C from the Consent Agenda were approved as submitted.

## **ACTION ITEMS/DISCUSSION ITEMS**

- a.) **95 Express Lanes Southern Extension Before & After Analysis** – Mr. David Jackson, Cambridge Systematics – This item was deferred until the January 28<sup>th</sup> meeting as Mr. Jackson was not able to attend tonight's meeting due to weather.

**b.) Summer 2019 Washington Metropolitan Area Transit Authority (WMATA) Shutdowns**  
– Mr. Todd Horsley, DRPT

Mr. Horsley with DRPT apprised the Policy Committee on upcoming Metro changes. Mr. Horsley stated there will be a 90-day metro rail service interruption beginning Memorial Day of 2019 & ending on Labor Day of 2019. Mr. Horsley stated that most Metro stations will be shut down for renovation and the stations affected are all 6 locations that are south of Reagan National Airport.

Mr. Horsley stated the repairs needed are platform re-constructions and are needed as a result of 35-40 years of concrete wear, weather erosion, cleaning fluids, etc. and are all repairs that are beneath the platforms. The repairs are not ones that can be seen by a commuter or citizen. Mr. Horsley stated the complete stations will be shut down; however, there will be no disruption of VRE service. Mr. Horsley also advised that for the blue/yellow lines shuttle buses will be available during the re-construction period.

Mr. Horsley advised the stations to be shut down on the blue line are as follows: Franconia/Springfield; Van Dorn, King Street & Braddock Road. On the yellow line will be the Huntington & Eisenhower stations. Mr. Horsley stated that all 45 stations will be repaired. Mr. Horsley advised that 17 of the 45 stations are in Virginia; with 5 on the silver line that just opened in 2014 so 12 will be ultimately affected in Virginia. Mr. Horsley stated that 10 have been completed; 15 stations have been re-done over the last several years, including the red line earlier this year.

Mr. Horsley relayed the metro stations are still safe but are in need of overlooked repairs. Ms. Shelton asked if the modifications at King Street allow for better & smoother transfers to the VRE. Mr. Horsley advised this is not part of the project; however, there is some discussion with VRE to do something better for connections there between Metro & VRE but nothing in place to date.

Mr. Horsley stated this is a 3-year system upgrade program with 20 stations being repaired from May 2019 to September 2021 and there will be continuous work year-round with 3 summer shutdowns planned. Mr. Horsley advised the 2018 legislators awarded Metro additional funding for the re-construction projects. Mr. Horsley relayed the DC area is scheduled for updated in 2020 & in 2021 will be back in Virginia repairing the orange line at the Vienna Station. Mr. Horsley stated data has shown the lowest metro utilization has occurred between Memorial Day to Labor Day so this is why this time frame was selected.

Ms. Shelton asked why Amtrak is not included in the repairs because 1 of these metro stations is also an Amtrak station. Mr. Horsley advised that representatives from Amtrak will be invited to attend and participate in planning meetings; however, these projects are federally funded projects & Amtrak is not eligible to receive federal funds.

Mr. Horsley relayed that data has shown that 60% of current metro riders will in fact use the shuttle buses during the shut downs and will also have access to additional routes with connectivity to the

Alexandria Transit System, Omni Ride, VRE, etc. Mr. Horsley stated there will be a lot of TDM program enhancements & this is where GWRideConnect comes in to the picture.

Ms. Shelton asked if Mr. Horsley was aware that Stafford County is funding a new bus route that will provide direct routes from Route 610 in Stafford County to Quantico & also asked if this too would be a part of the re-construction process. Mr. Horsley stated this new route in Stafford County is not part of the re-construction process either.

**c.) 95 Express Lanes Fredericksburg Extension Project Update**– Ms. Marcie Parker, VDOT

Ms. Parker advised the 95 Express Lane Fredericksburg Extension Project will be 10 miles south of Garrisonville Road to Route 17. Ms. Parker advised the project will be a 2-lane reversible project and will have direct connections to both the southbound river crossing project under construction & the northbound river crossing project which is scheduled to be under construction in either FY2020 or 2021.

Ms. Parker advised there will be 3 new access points and these will include the following improvements: Exit 48 – Russell Road – there will be a fly-over with nb/sb access to Quantico. Ms. Parker stated this will be a facing only access so you will be able to enter in the a.m. & exit in the p.m.; Exit 140 – Courthouse Road – direct access into new park & ride lots being constructed here; & at Route 17, there will be a 10 mile extension flyover sb that puts you into the CD lanes & also allows the slip entrance from the express lanes to the general purpose lanes. Ms. Parker stated the same access will be designed nb as well with a slip entrance and general purpose lanes access from those coming from Massaponax with a flyover n of Route 17 for entrance onto the new CD express lanes heading n.

Mr. Dudenhefer stated he thought it was recently a new policy that said no more slip ramps would be allowed. Ms. Parker stated this is the preferred method; however, at this location there are no other options because of the existing geometry in place. Ms. Parker advised this design was not VDOT's first choice but does occur at either the beginning or ending of roadway system.

Mr. Dudenhefer stated there are options available and he is assuming these are not being considered due to cost. Ms. Parker concurred that all other options were very cost prohibitive and you also will have no notice ahead of time to cross over 3 lanes of traffic to get into the express lanes which VDOT wants to avoid. Ms. Parker stated that at the southern end you will know way in advance there will be no entrance access available. Ms. Parker stated that entrances to I-95 will cut across & the closet entrance will be at Exit 126 at Massaponax so if you are using the express lanes you will figure out between Exits 126 & 133 where you will need to be.

Mr. Dudenhefer stated he wants to make it emphatically clear that on the northern side in Stafford County only will be accommodating the base traffic & does not benefit the residents of Stafford County at all. Mr. Dudenhefer stated he has discussed this in the past with Ms. Parker & other VDOT staff & with the Secretary of Transportation and he thinks Stafford County got shafted within this whole planning process and by the time it was recognized, it was too late to make any changes.

