

ST. JOSEPH AREA TRANSPORTATION STUDY  
COORDINATING COMMITTEE  
February 12, 2009

A meeting of the Coordinating Committee for the St. Joseph Area Transportation Study was held at 12:00 noon in the 1<sup>st</sup> Floor Conference Room, City Hall, St. Joseph, Missouri, on February 12<sup>th</sup>, 2009.

**Voting members present:**

Billy Kretzer	City of Savannah
Julia Levinn	Village of Country Club
Dan Hausman	Buchanan County
Vince Capell	City of St. Joseph
Bill Falkner	City of St. Joseph
Mike Bozarth	City of St. Joseph
Mike Hirter	City of St. Joseph

**Staff members present:**

Bruce Woody	City of St. Joseph
Kelsy Marr	City of St. Joseph
Elaine Buckner	City of St. Joseph

**Others present:**

Shannon Kusilek	MoDOT
Tony McGaughy	MoDOT
Mike Kellam	City of St. Joseph
Don Wichern	MoDOT
Roger Sparks	City of St. Joseph
Jerry Maccoux	1111 Ashland Ave., St. Joseph
James Richardson	City of Wathena
Cyndee Merritt	Andrew County
Mike Fisher	City of Savannah

**OPENING REPORTS**

In the absence of a chair or vice-chair, Mr. Kretzer (proxy for the chair) directed the meeting.

**Roll Call.** A quorum was present.

**Approval of Minutes.** Ms. Levinn moved to approve the minutes of the December 11, 2008 meeting. Mr. Capell seconded the motion, motion passed unanimously.

**Opportunity for public comment.** No member of the public appeared to comment.

**OLD BUSINESS**

Mr. Falkner asked why the TIP amendments considered in the last meeting had four bridges and this agenda lists two. Ms. Marr said she will explain that under "C" in New Business.

## **NEW BUSINESS**

Election of Chair and Vice-chair. Ms. Marr reported the electronic vote for chair and vice-chair resulted in Mr. Kretzer unanimously selected as vice-chair and a tie vote for chair between Mr. Hausman and Mr. Bozarth. The procedure in the by-laws to settle a tie is to take a vote in the next meeting where qualified voting members are present. Paper ballots were distributed and Mr. Hausman was elected Chairperson of the MPO Coordinating Committee for calendar year 2009.

FY09-12 TIP Amendments. Ms. Marr asked to divide the four amendments being considered.

**1) Mr. Kretzer moved to approve the addition of a bridge re-deck on Rt. DD in Andrew County as an amendment to the TIP. Ms. Levinn seconded the motion, motion passed unanimously.**

**2) Ms. Levinn moved to approve the addition of a bridge re-deck on Rt. O in Andrew County as an amendment to the TIP. Mr. Hirter seconded the motion, motion passed unanimously.**

**3) & 4) Mr. Bozarth moved to approve adding MoDOT's pavement maintenance projects as amendments to the TIP. Chairperson Hirter seconded the motion, motion passed unanimously.**

5) Ms. Marr explained the Uptown Mixed Use Redevelopment as a 100% federal earmark for \$1.5 million for streetscape infrastructure. The area encompasses 10th St., Frederick to Church; 11<sup>th</sup> St., Frederick to Church; 11<sup>th</sup> St. & Frederick to Church; and Church, 10<sup>th</sup> St. to 11<sup>th</sup> St. Mr. Capell asked if the improvements were on streets outside the perimeter of the development. Ms. Marr said yes, interior streets as well as streets on both sides. Mr. Capell expressed concern should there be a shortfall in funds, does the extra money fall on the developer to come up with? Ms. Marr replied yes. Mr. Capell said it appears that the money should first go to streets outside the development because it would be tempting for the developer to spend the money inside the development rather than outside if no funds are left to do the outside streets. That is a problem.

