

**MINUTES**  
**EXECUTIVE BOARD**  
**of the**  
**Nashville Area Metropolitan Planning Organization**  
**January 20, 2010**

Attendees: Mayor Rogers Anderson, Mr. Phil Armor, Mr. Paul Ballard (for Vice-Mayor Diane Neighbors), Mayor Ernest Burgess, Ms. Angie Carrier (for Mayor John Decker), Mr. Ed Cole (for Gov. Phil Bredesen), Mayor Philip Craighead, Mayor Karl Dean, Mayor John Finch, Mayor Scott Foster, Mayor Jo Ann Graves, Mr. Grant Green (for Mayor Ronnie Erwin), County Executive Anthony Holt, Mr. Victor Lay (for Mayor Michael Dinwiddie), Mr. Donn Lovvorn (for Mayor Ken Brisson) Mr. Dana Richardson (for Mayor Tommy Bragg), Mr. Randy Robertson (for Mayor Linda Elam), Mayor John Schroer, Ms. Britta Stein, Mr. Paul Webb (for Mayor Betsy Crossley), Mayor Ken Wilber

**Approve December 16, 2009 Regular Meeting Minutes**

Mayor Ernest Burgess, Chair, opened the meeting at 9:05 a.m. Mayor Jo Ann Graves moved to approve the December 16, 2009 meeting minutes. Mayor Karl Dean seconded and the motion passed unanimously.

**Public Comment**

There was no public comment

**MPO Chair's Report**

▪ MPO Symposiums (1/19 School-Siting, 1/28-29th Complete Streets)

Mr. Michael Skipper, MPO director, said that about 100 people attended the School Siting Symposium on January 19<sup>th</sup> including regional planners, public / private engineers, architects, real estate professionals, school board representatives as well as elected officials. He said that school siting not only means the selection of the site but the continued development around the site to make it more walkable and bikeable.

On January 28 – 29<sup>th</sup> the MPO will be co-hosting with The TMA Group and TDOT the Complete Streets Symposium dedicated to helping the region find tools to make our streets work for all users and serve more than just a transportation purpose but a social and economic purpose as well.

▪ Middle Tennessee Mayors Caucus Meeting – February 4<sup>th</sup>

Mayor Jo Ann Graves, Caucus Chair, said that the Executive Committee met on January 14. She said that on February 4<sup>th</sup> the entire caucus will meet and that Mr. Skipper will be sending out an agenda prior to the meeting. The Caucus is moving forward and that a decision needs to be made as to whether or not to approach the General Assembly this year [with important legislative matters]. The Mayors decided that Nashville was the most convenient place to hold these meetings.

Mr. Skipper said that the MPO will have a press conference immediately following the Caucus to announce the call for projects for the update of the Regional Transportation Plan. He said that afterward the Transit Alliance will meet the same day immediately following the lunch.

Mayor Burgess thanked Mayor Graves for her leadership.

## **2010 Annual Meeting**

### **A. Annual Listing of Federally-Obligated Projects**

Mr. Skipper said that FHWA requires that a listing of federally-obligated projects be presented once a year at the annual meeting. This list is posted on our website [www.nashvillempo.org](http://www.nashvillempo.org)

### **B. Public Comments**

Ms. Luann Brown, Elm Hill Pike, Nashville, TN said that the funding for the Harding Pike extension is not needed even though the land has been condemned and taken. She said that this project has been postponed to a later date and she asked that the funding be completely taken away permanently.

## **Update on ARRA-funded Projects**

Mr. Skipper introduced a letter sent by TDOT to the MPO requesting that all funds be obligation-ready by January 29, 2010 in advance of the March 2, 2010 federal deadline. TDOT has requested that any funding not ready for obligation by that date be released to the TDOT for state-sponsored projects. He said the request reflects TDOT's desire to prevent the loss of ARRA funds for the state and that the deadline was set to allow for the necessary time for TDOT to use any funding allocated to MPO's prior to the March 2 deadline.