Ms. Parker advised VDOT is in the process of getting agreements for the current & future project. Ms. Parker advised the design-build contract & intent has been awarded with Trans Urban & they are

working on this phase in the winter time frame with a close-out date by March of 2019. Ms. Parker advised construction is scheduled to begin in the Summer of 2019 and the Service Management project in the Fall of 2022.

- i. Approval of Resolution No. 19-11, Amending the Transportation Improvement Program (TIP) to add the 95 Express Lanes Fredericksburg Extension Project

Upon motion by Mr. Kelly and seconded by Ms. Shelton, with all concurring, Resolution No. 19-11 was adopted by the FAMPO Policy Committee at its December 10<sup>th</sup> meeting.

**d.) Approval of Resolution 19-12, Directing a Public Comment Period & Public Hearing be Held Prior to Amending the Fiscal Year (FY) 2019 Unified Planning Work Program (UPWP) – Mr. Paul Agnello**

Mr. Agnello advised that the FY2019 UPWP was discussed at both the September & October Policy Committee meetings. Mr. Agnello advised that since that time, the budget has increased significantly from the FY2019 projections for Air Quality Conformity which have new regulations implemented as well as certification of performance-based planning & programming. Mr. Agnello stated that some scaled back work task associated with the 2050 LRTP & the Lafayette Boulevard have recently occurred due to the understaffing at FAMPO.

Mr. Agnello stated with the upcoming Federal Certification review in early March of 2019 & the inclusion of a FAMPO/GWRC MOU review is what staff will be working on after the first of the year. Mr. Agnello stated an MOU does not have to be included within a UPWP; however, but to promote openness & to be transparent, staff wanted to include it. Mr. Agnello stated the changes that have occurred since the draft was submitted in May of 2018 until now is tracked and can be referenced on the on-line version of the UPWP. Mr. Agnello stated the motion for tonight is to obtain approval of the Draft UPWP for a 30-day public comment period. Mr. Agnello stated that if no adverse comments are received in the 30 days, then the draft would be moved forward with a request that it be adopted at the January 28, 2019 Policy Committee meeting.

Ms. Bohmke asked Mr. Agnello if this document was originally uploaded last Wednesday. Mr. Agnello stated it was uploaded on Thursday with the other FAMPO meeting materials in accordance to the standard FAMPO schedule. Ms. Bohmke stated then since that time additional changes have been made to the document. Mr. Agnello concurred that some clarifications to the red lined tracked version had occurred but indicated nothing significant had changed. Ms. Bohmke stated then everything that is now red-lined in the draft is everything that has been changed from the previous UPWP submitted in May of 2018. Mr. Agnello concurred this is correct.

Ms. Bohmke asked Mr. McLaughlin if she could make some comments on discrepancies from what is being submitted tonight versus what was included in the version that was uploaded last week. Mr. McLaughlin gave Ms. Bohmke the floor.

Ms. Bohmke stated that on page 2, the top paragraph states FAMPO would request having 7 full-time employees; however, in the May, 2018 document it says 6 full-time employees. Ms. Bohmke stated this change was not high-lighted in red within the current draft being presented tonight. Mr. Agnello stated this was incorrect & it was in fact 7 employees in the draft from May 2018. Ms. Bohmke stated

the copy she received via email states 6. Mr. Agnello questioned if she was using the correct May, 2018 version for the comparison and stated the UPWP was checked very carefully by staff and staff will need to go back and recheck the document from May 2018.

Ms. Bohmke stated on the first page under Mission Statement, a statement has been added to the Mission Statement that also was not included within the May 2018 UPWP & Item I should have also been high-lighted in red to indicate a change had occurred.

Ms. Bohmke stated there are several other things that have been changed as well and are not highlighted in red to indicate a change and did he want her to cite every item. Ms. Bohmke stated this type of review should not be her, or any other committee member's responsibility, & instead should be the responsibility of the FAMPO Administrator to ensure the document was accurate before being submitted to this committee. Mr. McLaughlin stated it should be the responsibility for everyone to carefully scrutinize the document for clarity. Ms. Bohmke stated she is not happy being presented a document that does not in fact include all changes that have been highlighted in red so it clearly indicates a change has been made from the copy received in May of 2018.

Mr. McLaughlin stated he would like Ms. Bohmke to state all of her concerns tonight at one time. Ms. Bohmke state that on page 2 under the FAMPO accomplishments, 6 FAMPO staff was changed to 7. Also, Ms. Bohmke advised that the reference to the FAMPO Chair to VAMPO was also not included within the previous document.

Ms. Bohmke stated that number 2 on page 2 should have the entire paragraph highlighted in red. On page 3, item #23, the Travel Demand model is needed for Air Quality Conformity. Mr. McLaughlin asked how both Ms. Bohmke & Ms. Parker (& the VDOT staff) have all of these inconsistencies, yet no other member has them.

Ms. Bohmke stated she was not sure what any other agency and/or locality has done with the UPWP; however, the staff in Stafford County has taken the time to review the document line by line & page by page to compare it with the document submitted in May of 2018.

Mr. McLaughlin stated that it appears Ms. Bohmke is playing "gotcha" tonight instead of having the information provided ahead of time so staff could have had an accurate red-lined document presented tonight. Mr. McLaughlin stated this "gotcha" method has got to stop as it is creating havoc between the 2 committees. Mr. McLaughlin stated that if Ms. Bohmke had this information for over a week & purposely withheld it to be brought up at tonight's meeting is totally unsatisfactory & he is disappointed in Ms. Bohmke's tactics. Ms. Bohmke stated she was not aware of the changes that need to be made last week as she herself just reviewed the draft today prior to tonight's meeting. Ms. Parker stated that her staff just reviewed it today prior to tonight's meeting as well.

