

MECKLENBURG - UNION TECHNICAL COORDINATING COMMITTEE
Summary Meeting Minutes
Charlotte-Mecklenburg Government Center
Room 280
August 2, 2012

Voting Members: *TCC Chair* – Bill Coxe (Huntersville), Norm Steinman – alt for Danny Pleasant (CDOT), George Berger (Charlotte Engineering & Property Management), Ken Tippet (CDOT Bicycle Coordinator), Jonathan Wells – alt for Debra Campbell (C-M Planning), Lisa Stiwinter (Monroe), Jason Rayfield (LUESA-Air Quality), David McDonald (CATS), Barry Moose (NCDOT-Div. 10), Anil Panicker (NCDOT-TPB), Andrew Grant (Cornelius), Ben McCrary (Davidson), Scott Kaufhold (Indian Trail), Ralph Messera (Matthews), Shannon Martel (Stallings), Greg Mahar (Waxhaw), Jordan Cook (Weddington), Amy Helms (Union County)

Staff: Robert Cook (MUMPO), Stuart Basham (MUMPO), Jennifer Harris (NCDOT), Craig Newton (NCDOT), Rick Baucom (NCDOT), Trisha Hartzell (NCDOT), Pate Butler (NCDOT), Bjorn Hansen (Centralina COG), Gwen Cook (Mecklenburg County Park & Recreation), Adam McLamb (Indian Trail), Van Argabright (NCDOT) – phone

Guests: Todd Steiss (PB), Steve Blakley (Kimley-Horn), Carl Gibilaro (Atkins), Radha Swayampakala (RS&H), Bill Thunberg (LNTC), Toni Tupponce, Dan Morrill (Charlotte-Mecklenburg Historic Landmarks Commission)

Bill Coxe opened the meeting at 10:00 AM.

1. Adoption of the Agenda

Mr. Coxe noted that Item 3 on the agenda might need to be delayed until the presenter arrives, and then asked if any modifications to the agenda are necessary. Norm Steinman recommended adding an item to acknowledge the service of Barry Moose, NCDOT's Division 10 Engineer, and the contributions he has provided to the region during his tenure. The agenda was approved by consensus, as modified.

2. Consideration of July Meeting Minutes

Mr. Coxe asked if any changes to the minutes were necessary. Hearing none, he asked for a motion to approve the minutes. George Berger made a motion to approve the July TCC minutes. Shannon Martel seconded the motion. Upon being put to a vote, the motion passed unanimously.

3. Recognition of Barry Moose

Mr. Coxe announced that Barry Moose is resigning his post as Division Engineer for NCDOT's Division 10 Office. He stated that Mr. Moose, in his capacity as Division Engineer, served remarkably and very fairly, and has been a great advocate for this region. Mr. Steinman added that the Division Engineer position is important, and there is great appreciation for the job Mr. Moose has done throughout his time in that role. Mr. Moose acknowledged the comments and expressed his appreciation and gratitude for the recognition given by the TCC.

4. TIP Project P-5200: Thrift Depot Relocation

Presenter: Craig Newton, NCDOT

Summary/FYI:

Mr. Newton introduced the item by providing some historical context for the Thrift Depot located in western Mecklenburg County, including that it is the last existing structure of its type in the county. He noted that similar structures in surrounding counties have been preserved, or are in the process of being preserved. He informed the TCC that CSX owns land on which the structure is currently located and that it plans to destroy the building for safety and liability reasons. Having learned that, NCDOT wants to relocate the historic building for preservation purposes. He stated that Enhancement funds in the amount of \$800,000 have been identified for that purpose. He added that the state is willing to pay the required match of \$200,000, which has already been approved by the Board of Transportation; however, MUMPO's TIP would need to be amended in order for the Enhancement funds to be used for the purpose of relocating the historic structure.

Mr. Coxe suggested that any impacts related to the Freedom Drive project adjacent to the proposed site where the structure will be relocated need to be resolved to make sure the relocation will not interfere with the Freedom Drive project. Mr. Newton indicated that NCDOT is aware of that issue and is working on a solution. Mr. Coxe asked NCDOT to provide something in writing that ensures the Freedom Drive project will not be impacted. Mr. Newton agreed to do that prior to the September 13 TCC meeting.

