



September 12, 2008.

High Point

Mr. Mike Bruff, P.E.

Archdale

Manager, Transportation Planning Branch

NCDOT

1554 Mail Service Center

Jamestown

Raleigh, NC 27699-1554.

**SUBJECT: COMMENTS ON THE PROPOSED CONGESTION MITIGATION AIR QUALITY (CMAQ) PROJECT SELECTION PROCESS**

Thomasville

Dear Mike;

Trinity

The Cabarrus-Rowan MPO, Greensboro MPO, High Point MPO, Winston-Salem MPO, and the Piedmont Triad RPO have reviewed and discussed Transportation Planning Branch's proposed revisions to the CMAQ project selection process. We share your interest in utilizing the large unexpended CMAQ balance available to the nonattainment and maintenance areas in North Carolina and in putting the CMAQ program on a sound footing for the future. However, given the speed and visibility with which this process was developed we are concerned that the Department of Transportation may be scrapping an award-winning project selection process in favor of a process poorly suited to the needs of the stakeholder community. We have some concerns with the process for using the unexpended balances; however, our more serious concerns pertain to the process for using CMAQ funds that will become available in federal fiscal year 2013<sup>1,2</sup>. Since the "2013" fiscal year is four years from now, and is after the anticipated reauthorization of the federal transportation legislation, there is enough time for a more inclusive and collaborative stakeholder engagement process than has been the case to date.

Wallburg

Davidson  
County

Forsyth  
County

Guilford  
County

**CONSIDERATIONS**

Randolph  
County

The difficulties with the 2004 call for projects have been fourfold: implementation delays caused by the difficulty in developing municipal agreements for individual

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<sup>1</sup> Arellano, PE, Terry. "The New Direction of the Congestion Mitigation & Air Quality (CMAQ) Program at NCDOT." NCDOT Operations Staff Meeting. Raleigh, NC. 2 Sep 08. Slide#5

<sup>2</sup> It is unclear from the presentation exactly when this process will take effect. Slide 5 says for funds available in 2013 while slide says "next TIP update cycle."

projects, the steep learning curve associated with meeting federal requirements, large unexpended balances that some allocates have developed, and the high administrative costs associated with small projects. We believe that NCDOT is dealing effectively with three of the four issues either in this proposal or as part of other indicatives.

- Agreements and Federal Compliance: We understand that the Division Offices are to serve in a project oversight role for developing municipal agreements and for federal compliance. We view this as a positive step for the program.
- Large Unexpended Balances: The expected call for new projects, if aggressively pursued, should minimize the unexpended balances.
- High Administrative Costs: We agree with the need for a minimum project size to avoid cases in which administrative costs exceed the dollar value of the project itself. However, the proposed \$250,000 minimum is too high. A high minimum will limit the ability of areas like the NW Piedmont RPO, the Rocky River RPO and the UNIFOUR RPO to develop projects and to obligate the funds. We propose that the minimum project value be set at \$50,000, or that the limit be set at \$350,000 for a seven year coordinated program of projects. \$350,000 is equivalent to \$50,000 per year for the seven years of the TIP.

As mentioned earlier our greater concerns relate to how the CMAQ Program will be integrated into the process for developing the transportation improvement program.

We are concerned that allocation to the nonattainment area level rather than to the MPO or RPO level tilts the project selection process towards larger metropolitan planning organizations at the expense of smaller metropolitan planning organizations and rural planning organizations. For many years NCDOT's policy position has been to distribute funds as equitably as possible. Allocating to the nonattainment area also unnecessarily requires the Board of Transportation and Division Engineers to referee disputes between adjacent MPOs and RPOs. The unnecessary expenditure of Board member time will only become greater if the number of nonattainment counties grows as a result of anticipated changes to the ozone standard.

Heretofore vetting CMAQ projects has been driven mainly by the constraints of the federal regulations and technical requirements governing the program. The proposed approach<sup>3</sup> unnecessarily injects a political overlay into the project selection process. Further the proposed approach significantly devalues the Interagency Review Team. We much prefer maintaining status quo in which project selection is determined by local interest and Transportation Advisory Committee approval subject to available funding.

Approximately one half of the Board members will complete their terms of service in December of 2008 (those representing the odd numbered Divisions and some of the at

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<sup>3</sup> Arellano, PE, Terry. "The New Direction of the Congestion Mitigation & Air Quality (CMAQ) Program at NCDOT." NCDOT Operations Staff Meeting. Raleigh, NC. 2 Sep 08. Slide#9.

large members) and will rotate off the Board of Transportation unless reappointed by the new governor. Divisions 5, 7, and 9, all of which receive large amounts of CMAQ money, will all have new representation in 2008. Under the present schedule the new Board members will implement a new CMAQ policy that they had no hand in developing: doing so will likely create significant questions from them.


## **RECOMMENDATIONS**

As discussed earlier we request that Transportation Planning Branch reconsider their schedule and develop a more inclusive process development effort that includes the other stakeholders in the CMAQ process. In addition, we would like for the following unmet needs to be specifically addressed in developing a new or revised CMAQ process:

- Articulate a clear vision of the project selection process including for project sponsors any weighting or preference for certain project categories. For example, if signal systems are a preferred project type how much extra weight will this type project receive. Also what is the normal range of benefit cost ratios that the Interagency Review Team expects to see?
- Detailed guidance on developing CMAQ projects for inclusion in the TIP. This guidance should include clear understandable instructions for completing grant applications, acceptable methods for estimating the emissions impacts of projects, and if needed project lifetimes and schedules.
- A catalog of acceptable emission calculation methods for use by potential project sponsors.
- A CMAQ project manager's guidebook similar to the Enhancement Project Manager's guidebook published by the enhancement unit.
- A project initialization meeting with each project sponsor to describe and discuss how the project sponsor will comply with all federal requirements after projects has been selected.

We appreciate the opportunity to comment on the draft CMAQ process proposal and look forward to working with your staff to improve the process so that it better meets public's needs.

Sincerely,



David W. Hyder, P.E.  
Transportation Planning Administrator  
High Point Metropolitan Planning Organization

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