Mr. McLaughlin asked for Ms. Bohmke to continue. Ms. Bohmke stated that on page 3, item #23, the Air Quality comments should be highlighted in red as well. Ms. Bohmke stated that on page 5, item 14, she had a clarification question why the maintenance & review FAMPO transparent element was removed from the GWRC website.. Mr. Ross asked Ms. Bohmke if this too was a correction or a clarification. Mr. Agnello stated he thinks this is a correction because FAMPO has its own & separate web-site from GWRC.

Mr. McLaughlin stated then FAMPO does not fund GWRC's website & Ms. Bohmke stated that is why she was asking for clarification. Mr. McLaughlin stated that unless FAMPO goes into the GWRC website to make changes to the website and administers changes, then this statement should be removed. Ms. Bohmke stated so then if this item has been clarified & kept in.

Ms. Bohmke stated that on page 7, the first paragraph in regard to Federal Highway, may need to also be red-lined; "however" the black line to the far left of the page also needs to be red-lined to include the entire paragraph.

On page 11 in regard to FAMPO on-call consultants, Ms. Bohmke stated it says the original estimate date was listed as June and now the date is September. Mr. McLaughlin asked Mr. Agnello if this was correct & Mr. Agnello concurred. Ms. Bohmke stated this again was a new change so the date should have been highlighted in red.

Ms. Bohmke stated that on page 12 for LRTP being discussed, this too has now changed from June 2019 to June 2020 so if date is correct, again should have been highlighted in red. Mr. Agnello concurred the date should be June, 2020.

Ms. Bohmke stated that on page 22, item 13, regarding concerns with the MOU between FAMPO & GWRC in the review of the technical changes, stating GWRC is the fiscal agent & responsibility for FAMPO & if these items have not been agreed on by both boards, she is trying to understand how they can be included within the UPWP.

Mr. McLaughlin stated this document is for comment only so if public comments are received then it can be discussed. Mr. McLaughlin stated he supports this comment & it gives a statement that will be discussed on Thursday.

Ms. Bohmke stated she has not ever seen a UPWP that includes this many changes. Mr. McLaughlin stated that this is really not bad – 5-6 comments over 20 pages, especially if Ms. Bohmke had the information over a week ago. Ms. Bohmke stated again that she was in receipt of the document a week ago; however, she had not reviewed it and/or made any changes a week ago.

Ms. Bohmke stated that on page 22, Item 14, she is curious as to what our update to the agreement will be with NCRTPB which is the small portion of northern Stafford County that connects us to the Washington MPO. Mr. Ross asked then so any question like that should not be red-lined? Ms. Bohmke stated she was asking for clarification as to what kinds of potential changes Mr. Agnello is looking at with the TPB. Mr. McLaughlin confirmed that this is actually a question and not a comment on an error so it should not be red-lined at all. Ms. Bohmke concurred. Mr. Ross stated then should this item not be questioned and raised within the public comment period.

Mr. Kelly stated this goes back to the discussion held earlier in the evening about we are hearing/learning about this information tonight for the first time. Mr. Kelly stated that if we push this forward, going to a public comment period & public hearing now, without all the changes needed to be passed on to this board then essentially the board is saying to the public that this is what we want to do. Mr. Kelly stated that with discussion that has occurred, that he does not think all members are comfortable with and agreement to the information within the draft.

Mr. McLaughlin stated that there was actually only one item that was not agreed on by the board & all other comments were simply ones that needed to be highlighted but contained accurate information so does the board want that item taken out of the draft. Mr. McLaughlin stated he felt the comments tonight are just comments made from Ms. Bohmke & VDOT staff. Mr. Kelly stated to Mr. McLaughlin that he himself made the same comments earlier whereby he was just as surprised as the rest of the board because we did not receive the information/changes earlier but now expect us to vote on it.

Mr. McLaughlin stated this resolution tonight is not approving the document but is simply approving it to be advertised for a 30-day public comment period and public hearing with the understanding that all comments made tonight as well as those that could be made over the next 30-days would be included within the final UPWP before it is approved. Mr. McLaughlin stated that if Mr. Kelly does not feel the request for a public comment period should occur then he simply needs to vote no when the motion is called for.

Mr. Kelly stated that the implication is you are looking at legal perspectives for FAMPO becoming its own fiscal agent and right now that is not possible. Mr. McLaughlin advised Mr. Kelly that this is not the topic being discussed now – the topic now is simply seeking approval for a public comment period to begin.

Mr. Ross asked Mr. Kelly what actually is being disagreed with on #13? Mr. Kelly stated there is an agreement that already has been discussed & everything we do regarding any MOU changes has to also be approved by both FAMPO & GWRC. Mr. Kelly stated that at this time, FAMPO cannot take any unilateral action to do anything. Mr. Dudenhefer stated that FAMPO clearly can withdraw from the MOU & there are provisions within the existing MOU for this process. Mr. Kelly concurred but reiterated that in order for these changes to occur, FAMPO would need to create a situation whereby the entire MOU would need to be revised.

Mr. Kelly asked how an advisory board can withdraw from an organization – this would mean if FAMPO did this, they would have no staff, no money, no nothing. Mr. Dudenhefer stated Mr. Kelly was incorrect because it actually would mean that FAMPO would have all the money. Mr. Dudenhefer stated he has had a lengthy discussion with FHWA & according to them Mr. Kelly's statement is not true. Mr. Dudenhefer stated he thinks this is an item that the board has been pushing off to get a resolution on. Every time it is brought up for discussion, it is tabled for another meeting. Mr. Dudenhefer there have been attempts in the past to change the MOU that have been signed off on by FAMPO; however, have never gotten addressed by GWRC in regard to FAMPO administrator, salaries, etc. Mr. Dudenhefer stated that what Mr. Kelly is saying is that GWRC likes what it has but FAMPO may not so there is no way to change it & he disagrees.

