

TRANSPORTATION ADVISORY COMMITTEE
OCTOBER 21, 2009
MINUTES

The Transportation Advisory Committee met on Wednesday, October 21, 2009 at 4:00 p.m. at the Professional Building, 127 W. Hargett Street, Suite 800, Raleigh, NC with the following present:

Members

Joe Bryan, Chairman
Robert Ahlert
Dan Andrews
Don Bumgarner
John Byrne
Albert Corpening
Frank Eagles
Jan Faulkner
Hubert Gooch
Vivian Jones
Russell Killen
Andrea Harris
Thomas Lane
Charles Meeker
Jeff Merritt
Daryl Moss
Coley Price
Julie Robison
Dick Sears
Elic Senter
Emma Stewart
Nina Szlosberg-Landis
Keith Weatherly
Ronnie Williams

Representing

Wake County
Clayton
Harnett County
Zebulon
Fuquay-Varina
Youngsville
Rolesville
Morrisville
Granville County
Wake Forest
Knightdale
Franklin County
Butner
Raleigh
TTA
Creedmoor
Angier
Cary
Holly Springs
Franklinton
Louisburg
NCDOT
Apex
Garner

Staff

Ed Johnson
Gerald Daniel
Robert McCain
Shelby Powell
Kyle Ward
Brandon Watson
Diane Wilson
Kenneth Withrow

Representing

CAMPO Director
CAMPO Staff
CAMPO Staff
CAMPO Staff
CAMPO Staff
CAMPO Staff
CAMPO Staff
CAMPO Staff

Others

Jim Trogdon
John Sullivan
Chip Russell

Representing

NCDOT
FHWA
TCC Chair

The meeting was called to order by Chairman Bryan with discussion and actions taken as shown.

Chairman Bryan reported on the recent event in Zebulon where they dedicated a recreation facility that is a converted National Guard Armory built in the 1940's. He reviewed how the facility was funded. He referred to a Wake County Park that was previously a pecan orchard noting many ideas are picked up from our peers.

AGENDA – APPROVED AS PRESENTED

No changes were made to the agenda. Without objection the agenda was approved as presented.

PUBLIC COMMENTS – NONE RECEIVED

Chairman Bryan announced this was an opportunity for comments from those in attendance. No one asked to be heard.

MINUTES – SEPTEMBER 16, 2009 – APPROVED AS PRESENTED

Minutes of the September 16, 2009 meeting were provided in the agenda packets. Mr. Meeker moved approval of the minutes as presented. His motion was seconded by Mr. Williams, unanimously passed. Chairman Bryan ruled the motion adopted.

2009-2015 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM – AMENDMENT #1 – RALEIGH, FALLS OF NEUSE PROJECT (U-4901) – APPROVED

Mr. Johnson reviewed this item. He explained the City of Raleigh has been managing the development of the Falls of Neuse Road Widening and Improvement project (TIP Project U-4901) which is being funded through a mix of City bond funds and federal funds, including STP-DA funds. With the recent notice of rescission of federal funds and the impacts to all funding sources, it was determined that the STP-DA funds for this project that were slated for FFY-09 had not been encumbered and were subject to rescission. In order to maintain the schedule and the funding commitments by NCDOT and CAMPO

for this project, an amendment to the 2009-2015 MTIP is necessary. Members received in Attachment 5A the needed change for this project to remain funded. The TCC recommended adoption of the amendment. Mr. Johnson explained the project is under design and has been considered by the City Council. Raleigh anticipated letting the contract before September 30 and that did not occur. Raleigh now intends to let the contract in early 2010, bids will be awarded in January 2010 and will take two years to build.

Mr. Meeker explained one phase involves the bridge toward Wakefield and Wake Forest. Phase 2 in further in town. Public comments have been received by Raleigh and had been discussed extensively in Raleigh City Council meetings. He emphasized this project is moving forward and is considered high priority.

Mr. Meeker moved approval of the amendment as outlined. His motion was seconded by Mr. Byrne, unanimously passed. Chairman Bryan ruled the motion adopted.