Mr. Steinman asked if the proposed relocation site is the only site that was considered for relocating the Thrift Depot structure. Mr. Newton responded that the size and location of the proposed relocation site make it an ideal spot. He also noted that adverse impacts would be reduced if the structure stays in close proximity to its current location. Dan Morrill, of the Charlotte-Mecklenburg Historic Landmarks Commission, stated that CSX has no desire to restore the current building or to allow the state to lease the parcel on which the structure currently stands. He restated the importance of preserving the last remaining P&N station left in Mecklenburg County.

Mr. Coxe indicated that the funding for the proposed relocation of the Thrift Depot currently exists without impacting other projects, but that it is funding that will ultimately impact equity in future years. He stated that the item will be on the September TCC agenda.

5. Monroe Connector/Bypass

Presenter: Jennifer Harris, NCDOT

Summary/FYI:

Ms. Harris provided information to the TCC via a Power Point presentation, the contents of which are incorporated into the minutes [here](#). She highlighted the history of the project, focusing on the environmental review and the lawsuit that was filed by the Southern Environmental Law Center (SELC) in late 2010, as follows:

- o SELC filed a lawsuit, and a motion to stop the Monroe Bypass project from moving forward during the lawsuit, in November 2010;
- o In December 2010, Judge Dever denied the SELC's request to stop the project;
- o The Judge ruled in favor of NCDOT in October 2011, followed shortly after by an appeal from the SELC;
- o In May 2012, the appeal was upheld and in June, NCDOT's petition for a rehearing was denied;
- o Environmental documents were prepared using socio-economic projections developed by the MPO, and the Turnpike Authority researched the information before using it for environmental review purposes;
- o The lawsuit was based on the fact that the SELC disagreed with the projections, essentially claiming that the proposed project was included in the "no build" projections;

- Whether the project was included in the “no build” scenario is based on a technicality that NCDOT argues is insignificant to the conclusion of the environmental review, which Judge Dever agreed with;
- NCDOT verified its assumptions, and the MPO agreed that the socio-economic assumptions were representative of a “no build” scenario;
- Ultimately, the 4th Circuit Court of Appeal disagreed with the District Court Judge and found that the government should have done a better job of disclosing information to the public;
- The Record of Decision (ROD) was rescinded by FHWA.

Ms. Harris concluded by outlining NCDOT’s next steps for resolving the issues presented in the lawsuit in order to continue the Monroe Bypass project, highlighted by the following:

- Completion of right-of-way acquisitions with offers through May 2012 on a case by case basis, based on hardship;
- The model will be rerun to find the difference between what was done and the changes to the model based on the SELC complaints;
- Hope to get a new ROD in February 2013 and begin work on the project in April 2013, keeping in mind that after a ROD is achieved the SELC is eligible to file a new lawsuit.

Carl Gibilaro, with Atkins, noted that no direction for restarting the process was given by the Court of Appeal so the plan is to strengthen the data that is said to be inefficient then reapply for the ROD. Ms. Harris added that the environmental work that is planned to be accomplished will supplement the approved Environmental Impact Assessment (EIS) and address the concerns of the Court of Appeal, also stating that the Draft and Final EIS documents are still valid. Mr. Gibilaro clarified that the environmental work to be completed will bridge the Final EIS and ROD by providing the appropriate supplementary information. Mr. Coxe requested an update to the MPO board and a summary of the current status of the project in writing. Ms. Harris agreed to present to the MPO in September and provide the summary.

6. Environmental Justice – Public Involvement Plan Amendments

Presenter: Toni Tupponce

Summary/FYI:

Ms. Tupponce provided information to the TCC via a Power Point presentation, the contents of which are incorporated into the minutes [here](#). She stated that she has been working on updating MUMPO’s Public Involvement Plan (PIP) in order to incorporate better practices for engaging Environmental Justice (EJ) populations. The following aspects of the process she undertook were highlighted:

- Major tasks included providing historical context and education to EJ communities, as well as building relationships and engaging people in those communities;
- The strategy for accomplishing the work is to meet people where they are comfortable, engage broad-reaching organizations and share information in the appropriate audience’s language;
- Lessons learned include using surveys only for short term results, radio is especially beneficial in the Latino community, there are certain perceptions and fears that need to be addressed, and the process has to be relevant to the community’s concerns and culture.

