

**Madison Area Metropolitan Planning Organization (MPO)
February 1, 2006 Meeting Minutes**

1. Roll Call

Members present: Eileen Bruskewitz, Corey Finkelmeyer, Ken Golden, David Kluesner, Lisa MacKinnon, Al Matano, Chan Stroman, John Vesperman, Robbie Webber, Doug Zwank

Members absent: Laura Rose

Staff present: Bob McDonald, Bob Pike, Bill Schaefer, Dan Seidensticker

2. Approval of the January 4, 2005 Meeting Minutes

Moved by Matano, seconded by Stroman, to approve January meeting minutes. Motion carried.

3. Communications

- Letter from Sandra Beaupre, WisDOT Planning Director, approving the 2006 MPO work program and authorizing use of FHWA funds. McDonald noted that the MPO typically receives approval for the FTA funds later in the year.
- Letter from James Voss, Assistant Attorney, City of Madison, regarding the structure of the MPO Policy Board.

4. Public Comment (for items not on MPO Agenda)

None.

5. Election of Vice-Chair

Webber nominated Matano. MacKinnon moved, Webber seconded, to elect Matano as vice-chair. Motion carried.

6. Consideration of Appointments

- North Mendota Parkway Implementation Oversight Committee: Kluesner volunteered to serve on the committee. Golden nominated him and the Board approved the appointment.
- Transportation 2020 Implementation Task Force: Matano volunteered to serve on the committee. Golden nominated him and the Board approved the appointment.

7. Review of Current Local and Regional Transportation Issues by Local Officials in the Greater Middleton /Waunakee Area

McDonald welcomed everyone and said this was an outreach meeting set up to seek input on local and regional transportation issues in the area. He noted that the MPO was in the process of updating the regional long-range transportation plan. Golden added that the former Regional Planning Commission had used outreach meetings successfully to focus on issues in each area of the county, and he had suggested the MPO hold such meetings. Golden then invited the registrants to speak.

John Laubmeier, 807 John St, Waunakee, representing the Village of Waunakee. Mr. Laubmeier said the traffic issues in the area are serious and growing worse. Village officials are frustrated with how long it is taking to get the North Mendota Parkway agreement completed and the process moving forward. He hoped some of the politics could be removed and the agreement completed soon. Golden commented that while the MPO Board is represented on the North Mendota Parkway Implementation Committee, the county and the involved municipal governments are leading the effort. McDonald

added that the Board's major role with respect to the project is whether it gets included in the long-range plan. Federally funded or regionally significant projects such as this one must be in the plan in order to be eligible for funding. In the current plan, which was adopted in 1997, the North Mendota Parkway project was only included as a study, not as a recommended project.

Samuel Friedman, 1068 Adams St., #2, Madison, representing himself. He said he relies on the bus for transportation and there is a need for better bus service, particularly during non-peak times. Large parts of the metropolitan area don't have any bus service. Some of those that do, such as Middleton, don't have weekend service. This limits where he can go, and he thinks businesses can benefit from bus service to their stores.

Tom Wilson, 5387 Mary Lake Rd, Westport, representing the Town of Westport. He said the North Mendota Parkway is the biggest transportation issue for the Town Board, and urged the MPO Board to include it in the updated long-range plan. He said the project would help funnel development toward the town center area and thereby help the Town preserve agricultural and open space areas. Golden asked about the town's position on access to the proposed parkway and the relation of those to the town center. Wilson replied that the town was looking at having at least one connection in addition to the likely interchange at STH 113 and CTH M. Wilson agreed that the location of the access points should support their plan to concentrate development in the town center area.

Mark Opitz, 7426 Hubbard Ave, Assistant Planner, City of Middleton, representing City of Middleton. Using some maps and slides, Opitz reviewed current transportation issues in the city. He reviewed the bus routes serving the city, which are oriented to serving downtown commuters and West Towne. The problem is the lack of service connecting the residential areas outside of the University Avenue corridor with the employment areas west of USH 12. To remedy this, the city has been working with Metro staff to plan a coordinated transfer point and the tentative location selected is at the intersection of Branch Street and University Avenue. There is also interest in expanding bus service to the city's Airport Business Park where there has been quite a bit of development recently. Zwank added that the Village of Cross Plains is also evaluating bus service to the potential Middleton Transfer Point. Matano mentioned the idea of a north-south circulator route west of the Beltline discussed as part of the discussion on the Pioneer Neighborhood Development Plan, which would help Middleton. Opitz responded that the route that has been identified with Metro would serve this function.