Mr. Kelly stated he has not ever said things could not be changed, but until changes occur & have been agreed upon by both boards, then FAMPO is still only an advisory board to GWRC & has no staff because all staff here is employed as a GWRC employee. Mr. Dudenhefer advised that it emphatically states within the existing MOU however that FAMPO controls how the money is to be spent on transportation initiatives.

Mr. Kelly stated that ultimately the CTB makes the final determinations on all money that is allocated. Mr. Dudenhefer stated the CTB does not control the money & they account for the money but have no say whatsoever on how the money gets spent.

Mr. Kelly concurred & stated how the money gets spent is this board's decision. Mr. Dudenhefer concurred it is the decision of the Policy Board. Mr. McLaughlin stated that when the Policy Board executes a decision it is carried out & not to be second-guessed by GWRC. Mr. Kelly stated that it has never been second-guessed by GWRC & that is why he is trying to figure out where other members are coming up with this idea.

Mr. Dudenhefer stated the original MOU is from 1993 & considering the changes in personnel over the years we have not had a problem in the past so why now? Mr. Kelly stated he has asked the same question. Mr. Dudenhefer stated he wants to see the legal opinion in writing. Ms. Millsaps stated that to date, she has not been directed by GWRC to obtain a legal opinion in writing. However, she has held a review of the existing MOU explained by GWRC's attorney, had a question/answer period for staff to participate in; & had 100% of staff in attendance when the GWRC attorney spoke.

Mr. Kelly stated the issues began with flexing the ability of what GWRC was doing with FAMPO and quite frankly Mr. Kelly said Mr. Dudenhefer was the one who started this process in the determination of what the actual FAMPO/GWRC roles are. Ms. Shelton asked Mr. Kelly if he was opposed to the public hearing. Mr. Kelly stated he is not opposed to the MOU & he is not opposed to having open discussion on the issues members have; however, he is opposed to the discrepancies and unclear statements within the UPWP that was released & published on-line last week to what is being presented here tonight.

Mr. McLaughlin stated enough comments have been expended on this topic and further discussion is going to be held on Thursday at the upcoming meeting between himself, Mr. Agnello, Ms. Bohmke & Ms. Millsaps. The question tonight is simply whether to advertise for a 30-day public comment period to begin. Ms. Bohmke stated she has a hard time advertising something for a public comment period/public hearing & document now in question had not been advertised on-line inaccurately. Ms. Bohmke stated she would have the same reactions if this was something that is a specific Stafford County Board of Supervisor issue. Mr. McLaughlin stated tonight we need to approve the public comment period to begin; to make the changes mentioned tonight to be included into the UPWP; & to release the revised version to the public for comment. Ms. Bohmke stated we are still not making changes public & red-lined appropriately. Mr. McLaughlin stated that discrepancies have been noted; a request has been made to have them corrected; & we are asking for approval to move forward with the public hearing. Mr. McLaughlin stated this is what is done every other time so he cannot understand why Ms. Bohmke is making an issue about this tonight, so with that being said, he is asking for a motion to be made on Resolution 19-12. Mr. McLaughlin stated this resolution is asking that a public comment period & public hearing be held prior to finalizing the Draft FY2019 UPWP.

Ms. Shelton asked Ms. Bohmke if she had revised copies for all committee members. Ms. Bohmke stated she had her personal copy but as she is not FAMPO staff, then no, she does not have revised copies for any other member. Ms. Shelton stated she is not staff either; however, she would be willing to volunteer to get a revised copy out to each committee member. Mr. McLaughlin stated that Mr. Agnello will have all requested changes made; he will have it re-copied & re-distributed to all committee members; & he will have the new revised draft re-posted on the website that now will

include the changes made tonight so the public comments will be made based on the revised document. Ms. Bohmke stated that the item listed on tonight's agenda does not indicate that it is a draft document.

Mr. Kelly stated that this is unfair to the public – if the document was posted last week, then this is what they expect – they do not expect to review a document & then have to go back every day to review the new changes/revisions that have been made within it. Mr. Ross stated the board needs to have a policy – what is the time frame that changes can be made to an agenda or posted documents – should it be 3 days before the meeting date; should it be 7 days before, etc. Mr. McLaughlin asked that Mr. Agnello put this item on the January agenda for further discussion.

Upon motion by Mr. Ross and seconded by Mr. Dudenhefer, with Ms. Bohmke, Mr. Kelly, & Ms. Parker voting no, and all others concurring for 8 to 3 in favor, Resolution No. 19-12 was adopted by the FAMPO Policy Committee at the December 10<sup>th</sup> meeting.

**e.) Smart Scale Update – Mr. Nick Quint**

Mr. Quint advised that staff has received updated information from the CTB that was shared by them at its meeting last week and wants to apprise the Policy Committee accordingly. Mr. Quint stated that 468 total applications were submitted state-wide for consideration under Round 3 of the Smart Scale application process. Mr. Quint stated that the total projects submitted would cost \$6.9b & there will only be \$800m estimated to be allocated so the needs far outweigh the funding.

Mr. Quint stated that some initial applications have already been screened out by the CTB and staff has been advised how this effects our region. Mr. Quint stated that state-wide 23 applications were screened out & 1 that was applicable to the Fredericksburg region. Mr. Quint relayed the project screened out for the Fredericksburg District was screened out due to project readiness criteria not being in compliance. Mr. Quint stated the Fredericksburg District is estimated to receive \$26m in funding allocations; however, this figure is still subject to change.

**i. SMART SCALE Application – Gateway Boulevard**

Mr. Quint advised the project screened out for the Fredericksburg District is the Gateway Boulevard project submitted by the City of Fredericksburg. Mr. Quint stated that staff also received notice that a GWRC application that also includes the Gateway Boulevard project is also likely to be screened out as well. Mr. Quint stated the reasons given for the project not being approved are the concerns over the I-95 & Route 3 interchange; the potential impacts to this as a result of Gateway Boulevard being extended & also the impacts to Route 3 itself & it was felt that not enough study was completed prior to the application being submitted.

