

RICHMOND REGIONAL PLANNING DISTRICT COMMISSION
Minutes of Meeting
November 10, 2011

Members/Alternates Present

Chris W. Archer (M).....County of Henrico
L. Ray Ashworth (M).....City of Richmond
Willie L. Bennett (M)County of Henrico
Malvern R. “Rudy” Butler (M), Secretary.....County of Goochland
Douglas G. Conner (M)City of Richmond
Robert R. Cosby (M).....County of Powhatan
Timothy W. Cotman (M) County of Charles City
Evan Fabricant (M).....County of Hanover
Richard W. Glover (M).....County of Henrico
John E. Gordon (M), Treasurer.....County of Hanover
Kathy C. Graziano (M)City of Richmond
Russell J. Gulley (M)County of Chesterfield
James M. Holland (M)County of Chesterfield
David A. Kaechele (M).....County of Henrico
Patricia S. O’Bannon (M)County of Henrico
C. Harold Padgett (M).....County of Hanover
Edward W. Pollard (M)..... County of New Kent
Faye O. Prichard (M), Vice Chairman.....Town of Ashland
Robert R. Setliff (M).....County of Hanover
Randall R. Silber (A)County of Henrico
Frank J. Thornton (M).....County of Henrico
Stran L. Trout (M), Chairman..... County of New Kent
Arthur S. Warren (M)County of Chesterfield
Deborah B. Winans (A)County of Hanover

Members Absent

Richard Ayers (M)County of Powhatan
James D. Crews (M)County of Goochland
James B. Donati (M).....County of Henrico
Marleen K. Durfee (M).....County of Chesterfield
Daniel A. Gecker (M)County of Chesterfield
Dorothy Jaeckle (M)County of Chesterfield
E. Martin Jewell (M).....City of Richmond
Lynn McAteer (M).....City of Richmond
Charles R. Samuels (M).....City of Richmond
Millard D. Stith (M).....County of Chesterfield
Joseph B. Walton (M)County of Powhatan

Others Present

John Amos RRPDC Legal Counsel
Ashley Gates Citizen, Chesterfield County
Jan Hatcher..... Partnership for Smarter Growth
Parker Mills.....Branscome

Staff Present

Robert A. Crum, Jr..... Executive Director
Jo A. EvansAssistant Executive Director
Julie H. Fry..... Executive Secretary
Sulabh AryalAssociate Planner
Anne Darby.....Associate Planner
Jacob Epstein Intern
Chuck Gates Communications Coordinator
Barbara JacocksPrincipal Planner
Jin Lee.....Senior Planner
Daniel N. LysyDirector, Transportation
Kathy Robins Senior Planner/UASI
Greta RyanData Analyst
Jackie StewartDirector, Planning
Peter Sweetland.....Finance and Contracts Manager
Lee YoltonPrincipal Planner

Call to Order

Chairman Trout called the regularly scheduled November 10, 2011 RRPDC meeting to order at approximately 1:05 p.m. in the RRPDC board room. He then led members in the pledge of allegiance to the flag.

I. ADMINISTRATION

A. Certification by Commission Executive Director of Meeting Quorum

Mr. Crum certified that a quorum of members was present.

B. Requests for Additions or Changes in Order of Business

Chairman Trout asked if there were any additions or changes to be made to the agenda. There were no requests to change the agenda, and the Consent Agenda was accepted as presented.

C. Open Public Comment Period

Chairman Trout asked if there was anyone from the public in attendance who wished to make a comment to members of the Commission. He reminded speakers that their time is limited to three minutes. As there were no requests from the public to address the Commission, the Chairman closed the public comment period.

D. Chairman's Report

Chairman Trout briefly reviewed the outcome of local elections held earlier this week and noted there will be several new members on the Executive Committee and RRPDC Board as a result of the elections.

E. Executive Director's Report

Mr. Crum brought the members' attention to the monthly staff activity report, which is included in the agenda book under Tab 1, and details work being advanced by staff on behalf of the localities. He said staff will be happy to address any questions on what is included in the report.