Mr. Hausman asked what improvements will occur on 10<sup>th</sup> St., 11<sup>th</sup> St., and Isadore. Ms. Marr listed re-pavement, sidewalks and landscaping, i.e. "complete streets". Mr. Fisher asked if there is a developer agreement. Mr. Capell said Heartland was driving the process and applying for the earmark. Chairperson Hirter asked who administers the funds. Mr. Capell said there is a TIF and a 353. Ms. Marr said it is STP funds. Chairperson Hirter said if the City administers the funds, he doesn't see a problem. Ms. Marr suggested they come up with a list of questions and then take an emergency electronic vote. **Chairperson Hirter moved to table the vote. Mr. Capell seconded the motion, motion passed unanimously by voice vote.**

Bridges on Bs. 71 and Rt. 169 over I-229. Ms. Marr said the two bridges are programmed in the TIP in 2012. In October 2008 she received information from MoDOT expressing interest in moving the projects forward. That is the current status. She reviewed her time line (attached). On October 3<sup>rd</sup> MoDOT said 10' shoulders would be provided on both bridges, both sides. In the October 9<sup>th</sup> Coordinating Committee meeting, the bridge on Rt. 169 was discussed, but no conclusions made. On November 28<sup>th</sup>, the MPO received a letter request from MoDOT to move the bridge projects to 2009 and change the funding source to only use state funds. On November 30<sup>th</sup> the public comment notice

was given to the News Press to request the removal of the two bridge projects from the TIP because state projects didn't need to be in the TIP. On January 6<sup>th</sup>, 2009, another letter was received from MoDOT stating they wanted to use federal funds and move the projects forward to 2009.

MoDOT failed to provide shoulders on the plans which were promised in October, but not in January. She showed a photo of the northbound Bs. 71 bridge, where there is no place for a vehicle to pull off, and which is unsafe for bike riders. The bridge carries 10,000 vehicles a day. The St. Joseph Cycling Guide shows six routes in St. Joseph. The southbound lane approaching the Shoppes at North Village is unsafe and is most commonly used by riders as released in a statement from the St. Joseph Bike Club. AASHTO guidelines specify at least 8' shoulders.

Rt. 169 Bridge. Ms. Marr pointed out the existing Shoppes development and the typical related growth of hotels and fast food places normally seen at interchanges off interstates. Other potential construction near the interchange includes a County Expo Center and elementary school, along with the Greystone and Tuscany developments.

Pedestrian safety is a concern. If a sidewalk is built on the north side of the bridge, how would someone cross it safely to the other side? Capacity issues were discussed with city planners and current and future growth considered. Traffic studies also indicate the bridge needs widened. MoDOT policies state a bridge re-deck should last 30 years. The concern is that capacity and safety issues now noted will have to wait 30 years to be addressed. According to MoDOT's practical design guidelines, pedestrian facilities need to be included unless there are extenuating circumstances outlined by the project sponsor who completes a "Policy Compliance" form. The MPO has adopted two bridge policies and there is interest in including facilities in project development. She is asking MoDOT to be consistent with the LRTP.

Mr. Capell asked if a "sponsor" is defined as any member of the MPO utilizing federal funds? Ms. Marr answered yes, that Federal Highway guidelines state that not providing proper facilities is the exception rather than the rule. In addition to the MPO Policy form, project sponsors were asked to sign Title VI and Environmental Justice Compliance forms. They were signed twice by project sponsors under Executive Order 12898. Not providing a sidewalk on the south would be an environmental hazard under this order. Service zones must be provided in a non-discriminating fashion. Any type of Title VI assurance that a project sponsor signs and the MPO sponsors would be cause for future litigation and should be taken very seriously. The outcome of the January Technical Committee meeting was that members had several questions on the bridges, which were composed into a list and mailed to MoDOT two days after the meeting. Ten days later the answers were received and forwarded to the Technical Committee. An electronic vote ended on the 6<sup>th</sup> of February. Ten members voted to remove the Rt. 169 project from the TIP and five voted to amend the TIP and move the project forward. The Bs. 71 bridge project had nine votes to remove it from the TIP and six votes to amend the TIP and move the project forward.