Regarding bicycle transportation, Opitz presented a map showing the recently completed trail system all the way around the Pheasant Branch Conservancy, which connects the northeast neighborhoods to the signalized intersection at Branch Street and Century Avenue. A series of bridges are planned for five creek crossings on the Pheasant Branch Creek Trail. In addition, a short path segment and underpass of existing USH 12 is planned for construction this year. Once completed, the trail system will connect all the way west to the business park and athletic fields with few street crossings. The city is also incorporating bike lanes as roads are reconstructed, such as Airport Road. Opitz next mentioned the municipal airport, which was recently improved with a 4,000 foot runway. There is already a waiting list for the addition of hangers at the airport. Regarding roadways, Opitz mentioned the importance to the city of the North Mendota Parkway and the planned improvements to Pleasant View Road, including the extension over to CTH M. He said improvements to the Pleasant View Road/USH 14 intersection would be needed in the future. Matano asked if there have been any discussions about USH 14 between Cross Plains and Middleton. Vesperman replied that it is a potential major study. Opitz added that the city has been planning for and accommodating potential passenger rail service as part of development of the Greenway Center and redevelopment of the downtown.

8. U.S. Department of Transportation (USDOT) Report on Re-certification of the Madison Area MPO as the MPO for the Madison Urban Area

Dwight McComb with the Federal Highway Administration (FHWA) regional office provided a preliminary report focusing on the MPO Board structure issue, which has taken up most of their time. McComb stated that they had hoped to be able to present their complete final report, however two issues came up in discussions with FHWA headquarters that will require additional time to resolve. In investigating the statutes and requirements for MPOs, he said it was unclear how the current structure of representation for the Madison Area MPO was arrived at, since it doesn't appear to be in compliance with Federal requirements. He said they were deliberate in their approach to this issue and conducted an exhaustive research, because of its sensitive nature and their concern about the impact on efforts to complete the long-range plan update. McComb then reviewed the Federal requirements and history of changes since ISTEA, which emphasized planning and addressed the structure of MPOs for the first time. ISTEA stated that MPOs in urban areas over 200,000 population "shall include" local elected officials, those who operate or administer major modes of transportation, and appropriate state officials. Federal rules adopted in 1993 to implement ISTEA further stated that where appropriate existing MPOs should increase representation of local elected officials on the policy board and other committees as a means of encouraging greater involvement in the MPO. He pointed out the theme throughout the regulations of an emphasis on increasing the direct participation of local elected officials in the decision making process of the MPO. TEA-21, the ISTEA reauthorization bill, was adopted in 1998 and changed the "shall include" wording in ISTEA to "shall consist of," which is more limiting in terms of the MPO policy board context. The Madison Area MPO was re-designated in 1999 and thus is clearly subject to the provisions of TEA-21. A 2002 rulemaking to implement TEA-21 was very controversial and ended up being withdrawn, so we're left with just the statutory language.

McComb said there is not much documented history of the decision making that led to the structure of this policy board. He said it is possible the decision makers were looking at the ISTEA planning regulations rather than the TEA-21 statute. Key issues that they identified in their research are the phrases "elected officials" and "appropriate representation." The two attributes that elected officials bring are authority, both the authority to act on behalf of their local jurisdictions and regional decision making, as well as the authority to get those decisions implemented within their jurisdiction. The second major attribute is accountability to the electorate for their decisions. Regarding appropriate representation, he said residency does not make for representation. The emphasis on increasing the involvement of local elected officials suggests an opportunity for all jurisdictions to participate in the MPO process. A more reasonable and manageable representative form of body like Madison has is not prohibited by the statute or regulations, provided that appropriate representation is provided. He said FHWA's conclusion is that representatives for a grouping of communities must be selected by the chief elected officials of those communities to ensure the appropriate representation and accountability.