Ms. Tupponce also noted that the amendments to the PIP and the development of a Limited English Proficiency (LEP) Plan have been completed, and were made available for public comment from April 26 to June 13. She stated that this is a first step and more work will be necessary, including continued outreach as the MPO expands, engaging the Asian community, and engaging children when possible. Finally, she indicated that the TCC and MPO will be asked to take action to amend the PIP in September.

7. Congestion Management Process

Presenter: Scott Kaufhold, Town of Indian Trail

Summary/FYI:

Mr. Kaufhold provided information to the TCC via a Power Point presentation, the contents of which are incorporated into the minutes [here](#). He started by reminding the TCC what the Congestion Management Process (CMP) is, and how it relates to other plans and processes that the MPO is responsible for. He indicated that the CMP task force recently met and worked on developing goals and objectives, identifying study areas and case studies, and determining which performance measures are appropriate for this region. The next steps include data collection and performance evaluation, and the target deadline for completion of the CMP is January 2013.

8. MPO Planning Area Boundary Expansion

Presenter: Robert Cook

Summary/FYI:

Mr. Cook provided information to the TCC via a Power Point presentation, the contents of which are incorporated into the minutes [here](#). Regarding the new MPO planning area boundary, he highlighted the following updates:

- The northern boundary of the reconstituted MPO will likely be the South Yadkin River in Iredell County, and also include all of Iredell County south of that from its east to west borders.;
- In Lincoln County the new MPO boundary will likely stop at Lincolnton's current eastern Comprehensive Transportation Plan boundary;
- It is not likely that the new Gaston Area MPO boundary will include any portion of Lincoln County;
- Progress is being made with regard to the new boundary in Union County, including the likelihood that Marshville as well as its extra territorial jurisdiction will be included in the MPO, and the TAZs will be used to smooth the remaining boundary in Union County – the MPO would not include the entirety of Union County; and
- The proposed MPO boundary will not include any portion of Gaston County, but the portion of Charlotte's UZA in Gaston County will be planned for in the Congestion Management Process.

Mr. Cook continued by stating that the TCC and MPO will be asked for formal agreement on the proposed new planning area boundary, after which time regional agreements will be executed with the other planning agencies in the region (i.e. the other MPOs and RPOs). He then provided an update on the progress of the subcommittee tasked with revising the Memorandum of Understanding (MOU), as follows:

- He informed the TCC of the membership of the subcommittee and indicated that the next subcommittee meeting will be held on Wednesday, August 15;
- Participation, especially from the expansion areas that will be new to the MPO, is important and all are welcome to attend as observers of the process; and
- The subcommittee, at its first meeting, indicated that it prefers to receive guidance from technical staff on which its decisions can be based.

Mr. Cook concluded by stating that the next steps in the process includes presentations to the boards of the jurisdictions in the expansion areas, as well as continued work on the MOU through the subcommittee process and technical staff input at transportation staff meetings. Mr. Steinman asked what the anticipated timeline is for the regional agreements regarding the new planning area boundary, to which Mr. Cook responded that he hopes to have them completed by November 2012 for MPO approval. Mr. Cox suggested that it is reasonable to ask TCC members to present information related to the new MPO

boundary to their boards since each will be impacted by the constitution of a new MPO boundary.

9. Comprehensive Transportation Plan (CTP)

Presenter: Anil Panicker, NCDOT

Summary/FYI:

Mr. Panicker provided a working schedule to the TCC and gave an update on the progress of the CTP process as follows:

- The draft pedestrian maps were sent out on June 20 and comments for those maps have been received from most jurisdictions, but not all;
- The draft bicycle maps were also recently sent out, meaning that all the draft maps are now available for comment (highway, bicycle, pedestrian, and transit & rail);
- A meeting has been set up with Union County to discuss the draft maps, and Mr. Panicker will also meet with other impacted jurisdictions as necessary;
- A request was made to hold another CTP staff meeting to discuss the overall timeline of the CTP – August 15 was suggested by Mr. Coxe as a possible meeting date.