Mr. Bozarth felt that sidewalks on one side of the Rt. 169 bridge would be sufficient. In the Tuscany TIF there is an intersection crossing. Ms. Marr said the Technical Committee was concerned about future development to the south. Mr. Bozarth noted that 6<sup>th</sup> Street has a lot of traffic and only one sidewalk.

Mr. Capell said there is an opportunity on this project to do something about it now.

Mr. Hurst said if sidewalks were put on both sides of the bridge, what would it connect to on the south side? Ms. Marr said it comes down to which comes first, the chicken or the egg. Someone has to start connecting with sidewalks. It is reasonable to assume there will be development within the lifespan of the bridge.

Mr. Capell said in the area where the Technical Committee was supportive, that will be well developed. From that point southwest toward Lowe's there would be sidewalks on both sides once the south sidewalk is built. On the map there are other developments planned for the Rt. 169 and I-29 intersection. There will be plenty of things to tie into once development occurs.

**Bs. 71 Bridge.** Mr. Hirter said he had never seen a bike on the bridge.

Mr. Capell said it is a safety concern if someone breaks down on the bridge. Ms. Marr said her concern is restriping shoulders on the bridge.

Mr. Wichern explained the history of the Safe and Sound Program. Missouri has over 10,000 bridges, the 7<sup>th</sup> largest number in the country, yet the state has the 44<sup>th</sup> lowest revenue. There are 1,100 poor and serious condition bridges. Both the Bs. 71 and Rt. 169 bridges resemble a patch-work quilt. The governor says 802 bridges must be fixed in-kind in five years. MoDOT never promised shoulders. Local people were told if they wanted sidewalks and amenities they must pay for them. The re-deck is maintenance which should extend the life of the bridge 25-30 years.

Mr. Wichern went on to say that at a special Technical Committee meeting a year ago, the Safe and Sound bridge program was explained and local agencies asked if they would pay for a second sidewalk. In the October 2008 Coordinating Committee meeting, it was stated that two traffic studies state the bridge should be widened. He said he has both studies and there is nothing in either one that indicates there are capacity issues with the bridge and it needs to be widened. MoDOT can provide one sidewalk on the north and provide four 12' lanes. Today there are two signals that cross from south to north. A pedestrian will be able to cross the bridge on the north side. As development comes, the bridge will safely accommodate traffic. Several times the Coordinating Committee was told the bridge would be over capacity as soon as Tuscany and the North Shoppes were developed.

Mr. Woody said the studies would need to be examined. He understands that MoDOT is trying to spread their resources as far as they can. Mr. Wichern said there is no sidewalk up to the bridge today. The TIF will bring the sidewalk up to the bridge. They will stripe four lanes in the future which will accommodate every need in the traffic study. When the need presents itself to enlarge the bridge, it will be addressed in their permanent process. MoDOT does not look 20 years out for growth and address it. He noted the bridge was built in 1962 for four lanes. It has been underutilized for 40 years. MoDOT can provide safe pedestrian access with traffic signals and stripe it for four 12' lanes with two small shoulders. He is confused with information about capacity and safety. Mr. Falkner said the bridge re-deck should move ahead as designed.

Ms. Marr said she has data which shows the need for a 350' ramp extension for the northbound lane. Mr. Wichern said Tuscany built that already. Ms. Marr said part of the left turn lane will not work if a 350' left turn queue lane is needed.

Ms. Marr explained to the Committee that both the Rt. 169 and Bs. 71 bridges were denied by the Technical Committee, so a vote "yes" concurs with the Technical Committee. A vote "no" will be disagreeing with the Technical Committee and the issue then has to go back to the Technical Committee.

Mr. Hausman said he thought the Technical Committee's vote is just a recommendation. Ms. Marr explained that if denied, the Technical Committee has to revisit it again. In addition, 30 days is still needed for the public involvement process. Mr. Hurst said it could go back and forth forever. This committee's vote should be the end of it. Mr. Woody said the normal procedure is what Ms. Marr outlined. Ms. Marr said Roberts Rules of Order say it and the MPO Bylaws say it, so it will be followed. A motion cannot be made to amend the TIP because it must have a 30 day public comment.