Mr. Skipper said that as of today, 78% of the ARRA funds allocated to the MPO will be or are likely to be obligated by the March 2, 2010 deadline. He said that there is a concern for about 22% of the money being obligated by the deadline thus being available for shifting: 1) \$966,337 from Metro Nashville Resurfacing projects (jobs came in under budgeted amount); 2) projects in danger of not meeting the deadline are \$750,000 from Franklin ITS infrastructure, \$959,091 from Hendersonville West Main Street Reconstruction, and \$660,000 from White House Signal Upgrade to Fiber Optics along Hwys 76 and 52; and 3) projects not likely to meet obligation deadline are \$742,041 from Hendersonville Indian Lake Blvd

@ SR-286 Widening, 2) \$482,642 from Hendersonville Walton Ferry Road Resurfacing, and \$452,960 from Portland South Russell Street Resurfacing.

TDOT and the staff are working with these jurisdictions to identify a path to obligation and make them aware of the seriousness of the deadlines. The goal is to not lose any money in this region. He said that in a letter from Commissioner Nicely provides an opportunity for this MPO to allow TDOT to use some of the funding that we can't use on resurfacing projects within the region.

Mr. Ed Cole, TDOT, said that the critical deadline for TDOT to make sure that the money isn't lost is January 29, 2010. This deadline allows the State to do the paperwork ensuring that the funds will be obligated within this region. He said that once TDOT knows the amount of unobligated funds, they have projects ready to go within the same MPO area.

Mr. Paul Degges, TDOT, said that TDOT made the decision to obligate the funds within the same MPO region that the money was originally to be used even though FHWA allows it to go to another MPO area. The most important thing is to make sure that no money is lost for Tennessee. He said that TDOT needs to have the ability to choose which projects get ARRA. He said that the projects will be done this year regardless, so they are ready to go immediately.

Mr. Skipper said that the staff must work quickly and closely with TDOT to find appropriate substitute projects. The reality is that only projects that are already in the TIP can be considered. He said that by the end of Wednesday, January 27<sup>th</sup> the list of substitute projects will be announced.

The Resolution 2010-002 allows Mr. Skipper to work with TDOT to make the final determination of projects.

Mayor Scott Foster asked that TDOT will continue to work with Hendersonville on the two projects listed to get the funds obligated. Mr. Degges said that TDOT will but that Hendersonville needs to be aware that it might not happen.

Mayor Graves said that for sure this region doesn't want to lose any money. She asked how the January 29, 2010 was decided on. She said that she was told by TDOT that February 14, 2010 was the hard deadline. Will there be any forgiveness if the paperwork comes in on February 1<sup>st</sup> or 2<sup>nd</sup>? Mr. Degges said that TDOT needs more than two weeks to do the paperwork. He said that the date won't change but, if they know that the paperwork will be in the office within a day or two, there might be some forgiveness. He apologized for any confusion on the dates.

Mayor Ken Wilber said that he has a project that is waiting on a couple of letters to come in from consultants.

Mayor Dean asked if the Resolution was all that is needed to do what needs to be done. Mr. Cole said that the only concern regarding the proposed resolution is the line in the second to last paragraph ".....on projects deemed by the executive director and TDOT to be ready.....". He said that there doesn't

need to be any disagreements that late, so he would like to have “executive director” taken out of the resolution so TDOT can make the final determinations.

Mr. Cole moved to have “executive director” removed from the sentence prior to adoption of the Resolution 2010-002. Mayor Foster seconded.

Mayor Dean asked if this means that TDOT and the executive director will be working closely together until January 29<sup>th</sup> after which TDOT will have the final determination. Mr. Cole said yes. Mr. Skipper said that given the time line the staff along with TDOT will have already made the determination as to the amount that will be redirected to the TDOT projects. Mayor Rogers Anderson asked if this is the same resolution that all of the other MPOs are considering. Mr. Degges said yes. Mayor Anderson said that by taking out the executive director it seems to say that the MPO isn't a part of this process. County Executive Anthony Holt said that he agrees with Mayor Anderson that the MPO needs a voice in the final decision.