Mr. Crum reported that the response to invitations to participate on the Economic Development Strategy steering committee has been positive. He reminded Commission members that the membership composition of this committee had been approved by Commission during last month's meeting. Mr. Crum said staff is looking forward to beginning this effort.

Last month RRPDC staff helped coordinate a webinar with WCVE television in cooperation with Leadership Metro Richmond (LMR). The webinar is entitled "Increasing Awareness for Individuals with disABILITIES." Mr. Crum said the webinar was created to kick-off an awareness campaign to make the community aware of the challenges and issues people with disabilities deal with every day. The panel included members of the MPO's Elderly and Disabled Advisory Committee. A link to the webinar will be placed on the RRPDC website. The link will also be emailed out to all RRPDC partners with a request to place it on their websites if possible. Mr. Crum said the webinar is about 25 minutes long, and he encouraged everyone to watch it.

Mr. Crum reported that next week, a second webinar with LMR will be taped at the WCVE studios. This webinar will promote awareness about the Long Range Transportation Plan update. Barbara Nelson will participate on the panel. Mr. Crum said this is a great opportunity for RRPDC to reach out to engage the community in work the agency is doing.

Mr. Crum noted that there will be a transition on the Commission Board in January as a result of the local elections. During last month's meeting, members

took action to cancel the February meeting and to meet in January instead. Mr. Crum said this was discussed with members of the Executive Committee and Mr. Amos (RRPDC legal counsel). There will be ten new members coming onto the Board in January which will require staff to work with the jurisdictions' managers and administrators to determine timing for appointments of replacements in January. Mr. Crum said meeting dates for the localities range from the beginning of January through the end of January. Mr. Crum said a recommendation will be brought to the Commission next month on how to proceed with regard to the January meeting. He said for now, the meeting in January will remain as set for Thursday, January 12, but this is subject to change.

II. CONSENT AGENDA

Chairman Trout said the Executive Committee has recommended approval of the items listed on the Consent Agenda:

- A. Approval of Minutes – October 13, 2011 Meeting**
- B. Approval of the September 2011 Financial Report**

Chairman Trout asked if anyone wished to have either of these items pulled from the Consent Agenda for additional discussion.

As there were no requests for discussion on the items, on motion made by Ms. Graziano and seconded by Mr. Butler, the Consent Agenda items were approved unanimously as presented.

III. OLD BUSINESS

There was no old business to bring before the Commission members.

IV. NEW BUSINESS

A. 2012 Legislative Agenda

Chairman Trout asked Mr. Gates to lead the discussion on this agenda item.

Mr. Gates brought members' attention to Tab 4 of the agenda book to use as reference during the discussion. He said he would briefly review recent legislative news in addition to the legislative agenda purpose and process, the sections of the recommended agenda, followed by discussions on the legislative priorities and legislative positions. Mr. Gates said once the review is completed, he will go over the future legislative agenda schedule.

Mr. Gates pointed out that the legislative priorities are those requested action issues that will be taken to the General Assembly. The legislative positions will serve as a guide for staff.

Mr. Gates announced that a new member has been appointed to the Commonwealth Transportation Board to represent the Richmond District. The new member is Mr. Roger Cole, who is president of Highway Service Ventures in Ashland. Mr. Gates said staff was in contact with the office of the Secretary of the Commonwealth regarding the appointment. The Secretary said the appointment involved a long process with the Attorney General's office to ensure there will be no conflicts of interest. The person who had been assigned this duty left his position which resulted in a delay in making the appointment. The Secretary conveyed her appreciation to the RRPDC for its patience while the appointment process was ongoing. Mr. Gates noted that Mr. Coles was previously appointed by the Governor to serve as Chair of the Small Business Advisory Board in December 2010.