Mr. Hausman asked if the statewide public comment would suffice. Ms. Marr said no, this is federal funds, not MoDOT's funds. They are taxpayer dollars. Mr. Hausman said the county has Federal Highway Administration and their statewide public information process where the public is briefed. MoDOT's plan is in place. He doesn't want the region to lose \$800,000 in federal funds.

Ms. Marr said public involvement is done in Jefferson City, not St. Joseph. Concerning the sidewalk issue, MoDOT's local match is only an extra \$12,000 for the sidewalk amount, a small thing in the grand scheme.

Mr. Capell said MPO sponsors have signed two policies, but apparently they can be substituted. Ms. Marr said no. Mr. Capell said we have policies and we ignored them. How is that? Is that OK? It doesn't seem like it would be OK.

Mr. Hausman asked what policy Mr. Capell was referring to. Mr. Capell said the policies were made up by this MPO and formally adopted. Mr. Wichern said this is the last MPO in the state to approve moving forward. He is trying to save \$800,000.

Ms. Marr said the MPO represents the local government, so it is up to the MPO to decide what they require on the bridge. Whether Federal Highway signed on or not is irrelevant. Mr. Wichern said MoDOT is bound by Federal law. Mr. Woody said the Coordinating Committee controls the MPO. Past issues have usually gone through the Technical Committee with their approval and then the policy makers make the decision. If the Coordinating Committee wanted to by-pass the Technical Committee, that should not be a federal violation. It would be like the City Council not wanting to send something back to the Planning Commission.

Mr. Woody remarked that Ms. Marr is very correct in reminding the committee that we address the same bridges time and time again. The Technical Committee pushes these locations because they are developing areas. At real issue is the MPO being asked to take it at faith that there won't be issues with needing sidewalks and additional lanes at a future time. It is MoDOT's position that it will be done in the future. Mr. Hausman said maybe they need to revisit the policy. A walker cannot get on

the sidewalk along Mitchell at the 102 River due to approaches washed out from regular log jams. Common sense should be used. The north side of Rt. 169 is residential but could become a development. The south side has traffic lights to cross the bridge at Tuscany. The Ag Center would be on the north side where the sidewalks are and could connect to it. He believes a sidewalk would not have connections to it for a long time.

Mr. Wichern said MoDOT built sidewalks on Pickett after the Coordinating Committee overturned the Technical Committee's recommendation. Mr. Capell noted that the City put money towards that sidewalk project.

Mr. Wichern said the Rt. 169 bridge is part of the Safe and Sound program. MoDOT asked the city if they would fund a sidewalk. MoDOT designed it the way they interpreted it according to the pedestrian design manual. He said the Mitchell bridge cost MoDOT \$60,000 to cantilever one sidewalk. It would cost a minimum of \$90,000 to cantilever the Rt. 169 bridge. Adding sidewalks would cost \$300,000. In comparison, a bridge in Andrew County can be re-decked for \$200,000. Their bridge division said they can't cantilever with four lanes and one sidewalk.

Ms. Marr said the left turn lane can't be both through and left which means more width. The question is will the bridge re-deck last longer than when development occurs.

Mr. Wichern said the Technical Committee vote was based on information that the bridge would be over capacity and pedestrian movement would be unsafe with one sidewalk.

Mr. Hausman asked why a 30 day hearing is needed. Ms. Marr said by federal rule that is the minimum for public involvement. Mr. Hausman said the Safe and Sound program public information meetings should cover the federal requirement. Mr. Wichern said if the \$800,000 is not used, the funds will most likely go somewhere else to be spent.

Mr. Capell asked if sidewalks are going along bridges in other areas. Is there a uniform policy through the state. Mr. Wichern said every district in Missouri follows Practical Design Guidelines. They recommend sidewalks when they are needed. Mr. Woody said scope wise this area wants dollar for dollar the same as St. Louis and Kansas City. Mr. Wichern said the Rt. 169 bridge is the only one so far with a sidewalk on it because it was wide enough to start with.

