

CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION

March 23, 2022 Meeting

Summary Minutes

Members Attending (In-person)

Lisa Qualls (Mooresville), Ron Pappas (Waxhaw)

Members Attending (via remote participation):

Julie Eiselt (Charlotte), Denis Bilodeau (Cornelius), Rusty Knox (Davidson), Dan Boone (Huntersville), Marcus McIntyre (Indian Trail), Melissa Neader (Iredell County), Ernestine Staton (Marshville), Renee Garner (Matthews), Joe Pollino (Marvin), John Higdon (Metropolitan Transit Commission), Pat Cotham (Mecklenburg County), Frederick Becker (Mineral Springs), Dale Dalton (Mint Hill), Tony Lathrop (NC BOT-Division 10), Brad Lail (NC BOT – Division 12), Brad Richardson (Stallings), Teross Young (Troutman), David Williams (Union County), Janice Propst (Weddington), Lori Bailey (Wesley Chapel)

Non-Voting Members Attending (via remote participation):

Jim Walker (NC Turnpike Authority), Loretta Barren (FHWA)

1. Call to Order

Chair Ron Pappas called the March 2022 CRTPO Board meeting to order at 6:00 p.m. He explained that this meeting would be conducted remotely, and then reviewed the remote meeting guidelines and etiquette. CRTPO Delegates and Alternates as well as residents were able to participate in the remote meeting by using a combination of online meeting software, conference call, and live stream from the CRTPO’s Facebook Page.

Chair Pappas reminded the Board that usage of the chat box function within the online meeting software is part of the Board public record.

Mr. Burke conducted the roll call and determined that a quorum of the Board had been met based upon the bylaw provisions for a remote meeting.

Chair Pappas polled the Board to determine if votes can be cast by acclamation unless opposition (“nay” vote) from at least one Board member is made. The purpose of the vote by acclamation would be to minimize confusion if the votes were unanimous and to run the virtual meeting as efficiently as possible.

If an opposing vote to approve the particular vote by acclamation was cast, then the Chair would direct the Secretary to conduct a roll call vote of each attending jurisdiction. If no opposing vote is cast a second time, then the motion will be recorded as “approved unanimously by acclamation.” No opposition was voiced with this voting method from the Board for the meeting tonight.

Mr. Burke conducted the roll call and determined that a quorum of the Board had been met based upon the bylaws, and with the Chairman’s omission of the clause for members to be physically present due to the State of Emergency declaration.

2. Adoption of the Agenda

Summary:

Chair Pappas explained that NCDOT has requested that the agenda is amended to add a new information report (new agenda item # 11) regarding an unsolicited proposal received by the department to enter into an agreement with a private concessionaire to deliver an express lane project extension along I-77 from I-277 (Brookshire Freeway) in Uptown Charlotte to the South Carolina State Line. He then asked if any additional changes to the agenda were necessary. No changes were identified.

Motion:

Chair Pappas made a motion to the Board to adopt the revised agenda by acclamation unless at least one opposing vote is cast. No opposing vote was cast. Upon being put to a vote, the motion to adopt the revised agenda as presented was approved by acclamation.

3. Public Comment Period

There were no public comments.

4. Ethics Awareness & Conflict of Interest Reminder

Mr. Burke read the ethics awareness and conflict of interest reminder. No conflicts were identified.

5. Consent Agenda

Summary:

Chair Pappas requested action on the following four consent agenda items:

- a) February 16, 2022 CRTPO Board Meeting minutes
- b) 2020-2029 TIP Amendments (Including CATS TIP Amendments)
- c) CRTPO FY 2022 Self-Certification
- d) FY 2022 Unified Planning Work Program (UPWP) Amendment

Motion:

Chair Pappas made a motion to the Board to approve the consent agenda item by acclamation unless at least one opposing vote is cast. No opposing vote was cast. Upon being put to a vote, the motion to adopt the consent agenda was approved by acclamation.

6. 2050 Metropolitan Transportation Plan/Revised 2020-2029 TIP Update

Presenter:

Neil Burke

Summary:

Mr. Burke provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes. The presentation's purpose was to obtain the Board's adoption of the 2050 Metropolitan Transportation Plan. Specifically, the following actions were requested:

1. Find that the 2050 Metropolitan Transportation Plan and the Revised 2020-2029 Transportation Improvement Program are in compliance with the provisions of the Clean Air Act amendments of 1990 and 23 USC 134. (This is the air quality conformity determination.)
2. Adopt the 2050 Metropolitan Transportation Plan.
3. Adopt the Revised 2020-2029 Transportation Improvement Program.
4. Approve amendments to the 2045 Metropolitan Transportation Plan.