Mr. Gates reported that as a result of redistricting, the Capital Region Caucus has gained a member from the Virginia Senate – District 22. This district encompasses the western portion of Goochland County. An invitation will be issued to this senator to join the Caucus. This will give the Caucus a total of 23 members. Mr. Gates said all other members of the Caucus remain the same. The Caucus will meet on December 12, at which time new co-chairs will be selected. The co-chairs change every two years, and traditionally, each of the two co-chairs represents a different political party. At this time, Senator Don McEachin (D) and Delegate Chris Peace (R) are the co-chairs. This year the senator will be chosen from the Republican party and the delegate will be from the Democratic party.

Mr. Gates noted that the purpose of the legislative agenda is to demonstrate regional support on issues impacting the Richmond Region. The objective is to present a unified voice to inform state and federal officials, and the goal is to make a powerful statement of regional agreement.

Questions to consider for the issues on the agenda:

- Is this really a regional issue?
- Is this really an issue on which the RRPDC needs to take a stand?
- Is this an issue for which regional support would provide a strong statement?

There are five types of issues that are usually included:

- truly regional issues
- planning issues share by localities (PDC)
- transportation issues (MPO)
- prior legislative actions
- other shared issues *may* be considered if regional support will provide strength

The proposed 2012 legislative agenda was developed based on recommendations made by the Large and Small Jurisdictions Committees, the MPO Board and affiliated committees, the regional legislative liaisons, and the RRPDC Environmental TAC.

Based on feedback from several Caucus members, this year's proposed agenda has been divided into two distinct sections – legislative priorities and legislative positions. There are five state legislative priorities and two federal legislative priorities.

The legislative positions are statements of support or opposition on priority issues impacting the Richmond Region. They are intended to provide broader guidance to staff and Caucus members on issues that may arise. In the proposed legislative agenda, there are 26 state legislative positions and two federal legislative positions.

Mr. Gates said there are three topic areas for the legislative priorities: Commonwealth Transportation Board, Passenger Rail, and Watershed Improvement.

State Legislative Priorities

Commonwealth Transportation Board (CTB)

Mr. Gates noted that historically, the Richmond Region has been under-represented on the CTB. He said there are two urban at-large seats and two rural at-large seats as well as a general at-large seat which may be filled by either an urban or rural representative.

The first proposed priority in the legislative agenda is to add a third urban at-large seat to the CTB and fill it with a resident of the Richmond/Petersburg Metropolitan Statistical Area. Since the CTB was created, there has been a combined total of twenty-two urban at-large seats and general at-large seats, and none of these has been filled by a Richmond/Petersburg region resident. Most of the representatives have been from northern Virginia or Hampton Roads, and one was from Charlottesville.

Mr. Gates distributed proposed legislation that will address the problem. The Code of Virginia would be changed to reflect the addition of a third at-large seat. The proposed legislation shows the changes to all references to numbers of seats (on the left side of the page).

The second part of this issue is that the state of Virginia uses an archaic definition of urban and rural to define who is qualified to fill the urban and rural at-large seats. The terminology was removed by the federal government in the mid-1980s. On the right side of the handout is proposed language to change the definition to one that more accurately reflects the meaning of the terms urban and rural. The

terminology now used by the federal government is *metropolitan planning areas*. Mr. Gates provided a map to show the areas within the state that are currently eligible for urban at-large appointments. The proposed solution is to replace the language as illustrated. The proposed language is what the federal government uses when allocating funds to MPOs. The same proposed language is what is used by the state of Virginia when allocating funds to MPOs. The reference to a population of 200,000 is what the federal government uses to differentiate between large and small MPOs. In Virginia, there are only four MPOs with populations over 200,000 – northern Virginia, Hampton Roads, Richmond, and Fredericksburg.

Mr. Glover asked if the CTB appoints seats based on the map provided by Mr. Gates. Mr. Gates said that was correct. Mr. Glover asked if this map was used for funding. Mr. Gates said the map is only used to determine how appointments are made to the CTB. With regard to allocating funds, the CTB uses the language that is being proposed. Mr. Glover asked if this had any bearing on funds allocated for maintenance. Mr. Gates said it did not.