PROJECT PRIORITY LISTS FOR THE 2011-2017 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) – HIGHWAY PRIORITY LIST APPROVED AS AMENDED; BIKE/PED, TRANSIT AND ENHANCEMENT LISTS APPROVED AS PRESENTED

Mr. Johnson reviewed this item noting on September 1, 2009, the 2011-2017 MTIP Project Priority Lists (PPL) were released for 30-day public review and comment. At the September 16, 2009 TAC meeting, staff presented the 2011-2017 MTIP Project Priority Lists which reflected all feedback received prior to that time. A public hearing was opened to receive comment on the Project Priority Lists. The hearing was left open until this meeting to receive any additional comments. At the September TAC meeting, Mayor Ellington presented a resolution with letters of support for the widening of NC 55 between the proposed US 401 Bypass project, south of Fuquay-Varina and Angier. Members received a copy of the resolution and the letters in their backup. Mayor Ellington at the previous meeting requested that this project supplant the Angier Bypass project which ranked 16th. Following the meeting, staff re-examined the NC 55 project. Members received in their backup the Draft Roadway PPL with the two projects highlighted for discussion and recommendation as the TAC feels appropriate. Members also received the Bike/Ped, Transit, Enhancement and Planning PPLs. Mr. Johnson reported the TCC recommended adoption of the attached priority lists which are due from the MPO, via the NCDOT website submittal form, by October 30, 2009.

Chairman Bryan pointed out, as in previous years, there is a limited amount of money. He introduced Jim Trogon, NCDOT, and John Sullivan, FHWA.

Mr. Johnson explained what we are doing is working through a process where NCDOT is changing the way TIPs are developed and are now using the SPOT System. He explained the new system noting it is a ranking system on line NCDOT is developing allowing each MPO and Highway Division in the state to rank their top 25 projects and we have been working on developing our list. He reviewed in detail using the map available at the

meeting the adjustments made in the Angier/Fuquay-Varina in the Highway 55 area. He noted Mr. Price was at this meeting in place of Mr. Ellington. He reported the TCC endorsed recommending the list approved today reflect the adjustments as outlined for Fuquay-Varina/Angier. Mr. Johnson spoke to the Timber Drive project noting it was shown as an unfunded future need project. It was not identified in the TIP top 25 list because it was felt to be expensive and would be a while before it could be built to US 401 at Old Stage Road. The Division Engineer indicated there has been a lot of recent projects in that area so that project may not be as needed as much as we thought. He explained the TCC suggested taking Timber Drive/Hammond Road into the top 25 list. Mr. Williams stated US 401 project is more important than Hammond Road/US 70. He noted Timber Drive and US 70 traffic is flowing well and US 401 is more important to Garner.

Mr. Johnson explained the remainder of the lists. The Bike/Ped list was requested by DOT to be submitted in priority order and staff had already entered this list into the SPOT System in the order recommended by the TCC. These projects are not required to be ranked. The Transit List was briefly reviewed with Mr. Johnson noting these were in chronological order and included everything staff had been advised by CAT, CTRAN and TTA to include. The Enhancements list was developed by the Bike/Ped group and the TCC and are oriented towards bikeways, signage, etc.

Mr. Johnson explained the TAC's role at this meeting is to continue the hearing opened on September 16 and hear any additional comments and adoption of the priority lists for submittal to the NCDOT with the recommendation from Garner that US 401 superstreet project remain. Mr. Byrne agreed that the US 401 project is more important.

Mr. Byrne indicated in the last three months the TAC had looked at three different lists. He indicated there is the Fuquay-Varina Project (Judd Parkway) affecting Holly Springs, Angier, Harnett County and Johnston County. He stated this is the most important project in the southern end of Wake County to move traffic from around the south end of Wake County, northern Harnett County and east Johnston County into RTP. He emphasized this road is being primarily funded by Fuquay-Varina. He stated 95% of the people using this road are not citizens of Fuquay-Varina. He noted Fuquay-Varina had a bond issue allowing the town to do this work and it passed in the 88% range. He felt as mayor of Fuquay-Varina he knew more than anyone else what is in the best interest of this community. He stated this road is the most important road that will be built in the next couple of years in the southern end of Wake County and does not need to be priority #27 and should be #10 where it once was. He contended he was willing to talk to any experts. He indicated this project has gone from #10 to #16 and now to #27 and felt the list should be consistent and projects need to move gradually as people on the board agree for projects to move. Mr. Byrne stated he was not willing to accept where the Judd Parkway project has been ranked. He pointed out on the map the top portion being built by Fuquay-Varina, the portion that is not being done and the lower portion that Fuquay is building that is going to happen soon. He reiterated this project is extremely important to this area because of its function. He pointed out Highway 55, US 401 and Highway 42 are all being connected and all that traffic comes to this area and has to be moved around

