

ARC COMMITTEE MEETING FOLLOW-UP

TRANSPORTATION COORDINATING COMMITTEE AND LAND USE COORDINATING COMMITTEE JOINT WORK SESSION

October 22, 2010 Meeting Notes

TCC Members or Alternates Present:

<i>ARC</i>	---	<i>Forsyth</i>	---
<i>Atlanta</i>	Michelle Wynn	<i>Fulton</i>	Roussan Francois
<i>Barrow</i>	---	<i>GDOT</i>	Tom McQueen
<i>Bartow</i>	---	<i>GRTA</i>	---
<i>Cherokee</i>	Geoff Morton	<i>Gwinnett</i>	Vince Edwards
<i>Clayton</i>	---	<i>Henry</i>	Stacey Jordan
<i>Cobb</i>	Jason Gaines for Laraine Vance	<i>MARTA</i>	Don Williams
<i>Coweta</i>	Tavores Edwards	<i>Newton</i>	---
<i>DeKalb</i>	Patrece Keeter	<i>Paulding</i>	---
<i>Douglas</i>	---	<i>Rockdale</i>	---
<i>EPD</i>	---	<i>Spalding</i>	Anthony Dukes
<i>Fayette</i>	Phil Mallon	<i>Walton</i>	---

LUCC Members or Alternates Present

<i>ARC</i>	Dan Reuter	<i>Henry</i>	Stacey Jordan
<i>Atlanta</i>	---	<i>Newton</i>	---
<i>Barrow</i>	---	<i>Paulding</i>	---
<i>Bartow</i>	---	<i>Rockdale</i>	Marshall Walker
<i>Cherokee</i>	Margaret Stallings	<i>Spalding</i>	Chuck Taylor
<i>Clayton</i>	---	<i>Walton</i>	---
<i>Cobb</i>	---	<i>Buford (GW)</i>	---
<i>Coweta</i>	---	<i>Conyers (RO)</i>	---
<i>DCA</i>	Cynthia Earley	<i>Douglasville (DO)</i>	Michelle Wright
<i>DeKalb</i>	Sidney Douse	<i>Fayetteville (FA)</i>	---
<i>Douglas</i>	---	<i>Johns Creek (FN)</i>	Susan Canon
<i>EPD</i>	---	<i>Kennesaw (CO)</i>	---
<i>Fayette</i>	Tom Williams	<i>Lake City (CL)</i>	---
<i>Forsyth</i>	Scott Morgan	<i>Locust Grove (HE)</i>	Tim Young
<i>Fulton</i>	---	<i>Union City (FS)</i>	---
<i>GRTA</i>	Julie McQueen	<i>Waleska (CH)</i>	---
<i>Gwinnett</i>	Nancy Lovingood		

Other Attendees

Andrew Antweiler, City of Roswell
Andrew Heath, GDOT

Bryan Hollaway, GDOT
Cherith Marshall, City of Roswell

Donna Joe, Gwinnett County
Henry Green, GDOT
Jahnee Prince, Chatt. Hills/LSL Planning
Kathy Field, City of McDonough
Larry Kaiser, CIS, Inc
Mark Lippert, AECOM
Matt Bucchin, Forsyth County
Mike Tuller, City of Dunwoody
Nate Conable, Atlanta Beltline

Paul LeBlanc, LSL Planning
Randy Meacham, GW Municipal Asso
Richard Fangmann, POND
Sally Flocks, PEDS
Scott Morgan, City of Cumming
Steve Cover, MACTEC
Tom McQueen, GDOT
Wyatt Kendall, SELC

GENERAL

1. Welcome and Announcements

Dan Reuter, ARC, welcomed the committee and called the meeting to order. He noted the Draft Peer Exchange Report on “Best Practices in Livability Planning at Metropolitan Planning Organizations (MPOs)”, in handouts. Based on the peer exchange discussion, one of the findings was that multiple MPOs fund their livability programs with CMAQ. Also, multiple jurisdictions use funding “swaps” so that federal funds are exchanged for local funding sources to remove some regulatory barriers on funding use.

