

CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION
Charlotte-Mecklenburg Government Center, Room 267
July 20, 2022 Meeting
Summary Minutes

Members Attending:

Julie Eiselt (Charlotte), Denis Bilodeau (Cornelius), Rob Kidwell (Huntersville), Ernestine Staton (Marshville), Renee Garner (Matthews), Pat Cotham (Mecklenburg County), John Higdon (Metropolitan Transit Commission), Fredrick Becker (Mineral Springs), Dale Dalton (Mint Hill), Lisa Qualls (Mooresville), Tony Lathrop (NC BOT-Division 10), Brad Lail (NC BOT – Division 12), Jack Edwards (Pineville), George Harris (Troutman), Craig Horn (Weddington)

Non-Voting Members Attending:

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

1. Call to Order

Vice-Chair Lisa Qualls called the July 2022 CRTPO Board meeting to order at 6:00 p.m. She recognized Senator Vickie Sawyer in attendance, and Bob Cook introduced the new CRTPO Associate Transportation Engineer, Kendall Clanton.

2. Adoption of the Agenda

Summary:

Vice-Chair Qualls asked if any changes to the agenda were necessary. No changes were identified.

Motion:

Rob Kidwell made a motion to adopt the agenda as presented. Mayor Horn seconded the motion. Upon being put to a vote, the motion to adopt the agenda as presented was approved unanimously.

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.

Tony Lathrop stated that he had a conflict of interest with agenda item 11: NCDOT Unsolicited Proposal: I-77 South Express Lanes Public-Private Partnership, and he explained that he will refrain from participating in any discussion related to this agenda item.

No additional conflicts of interest were identified.

5. Consent Agenda

Summary:

Vice-Chair Qualls requested action on the following two consent agenda items:

- a) June 15, 2022 CRTPO Board Meeting minutes
- b) 2020-2029 TIP Amendments

Motion:

Mayor Horn made a motion to approve the consent agenda. Mayor Becker seconded the motion. Upon being put to a vote, the consent agenda was unanimously approved.

6. **Jurisdiction Education Session Series: Huntersville Planning Initiatives**

Presenters:

Judy Dellert-O'Keef, Dana Stoogenke (Matthews), and Karen Dewey (Weddington)

Summary:

Ms. Dellert-O'Keef began the presentation by stating that this the second occurrence in series of education sessions throughout 2022 that will be led by TCC members. The purpose of the jurisdiction education sessions is to keep the Board informed regarding project and activities throughout the planning area. Ms. Dellert-O'Keef concluded by introducing Dana Stoogenke with the Town of Matthews and Karen Dewey with the Town of Weddington.

Ms. Stoogenke began her presentation by providing an overview of the population and geography of the Town of Matthews. Next, she provided an overview of Matthews's current plans and active transportation projects. Ms. Stoogenke concluded her presentation describing a proposed \$21 transportation bond referendum that would fund downtown improvements, enhanced sidewalk connectivity, and roadway improvements.

Ms. Dewey presented an overview of the existing conditions within the Town of Weddington, which included current population estimates, transportation network, and land use descriptions. Next, she summarized three recent planning activities that Weddington has recently completed, which include an updated land use plan (2019), a traffic study including five intersections (2019), and the adoption of a Unified Development Ordinance (2021). Ms. Dewey concluded her presentation by highlighting two active intersection improvement projects that have been funded with contributions from the CRTPO's discretionary program.

Mayor Horn expressed support for the NC 16 widening project in Weddington and Waxhaw (U-5769), and the Rea Road Extension project (U-3467).

7. **Discretionary Program Supplemental Funding Recommendations**

Presenter:

Jennifer Stafford

Summary:

Ms. Stafford provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes.

She began the presentation by providing an overview of the four shortfall applications received seeking supplemental funding for active projects totaling \$3.9 million. The project call began on March 1 and concluded on April 29. The Project Oversight Committee (POC) reviewed four applications and recommended the following three projects:

- Concord Rd & Robert Walker Dr Roundabout Conversion in Davidson
- NC 115 & Faith Rd Intersection Improvements in Mooresville
- NC 75 & Old Providence Rd Intersection Improvements in Waxhaw

Ms. Stafford explained that the POC did not recommend the Town of Huntersville's application for supplemental funds of \$262,000 for a 15% project inflation increase. The decision to exclude this project is because it has not started. Instead, the POC recommended that Huntersville start the project and return for a shortfall if necessary. Ms. Stafford concluded his presentation by stating that the TCC unanimously recommended that the Board approve the shortfall requests for the three projects during its July meeting.

