



**CHARLOTTE COUNTY – PUNTA GORDA
METROPOLITAN PLANNING ORGANIZATION**

MINUTES OF THE SPECIAL MPO BOARD MEETING, JULY 26, 2016
MURDOCK ADMINISTRATIVE BUILDING
18500 MURDOCK CIRCLE, ROOM #119
PORT CHARLOTTE FL 33948

MEMBERS PRESENT

Commissioner Christopher Constance, Charlotte County Commissioner
Commissioner Stephen R. Deutsch, Charlotte County Commissioner
Commissioner Ken Doherty, Charlotte County Commissioner
Commissioner James Herston, Charlotte County Airport Authority)
Councilmember Tom Cavanaugh, Punta Gorda City Council

ADVISORY

Derek Burr, FDOT (alternate for Billy Hattaway, FDOT District One Secretary)

STAFF PRESENT

Bob Herrington, MPO Director
Gary Harrell, MPO Principal Planner
Laks Gurrum, Planner II
Wendy Scott, Planner II
Bekie Leslie, Administrative Services Coordinator

OTHERS PRESENT

Cody Vaughn-Birch, Assistant Charlotte County Attorney (MPO Legal Services)
Lori Carlton, FDOT
Venkat Vattikuti, TAC Vice Chair/Charlotte County Public Works
K. Stephen Carter, BPAC Chair
Brian Gleason, Charlotte County PIO
Emily Lewis, Charlotte County Legislative Manager
Matt Trepal, Charlotte County Community Development
Pam Barr, Charlotte County Budget and Administrative Department
Don Scott, Lee County MPO Director

1. Call to Order & Roll Call

MPO Chair Christopher Constance called the meeting to order at 4:00 p.m. The Chair noted for the record that all members were present.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Public Comments on Agenda Items

There were no public comments on the agenda item.

4. Discussion and Comment on U.S. Department of Transportation Notice of Proposed Rulemaking (NPRM) on Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform in the Federal Register

Bob Herrington thanked the MPO Board members for attending the special meeting. He gave a PowerPoint presentation on the U.S. Department of Transportation (USDOT) Notice of Proposed Rulemaking (NPRM) on Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform, as recently published in the Federal Register (23 CFR Part 450). Information may be found here: <https://www.federalregister.gov/articles/2016/06/27/2016-14854/metropolitanplanning-organization-coordination-and-planning-area-reform>. The deadline for comments on this proposed rule change is August 26, 2016. Given that the next regularly scheduled MPO Board Meeting will be held on August 29, 2016, MPO Chair Constance requested that the Special Meeting be convened.

Bob Herrington described how the proposed rule change could impact the entire region's urbanized Metropolitan Planning Area (MPA) which is shared by three MPOs (Charlotte County-Punta Gorda, Sarasota/Manatee and Lee County). He outlined three organizational options to meet the rule's requirements:

- Multiple MPOs within a single MPA must merge, or
- Multiple MPOs may serve a single MPA if warranted by the size and complexity of the MPA. This must be agreed upon by the MPOs and the Governor, or
- Request permission to revise the planning boundaries to be similar to the County boundaries

Mr. Herrington provided a map of the Charlotte County-Punta Gorda MPO Urbanized/Planning Area Boundaries which reflected the MPA's areas of spillover across various county boundaries. He noted that even if multiple MPOs were allowed in the MPA, single deliverable products (such as one Transportation Improvement Program, a single Long Range Transportation Plan and one set of performance targets) would be required. The proposed change raises the question of who decides which MPO will receive top priority for transportation projects. He noted that the regulation also requires a current planning agreement that includes a dispute resolution process and coordination on analyses within the MPA.

Bob Herrington provided MPO Board members with the Florida Metropolitan Planning Organization Advisory Council (MPOAC) comments regarding the proposed regulation changes. He noted that Commissioner James Herston is the representative to this statewide organization. He stated that new MPO Board memberships could be triggered by the proposed regulation. He described how the Sarasota/Manatee MPO has 17 Board members and the Lee County MPO has 18 Board members, so under Florida statute, any mergers would mean that some representative positions would be eliminated. He provided a list showing that 142 of 409 MPOs in the nation and 22 of 27 MPOs in Florida will be impacted by the proposed regulation.

Bob Herrington requested that the MPO Board members provide him with comments which would be consolidated into a letter to the docket reflecting the MPO Board's position on the issue.

Commissioner Constance stated that he was sad to see that there is a "regulation.gov" website.

Commissioner Deutsch noted that much to its credit, historically, no MPO has demonstrated a better attitude toward achieving regionalization. He cited examples of cooperation on project prioritization with the Lee County MPO on Burnt Store Road and the Sarasota/Manatee MPO on River Road. He stated that the combining of this MPO with others would be a tragic mistake, given the three distinct communities. He noted that the regulation is in direct opposition to the purpose of what MPOs are all about in regard to planning for local communities. He said that supporting any change to the current MPO composition disenfranchises Charlotte County citizens.