Mr. Quint stated that both FAMPO & the City of Fredericksburg have agreed to allocate additional revenues to this project to provide some additional study to occur so it can be ready for re-consideration of Round 4 of the Smart Scale process.

Mr. Quint stated that January 15<sup>th</sup> is the expected date to receive final results from the CTB. Mr. Quint relayed the CTB will be providing all project scores, provide the applications that were released with documentation as to why, & documentation on the draft selection scenarios. Mr. Quint stated that

additional updates will be provided to the FAMPO committees at either the January or February 2019 meetings.

**f.) I-95 Phase 2 Corridor Study Report – Mr. Paul Agnello**

Mr. Agnello advised that VDOT has requested some elaboration on the executive summary with the last week. Mr. Agnello advised staff has updated these requests & the revisions are included & reflective in the version that is posted on-line & included in tonight's agenda packet. Mr. Agnello stated an email from VDOT also accompanies their request. Mr. Agnello stated the State is compiling a report to the General Assembly based on HB97 that was approved several years ago.

Mr. Agnello stated that as part of that, the I-95 Phase 1 study is going to be presented to the General Assembly for this upcoming session. VDOT had some clarifications they requested to be included within the report. Mr. Agnello stated that other than these specific clarifications, this is the same report that was submitted to the Policy Committee for review last September.

- i. Resolution 19-15, Endorsing the Recommendations from the I-95 Phase 2 Corridor Study – Mr. Paul Agnello

Upon motion by Mr. Kelly and seconded by Mr. Dudenhefer, with all concurring, Resolution 19-15 was adopted by the FAMPO Policy Committee at the December 10<sup>th</sup> meeting.

**g.) Approval of Resolution 19-17, Approving the Use of FAMPO Consultants to Complete the Phase 1 Transit Component of the Lafayette Boulevard Multimodal Transportation Study – Mr. Paul Agnello**

Mr. Agnello advised that Resolution 19-17 is a request for FAMPO to use the consultants for completion of Phase 1 of the Lafayette Boulevard Multi-modal transportation study from Sophia Street in the City of Fredericksburg to Route 1 in Spotsylvania County. Mr. Agnello stated this is a study we have receiving funding for in FY2019 from DRPT for \$125,000. Mr. Agnello stated that if the grant funding is not used, it will be lost and can only be used for transit studies for this purpose. Mr. Agnello stated the funding cannot be used to build a road; fund a bus; etc. Mr. Agnello stated the Lafayette Boulevard study is the only one currently in the region where the grant money can be applied to.

Ms. Shelton asked if the reason we have to go on contract for this study with a consultant is because we do not have either available staff and/or staff with the required expertise & skills. Mr. Agnello stated that FAMPO does have the skill set to complete the study; however, we lack the available staff to do so. Mr. Agnello stated that with the federal certification review process due to be completed at the same time period & the Congestion Management Process also being due during the same time period, with both being due in March of 2019, FAMPO staff is not available to work on the Lafayette Boulevard Study. Mr. Agnello also relayed that staff will be working on completion of a number of deliverables that will need to be completed for the performance-based planning & programming efforts for potential Air Quality conformity requirements after the Smart Scale results are released in mid-January.

Ms. Shelton asked for the future, is it not in our best interest to be able to look at adding staff to complete the studies internally in lieu of continually going out & hiring consultants to compile the data. Mr. McLaughlin stated we have had a closed door meeting to discuss this & it does not help.

Mr. Marshall asked a question for confirmation from Mr. Agnello that if the allocated funding received is not utilized now, will it be lost completely. Mr. Agnello concurred & advised the deadline for utilization of the \$125,000 will expire on September 30<sup>th</sup>, 2019.

Upon motion by Mr. Withers and seconded by Mr. Marshall, with all concurring, Resolution No. 19-17 was adopted by the FAMPO Policy Committee at the December 10<sup>th</sup> meeting.

**h.) 2019 FAMPO Committee Meeting Calendar – Mr. Nick Quint**

Mr. Quint advised that copies of the FY2019 FAMPO committee meetings is distributed to members for personal date entry. Mr. Quint stated that 2 things to note in regard to the Policy Committee meetings & these are as follows: no Policy Committee meetings to be held in either August or December. Mr. McLaughlin asked if these off-meeting months have also been coordinated with GWRC. Mr. Quint concurred they have & GWRC will be adhering to the same calendar. Mr. Quint stated the other changes involve the January & February 2019 meeting nights. Mr. Quint stated both 3<sup>rd</sup> Mondays in each respective month fall on a state holiday whereby the office will be closed. Request has been made to conduct the January & February meetings on the 4<sup>th</sup> Monday night. Ms. Millsaps advised that GWRC has approved the change for the January meeting & will vote on the February meeting night at the upcoming January 28<sup>th</sup> meeting. Ms. Millsaps stated it is recommendation from staff that GWRC also concur with meeting on the 4<sup>th</sup> Monday night in February as well.

Upon motion by Mr. Dudenhefer and seconded by Mr. Ross, with all concurring, the changes in the FY2019 meeting calendar were adopted at the December 10<sup>th</sup> FAMPO Policy Committee meeting.

**i.) Approval of Resolution 19-18, Recognizing the Dedicated Service of Nicholas Quint – Mr. Paul Agnello**

Mr. Agnello advised that Mr. Quint will be leaving from his position at FAMPO and will serve as the TDM manager for both student & faculty at Virginia Tech. Mr. Agnello stated that Mr. Quint has been a valuable asset to FAMPO. The Policy Committee thanked Mr. Quint for his service & wished him well on his new job endeavors.

Upon motion by Mr. Kelly and seconded by Mr. Steigerwald, with all concurring, Resolution 19-18 was approved by the FAMPO Policy Committee at the December 10<sup>th</sup> meeting.