Mr. Gates continued by saying when projects are funded, CTB and VDOT use the same current definition of urban and rural as the federal government uses. However, when it comes to appointing seats to the CTB, the archaic definitions are used. Mr. Gates said the purpose of this proposed legislation would be to have the appointment of seats to the CTB follow the same methodology that is used when allocating funding.

Two bills are being proposed to keep the issues separate – the third at-large seat and the definition of urban and rural used to appoint those seats. Mr. Gates reviewed that the first bill is to request the third at-large seat on the CTB. The second bill is to update the language to use the same definition that is used to designate a large MPO. The urban at-large seats on the CTB are supposed to represent the concerns of urban areas and should be represented as such. Mr. Gates said the proposed language will better reflect the requests of the local MPOs. As an example, Mr. Gates said that based on the current map, Mr. Cosby could be appointed to serve on an urban at-large seat, even though Mr. Cosby lives in a rural area.

Mr. Gates said that even if both bills are introduced and are passed, they will not guarantee that the Richmond/Petersburg area will be represented by the third at-large seat. This has been discussed by the legislative liaisons and all agree this has the best chance of being passed. If both are passed, the Caucus will need to lobby to have the Governor appoint a person from the Richmond/Petersburg area.

Mr. Crum pointed out that when the proposed transportation funding program was released last year, the Richmond Region was last with regard to the amount of money it would receive. By working with members of the Commission and other partners, the amount of funding was increased. Not receiving a fair share of

funding in the Capital Region is not acceptable. An increased voice on the CTB will help the Richmond Region in this regard.

Mr. Gates said under the current system, the Governor could appoint all five of the at-large seats from the Hampton Roads area in addition to the Hampton Roads representative. There are now four seats representing Hampton Roads on the CTB.

Mr. Glover asked if the legislators will have time to give this proposal due diligence and be able to influence the Governor with regard to his appointments. Mr. Gates said he believes so because the proposed bills are very simple with minimal changes to the current code.

Mr. Thornton asked if the proposed legislation would create more of a level playing field for the Richmond Region. Mr. Gates said that is correct even though it does not guarantee that Richmond will be appointed to fill the new seat.

Passenger Rail

The first statement will build on what was accomplished last year. Last year the Passenger Rail Fund was established, and this is requesting that a source of funding be established for the Fund.

Mr. Glover said in 1985, funds were collected by raising sales tax by one half of one cent. He said it may be necessary to suggest new revenue sources. Mr. Gates said the Governor has indicated he has a plan to fund the program. This legislative priority will encourage him to follow through with funding.

Mr. Crum said he attended a recent meeting with Secretary Connaughton and other representatives from around the state. He said other areas around the state are also asking that funding sources be identified. A proposal has been sent to the Governor for consideration. The RRPDC will not be the only agency asking that the Passenger Rail Fund be funded.

Mr. Gates continued with the second part of this legislative priority, which is to increase funding for the Rail Enhancement Fund, to be used for capital improvements to the Richmond Region's passenger rail network. Mr. Gates said this is almost identical to what has been presented in previous legislative agendas.

Ms. O'Bannon suggested that the word *then* be replaced by another phrase or word to make it more grammatically correct. Mr. Glover asked what comprised the Richmond Region's rail network.

Ms. O'Bannon said she would suggest the phrase *in order to* be used to ensure a parallel meaning. Following additional discussion, it was determined that the word *then* will be replaced by the word *and*.

Watershed Improvement

Mr. Gates said this is in response to the Watershed Improvement Program (WIP) and is requesting that the state provide funding for local programs that will be needed in order to meet the required WIP and TMDL goals. He said this is to bring awareness to the General Assembly that the localities view this program as an unfunded mandate.

Federal Legislative Priorities

Public Infrastructure Investment

Mr. Gates said this is almost identical to what was approved last year for the 2011 Legislative Agenda. Senators Warner and Webb have presented legislation to address this and the bill is getting movement.