A summary of the public comment period was provided. The comment period began on January 18 and concluded on February 17, with the focus on the draft 2050 MTP report, 2045 MTP and TIP amendments. Eleven comments from residents were received, and staff had determined that none of the comments required changes to the 2050 MTP or the other supporting documents.

Next, Mr. Burke reviewed amendments to the 2045 MTP and 2020-2029 TIP that were necessary to align with schedule changes approved by the NC Board of Transportation in October 2020 due to NCDOT's budgetary issues. An Air quality conformity determination was completed for the revised 2020-2029 TIP and 2050 MTP fiscally constrained project list. CRTPO's 2050 MTP and 2020-2029 TIP are found to conform to the purpose of the North Carolina State Implementation Plan (SIP) and anticipated emissions are in conformity with the 2008 8-hour ozone standard. Lastly, it was noted that at its March meeting, the TCC unanimously recommended that the Board take the three requested actions.

Brad Richardson requested clarification on the MTP horizon years to ensure that they didn't coincide with the actual project schedule. Mr. Burke explained that MTP horizon years are 10-year increments within the overall

lifespan of the plan. MTP amendments are required when a TIP project schedule moves into another 10-year time increment. Mr. Burke provided an example of a project within the TIP that had its last year of construction funds moved from FY 2025 to FY 2026. Since the project would no longer be open to traffic by 2025, an MTP amendment would be necessary to move the project into the 2035 horizon year (2026-2035 timeframe).

Motion:

Chair Pappas made a motion to the Board to 1) find that the 2050 Metropolitan Transportation Plan and the 2020-2029 Transportation Improvement Program are in compliance with the provisions of the Clean Air Act amendments of 1990 and 23 USC 134; 2) adopt the 2050 Metropolitan Transportation Plan; and 3) Adopt the revised 2020-2029 Transportation Improvement Program, 4) Approve amendments to the 2045 MTP by acclamation unless at least one opposing vote is cast. No opposing vote was cast. Upon being put to a vote, the motion was approved by acclamation.

7. FY 2023 Unified Planning Work Program

Presenter:

Robert Cook

Summary:

Mr. Cook provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes. The presentation's purpose was to obtain the Board's adoption of the FY 2023 UPWP. The final draft of the FY 2023 UPWP was reviewed with updated funding allocations. The allocation process is complete, and the document has been prepared. Recommended allocations by task code were reviewed. Proposed FY 2023 UPWP funding allocations were reviewed for the following: local planning projects, CATS Silver Line Rail Trail Support and CONNECT Beyond implementation manager support. At its March meeting, the TCC unanimously recommended that the Board adopt the FY 2023 UPWP.

Renee Garner requested an explanation regarding the environmental justice line item within the UPWP. Mr. Cook responded to explain that a federal executive order (1998) requires MPOs to identify environmental justice communities within their planning areas and include provisions to address Title VI requirements. Examples of tasks associated with this task code include outreach to EJ communities and project evaluation using a degree of impact calculation to measure the impact on EJ communities, and other activities related to the specific scope of plans and initiatives.

Motion:

Chair Pappas made a motion to the Board to approve the FY 2023 UPWP. The motion would be approved by acclamation unless at least one opposing vote was cast. No opposing vote was cast. Upon being put to a vote, the motion to approve the FY 2023 UPWP was approved by acclamation.

8. Independence Blvd NCDOT Corridor Implementation Plan Update

Presenter:

Tony Lathrop, NC Board of Transportation, David Wasserman & Brett Canipe, NCDOT

Summary:

Mr. Lathrop thanked the staff, TCC members and stakeholders from Charlotte and Matthews that served in the role of stakeholders on the Independence Boulevard working group.

Mr. Wasserman and Mr. Canipe provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes. The presentation's purpose was to provide an update on the NCDOT's effort to develop a strategy to prioritize improvements along the US 74 Corridor from I-277 in Uptown to I-485 in Matthews given the recent project cost increases and the department's funding constraints. NCDOT included CRTPO, the City of Charlotte, and Town of Matthews staffs as stakeholders in this effort throughout the past 18 months.