**j.) Summary of FAMPO Mission, Activities & Funding – Mr. Paul Agnello**

Mr. Agnello advised a re-cap of FAMPO's Mission, Activities & Funding endeavors was a request from the Policy Committee to staff from the September meeting. The request was to better explain what FAMPO does. Mr. Agnello stated that FAMPO has a mission to provide a cooperative, continuous & comprehensive transportation planning process for regional agreements on transportation investments. Mr. Agnello stated these investments include roadways, public transit,

bike/pedestrian needs and other transportation related needs. Mr. Agnello stated the FAMPO efforts also combine land use, economic development & environmental goals for the safe & efficient movement of people and goods within the region. Mr. Agnello stated that special emphasis is placed on provided equal access to a variety of transportation choices & effectively engage public involvement into a regional transportation planning process.

Mr. Agnello stated that in terms of FAMPO's role in the regional transportation process, FAMPO is the federally designated MPO for the Fredericksburg Metropolitan area & covers the localities of the City of Fredericksburg, Spotsylvania County & Staff County & must approve all federal & regionally significant projects for the MPO as part of its transportation improvement process.

Mr. Agnello stated that FAMPO conducts regional transportation studies such as the I-95 Phase 1 & 2 study that develops the top transportation priorities for better planning with limited transportation dollars that will benefit the entire region. In its role as the MPO, FAMPO is required for satisfying federal MPO requirements & ensure that transportation projects continue to move forward. Lastly, FAMPO is the lead in developing & coordinating local & regional Smart Scale application priorities. Mr. Agnello stated for example, the I-95 widening between Exit 130 & 136 came as result of recommendations from the I-95 Phase 2 highway study that ultimately resulted in it being submitted for consideration & selection in the Round 3 of the Smart Scale process.

Mr. Agnello stated that FAMPO has been successful in working with regional partners to pursue funding for significant projects. Mr. Agnello expressed thanks to the local VDOT District office & to DRPT for their help & assistance in bringing a number of transportation projects/improvements to the region such as the southbound Rappahannock River Crossing project.

Mr. Agnello stated the major activities for FY2019, the number of activities in terms of meeting & complying with new federal regulations, etc. have resulted in a request for MPO's to increase its regulation requirements. With the most recent transportation bill with FAST Act, there were additional requirements imposed; additional Air Quality Conformity requirements to comply with, etc. so FAMPO will need to complete the process again this year. As our plan was submitted last year, the updated plan this year will be a modified one. Mr. Agnello stated staff is beginning work on the 2050 LRTP update which will include a congestion management process that is a new requirement and is to be completed by March of 2019, per the federal regulations.

Mr. Agnello stated the draft of FAMPO deliverables is designed to meet the federal/state requirements and staff is still waiting to see what happens in regard to the selected projects from Round 3 of the Smart Scale application process. Mr. Agnello advised the CTB will be releasing the projects selected, as well as those screened out, by January 15<sup>th</sup> so more information will be provided to the Policy Committee at the January, 2019 meeting. Mr. Agnello stated at this meeting also an update will be provided on what new air quality conformity requirements will need to be completed by the region.

Mr. Agnello stated that in terms of current initiatives, several Round 3 Smart Scale projects were submitted for consideration such as the Spotsylvania County project from VDOT as a result of the STARS study for improvements to Exit 126 to Route 1 to I-95 north; & potential improvements at I-95 in Stafford County with preserving a 4<sup>th</sup> lane widening option for the future.

Mr. Agnello advised that in terms of early 2019 initiatives, staff is planning to discuss the next steps for regional transportation initiatives in regard to potential I-95 improvements, arterial improvements; & potential new I-95 access points.

Mr. Agnello stated there is also likely a surplus of funding available from the Fred Ex project that will be coming to FAMPO & Northern Virginia. Mr. Agnello stated at this time the actual amount of additional funding that will be allocated is unknown & the date for it to be allocated is not stated at this time; however, once it becomes available FAMPO will need to work with the localities & VDOT to develop additional priorities that the funding could be applied too.

Mr. Agnello stated that the majority of funding allocated to FAMPO results in a \$4.9m allocation to the urban areas which is FAMPO's largest financial resource. Mr. Agnello stated that FAMPO also receives minimal rural funding allocations from GWRC which is funding allocated from VDOT for the purpose of planning analysis in both Caroline & King George Counties. Mr. Agnello advised that in September FAMPO will receive disbursement of funds from GWRC dues that are applicable to FAMPO grants from the 3 FAMPO localities.

In terms of current staffing, Mr. Agnello advised FAMPO has had 5 staff members over the last several years & in the past FAMPO actually had 6 full-time positions. Mr. Agnello stated the staffing increase has not kept pace with the funding available.

Mr. Agnello stated the outlook for FAMPO funding for the next 5 years will likely provide different funding types. Mr. Agnello stated that data that is expected from the 2020 census, the RSTP funding source is expected to increase significantly as currently we receive funding only for northern Stafford County and the current census data does not include the entire region. Mr. Agnello stated that it is very likely that the 2020 census data will include the entire region due to the population region-wide in the Northern Virginia RSTP funding allocations.

Mr. Agnello stated the re-authorization transportation bill for FY2021 should also provide an increase to the region from funding allocations. Ms. Shelton asked if the funding also takes into account the FAST Act rescission plan. Mr. Agnello stated it does not & the FAST Act rescission would be something new but will not affect the RSTP funding allocations; however, will affect CMAQ allocations. Mr. Agnello stated that FAMPO does not utilize CMAQ funding and this is a funding source GWRC utilizes.

**k.) FAMPO/GWRC MOU Discussion – Mr. Tim McLaughlin**

Mr. McLaughlin stated the discussion review process of the existing 2013 MOU is beginning on Thursday. Mr. McLaughlin stated the meeting will consist of himself & the FAMPO Administrator & the GWRC chair & GWRC Executive Director. Mr. McLaughlin stated the meeting is to review the 2013 MOU; provide comments, discussion, amendments, etc. that we believe for the future may become part of a revised MOU. Mr. McLaughlin advised the meeting will be held at the GWRC office.