10. Long Range Transportation Plan (LRTP) Update – Working Group

Presenter: Nicholas Landa

Summary/FYI:

Mr. Landa provided information about the LRTP update process, stating that the LRTP work group met on July 21 at which time organizational decisions were made, including the designation of an Advisory Committee and Steering Committee. The Advisory Committee will consist of the full working group and will meet monthly, and the Steering Committee will be a small subset of the Advisory Committee that will be composed of core MPO staff, which will meet more often to organize materials, create agendas, etc. Mr. Landa then stated that several issues that will need to be addressed as part of the plan update process were also identified at the July 21 meeting, and that a resource library was suggested, which would include relevant information that other MPOs have developed as well as general resource materials. He indicated that the resource library will be added to the MUMPO website. It was also stated that acquiring the services of a consultant to assist with the process remains a possibility, but that the details require further discussion. Mr. Landa concluded by noting that the TCC and MPO will be updated regularly and asked to provide input, reminding the TCC that the plan is due in March 2014, and announcing that the next Advisory Committee meeting is scheduled for September 10.

Mr. Cook noted that it was Anna Gallup's intent to attend the TCC meeting and provide an update on the progress of socio-economic data collection to be used for the development of the new plan, but due to a conflict she was not able to attend. He indicated that Ms. Gallup would provide the information at a later date.

11. Mobility Fund

Presenter: Bill Coxe, Town of Huntersville

Summary/FYI:

Mr. Coxe reminded the TCC that the Mobility Fund was created by the legislature and the governor to fund projects of statewide importance, outside of the equity fund. He noted that \$45 million of Mobility Funds are programmed for the current fiscal year, and that \$58 million are programmed for the next fiscal

year. In addition, he directed the TCC's attention to the [draft Mobility Fund project list](#) and pointed out that several MUMPO projects fared well. He reminded the TCC that the list is always subject to change, but noted that the criterion was codified by the General Assembly. Mr. Messera asked if funding originally proposed for Independence Blvd would be freed up due to the fact that Independence Blvd is anticipated to receive Mobility Funds, to which Mr. Coxe responded that it is not yet known.

12. I-77 & I-485 TIP and LRTP Amendments & Conformity Determination

Presenter: Bill Coxe, Town of Huntersville

a. Project Status Update

Summary/FYI:

Mr. Coxe announced that the environmental documents related to the northern and southern legs of the proposed I-77 HOT lanes project (TIP#s I-3311C and I-4750 HOT) are currently being prepared, and workshops are being held to comment on the environmental work, including one which took place Wednesday, August 1 and another one that is scheduled for Thursday, August 2. The project limits include the stretch of I-77 from I-277 to I-85 in Charlotte (I-3311C), and from Exit 28 in Cornelius to NC 150 in Mooresville (I-4750 HOT). He also indicated that the I-77 Tech Team prepared comments reacting to the second industry draft of the Request for Proposals (RFP) for the project and that Rodger Rochelle, the NCDOT project manager, responded to the comments in writing. Finally, he noted that the concessionaire submittals are anticipated in February 2013.

b. TIP Project I-5507: I-485 South Express Lanes TIP Amendment

Summary/FYI:

Mr. Coxe noted that the August TCC agenda incorrectly states that a conformity determination and LRTP amendment will not be necessary for new TIP project I-5507. He stated that because the project description for the programmed project differs from the project description in MUMPO's current LRTP, the conformity determination and LRTP amendment are required. The proposed TIP project programs Mobility Funds for the widening of I-485 in south Charlotte from I-77 to Rea Road by adding one express lane in each direction.

c. TIP Project U-5519: N. Community House Road TIP & LRTP Amendments and Conformity

Summary/FYI:

Mr. Coxe informed the TCC that a required 30-day public comment period for the conformity determination for the N. Community House Road TIP project U-5519 is currently open and a public meeting for this project will be held on Wednesday, August 15. The MPO will be able to make a conformity determination for the project at the conclusion of the public comment period, in September.

13. Upcoming Issues

Mr. Coxe made the following announcements:

- The draft Statewide Transportation Improvement Program is anticipated to be released in October, as opposed to September as originally scheduled; and
- The September TCC meeting will be held on September 13 to avoid potential conflicts with activities related to the Democratic National Convention, being held in Charlotte the first week of September.

14. Adjourn: The meeting was adjourned at 12:05 PM.