To summarize, he said the FHWA finds that the structure of the Madison Area MPO policy board is not compliant with Federal requirements. McComb said he hoped the board could see this given the clear language of the TEA-21 statute. In terms of things that need to be addressed in restructuring the board, all local government jurisdictions within the Madison MPO planning area must be appropriately represented on the policy board. Policy board members representing the local government jurisdictions within the area must be elected officials from the corresponding local governments within the area. Policy board members representing a local government jurisdiction or collective group of local jurisdictions must be selected by the elected officials of the local government jurisdictions they represent. The policy board must explicitly provide representation for officials of Metro Transit and the Dane County Airport. There's a clear prominence that's indicated for those groups in the statute, and while there may a circuitous connection in representation on the current board, it certainly doesn't give it the prominence that the statute seems to intend. Finally, the decision-making authority on the MPO policy board must reside with the three groups of officials that the statute specifically identifies. He added that FHWA headquarters has advised them that a full re-designation is required to change the

structure of the board because the agreement is so specific regarding the issue. However, the process that the board has followed in seeking local jurisdiction approval for the amended structure is about 90% of what a re-designation would involve anyway. It only lacks the signature of the Governor. McComb recommended that consideration be given to revising the re-designation agreement to allow the policy board structure to be changed outside of the agreement itself, so that future changes to the structure could be accommodated without a formal re-designation. Finally, the issue yet to be resolved is the schedule for the implementation of the corrections as well as the consequences for failure to do so in a timely manner. McComb said in talking with McDonald and amongst his colleagues, the tentative schedule they've identified is that a revised structure would need to be adopted within six months of the final edition of the certification review report, and that the membership of the board would be transitioned to the new structure by May 2007. McDonald noted that the MPO Board appointments are staggered and expire in April of each year. Hopefully that would allow a full transition to a compliant structure by May 2007. Regarding consequences, McComb said FHWA headquarters advised them they need to confer with the Federal Transit Administration (FTA) regional office. That is the next step. He said the board deserves to know what are the consequences of failure to meet the schedule for correcting the policy board.

Zwank asked about the range of consequences. McComb replied that they would basically be funding sanctions, from sanctions on the funding that goes to the MPO to potentially sanctioning the improvement funding that comes to the area. Finkelmeyer asked if the phrase "direct representation" was being interpreted literally. He doesn't see it in the language. With direct representation, a weighted voting system would be needed. McComb responded that there is more than one elected official in Madison, for example, the alders. However, a citizen appointment could not represent the elected official. Golden said he disagreed with the statement that local elected officials have the authority to represent their local jurisdictions on the MPO Board. As an alder, he cannot speak on behalf of the City of Madison without a resolution being passed. McComb responded that in reading the statute and rules, he thinks it was intended for the chief elected official to serve on the board, however he thinks there is flexibility to include any elected official. Golden responded that if that is the case, he thinks there is other flexibility. Golden then asked about the appeal process. McComb said the findings could be appealed through the FHWA regional administrator. Golden asked for a description, in writing, of that appeal process. Webber said that with Wisconsin's very fractured jurisdictional makeup, one could argue that the county should be able to act on behalf of individual local jurisdictions, especially given the extensive county highway system. McComb responded that the rules are silent on what role a county or a broader form of government would have beyond the requirement that state departments of transportation be represented. Webber said it seemed county officials would be better able to implement major transportation projects that might involve Federal funding. Finkelmeyer asked if this was being interpreted in the same way nationwide, and McComb responded that was why they checked with FHWA headquarters.

Asked how close FHWA was to having the report completed, McComb responded that they just need to confer on the consequences issue, get a final sign-off on the letter from the FHWA and FTA regional administrators, and then do a final run through headquarters to make sure that any changes they've identified need to be made are consistent with their perspectives. He hopes it can be done in another month. The discussion continued and McComb was asked if he could gather and share information with the Board on how other MPOs are structured to represent the central city. Is a weighted voted structure typically used? McComb said he would see if headquarters had any examples of MPOs deemed compliant with the TEA-21 requirements. McComb said some Wisconsin MPOs do use a weighted voting structure. Asked if the MPO structure for the Milwaukee area preceded the Federal requirements, McComb said yes that they are grand fathered in. Golden asked if it would be appropriate for Metro to name a member of Madison's Transit Commission, who may or may not be an elected official, to represent Metro. McComb said he thought that would meet the requirement of a Metro "official", but would need to check that.