Ms. Parker asked if the document that is included in tonight's agenda packet are the changes that occurred in 2013 or are they the recommended changes for an update to the 2013 MOU. Mr.

McLaughlin stated the signed agreement in tonight's packet is the current & latest MOU that was signed by FAMPO in 2013 & this will be the starting point for new discussion & considerations. Mr. McLaughlin stated that if any committee members have comments, revisions, & a new direction for FAMPO to consider to please let him or FAMPO staff know. Mr. McLaughlin stated the existing MOU is confusing & some statements are unclear so the new revisions will make the MOU explicitly clear so that everyone will know its roles & responsibilities. Mr. McLaughlin stated that all members review the MOU & all members see something different.

Mr. McLaughlin stated the committee of four is going to review the MOU line by line to determine who is responsible to who. For example, in the existing 2013 MOU it stated an employment agreement with the FAMPO Administrator regarding terms of office conditions, employment terms, etc. was to be executed; however, this has not occurred.

Mr. McLaughlin asked Ms. Millsaps if she herself signed an employment agreement. Ms. Millsaps stated no employment agreement is included in any staff personnel files; however, she did sign an employment contract which stated responsibilities, chains of command, office protocol, etc. Mr. McLaughlin tasked Mr. Agnello with drafting an employment agreement for further discussion at the January meeting to be in compliance with the existing 2013 MOU.

Mr. Dudenhefer asked if there is a written legal opinion that has been contracted that can be reviewed based on the interpretation of the existing MOU. Ms. Millsaps stated to date, no written interpretation has been asked for; however, what has been done instead is at various times she, the GWRC committee members, & the GWRC staff have had opportunities to meet with the attorney.

Ms. Millsaps stated the GWRC attorney is on a standard monthly retainer & has been available any time he has been approached. Ms. Millsaps stated there was a scheduled meeting for staff, whereby we had 100% participation, where the existing MOU was explained; the roles/responsibilities covered; & both an open & anonymous question/answer period whereby the attorney answered all questions that had arisen from staff members.

Mr. Dudenhefer stated he has had multiple people tell him "the lawyer says" with varying differences in interpretations so he is inclined to believe that if GWRC has a lawyer on retainer status that it should be mandatory that a written opinion be provided as to what the existing MOU says & does not say.

Mr. McLaughlin stated to Mr. Dudenhefer that before we can get into that, unfortunately FAMPO does not have legal representation & its member body of GWRC is currently utilizing the services of a county attorney within the GWRC region.

Ms. Millsaps advised the attorney GWRC uses is one who represents local governments state-wide. Ms. Millsaps stated he is also currently under contract as the County Attorney in King George County but again reiterated that his role of expertise is representation to local governments state-wide.

Mr. McLaughlin stated that as King George County is a voting member to GWRC, he feels this is a conflict and thinks an independent attorney needs to be hired to remove any undue influence on the county attorney.

Ms. Bohmke asked how we move forward on this request as GWRC currently has a retainer in place & FAMPO currently has no direct representation. Ms. Bohmke asked if we are looking for an attorney to represent both GWRC/FAMPO; are we looking for each board to have its own attorney; etc.

Mr. McLaughlin stated that he was shocked to find out that FAMPO does not & has not had an attorney in the past even though the bulk of financial commitments are voted on & approved by FAMPO & not by GWRC. Mr. McLaughlin stated he was told that he was not authorized to meet with the GWRC attorney.

Mr. Kelly stated that one thing that is not a dispute is that under the terms of the current 2013 MOU, GWRC is an entity established by the State and are incorporated to hire, fire, spend money, etc. Mr. Kelly stated that FAMPO is an advisory board under GWRC. Mr. Dudenhefer stated an advisory board “advises” on how things should go; however, FAMPO actually makes decisions on how money that is allocated gets spent.

Mr. Kelly stated that FAMPO’s role as “advisory” determines how FAMPO will spend its federal dollars; however, still ultimately has to have GWRC and state approval. We are by legal definition an advisory body who cannot hire, fire, etc. & everyone that comes into the office every day is in fact a GWRC employee. Mr. Kelly stated that per the conditions of the existing 2013 MOU, FAMPO has no employees & this is something that can be changed & discussion can occur; but currently the existing MOU is still in place. Mr. Dudenhefer stated his interpretations do not concur with Mr. Kelly’s opinions.

Mr. Dudenhefer states he feels the existing MOU is very specific on what the FAMPO Policy Board can or cannot do & very specifics on who works for us & why. Now do they administratively work for GWRC, yes, they do; so there is no question about this. Does GWRC maintain FAMPO’s books, yes, they do but they also make no decisions on how money is to be spent so they should also be making no decisions on how FAMPO staff is being utilized.

Mr. Kelly stated that he is currently not talking about the MOU but instead he is talking about State law in regard to how organizations are set-up & the reality of these regulations. Mr. Kelly stated he is astounded when he hears from him & Mr. McLaughlin, Mr. Ross, etc. that they do not know what has happened now to cause the conflict as in the past, no conflict existed. Mr. Kelly stated the conflict in place now has been created by FAMPO committee members who have stated that we now want FAMPO to be separated & operate on its own. Mr. Kelly stated that nothing has been done by GWRC to change this process and when Ms. Millsaps was hired, she was hired in a capacity that had nothing to do with transportation.

Mr. McLaughlin stated this is why the meeting on Thursday is the starting point because now there are 11 members with 11 different opinions, so the meeting is designed to make everything crystal clear to determine the purpose/role of each respective board and the different relationships to & from each board.

Mr. Withers asked if we could also contact the State and ask for a written ruling from them so we can have this for review as well to compare with what has verbally been expressed by the GWRC attorney.