Motion:

Mr. Kidwell made a motion to approve \$3,924,000 of the CRTPO's unobligated future year STBG-DA funding to three existing discretionary projects that have experienced shortfalls and amend the 2020-2029 TIP to allocate

the funding to the existing discretionary projects. Pat Cotham seconded the motion. Upon being put to a vote, the motion passed unanimously.

8. Performance-Based Planning: CMAQ Performance Targets

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.

He began the presentation by providing an overview of State DOT's and MPO's roles within the federal performance-based planning process. Mr. Cook explained that the purpose of this presentation will be to review two CMAQ performance targets and determine if the Board believes changes to the targets are warranted. The targets are:

- Annual hours of peak hour excessive delay (PHED) per capita.
- Percent non-single occupant vehicle (SOV) travel.

CMAQ performance targets are set at the urban area level which requires all states and MPOs with planning responsibilities within the urban area to agree to a single target. Thus, CRTPO must agree with the three neighboring MPOs as well as NCDOT and SCDOT on the final targets. Mr. Cook explained that the region's targets were first established in 2018 and reassessed in 2020. The outcome was that the region met targets for both CMAQ performance measures. He explained that staff has recommended that the CRTPO retain the current targets for both measures. The TCC agreed to support current targets and staff will work with region to set an aspirational target for an enhanced level of non-SOV travel when the targets are reviewed in two years. Mr. Cook concluded his presentation by requesting Board feedback on the current staff recommendation and the pursuit of an aspirational non-SOV target during the next reassessment in two years.

Mayor Higdon and Renee Garner expressed support for the aspirational non-SOV target. Mayor Horn stated that COVID has changed mobility patterns and he explained that he is skeptical that an aspirational non-SOV target could be met given traditional preferences to drive alone.

The Board supported the addition of this action item on the consent agenda for the August 17 meeting by acclamation.

9. Beyond 77 Implementation Task Force

Presenter:

Agustin Rodriguez

Summary:

Mr. Rodriguez provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes.

Mr. Rodriguez began his presentation by providing a timeline of the plan development process for the Beyond 77 study which resulted in the adoption by the CRTPO Board in January of 2022. The Beyond 77 implementation plan recommended the creation of a taskforce to deliver recommendations identified in the plan. The taskforce met for the first time in May and will prioritize recommendations for the implementation of the Beyond 77 study. The presentation provided an overview of eight steps of the implementation plan, taskforce member roster, and a schedule of activities. The presentation concluded by sharing the draft Beyond 77 promotional video designed to help residents navigate the Beyond 77 website.

Mayor Horn requested clarity on the role of the Board within the Beyond 77 implementation process. Mr. Rodriguez stated that Board's role will be to ensure that the region's residents are educated about the implementation process, and they have the ability to provide input on the recommendations from the study.

Mayor Pro-Tem Eiselt asked how the recommendations were prioritized and if the alternative funding recommendations component may create the need to revisit the initial set of recommendations. Mr. Rodriguez explained that the recommendations were prioritized in terms of their timeframes. The 15 recommendations that are classified as 'immediate' were determined to be initiatives that would not require a dedicated funding source and could be initiated this year.

Ms. Cotham asked who the audience was for the video and the SUIT application. Mr. Rodriguez responded that these public engagement tools have been designed for all residents and users of the corridor. Ms. Cotham responded to state that she felt that the website is overly technical and not user friendly.

10. Strategic Plan Implementation Process

Presenter:

Neil Burke

Summary:

Mr. Burke explained that staff met with the CRTPO Chair and Vice-Chair on June 17 to review implementation plans for SP – Goal 6 – Expand Regional Transportation Funding. The next steps for the Strategic Plan implementation include the preparation of implementation plans for Goal 1 (lead on regional mobility issues) in the summer of 2022, and Goal 5 (Continuously improve internal operations) in the fall of 2022.