Golden suggested that the board meet with legal counsel at the next meeting, potentially in closed session, to discuss how to respond to the finding of non-compliance. He also suggested that staff write two letters on the board's behalf, the first to the sponsoring communities to report on the issue and solicit advice, and the second to our Congressional delegation expressing our concern regarding this Federal mandate.

9. Consideration of Rescinding Action Approving Agreement Revising the Composition of the Madison Area MPO Board.

Golden said that the Board does not have signatures from local units of government accounting for 75% of the MPO area population and is unlikely to get them. McDonald agreed. He then suggested someone make a motion to rescind the Board's previous action. Rather than trying to decide on a new structure, Board members could then comment on the issue and where they stand. Everyone agreed.

Bruskewitz moved, Zwank seconded, to rescind the previous action by the Board revising the composition of the Board. Motion carried unanimously.

Golden began the discussion by saying he thinks that the City of Madison has established a position that proportional representation is important, based upon the history of the removal of the MPO function from the RPC and re-designation of the new MPO. The City pursued this course of action, because it felt underrepresented on the RPC. He also thinks that having a WisDOT representative on the Board has been good. WisDOT has often abstained from controversial issues involving state projects, so he thinks to some extent that reduces the problems associated with having an even number of members. He thinks the County airport should be represented and it should be a member of the airport board. He's comfortable with the County having three representatives. While he would prefer a smaller board, he thinks it is worth having a bigger board if it makes it easier to come to agreement on the representation issues. He suggested a 14-member board with six Madison representatives, three small cities and villages, one towns, three County, and WisDOT with one of the City of Madison's representatives a Metro representative. Webber said that his suggestion was reasonable. After getting clarification from Golden regarding his proposal, Kluesner said he thought it was reasonable. Finkelmeyer commented that the County Executive, as the one truly regional governing office, would want to maintain her representation on the board and he isn't concerned about the board size but rather having the appropriate representation. Zwank said he liked Golden's suggestion, because it does add an additional small cities and villages representative. Zwank said that if we have to designate elected officials, it will be more difficult to fill the appointments because of people's time constraints. Matano said he thought we had an agreement to shift representation and is disappointed that it fell apart. He thought Euclide had articulately stated that there are issues beyond raw populations numbers. He thought the structure was fair to begin with. MacKinnon said she agreed with Matano that the major issue now is the elected official one raised by FHWA. She thought the County would agree to adding a small city and village representative to bring the Board to twelve. With the County being a regional body, she feels we're really going to have to focus on the Federal issue. Vesperman urged that only a few options be developed and that the Board resolve the issue as soon as possible. He said that he agreed with Golden that representation should be proportional to population. He thinks that the biggest issue is addressing the elected official issue raised by FHWA and he has serious reservations about that. Bruskewitz said it was important to consider what FHWA had said and the issues Golden brought up. She thinks that there is some value to having Board members "being connected" as elected officials. She doesn't have a problem with a larger board or having an even number. Stroman said she likes the proportional representation idea and the numbers as laid out by Golden seemed very logical. She said the biggest issue is the elected official one, and she doesn't think elected officials necessarily confer accountability. However, she thinks that whatever the resolution of the elected official issue is, she would support a requirement of a direct connection between a city appointed member and involvement by profession or other appointment with the transportation field. Webber added that she doesn't think an agreement could be worked out without adding to the number of Board members.

Golden concluded that the Board should discuss options in great detail next time and now that we know where everyone is coming from try to limit the discussion to the few options before us.

10. Review of Partial Draft Pedestrian Transportation Section for the Regional Transportation Plan Update

Deferred.

11. Continued Review of Preliminary Results from the New Regional Travel Demand Model for the Regional Transportation Plan Update

Deferred.

12. Status Report by MPO Board Members on Projects Potentially Involving the MPO

Deferred.

13. Discussion of Future Work Items

Deferred.

14. Announcements and Schedule of Future Meetings

Deferred.

15. Adjournment