Mr. Canipe provided an overview of the scope of Independence Boulevard project (U-2509) and reviewed the cost estimate increases since 2015 when the project was first committed for funding in the 2016-2025 STIP. He explained that the project was initially funded in the 2016-2025 STIP with a cost estimate of \$404 million, that has since increased to \$1.0 billion in the 2020-2029 Reprogrammed STIP.

Mr. Wasserman provided a summary of the funding availability for the next 2024-2033 STIP by explaining that NCDOT remains overprogrammed by \$8 billion based upon updated cost estimates for projects committed in the 2020-2029 STIP. The Prioritization Work Group developed a criterion to identify delivery projects that can be automatically included in the 2024-2033 STIP based upon their current project development schedule in the 2020-2029 STIP and historical NCDOT prioritization score. In addition, he explained that MPOs will have a local flexibility option to exchange an unfunded 2024-2033 STIP project with a delivery project if the two projects are within a 10% estimated cost of each other. The project exchange would need approval by the respective MPO and NCDOT Division.

Mr. Wasserman explained that the goal of NCDOT's Independence Boulevard Corridor Implementation Plan was to identify the segments of the project that could become delivery projects for inclusion in the 2024-2033 STIP, establish project schedule within the STIP development process, and to conform to the STI legislation by specifying that the parallel routes associated with the project are not eligible for Statewide Mobility funding. He explained that process to finalize the corridor implementation plan includes the following three steps:

1. NC Board of Transportation amended the 2020-2029 STIP in January 2022 to subdivide the U-2509 project into nine segments.
2. Six of the nine segments will become delivery projects in the 2024-2033 STIP development process, the remaining three segments will become unfunded and would need to be reconsidered in NCDOT Prioritization 7.0 in the development of the 2026-2035 STIP.
3. NCDOT will conduct a STIP coordination meeting with CRTPO in the summer of 2022 to determine if any project exchanges may occur. NCDOT has recommended that U-6103 (US 74 Express Lanes from I-277 to Albemarle Rd) is exchanged with U-2509C (US 74 general purpose and express lanes from Wallace Lane to Sardis Road West) since this would create a continuous express lanes facility between Wallace Lane and I-277.

Mr. Canipe concluded the presentation by explaining that the next steps will include the completion of the environmental document (including all segments of the corridor implementation plan), continued planning and design work, and continue the value engineering assessment and coordinate with stakeholders on design details.

Chair Pappas requested clarification on the local priority option associated with this project. Mr. Canipe explained that NCDOT will release an initial Draft 2024-2033 STIP released this spring. NCDOT will schedule coordination meetings with MPO staff to discuss any local option exchanges of unfunded projects for delivery projects provided that the MPO selected project is within 10% of the estimated cost of the delivery project and the projects must be within the same STI tier. He explained if the CRTPO agrees to exchange the unfunded U-6103 segment of Independence Boulevard with the funded U-2509E project, then there would be a continuous express lane corridor between Wallace Lane and I-277. Chair Pappas inquired about a criterion to evaluate the potential project exchanges as a part of the local priority option within NCDOT's 2024-2033 STIP development process. Mr. Canipe responded that the local priority option is intended to be subjective to provide the maximum amount of flexibility for MPOs, and exchanging projects is not a mandatory component of the process.

Mayor Higdon inquired about the recent NCDOT policy decision to classify several of the parallel route segments as Division Needs tier projects and asked if these projects could be funded with Statewide Mobility funds in the future. Mr. Canipe responded to explain that NCDOT has identified the parallel route segments that provide a direct mobility benefit to the existing US 74, and consequently several segments that were previously programmed with Statewide Mobility funding have been reclassified as Division Needs tier projects based upon the department's engineering judgement. He added that the unfunded parallel routes (classified as Division

Needs) are included in the environmental document for the project. Mayor Higdon expressed disappointment with NCDOT's policy decision and stated that this will have several impacts on businesses along the corridor. He added that the Town of Matthews has worked with NCDOT for over 30 years to develop the scope of the project only to have a significant element removed based upon the department's recent policy decision within the past year.