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

Presenter:

Lisa Qualls

Summary:

Vice-Chair Qualls began the presentation by recapping the discussion that the Board had during the March 23 meeting regarding an unsolicited proposal that NCDOT has received from a firm interested in constructing managed lanes on I-77 South from the Brookshire Freeway to the SC state line. The project would be built as a public-private partnership, meaning that the managed lanes would be built, owned, and maintained by a private company. NCDOT stated that it hadn't analyzed the proposal and would not analyze it unless CRTPO instructed them to do so. She explained that NCDOT also explained that the proposal is not a formal offer or a bid, and that if NCDOT deems the proposal to be viable, then any future managed lanes project would have to be the subject of a competitive bidding process. In other words, the firm that submitted the unsolicited proposal is not automatically awarded a contract to build the project. Vice-Chair Qualls reminded the Board that NCDOT is willing to stop the process at any time.

Vice-Chair Qualls proposed that the next step in this process be asking the TCC to analyze the I-77 South corridor from Brookshire Freeway to the SC state line in order to provide us with a complete picture of the corridor and the issues affecting it, and that the TCC report back with preliminary findings at the September meeting. She explained that her purpose in recommending this course of action is to assemble all the facts. She requested NCDOT to do so but they declined saying that they did not want to appear as advocates. Vice-Chair Qualls explained that it's important to know the facts before we consider giving NCDOT the green light to analyze the proposal.

Vice-Chair Qualls directed Mr. Burke to provide the Board with an overview of the data that the TCC should provide regarding the I-77 south corridor. Mr. Burke explained that the Board approved the motion tonight, the TCC could assemble current project cost information, federal and state funding statute restrictions, current and future traffic volumes, project scope, a summary of previous studies along the corridor, and a demographic

profile of the abutting neighborhoods. He stated that the TCC may not be able to collect all of this information, but he requested that NCDOT cooperate with providing as much information as possible to fulfill this request.

Mayor Higdon asked NCDOT to reveal the name of the proposing firm and the cost of studying the I-77 South corridor. Vice-Chair Qualls directed the question of the identification of the proposing firm to Jeff Littlefield (NCDOT-Division 10 Deputy Engineer), and Mr. Littlefield explained that the proposer cannot be identified at this time. Mr. Burke explained that the costs associated with compiling the data within this agenda item would be in-kind using CRTPO staff and member jurisdiction staff resources. A consultant would not be retained for this task.

Denis Bilodeau indicated that he does not support this course of action because it would reallocate resources when there are several other ongoing initiatives and based upon his past experience with the I-77 North Express Lanes process. Mr. Bilodeau added that he believes should not withhold information regarding the proposing firm because the perception is the proposing firm is the same company as the concessionaire for the I-77 North Express Lanes project.

Ms. Cotham is opposed to the course of action because she believes that it lacks transparency and accountability. She doesn't believe that the TCC should be directed to prepare information regarding the I-77 south corridor. Ms. Cotham added that the Board should set expectations for communicating with NCDOT.

Mayor Edwards recalled the lack of transparency associated with the I-77 North Express Lanes process where the CRTPO was asked to take action to endorse the express lanes a day after NCDOT signed the contract with the I-77 Mobility Partners. He added that there needs to be additional transparency from Raleigh on the proposal so he will make a motion following this discussion to have Chairman Pappas and Mr. Burke to invite NCDOT leadership to discuss this project at an upcoming Board meeting in conjunction with directing the TCC to analyze the I-77 South Corridor.

Mayor Pro-Tem Eiselt recognized NCDOT's transparency issues with the I-77 North Express Lanes project but cited continued growth of the region and the current congestion issues along the I-77 south of Uptown Charlotte as reasons that she will support the TCC analysis of the corridor. She added that if the motion is approved that the data collection component of the TCC's analysis include current usage of the I-77 Express Lanes north of Uptown Charlotte.

Rob Kidwell cited the lack of local input with the I-77 North Express Lanes project as a reason to delay the TCC analysis of the I-77 South Corridor and focus on current priorities. He added that it is concerning that NCDOT has not received a response from the proposer upon requesting additional information. Mr. Kidwell stated he will not support the TCC analysis of the I-77 South Corridor by the TCC. He added that another concept would be to toll drivers entering North Carolina from South Carolina.

Mayor Becker stated that allowing the TCC to analyze the I-77 South Corridor would be a part of a transparent process for the Board to understand the need for the project. He reminded the Board that there are multiple occasions where CRTPO can tell NCDOT to stop the proposal review, and the TCC will not be reviewing a bid for the project. The requested action is related to having the TCC gather data on the corridor needs and operational issues.