Fuquay-Varina. He emphasized they have received great support for this project. He further pointed out the TCC vote on this listing was not a unanimous vote noting Mr. Sorensen voted in opposition. Mr. Johnson explained why Judd Parkway is noted as #27 noting this was purely a technical score and previously was placed at priorities by various groups and ended up #10. Mr. Byrne indicated representatives at this meeting need to say what is real and felt this connection is probably the most important road that is going to be built in the near future in southern Wake County. Mr. Johnson indicated he was not having a debate on the merits noting a purely technical analysis was done and the Judd Parkway project scores 27 on the list. He spoke to the issue of the state doing a study of 401 widening from Fayetteville to Fuquay-Varina. This is an area discussed in a previous meeting to address traffic using 210 and Highway 55 rather than US 401. Mr. Johnson explained the TAC could do whatever they desired and staff would turn it in to NCDOT and reiterated staff used methodical technical analyses suggesting a bypass further out would be better from a regional standpoint. Mr. Byrne stated Fuquay-Varina is doing the north part and he understood Mr. Johnson saying they should have done the southern part and left the rank of 10 on the north part. He stated Fuquay-Varina chose to do the right thing for their community, DOT and CAMPO. Mr. Johnson pointed out routes being used by vehicles coming from Lillington, 201, 401 and 70 and there is a lot of traffic going up the western part of Wake County and using back routes, i.e., Piney Wilbon Road, etc., because there is no better situation. Mr. Johnson indicated Mr. Byrne's proposal is a great idea to serve an important part of the area but from a larger scale it is not the best. He noted it depends on the scale you are looking at. Mr. Johnson stated he had spent considerable time trying to figure what to do here and it is up to the TAC to make a decision

Mr. Byrne reiterated Fuquay-Varina is doing the northern part of Judd Parkway. Mr. Meeker questioned when would CAMPO have more DA funds to go to these projects with Mr. Johnson responding he could not answer at this time and it has moved further into the future in the last 30 days. Mr. Sullivan reported Congress is deliberating and current revenues are less than current authorizations. Current authorizations are \$40 billion and current revenue in the highway account is \$33 billion. Mr. Meeker questioned if there are any other projects in southern Wake County that are high priority with Mr. Johnson responding the Highway 55 widening project is what is mostly showing up and there are other higher priorities. Chairman Bryan questioned when efforts are made by the community like Raleigh putting in money on Falls of Neuse Bridge, Fuquay-Varina putting money into Judd Parkway and Garner on Timber Drive, how does that affect the technical analysis process with Mr. Johnson explaining the cost ratio is net federal cost after taking off regional contributions.

Discussion followed relating to the impact on the Creedmoor Connector Loop that was Priority #25 that would be pushed to Priority #26. Mr. Johnson explained it would be on the list but would not get a score value. He stated #25 versus #26 on the list makes little difference. Mr. Eagles questioned the 401 Bypass project that was in the top 25 list and noted that project would not take place because of the change to Judd Parkway.

Ms. Szlosberg-Landis stated she was glad to see Mr. Sullivan and Mr. Trogdon present and indicated the question really is what is the net affect noting one thing being done at DOT is being as objective as possible and base decisions on technical data. She questioned Mr. Trogdon when the list of 51 projects is received from CAMPO and DOT look most critically at the top 25 projects, what does that do to in placing those priorities into the TIP priority process. Mr. Trogdon explained currently this is a work in progress and DOT is asking MPOs to provide technical feedback. He explained what DOT is trying to do if a project is considered a sub-regional tier route, basically the MPO priority is the priority. He noted DOT is not applying any of their weight on rankings to that facility and once it gets to a regional facility, i.e., 42, 401 through certain points, then they start balancing those perspectives. He explained their decisions are based on qualitative analysis and certainly at this level they would take the MPO ranking. He explained DOT is encouraging everyone to develop some type of priority and ranking system. He explained if there are multiple MPOs within the same funding region, the division ranks each of the #1 projects against each other.