Mr. Cole said that given the complexity of the process there doesn't need to be a disagreement on projects at the deadline. He said that the Board will know exactly what is going on and that the intent is to make sure that the money isn't lost. Thus, TDOT needs to have the authority to make decisions. Mayor Graves asked if there has ever been a time when the executive director (Mr. Skipper) and TDOT hasn't worked well together. She said that she is a little uncomfortable not having Mr. Skipper in on the final decisions. Mr. Cole said that there has been a good working relationship. He said that the authority to make a decision by a certain time is needed by TDOT. Mr. Skipper doesn't anticipate any issues after the January 29<sup>th</sup> deadline. He said that the wording maintained the ability to have an MPO representation in the final decisions. He said that he doesn't have an issue striking the wording.

Mayor Schroer suggested that a Board meeting be scheduled on either January 29<sup>th</sup> or February 1<sup>st</sup> in case Mr. Skipper and TDOT can't come to an agreement. This will keep the control under the MPO. Mr. Skipper said that the gray area is what will be defined as “ready-for-obligation” on January 29<sup>th</sup> given the conversations to-date. That is the difficult part of this process.

Mr. Paul Webb said that there is a sense that the MPO is being shut out of the process. He said that Mayor Schroer's suggestion is a good one. Mr. Phil Armor asked that if there is no resolution, who makes the decision as to the projects on the deadline. Mr. Cole said that there is no question as to the partnership between the MPO and TDOT. If the Board can be available for a meeting to address any issues then that alleviates TDOT's concern to have the decisions made in a timely manner to keep all of the money in the region.

Mr. Cole removed his motion to strike “executive director” from the resolution. Mayor Foster removed his second.

Mayor Schroer moved to amend the Resolution to say that if there is not an agreement by January 29<sup>th</sup>, the Board will meet at 10:00 a.m. to resolve any outstanding issues. The meeting can be canceled by the close of business, January 28<sup>th</sup>. County Executive Holt seconded.

The motion on the amendment passed unanimously. The motion to endorse Resolution 2010-002 as amended passed unanimously.

Information about the federal economic stimulus funds for transportation infrastructure can be found on the MPO's website at: [www.nashvillempo.org/economic\\_recovery.html](http://www.nashvillempo.org/economic_recovery.html)

### **Update on the Rescission of Federal Transportation Funds**

Mr. Skipper said that there was no new information since the December meeting. To recap: with the rescission the MPO was in a hole for \$20 M. After shifting projects to later horizon years, the TIP is now fiscally constrained.

Two prior acts of Congress are the basis for the rescission of funds (SAFETEA-LU 2005 and the Energy Independence and Security Act of 2007).

### **Public Hearing: Endorse Proposed Amendments to FY 08-11 TIP**

Mayor Burgess said that the following amendments to the FY 08-11 TIP have completed a required 21-day public review and comment period. Mayor Burgess opened the public hearing. Mr. Félix Castrodad, MPO staff, said that there had been one email response. It was from Mr. Dave Bordenkircher, 500 Paragon Mills Rd., G-6, Nashville, TN 37211. He "opposes TIP amendments 2010-009, 2010-65-001, and LRTP 6018. He said that he doesn't think that I-65 should be widened in this location and it should not be widened from 4 lanes to 8 lanes." There was no other public comment. Mayor Burgess closed the public hearing.