Mayor Higdon elaborated on his first request by explaining that he wanted to ensure that the proposer for I-77 South was not the same company as the concessionaire for the I-77 Express Lanes project. He cited the contract length, compensation event clauses, maintenance responsibility as the issues with the I-77 North Express lanes contact. Vice-Chair Qualls reminded the Board that the requested action tonight is not related to a contract, it is rather to direct the TCC to collect additional information about the need for a project along the I-77 South Corridor. She added that NCDOT would be required to follow a professional bidding process if the review was completed and the proposer was found to have a valid submittal.

Mayor Horn stated that the proposing firm should conduct a presentation at an upcoming Board meeting before the TCC and CRTPO staff utilize resources to study the I-77 South Corridor.

Ms. Garner expressed concern with not having an adequate amount of information to make a decision tonight. She questioned how the TCC would have data to analyze about the corridor if it was not made available to the Board tonight.

Brad Lail expressed support for allowing the TCC to analyze the I-77 South Corridor to provide the Board with additional information about the need for a project. He referenced limitations in terms of sustainable transportation revenue and with the STI legislation as reasons to consider a public-private partnership for large capital projects. He added that based upon his perspective as a Board of Transportation representative, NCDOT would not advance the project without support from CRTPO.

Original Motion:

Mayor Pro-Tem Eiselt made a motion to direct the TCC to analyze the I-77 South Corridor, develop findings of fact, and have Chair Pappas and Mr. Burke invite NCDOT executive leadership conduct a presentation regarding the unsolicited proposal in conjunction with the TCC's analysis. Mayor Edwards seconded the motion.

Substitute Motion:

Ms. Cotham made a substitute motion to do nothing and direct Board leadership to contact NCDOT and investigate the proposal at a later time. Denis Bilodeau seconded the motion.

Vote on Substitute Motion:

Upon being put to a vote, the substitute motion to do nothing and direct Board leadership to contact NCDOT and investigate the proposal at a later time failed at a margin of 13 to 37 with dissenting votes from Charlotte, Mineral Springs, Mooresville, Pineville, Troutman, and NCBOT-Division 12.

Vote on Original Motion:

Following the failure of the substitute motion, the Board voted on the original motion. Upon being put to a vote, the original motion to direct the TCC to analyze the I-77 South Corridor, develop findings of fact, and have Chair Pappas and Mr. Burke invite NCDOT executive leadership conduct a presentation regarding the unsolicited proposal in conjunction with the TCC's analysis passed at a margin of 37 to 13 with dissenting votes from Cornelius, Huntersville, Marshville, Matthews, Mecklenburg County, Mint Hill, Weddington, and the Metropolitan Transit Commission.

12. Upcoming Agenda Items

Presenter:

Neil Burke

Summary:

The August 17 CRTPO Board agenda will include the following action items:

- CMAQ Performance Targets
- FY 2023 UPWP Amendment
- 2020-2029 TIP amendments

Mr. Burke provided the following announcements:

- SL 2022-74 (HB 103 - SFY 2023 Budget)/Sales Tax Revenue transfer to NCDOT
 - Additional STI revenue
 - NCDOT needs to re-start the programming process for the 2024-2033 STIP given the influx of revenue from the transfer provision within the state budget
 - Current delivery projects will not change, but some of the ‘unfunded’ projects will become delivery projects due to the additional revenue
 - \$4-6 billion in additional revenue is anticipated after the inflation adjustment factor is applied
 - CRTPO staff will update spreadsheets, maps, and coordinate with NCDOT on presentations to the Board and TCC once the Update STIP is released
 - A revised DRAFT STIP will be released within the next month based upon the additional revenue
 - NCDOT has stated that all swap decisions should be paused until the DRAFT STIP is released
 - The pause is because some of the unfunded projects may become funded in the Revised STIP based upon the additional revenue
 - CRTPO endorsement of swaps is now scheduled to occur during the September meeting.
- CRTPO’s public involvement plan update survey was opened on July 12 and will close on August 12.
 - Residents within the CRTPO’s three county planning area are targeted to help determine methods for CRTPO to effectively share information, consult with the community, and receive public input.

13. Board Member Comments

Presenter:
Lisa Qualls

There were no comments.

14. Adjourn

The meeting adjourned at 8:21 p.m.