At this point Chairman Bryan continued the public hearing from the previous meeting. No one asked to speak. Chairman Bryan closed the hearing.

At this point it was agreed to vote on the list separately. Mr. Meeker moved approval of the Highway Project Priority List as amended. Amendments would move Project #27 (Judd Parkway) to Priority #10 and moving Tryon Road project to #26. His motion was seconded by Mr. Killen, unanimously passed. Chairman Bryan ruled the motion adopted.

Mr. Meeker moved approval of the Bike/Ped Priority List as presented. His motion was seconded by Mr. Williams, unanimously passed. Chairman Bryan ruled the motion adopted.

Mr. Meeker moved approval of the Enhancement Priority List as presented. His motion was seconded by Mr. Williams, unanimously passed. Chairman Bryan ruled the motion adopted.

Mr. Meeker moved approval of the Transit Priority List as presented. His motion was seconded by Mr. Williams, unanimously passed. Chairman Bryan ruled the motion adopted.

CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROJECTS – APPROVED

Chip Russell reviewed this item. He explained after meeting on August 26, 2009 and September 24, 2009, the CMAQ Subcommittee developed a recommendation of a funding scenario for using CMAQ funds allocated to the CAMPO region in the 2011-2017 TIP. Members received an attachment outlining the projects proposed for funding as well as the four un-funded applications. They also received the proposed annual funding allocations for the 2011-2017 TIP. All projects have a 20% match requirement which has been committed by the project sponsors according to individual applications

received. The subcommittee reviewed the technical merits of the projects and was comfortable with the emissions reductions achieved through the variety of projects submitted. The subcommittee's decision was based on comparison of projects and include a variety of projects spread throughout the CAMPO region. Mr. Russell reported the TCC forwards a recommendation of adoption of the projects as shown in the attachment provided utilizing CAMPO's CMAQ funding allocation for the 2011-2017 STIP. Mr. Russell explained the TCC started working on this after receiving information on a call for projects in late August/early September. When the subcommittee met, it was determined we had more money left over than projects requested and did a subsequent call for projects and doing that caused problems with the ranking process. He explained to get some order to the process and be able to give some type of comparison, they came up with a ranking process. He reviewed how the process was developed and noted they worked through the process that got all the money allocated and remarkably equally divided. Mr. Russell stated everyone who submitted a project was able to have a project approved. The subcommittee will continue meeting until they have a priority process in place.

Mr. Johnson referred to Attachment 7B noting it was recommended by the TCC that this CMAQ portion of project submittals be pulled out separately. He stated it was important to note that what we are being asked to do in SPOT is identify needs without regard to funding. He explained the rescission will take a lot of CMAQ funding off the table and the available funds is the question. He explained when a decision is made about how much money to place on a project, that is the important part of the process.

Mr. Meeker moved approval of the projects and funding allocations using CMAQ funds in Attachment 7B as part of the 2011-2017 Project Priority Lists for submittal to NCDOT. His motion was seconded by Mr. Williams, unanimously passed. Chairman Bryan ruled the motion adopted.

CAPITAL AREA MPO CONGESTION MANAGEMENT PLAN – DEFERRED TO THE NOVEMBER MEETING

Without objection, this item was not discussed at this meeting and was directed to be placed on the November agenda.