<b>TIP #</b>	<b>LRTP #</b>	<b>Project Name</b>	<b>Sponsor</b>
2008-45-088	8035	Bldg Acquisition & Renovation	Murfreesboro Public Transportation
99-New-14	8004	Old Nashville Highway	LaVergne
2008-42-017	4026	SR-99	TDOT
2006-009	8028	Music City Star Preventative Maint	RTA
2008-85-091	Consistent	Music City Star Operations	RTA
2009-85-010	8028	Martha Station Construction	RTA
2006-411	1067	ITS- Various Locations	TDOT
6006-417	6018	I-65 Widening SR 840 to SR 96	TDOT
2010-65-001	6018	I-65 Widening SR 248 to SR 96	TDOT
2009-59-022	Consistent	West Main Street Reconstruction	Hendersonville
2009-16-028	Consistent	Sidewalk Maintenance	Metro Nashville
057	1078	Central Pike (SR-265)	Metro Nashville
Various	Various	FY 09 Rescission Amendments	Various

The schedule for adoption is:

- 12/8 - TCC endorsement
- 12/16 - XB endorsement

- 12/18 to 1/11 - Public review and comment period
- 1/6 - First public hearing (TCC)
- **1/20 - Second public hearing / adoption (XB)**

Mayor Graves moved to adopt the amended TIP. Mayor Philip Craighead seconded and the motion passed unanimously.

### **Endorse Proposed Amendments to the FY 2010 UPWP**

Mr. Skipper said that the UPWP serves as the documentation for all of the activities the MPO does throughout the year and acts as the annual budget. He said that the revised FY 2010 Unified Planning Work Program (UPWP) accounts for the rescinded FHWA Metropolitan Planning funds and the acceptance of grant funds from TDOT's Sustainable Communities program. Amendments to the UPWP require a 7-day public review and comment period.

Mr. Paul Ballard moved to endorse the draft amendments for public review and comment. Mayor Dean seconded and the motion passed unanimously.

*Complete versions of the adopted UPWP and the proposed amendment is available at the MPO website.*

The schedule for adoption is:

- 1/6 - TCC endorsement
- **1/20 - XB endorsement**
- 1/22 to 2/2 - Public review and comment period
- 2/3 - First public hearing (TCC)
- 2/17 - Second public hearing / adoption (XB)

### **Call for Projects for FY 2011-2014 TIP and 2035 Regional Transportation Plan**

Mr. Skipper said that the staff is asking the MPO Executive Board to officially request from local governments, the general public, and private-sector organizations projects to be considered for funding and inclusion in the FYs 2011 Transportation Improvement Program and 2035 Regional Transportation Plan. He said that on February 4, 2010 there will be a press conference to announce a call for projects. On May 19<sup>th</sup>, a draft plan will be presented to the Board with three scenarios for investing in the future. On May 26 the same draft plan will be unveiled at the Annual Convening of the Region Summit with the Mayors Caucus and CRT.

On July 21<sup>st</sup>, the Board will be asked to endorse the preferred investment strategy. The Plan will then go to TDOT and FHWA for review and also out to the public for public review and comment.

Mayor Anderson moved to endorse the call for projects. Mr. Webb seconded and the motion passed unanimously.

### **Elect 2010 MPO Officers**

Chairman Burgess said that Mayor Philip Craighead, Mayor Kenneth Wilber, and Mr. Dana Richardson made up the nominating committee. Mr. Richardson said that the slate for 2010 is Mayor Karl Dean for Chair and Mayor Rogers Anderson for Vice-Chair. Mr. Richardson moved to accept the slate as presented. Mayor Schroer seconded and the slate was elected unanimously.

### **MPO Director's Report**

Mr. Skipper said that he was proud of the staff for the job done on the School Siting Symposium.

He also thanked Mayor Burgess for his service during the past two years. He presented the Mayor with a plaque. Mayor Burgess received a round of applause.

Mayor Dean also thanked Mayor Burgess for the work he has done.

Mayor Anderson asked if a conference call can be done instead of an actual meeting on January 29<sup>th</sup>. Mr. Skipper said he didn't think so. Mayor Dean said he did not think that State law allowed it.

With no further business, the meeting was adjourned at 10:20 a.m.

Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Ernest Burgess  
Chairman, MPO Executive Board

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Michael Skipper, MPO Director  
Secretary, Executive Board