Reuter stated that if any committee members have questions about meeting summaries for TCC and LUCC, they should contact Susie Dunn (for TCC) or Jon Tuley (for LUCC).

John Orr, ARC, announced that there would be a FHWA Climate Change Workshop next Thursday, October 28th with a more technical session on Friday, October 29th. He encouraged interested members to contact David D’Onofrio, ARC. There will also be a freight planning workshop on December 7-8; interested parties should contact Michael Kray, ARC. Reuter added that Community Planning Academy fall courses are also ongoing.

Susie Dunn, ARC, announced that the next TCC meeting on November 5th would start half an hour late, because of the ARC State of the Region breakfast that same morning. At that meeting, the 2011 UPWP will be before TCC for action. The updated document will be e-mailed to committee members next week.

Dunn added that ARC Committee Day (ELUC, TAQC, RTC and Aging Services Committee) has been moved from November 11th (Veterans’ Day) to Monday, November 8th.

Dunn also noted that the City of Atlanta was recently awarded a TIGER II grant of \$47 M for the Downtown Streetcar, the largest grant awarded. Three smaller grants were awarded in other parts of the state. Cumberland CID and Cobb County obtained EPA grants.

Judy Dovers, ARC, announced that a Civic League Public Workshop on *Plan 2040* is taking place on Tuesday, November 9^h and the next *Plan 2040* online public meeting will start on November 15th.

2. Public Comment Period

Sally Flocks, PEDS, announced that the annual Golden Shoe Awards ceremony will take place on November 10th. She encouraged attendance with ARC and DeKalb County expected to receive awards.

WORK SESSION

3. *Plan 2040* Technical Analysis Update

John Orr stated that *Plan 2040* work is on schedule. During the first week of October, ARC staff met internally to discuss projects currently in the TIP and RTP, with the objective of developing a financially-constrained *Plan 2040*. A draft constrained list will be available to take out to the jurisdictions for discussion in the November-December timeframe. The objective is to have a draft RTP by the end of the calendar year.

Orr reminded the committee members that the financial situation is dire, and that during the *Plan 2040* Retreat in July 2010, ARC staff were directed to strike a balance between asset management and capacity expansion. Orr noted that asset management is important but should not take up 100% of the plan; some way to expand the system must be identified to meet the future growth demand.

The highest priority for *Plan 2040* will be maintaining current assets. ARC also has to be much more strategic with capacity expansion and will focus on managed lanes and interstate bottleneck relief. Orr added that an emphasis remains on long-range sustainability goals, which relates to regional development patterns.

Transit O&M - There is a tremendous challenge to maintain the current system. All of the regional transit systems have had service cuts. MARTA has had a significant cutback and is expecting another round in 2013, GRTA Xpress is expecting to be out of operating funds in the next two years, and other agencies are having similar issues. To avoid another round of cuts, ARC will be discussing with TCC and TAQC a proposed plan to flex a portion of STP urban federal funds to transit. ARC is also supporting a permanent lift of the state restriction on MARTA spending of funds for operational and capital needs.

Transit expansion - ARC cannot demonstrate financial constraint for the existing transit services, therefore, ARC will not be able to demonstrate the capacity to fund transit expansions using existing mechanisms. Orr reiterated that it is a challenge just to maintain the current levels of transit service in the region.

Roadway maintenance - Orr stressed that the region is facing a tsunami of maintenance and preservation needs on the roadways and bridges in the coming years. As part of *Plan 2040*, increased levels of funds must be devoted to preservation of roadways and bridges. Exact amounts are currently being identified in order to balance other priorities.

Roadway system expansion - ARC would like to focus on interstate bottleneck relief (including interchanges and managed lanes), as this is important for economic sustainability. On the arterial expansion side, Orr added that committee members should manage expectations as many project schedules will be delayed. ARC is working hard to keep the “pipeline” projects already in the TIP, however, other projects might be shifted out by a decade in the RTP or even out to the Aspirations Plan due to financial constraints.