Renee Garner concurred with the comments made by Mayor Higdon regarding the Town of Matthews disappointment with the Corridor Implementation Plan process, and she expressed concern regarding the statement that NCDOT may continue to reduce the scope of the project through the Value Engineering process. Mr. Canipe responded to explain that the design process is ongoing and NCDOT will continue to coordinate with the stakeholders to optimize the cost of the project when appropriate. Mr. Lathrop added that he has placed a significant effort on stakeholder coordination to achieve a mutual agreement on the segments of this project that can be prioritized within the 2024-2033 STIP development process, and he committed to work with Charlotte and Matthews to pursue strategic funding opportunities for the unfunded segments on the Independence Boulevard NCDOT project. Ms. Garner acknowledged the support expressed from Mr. Lathrop but expressed concern that additional scope modifications may continue to reduce the footprint of this project.

David Williams stated that the reductions were justified within the scope of the \$1 billion NCDOT Independence Boulevard project because it limited the ability for other projects to be funded given the department's financial issues. Chair Pappas acknowledged the comments from Board members but expressed gratitude to Mr. Lathrop and Mr. Canipe in their provision of factual information regarding the NCDOT Independence Boulevard project.

9. STBG-DA/State Highway Trust Fund Exchange

Presenter:

David Wasserman, NCDOT

Summary:

Mr. Wasserman provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes. The purpose of the presentation was to inform the Board of a proposal for NCDOT to exchange \$86 million of the CRTPO's STBG-DA federal funds with State Highway Trust funds to assist local jurisdictions in administering projects and increase the amount of federal funding that NCDOT can request from FHWA. The proposed funding exchange is revenue neutral and thus is within both the NCDOT's and CRTPO's policy on exchanging funds as an administrative modification, which does not require an official action from the CRTPO Board. The NCDOT proposal is similar to a series of administrative modification funding exchanges that have been completed with the CRTPO annually from 2018 through 2021 as part of FHWA's August Redistribution process. Mr. Wasserman concluded his presentation by reiterating that new projects will not be funded within this initiative, and the fund exchange is simply switching the type of funding associated with CRTPO priority projects.

Mr. Richardson requested that a list of eligible projects to be included within the 2022 August redistribution proposal for CRTPO funding exchanges. Mr. Wasserman responded to explain that this information will be included in a memorandum to Mr. Burke and he can distribute it appropriately.

10. Strategic Plan Implementation Process

Presenter:

Robert Cook

Summary:

Mr. Cook stated that he has set up a quarterly meeting amongst CRTPO staff to ensure that milestones within the Strategic Plan are being achieved. He added that Brian Elgort has created a template to track the progress of each of the seven Strategic Plan Goal 6 strategies regarding the identification of additional funding sources for transportation projects. As part of the implementation process associated with Goal 6, staff is closely monitoring the rulemaking process within the federal IJIA legislation, and several staff members are pursuing grant writing training in order to become a resource to member jurisdictions to maximize the amount of revenue available to

projects within the CRTPO planning area. He added that staff is preparing a Rebuilding America n Infrastructure with Sustainability and Equity (RAISE) discretionary grant application for a Vision Zero fatality elimination safety program for the CRTPO. Mr. Cook concluded his presentation by stating that additional information regarding the implementation status of the Goal 6 strategies will be provided during the May 18 Board meeting.

11. NCDOT Announcement of Unsolicited Proposal: I-77 South Express Lanes Public-Private Partnership

Presenter:

Brett Canipe, NCDOT

Summary:

Mr. Canipe provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes. The purpose of the presentation was to announce that NCDOT has received an unsolicited proposal to construct managed lanes along I-77 between I-277 (Brookshire Freeway) in Uptown Charlotte and the South Carolina state line. He explained that NCDOT needs the support of the CRTPO Board to move forward with the evaluation of the unsolicited proposal. Mr. Canipe explained that this is a partially funded project within the current 2020-2029 STIP as a corridor improvement project along I-77 that includes managed lanes within its scope. Its STIP ID number is I-5718. The proposal would deliver the project as a Public-Private Partnership (P3) where a privately held company would design, build, operate, and maintain the project over a period of time as articulated in a mutual agreement with NCDOT. Mr. Canipe explained that the benefit of a P3 would be to leverage private funds to accelerate the construction of this unfunded project.