Mr. Jerry Maccoux, 1111 Ashland Avenue, said as a blind person, sidewalks on only one side are unsafe. Try crossing an intersection with a stick. He now has a dog and it is better, but it isn't good. Other places have sidewalks on both sides. Tuscany will happen. Sidewalks should go in at the beginning of a development. Seattle is now suffering from the huge expense to connect developments with sidewalks. People must have a safe place to walk. He noted the intersection of Belt & Frederick which is not accessible. The signal apparatus is there but inaccessible. His dog refuses to cross the gravel which is between him and the controls. People in wheelchairs or with limited peripheral vision can't get across. Mr. Hausman said sidewalks will be everywhere except the south side of the bridge when Tuscany develops. There is currently no reason to be on the south side. Mr. Maccoux said most people believe that side will develop.

Mr. Falkner moved to approve construction of the bridge on Rt. 169 as set forth by MoDOT and instead of the 30 day public notice, that the MPO uses the Safe and Sound Program public information meeting. Ms. Marr said he can't do that. Mr. Hausman said the first thing is to move forward with the project. Mr. Bozarth seconded the motion. Mr. Capell asked for a clarification of the motion. Mr. Hausman moved to vote on the project. Ms. Marr said the MPO cannot vote to amend the TIP now. Federal regulations specify a 30 day formal amendment. It is not related to what MoDOT does about the Safe & Sound Program. A federal audit would cite the MPO for not following the public notification process. Mr. Woody said there is STIP that approves it for the STIP. FHWA recognizes the process used for the state transportation program as opposed to the TIP. Ms. Marr said the STIP cannot be amended until the TIP is amended. An entire bunch of projects cannot be programmed into one. It is not honest to the public. It is like saying the city would put all projects into one and they cannot do it. Ms. Marr said this would be a very bad decision to overturn, it is the foundation upon which the MPO organization was established. **Mr. Hausman moved to move forward on the two projects. The motion passed with Mr. Capell and Ms. Levinn voting no.**

Mr. Woody asked if the Board would be offended if his staff followed up with FHWA on the difference of opinion and included the question and answer in an attachment as a matter of information to the Coordinating Committee. Chairperson Hausman said that would be agreeable.

(see vote below\*)

**Rt. 169 project.** Mr. Wichern said the project lets in 40 days. Mr. Bozarth suggested soliciting for comment 30 days and vote. Ms. Marr said that if the MPO doesn't follow proper procedure, they could be subject to all of their federal funds being removed. It will not suffice. **Mr. Hirter moved to put up for 30 days public comment and satisfy the time line. Mr. Bozarth seconded the motion.** Mr. Wichern said bids will be opened the 20<sup>th</sup>. Ms. Marr said the earliest publication date is Sunday. **Mr. Hirter amended the motion to put the Rt. 169 bridge out for public comment for 30 days then meet on March 16<sup>th</sup> to vote to add it to the TIP. Mr. Bozarth seconded the motion.** Mr. Capell asked Ms. Marr if the Committee is violating anything on this project? Ms. Marr said not as long as they solicit public comment and after that take a vote to amend the TIP. Mr. Hausman said can we do this on both projects or one. Ms. Marr said both projects need to undergo the 30 day comment period. Mr. Wichern said there is no hurry on the bridge on Bs. 71. **The motion passed with Mr. Capell and Ms. Levinn voting no.**

**\*Mr. Bozarth moved to put the Bs. 71 bridge project out for public comment for 30 days and meet on March 16<sup>th</sup> to vote to add it to the TIP. Mr. Falkner seconded the motion. Motion passed unanimously.**

## **OTHER/ADJOURN**

Mr. Bozarth commented that this is the only MPO in Missouri that doesn't have a voting member from MoDOT. Ms. Marr suggested bringing this up at the next meeting. She noted that MoDOT requested that they be removed years ago.

The meeting adjourned at 1:45 p.m. The next regular meeting is scheduled for April 9<sup>th</sup>, 2009 at 12:00 noon.