It is import for project phases scheduled for FY 2011 be completed on time. There is a commitment from GDOT to do what they can to authorize the projects in 2011. David Haynes, ARC, added that money is extremely tight in the TIP, and the more that are cleared off the books in 2011, the better. He added that ARC is aware of several situations beyond the project sponsor's control, and those projects may be pushed over to another year, however, the majority of projects programmed for 2011 will have to be

authorized or get pushed out to the waiting line. ARC expects 95% of what is in the current TIP for 2011 to be finished. In general, projects in the current TIP not completed as programmed, will not be carried forward to the next TIP.

Regarding arterial corridor needs (identified based on crashes and peak period congestion), ARC would like to explore near term, affordable options. If widening is not feasible in the near future, a near-term operational project could provide relief.

In response to a question from Don Williams regarding applications for future transit funding grants, Orr indicated that ARC staff would not want to stop the regional transit planning efforts as the region would like to see transit expansion.

In closing, Orr stated that ARC is retesting a scenario of projects to inform internal draft decisions. The draft project list will be taken out to the jurisdictions for discussion in November-early December. Orr stressed that these will be draft recommendations; TCC member input is important in determining the final project list.

4. *Plan 2040* Legal Review

Dan Reuter introduced Mark White, Esq., White & Smith, to provide a summary of the *Plan 2040* Legal Review. White noted that his team was tasked to do a legal review of ARC, local counties and cities, and peer regions, as well as to provide summary and recommendations.

White highlighted that ARC is set up on a collaborative basis, and that local jurisdictions can look to the regional plan and to each other to coordinate development patterns. ARC is working on the annual Unified Growth Policy Map (UGPM) and a Regional Development Types Matrix to provide guidance to local jurisdictions on how they could guide development through local ordinances.

ARC wears many different hats and is unique in that it is established by a state statute. ARC authority includes developing plans, administering state and federal funding and requirements, addressing the needs of locals through planning assistance and funding, and entering into contracts and administering funding.

As a Regional Commission in Georgia (as assigned in state code under ARC designation as a Metropolitan Area Planning & Development Commission (MAPDC)), ARC can review area plans; undertake planning studies for land use, transportation, service coordination; provide a development guide for local jurisdictions; accept and expend funds and serve as a contracting and coordinating agent for regional projects; and exercise “necessary” authority to coordinate and contract with multiple jurisdictions.

White added that ARC authority is very liberally construed, however, ARC cannot do zoning, cannot intrude on home rule authority of local jurisdictions, cannot unilaterally build anything, and cannot levy taxes.

As for cities and counties, White emphasized that they are the stewards of land use and zoning authority which is straight from constitutional authority. The State Legislature cannot take zoning authority away from cities and counties, which makes regional collaboration challenging on some issues. The Georgia Planning Act and other state legislative actions have introduced zoning procedures, direct impact fee authorities for the local jurisdictions, and transfer of development rights (TDR). There are some state and federal constitutional limitations, but local jurisdictions can regulate a lot further than they sometimes do.

Reuter asked whether vesting rights can be provided after an application is submitted. Wright confirmed and indicated that there is a way to amortize (i.e., require that developer provides improvements over time). Additionally, the scope of vested rights is sometimes much narrower than perceived. Vesting only applies to the specific permit for which the developer is applying.

Wright highlighted several implementation tools that are legally supported for local jurisdictions: changing zoning intensity (broad authority to zone up or down), changing subdivision regulations, impact fee and exactions, inclusionary zoning, and authority for design standards and form-based codes (i.e., regulations based on design).

Five peer regional agencies were researched: ABAG-MTC in San Francisco, DRCOG in Denver; Met Council in Minneapolis-St. Paul, DVRPC in Philadelphia, and NCTCOG in Dallas. He noted that a lot of peers are encouraging livable communities, i.e., compact, walkable development centers. White summarized that in peer agency review, a wide range of institutional structures were found, from voluntary to state-authorized. The Peer Agency Report summarizes specific goals and implementation tools that other agencies have used.