Commissioner Constance noted that the MPO has avoided consolidation attempts in the past. He stated that based upon regional population, the Charlotte County-Punta Gorda MPO will always be last to sit at the table under the proposal.

Commissioner Doherty echoed Commissioner Deutsch's remarks. He noted that the current MPO was adequately structured. He characterized the situation as being similar to an issue that the County had encountered regarding federal Environmental Protection Agency (EPA) regulations on water issues, where legal action was necessitated. He noted that the MPOAC questions whether the USDOT even has the legal authority to propose these changes. He also commended the joint letter issued by the Association of Metropolitan Planning Organizations (AMPO) and the American Association of State Highway and Transportation Officials (AASHTO) which requested a comment period extension for the proposed rule to at least 120 days. He stated that he was not pleased at all with the proposed changes.

Bob Herrington noted that the MPOAC comments have been provided to the MPOAC attorney for review. He stated that the issue of appropriate MPO placement has been a question since the start of the Charlotte County-Punta Gorda MPO. With each subsequent census, it has been readdressed with the Governor. Commissioner Doherty asked (since all MPOs have weighed in against the proposed regulatory change) when might the issue be turned over to Florida Attorney General Pam Bondi for a proper legal course of action. Bob Herrington stated that the matter would have to be researched and ultimately, the Attorney General is likely to become involved.

Bob Herrington discussed the argument made as to the reason why MPOs were created which was to ensure that local citizens have input into transportation decision making.

Councilmember Cavanaugh expressed concern on behalf of the City of Punta Gorda. He noted that the City's programs quickly would be overshadowed by larger entities. He stated that he would be happy with leaving the MPO Board as it is currently structured.

Commissioner Constance noted that the MPO Board members were expressing similar concerns. He stated that Charlotte County's federal lobbyist is already working on a letter on this matter on behalf of the County. Bob Herrington urged caution on the matter given restrictions on lobbying by MPOs. Commissioner Constance clarified that a letter also should be written by MPO staff on behalf of the MPO Board.

Commissioner Herston stated that he had polled the MPOAC director for his thoughts at the last MPOAC meeting, noting that the state of Florida is the model for MPO functioning. His source did not think that it was likely that Florida MPOs would be earmarked in this process. Commissioner Constance noted that there could always be unintended consequences to this action. Commissioner Herston agreed and stated that a letter of opposition would be forthcoming from the MPOAC.

Commissioner Deutsch noted that both the MPO Board and the Charlotte County Board of County Commissioners (BCC) are in opposition to the proposed regulatory change.

Commissioner Deutsch made a motion for the MPO Chair to send a letter to USDOT and FDOT officials expressing the MPO Board's concerns with the U.S. Department of Transportation (USDOT) Notice of Proposed Rulemaking (NPRM) on Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform, as recently published in the Federal Register (23 CFR Part 450). Commissioner Doherty seconded the motion.

Commissioner Constance requested that the MPO Board representatives from the City of Punta Gorda and the Charlotte County Airport Authority bring this matter to their respective boards' attention to consider developing additional letters on the matter. Bob Herrington stated that he would draft the letter and share it with the MPO Board members and their respective governing bodies.

Commissioner Constance reiterated that the MPO Board had been regional, collaborative, and cooperative as good stewards for this region. He stated, "Don't fix it, if it's not broken." He characterized the proposed rule change as "upper level management is meddling with things that should be locally controlled," and recommended not taking a broad stroke where there have been no problems. Bob Herrington cited examples of regions on Florida's east coast in the area of Palm Beach, Broward and Miami Dade Counties, as well as locations in Pennsylvania, New Jersey and New York where urbanized areas frequently spill across states lines. He noted that overall Florida is a showplace for regional planning. He stated that there are already Interlocal Agreements and dispute resolution policies in place with both the Sarasota/Manatee MPO and the Lee County MPO. Commissioner Constance noted that Florida is unique compared to other denser regions nationally and knows better what is needed locally.

Commissioner Constance received unanimous approval of the motion to send the letter to the appropriate state and federal officials and provide copies of it to the governing bodies represented on the MPO.

5. Public Comments

There were no public comments.

6. Staff Comments

There were no staff comments.

7. Member Comments

There were no staff comments.

8. Adjournment

Commissioner Constance thanked the MPO Board Members and the FDOT staff for attending the ad hoc meeting. There being no further business, the meeting was adjourned at 4:24 P.M. The next scheduled meeting of the MPO Board will be held on Monday, August 29, 2016.