FEDERAL HIGHWAY ADMINISTRATION UNOBLIGATED CONTRACT AUTHORITY RESCISSION – INFORMATION RECEIVED – TO BE PLACED ON THE NOVEMBER AGENDA

Mr. Johnson reviewed this item noting as required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), the Federal Highway Administration is rescinding \$8.7 billion of unobligated contract authority. Approximately \$249.8 million has been rescinded from North Carolina. The total rescission for North Carolina was broken down by program (shown in Attachment 9A). Further review reveals that funds rescinded in North Carolina include the following:

\$47.5 million of Surface Transportation Program Direct Attributable (STPDA),
\$55.1 million of Congestion Mitigation Air Quality (CMAQ), and
\$5.4 million of Metropolitan Planning

Members received attachments to their agenda packets including a memo on the rescission that was prepared by the DCHC MPO staff and nationwide rescission amounts and a list of frequently asked questions prepared by the Federal Highway Administration. Mr. Johnson explained this is the first year this has worked this way noting the rescission process has been around a long time and implemented by FHWA working with NCDOT. He stated Mr. Trogdon and Mr. Sullivan were present to provide additional information.

Mr. Sullivan discussed differences between appropriation and allocation versus obligation limitation. He provided members with a handout that included a bar graph showing apportionments in red from 2000 – 2009 versus obligation authority shown in blue. A pie chart was also provided showing rescissions by program area. Mr. Sullivan explained these documents in detail. He explained Congress is trying to control spending based on spending coming into the Highway Trust Fund. There will be a carry over of unobligated balance of all funding categories. He explained Congress mandated rescission of apportionments ten times in 6 years. The total amount of rescission is \$690 million for North Carolina. He stated the National Highway System is 3% of the total rescission. He explained 23% of the rescinded funds are CMAQ noting these funds are not flexible. He reviewed the Rescissions by Program Area in detail. He explained the STP category is the most flexible and the state distributes these funds by an equity formula. Mr. Johnson explained CAMPO is programming based on what we think the obligation authority is. He used the analogy that Congress says you get 100 chips but can only spend 85 of them and we lost a lot of the 85 chips this year. He explained when you work with FTA, that is a different system as well. He stated funds are put into an account for a particular use and stays there until it is used or you lose it. These funds are obligated but do not go away. Mr. Johnson indicated FHWA works with DOT and they never put money in the bank and say it is there for you. He referred to the Falls of Neuse project and explained \$10.4 will be spent on this project. The preliminary engineering work is funded and the right-of-way and construction has not been requested and the rescission was for parts not obligated yet. He explained we are now having to backfill money to make the Falls project happen that we were going to spend on CMAQ. He stated the obligation process is the issue and there is no way to secure these funds. Mr. Johnson stated there are a number of things he was learning leading him to think DOT has been working hard to secure as much money as possible and there is only so much money taken from this state and those are in the categories where MPOs put most of their interest. Mr. Johnson stated it is very unfortunate that a lot of STPDA and CMAQ fund were lost without CAMPO knowing it was going on.

Mr. Byrne questioned if CAMPO needs to hire someone noting if we knew more about how the flow of funds were coming we would be losing less money. Mr. Johnson indicated staff is working on that and has hired Richard Epps who worked for the City of Raleigh Finance Department for several years and now works directly for CAMPO and will be working to assure this doesn't happen again. Mr. Johnson indicated currently we

are relying on DOT to look after our best interest and we have to do a better job of watching our money.

Mr. Sullivan indicated the obligation authority did not change as a result of the last rescission and what was rescinded was carry over funds.

Mr. Meeker questioned if there is anything CAMPO or DOT should do to avoid this in the future. Mr. Sullivan spoke to the creation of the Revenue Aligned Budget Authority (RABA) and explained the mechanism of this authority. Ms. Szlosberg-Landis stated if an area has a project, they should have it ready so when funds are available they can be used. Mr. Johnson explained the City of Raleigh is spending all the money to do the Falls of Neuse project with the promise they will get paid back \$10.4 million of STPDA funds and a Municipal Agreement is in place. He stated there is no reason this money should have disappeared but it did and felt there must be some way to solve that. Mr. Meeker stated CAMPO needs an answer and needs to know deadlines so local governments can comply with them, get the money and move on. Mr. Johnson questioned does any other state have a different way of doing this. Mr. Meeker stated CAMPO needs to get projects under contract so they are not subject to rescission; otherwise, we will be sitting here in the same situation in the future.