He then defined an unsolicited proposal and stated that the proposal is not a formal offer or a bid. Mr. Canipe emphasized that if the CRTPO Board opts to move forward with evaluating the unsolicited proposal that there are numerous opportunities for the Board to stop the process as additional information is provided. Mr. Canipe stated that if the CRTPO Board agrees for NCDOT to move forward with the proposal evaluation and it is mutually determined that it is viable, then the project would be competitively bid in a transparent process. He provided an overview of NCDOT's unsolicited proposal evaluation process which includes financial, legal, transportation need and constructability measures. Mr. Canipe reviewed a tentative schedule and next steps for the proposal review process, which is flexible given the direction provided by the CRTPO Board.

Several CRTPO Board members requested that NCDOT reveal the company name and country of origin of the proposer. Mr. Canipe responded that he is unable to provide that information based upon state statute (*per GS 132-1.2(1) and (9), the contents of the proposal are confidential*).

Dan Boone asked how this is different from the I-77 Mobility Partners. Mr. Canipe explained that that I-77 Mobility Partners is the concessionaire for the existing I-77 Express Lane project from Uptown Charlotte north to Mooresville and was not the result of an unsolicited proposal.

Lisa Qualls requested confirmation that if the CRTPO Board agrees that NCDOT can move forward with an evaluation of the unsolicited proposal, and it is mutually determined to be acceptable, that NCDOT would move forward with competitively bidding the project in an open and transparent process with multiple opportunities to stop the review process. Mr. Canipe responded to confirm Mayor Pro-Tem Qualls statements and added that it would be a required part of the process if the Board decides to move forward with the evaluation process. Mayor Pro-Tem Qualls asked if there is a monetary obligation regarding the CRTPO Board's decision to allow NCDOT to review the unsolicited proposal. Mr. Canipe explained that the only monetary obligation would be staff time associated with the review process.

Chair Pappas informally polled the CRTPO Board to determine if NCDOT should move forward with the review process for the unsolicited proposal, adding that he does not wish to take a formal vote this evening given that this item was not in the distributed agenda packet. Several CRTPO Board members expressed opposition to NCDOT's review of the unsolicited proposal at this time. Mayor Higdon and Denis Bilodeau requested a vote be taken tonight.

Pat Cotham expressed her opposition to the unsolicited proposal given her experience with the lack of transparency associated with the existing I-77 Express Lanes project.

Julie Eiselt encouraged the CRTPO Board to reconsider this item during an upcoming meeting, citing the limited financial obligation of NCDOT staff time, and the state's limited financial resources to deliver a large-scale capital project. Mayor Pro-Tem Eiselt added that several other states have leveraged limited resources using P3 concepts to deliver large-scale infrastructure projects in an accelerated timeframe.

Chair Pappas directed NCDOT to provide any additional information to the CRTPO Board given the limitations within the state statute and plan to conduct another presentation to the TCC and the CRTPO Board at a time that is amenable to all parties.

Mayor Becker concurred with the approach outlined by Chair Pappas and requested that the CRTPO Board take a formal future action to respond to NCDOT's request to review the unsolicited proposal. Mr. Richardson recommended that this item is placed on an upcoming CRTPO Board agenda for a formal vote citing the Board's responsibility to investigate any opportunities to secure funding for transportation infrastructure projects.

12. Upcoming Agenda Items

Presenter:

Neil Burke

Summary:

- The April 27 Board meeting has been cancelled due to lack of agenda items.
- The May 18 Board meeting will be held in-person at the Charlotte-Mecklenburg Government Center.

Mr. Burke provided the following announcements:

- A joint CRTPO-Gaston-Cleveland-Lincoln MPO Board meeting will be held on Thursday, April 28 at 5:30 pm at the Charlotte-Mecklenburg Government Center. Board members will receive an email from Emily Parker of Centralina Regional Council with specific instructions for virtual and remote participation. A dinner will be provided for in-person attendees. TCC members will need to participate remotely.
- 2022 NC Ethics SEI and RED Forms are due April 15. To date, 13 of 46 voting delegates and alternates have successfully filed their forms.
- Board members will receive an information request via email to inform staff if they will be seeking re-election or cycling off of their jurisdiction's boards during the May 17 elections. This will help inform the voting members of the Board for the remainder of 2022.

Judy Dellert-O'Keef conducted a presentation summarizing the polling results of 2022 education session topics and presented an anticipated schedule of topics.

13. Board Member Comments

Presenter:

Ron Pappas

There were no comments.

14. Adjourn

The meeting adjourned at 8:14 p.m.