Mr. McLaughlin stated these are the unanswered questions & currently there are fundamental differences on the MOU. Mr. McLaughlin stated that before contacting the State, he wants the committee to start with laying everything out on the table & obtain legal opinions & then go from there.

Mr. McLaughlin stated that there is a possibility that FAMPO could go alone or have its fiscal agent become Spotsylvania, the City of Fredericksburg, etc. as opposed to it continuing to operate as GWRC being the fiscal agency. Mr. McLaughlin stated this is just an option that needs to be discussed; however, he feels FAMPO has outgrown its fiscal relationship with GWRC. Mr. McLaughlin stated currently GWRC is having difficulty funding both organizations. Mr. McLaughlin stated that any movements after the start-up meeting on Thursday occur after everything has been laid out for review that no one is opposed to obtaining another legal opinion, state regulations, etc. but at this point there is nothing to bring forward for legal opinions.

Mr. Withers stated he disagrees as it sounds to him that we need legal opinions from the State that stipulates what you can or cannot do and have this become the starting point. Mr. Dudenhefer stated that he does not think this is how legal opinions are provided & that you need to go to them with more specific requests/proposals.

Mr. Withers stated he finds it hard to believe that the State does not already set & established rules, regulations & legal opinions already in place that determines how organizations are formed. Mr. McLaughlin stated there is a process & this information can be relayed as we continue to move forward.

Mr. Withers asked for other MPO's state-wide, are some entities separate? Mr. Agnello stated that nation-wide, there are 25% who are regional organizations; a larger percentage that have localities as the fiscal agent; & another percentage where the entities are independent.

Mr. Withers asked what is the percentage for the State of Virginia. Ms. Millsaps stated there is 1 MPO in Virginia that is independent. Mr. Agnello stated there are 15 MPO's in the State & 11 of these are currently housed within a planning district commission.

Mr. Marshall stated that if what Mr. Kelly says is true about the State law giving GWRC the employee rights over FAMPO, then we definitely need to have discussion on the MOU because the document presented tonight on the power point slide the bottom statement indicates we would be in violation of the State law so the MOU would also be in violation of the State law. Mr. Kelly stated that confusion is occurring about corporate law & an MOU.

Mr. McLaughlin reiterated again that the meeting process is going to begin on Thursday. Current issues will be discussed; the MOU will be reviewed; & legal interpretation will be obtained.

## **CLOSED SESSION**

a.) Approval of Resolution 19-19, Go to Closed Session – Mr. Paul Agnello

Mr. Agnello advised that Resolution 19-19 is for the purpose of the Board going into closed session for the purpose of discussing, consideration, approvals for interviews to candidates for prospective

employment; assignments, appointments, promotions, salaries, discipline or resignation of specific public officers, appointees or employees of FAMPO; specifically, administrator to FAMPO staff assigned by the GWRC Executive Director to carry-out the urban transportation planning programming.

Mr. Kelly stated that currently under the existing 2013 MOU, the FAMPO board does not have the authority to do this. Ms. Bohmke asked on what basis can a request be made to go into closed session. Mr. McLaughlin stated that even Ms. Bohmke expressed concern at a previous meeting when discussion content involved a personnel issue so would we not go into closed session now for discussion of these types of items. Mr. Dudenhefer stated that according to Mr. Kelly's interpretation that FAMPO is only an advisory board so we would not be authorized to make recommendations for hiring, etc. Mr. McLaughlin stated even with the existing MOU in place & that GWRC hires/fires, etc. but that does not limit the FAMPO Policy Committee of having discussions on personnel, salaries, positions, etc. Mr. Ross stated that he has been on the board for a while and closed sessions have occurred in the past so he does not see why there is any contention tonight.

Upon motion by Mr. Dudenhefer & seconded by Mr. Ross, with Ms. Bohmke & Mr. Kelly voting no and all others concurring on a 9 to 2 vote in favor, the December 10<sup>th</sup> Policy Committee approved going into closed session at 8:05 p.m.

b.) Approval of Resolution 19-21, Return to Open Session – Mr. Paul Agnello

Approval at 9:24 p.m. to return to open session was made with motion by Mr. Kelly and seconded by Mr. Steigerwald, with all 11 members concurring, Resolution 19-21 was approved by the Policy Committee at the December 10<sup>th</sup> meeting.

Request to receive approval to hire immediately to fill the position of Mr. Quint's resignation was discussed.

Mr. Kelly made the first motion that the FAMPO Board directs the FAMPO Administrator to work with the GWRC Executive Director to compile a proposal and identify funding for 2 positions to bring the full-time equivalent to 7 positions.

Ms. Shelton seconded that motion

Mr. Ross requested that a substitute second motion be that the Executive Director of FAMPO to bring us up to 7 full-time employees. Mr. Kelly stated that he would not endorse any substitute motion as the whole idea is to work together to bring staff up to 7 full-time employees & to also include the funding needed & the funding allocation source to be used for paying salaries.

Mr. McLaughlin stated that there is a substitute motion on the table, and asked if there was a second to that motion. Mr. Dudenhefer seconded the motion.

Mr. Kelly stated that he will be voting against this second motion and that he wants that in the record. The second motion did not pass.

Mr. Kelly then made a third motion for approval by the FAMPO Policy Committee that the FAMPO Administrator work with Executive Director at GWRC to interview & hire ASAP to replace Mr. Quint's position and for the other positions being requested by FAMPO be brought back for further discussion at the January GWRC/FAMPO meetings. This motion was seconded by Mr. Steigerwald, with all concurring.

**STAFF AND AGENCY REPORTS – None**

**BOARD MEMBER COMMENTS- None**

**ADJOURN FAMPO MEETING/NEXT MEETING, JANUARY 28, 2019** – The December 10, 2018 meeting adjourned at 9:33 p.m. & the next meeting will be on January 28, 2019 at 7:15 p.m.