Under the Georgia legal framework and authority, ARC can provide development guides, be a mediator, administer intergovernmental agreements and common zoning ordinances, provide land use maps, create official maps and major thoroughfare plans, support TDRs, and “make the right thing easy”. White added that TDR is specifically enabled by statutes to allow rural and environmentally-sensitive areas to be protected from development without downzoning so that upzoning can be transferred to areas such as near transit, TDR can cross jurisdictional boundaries and ARC could help coordinate between jurisdictions. He noted that TDR administration takes a lot less staff time than expected: even a complicated, bi-state TDR program at Lake Tahoe takes 25% of FTE time. Once people master the rules, TDR programs could practically run “on autopilot.”

Some examples of actions that ARC could undertake include providing incentives through directing federal funding to jurisdictions with transit-supportive densities. ARC could manage TDR and land bank programs, and could work with multiple counties to build multi-county projects.

White indicated that beyond the current approach, ARC could focus on the tools and initiatives such as public-private partnerships, directed growth tools, enhanced water planning and allocation, etc. In conclusion, White indicated that ARC and local jurisdictions have very broad authorities; there are very few restrictions on what cities and counties can do to implement the regional policies.

5. *Plan 2040* Performance Standards and Work Program

Dan Reuter noted that DCA rules require ARC to produce minimum and excellence standards as part of *Plan 2040*. (He reminded attendees that jurisdictions outside the 10-county Atlanta RC boundary, have a different RC plan.) He emphasized that *Plan 2040* major findings and *Plan 2040* Goals and Objectives are the overarching theme within which the minimum standards have to fit. Reuter provided an overview of the current status of *Plan 2040* activities to address DCA rules and procedures:

- Produce *Plan 2040* Vision, Goals, Objectives and Principles - complete
- UGPM – complete.
- Development Guide - Draft available soon
- Resource Plan Guide – Adopted by ELUC; for ARC Board action
- Performance standards - Focus of today’s discussion

- Strategies - Next week there will be a series of meetings with NGO groups to identify specific strategies
- Five year work program
- Evaluation and monitoring - This will require some follow-up work. There will be surveys of regional leaders and assessment of local governments in their support on *Plan 2040*. UGPM, Resource Plan, and work plan to be updated annually.

Reuter reiterated that DCA rules require that ARC produces performance standards for local governments, including minimum standards (required) and excellence standards (desirable, voluntary activities). There would be incentives to go with the excellence standards. All local governments must meet the minimum standards by 2014.

Nancy Lovingood, Gwinnett County, asked about the *Plan 2040* schedule. Reuter responded that the next LUCC meeting would take place on December 2nd, where work program ideas for the next 5 years would be discussed. Draft *Plan 2040* documents satisfying DCA requirements would be ready by December 2nd. ARC staff will be organizing meetings at county levels with cities and counties to talk about *Plan 2040*. ARC is expected to transmit the plan to DCA by March 2011, and to adopt it at a later point.

Reuter confirmed that minimum performance standards would be important to maintaining a Qualified Local Government status, however, ARC would not disqualify any local jurisdiction, but would notify DCA so that DCA to decide on the status. Allison Duncan, ARC, added that there will be “relief” procedures for local governments or an appeals provision so that there is not undue burden to local communities.

Jared Lombard, ARC, directed attendees to posters on display listing measures for input. Attendees were requested to review the information and indicate whether a measure should be moved to another category or if a measure was a deal breaker (i.e., deemed not easily attainable).

Handouts:

- Joint TCC/LUCC Agenda, 10/22/10
- LUCC Meeting Summary, 9/24/2010
- TCC Meeting Summary, 10/8/2010
- Presentations
 - *Plan 2040* Legal Review
 - *Plan 2040* Performance Standards and Work Program
- Draft performance standards compiled based on September Joint LUCC/TCC meeting
- Peer Exchange Draft Report: “Best Practices in Livability Planning at MPOs”
- Flyer - Climate Change Workshop, 10/28-29/10
- Flyer – Financing Freight Improvement Workshop, 12/7-8/10