Mr. Trogdon indicated what DOT is doing to assist with this in order to avoid this in the future is shifting from a 7 year TIP to a 5 year TIP. He stated a better job must be done in holding ourselves to schedule. He explained DOT is including all projects into their scheduling and will have one list.

Mr. Meeker stated a schedule is needed of when we have to have projects under contract or they would be subject to rescission. He stressed Raleigh would have had special meetings or whatever was necessary to get this done to avoid rescission of the funds. He reiterated he wanted deadlines so all government agencies can get these funds secured. He indicated there are other projects that did not move quickly enough and the funds were lost. Mr. Trogdon indicated this is the largest rescission and the first with restrictions to determine where we took the hit and anticipated if we don't get reauthorization, there will be another rescission. He indicated the next one could be more painful. Mr. Sullivan spoke to the need for more reliable estimates and making sure top priorities have very good estimates. He explained overruns impact delivery of remaining projects on the priority list.

Ms. Szlosberg-Landis questioned what is the kind of information DOT can provide the local governments and MPOs so they can stay on schedule that would be helpful for them and DOT. She stated if you have a project that is important enough for the community to have requested CMAQ money for, there should be more than applications in a drawer.

Following lengthy discussion, Mr. Meeker moved that CAMPO get a list at the November meeting of local projects we are responsible for that are subject to rescission with a schedule of when they have to be done so everyone is aware of the schedule. His

motion was seconded by Mr. Byrne, unanimously passed. Chairman Bryan ruled the motion adopted.

Ms. Robison stated the source of funding for the projects should be understood as well since FTA and FHWA have different requirements. Mr. Trogdon stated DOT would work on this information with CAMPO.

Chairman Bryan questioned if all MPOs were hit equally with this rescission. Mr. Trogdon indicated he did not know the breakdown by MPO noting if a lot came from CMAQ it would indicate primarily urban areas were hit. Chairman Bryan questioned what is it that was different about how other MPOs work noting it seems all would be impacted similarly. Mr. Trogdon stated he would provide an answer to this question. Mr. Meeker emphasized he has yet to be told why it happened and how to stop it. Mr. Byrne stated we should resolve this as a board. Chairman Bryan indicated if this takes federal legislation changes, CAMPO should work on the wording and he would be glad to go to the Legislature.

This item will be placed on the November agenda.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) UPDATE – RECEIVED

Mr. Johnson reviewed the history of this item. NCDOT is managing the ARRA STP projects and local governments will be implementing the ARRA STPDA projects shortly. Transit agencies will be implementing the ARRA Section 5307/5340 projects. NCDOT staff had been requested to be on hand to provide an update on projects. Members received attachment 10A in their packets showing information on ARRA projects gathered from NCDOT' website and recent emails from NCDOT staff. Mr. Johnson reported everything is moving on schedule noting the next deadline is January 1, 2010. He stated if local governments get stimulus money, they will have to meet federal regulations.

CAMPO-NCSITE – JOINT ANNUAL CONFERENCE – INFORMATION RECEIVED

Mr. Johnson reported the NC Association of MPOs and NC Section of the Institute for Transportation Engineers Joint Conference will be November 4, 5 and 6, 2009 at the Sheraton, Downtown Raleigh. Members received the agenda and presenters for this conference being hosted by the Capital Area MPO in Raleigh. The MPO has provided one complimentary registration for each member jurisdiction and elected officials are welcome. The conference will focus on providing information on state of the art practices in MPO, bicycle/pedestrian, rail and other planning as well as information on the reorganization of NCDOT and training on the ARRA project reporting process among other topics. Mr. Johnson reported there should be great attendance and over 500 have pre-registered. Secretary Conti and Mr. Trogdon will speak.

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The report was received as information.

MPO STAFF REPORTS – RECEIVED

Mr. Johnson reported in one week CAMPO will be receiving a national award being provided by the Association of MPOs recognizing the triangle region (CAMPO and DCHC) for best transportation planning practices in the country for this past year. CAMPO and DCHC jointly submitted the application for the award. He stated this reflects a great deal of work by a lot of people. He recognized John Hodges-Copple who had a lot to do with helping pull this together. The award will be accepted in Savannah, Georgia.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

Brenda Hunt