Urban Area Security Initiative

Mr. Gates said this is to encourage the federal government to protect funding for the Central Virginia Urban Area Security Initiative.

State Legislative Positions

Mr. Gates said the majority of these statements have been previously approved by the Commission Board for past legislative agendas. Mr. Gates said he uses these position statements to help him address issues that may arise during the General Assembly session. If he is unclear on an issue that is not included in these statements, he will ask for guidance from the Board. Mr. Gates said he would go over these statements quickly and stop for discussion if any of the members have questions.

Government Reform

- Regional Cooperation
- Local Taxes and Funding Mechanisms
- Governing Locally

Mr. Glover asked for an example of regional cooperation. Mr. Gates said this would be to ask legislators to develop ways to save the Commonwealth money by encouraging regional cooperation. This also ties in with a JLARC study that is due out in the spring. Mr. Gates said these statements are identical to what was presented last year.

Mr. Gates continued with his review.

Transportation

- Passenger Rail
- Public Transit

- Regionally-Allocated Transportation Funding

Mr. Gates said the majority of these are identical to last year and he pointed out sections that are new.

Mr. Ashworth asked if anything was approved last year relating to funding allocation. Mr. Gates said some of these statements do not refer to actual legislation that has been proposed, but can be used as a guide should issues arise.

Mr. Glover asked if the MPO projects are reimbursed after the work is completed. Mr. Crum said that was correct. Invoices are submitted for work completed to receive PL and 5303 funds as reimbursement for planning work completed by RRPDC staff. Mr. Glover asked if the funds being referred to were project or planning costs. Mr. Gates said this refers to closing out projects and freeing up funds for other projects. Mr. Gates said there are many MPOs that do not close out projects, and VDOT is trying to stop this practice. Mr. Gates said VDOT has the same issue with not closing out projects.

Mr. Crum said the Richmond Area MPO is considered a model with regard to how projects are handled, including tracking funding and requesting reallocation of unused funds. This is requesting that the General Assembly ask for input prior to making any changes to how MPO funds are allocated.

Land Use

- Growth Management Tools
- Public Infrastructure Investment

Mr. Gates said some modifications have been made to the statements as based on feedback from the legislative liaisons.

Environment

- Resource Protection

These are identical to last year.

Education

- Education Funding

These are identical to last year.

Ms. O'Bannon asked what is meant by "fully funded." Mr. Gates said this term means to meet the state's lawful obligations.

Public Safety

- Public Safety
- Emergency Management

These are identical to last year.

Ms. O'Bannon said there is legislation to amend the constitution with regard to eminent domain. Mr. Gates said this is the second request he has had to add a statement regarding eminent domain to the legislative agenda. He suggested this topic be added to a future Commission meeting agenda for discussion with the intent of adding a statement to a future legislative agenda. Ms. Prichard noted that VML has adopted a position on this issue.

Federal Legislative Positions

Federal Mandate for Collective Bargaining

This is identical to last year. Mr. Gates said he will collect more information on right to work legislation.

Passenger Rail Funding

This is identical to last year. Mr. Gates said discussions have taken place with Senator Warner on this subject.

Ms. Graziano offered a motion to approve the proposed 2012 Legislative Agenda as presented and amended. Mr. Glover seconded the motion. There was no additional discussion and the motion carried unanimously.

Mr. Gates noted that when the brochure is designed, it will include all of the legislative priorities and a select few of the legislative positions. The brochure will be printed in mid-December.

The Legislative Breakfast Reception will be held on Wednesday, January 4, beginning at 7:30 a.m. at the Convention Center.

Mr. Crum said all current Board members and all incoming Board members will be invited to attend the reception.

V. OTHER BUSINESS

A. Committee Reports

There were no committee reports.

B. Announcements

There were no announcements.

VI. ADJOURNMENT

There being no further business to come before the Commission, Chairman Trout adjourned the meeting at approximately 2:25 p.m.

Robert A. Crum, Jr.
Executive Director

Stran L. Trout
Chairman