

**CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION**  
**Charlotte-Mecklenburg Government Center, Room 886 and Remote Participation**  
**May 20, 2020 Meeting**  
**Summary Minutes**

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**Members Attending (in-person):**

Michael Miltich (Cornelius)

**Members Attending (via remote participation):**

Larken Egleston (Charlotte), Jane Campbell (Davidson), Brian Hines (Huntersville), Marcus McIntyre (Indian Trail), Ken Robertson (Iredell County), John Higdon (Matthews), Susan Harden (Mecklenburg County), Frederick Becker (Mineral Springs), Brad Simmons (Mint Hill), Lisa Qualls ( Mooresville), Jack Edwards (Pineville), Lynda Paxton (Stallings), William Morgan (Statesville), Ron Pappas (Waxhaw), Elizabeth Callis (Weddington), Lori Bailey (Wesley Chapel), Sam Bowles (NCBOT – Division 10)

**Non-Voting Members Attending (via remote participation):**

Victoria Nwasike (Charlotte-Mecklenburg Planning Commission), Jerry Santoni (Iredell County Planning Board), Loretta Barren (FHWA), Jim Walker (NC Turnpike Authority)

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**1. Call to Order**

Chairman Michael Miltich called the May 2020 CRTPO meeting to order at 6:00 p.m. He explained that this meeting would be conducted virtually, and then he reviewed the virtual meeting guidelines and etiquette. CRTPO Delegates and Alternates as well as residents were able to participate in the virtual meeting by using a combination of online meeting software, conference call, and live stream from the CRTPO’s Facebook Page.

Chairman Miltich reminded the Board that usage of the chatbot function within the online meeting software is part of the Board public record.

Chairman Miltich directed Mr. Burke to conduct a roll-call to determine if the following Bylaw requirements had been met for a quorum:

*Section 3 – Quorums*

*A quorum of the MPO shall be constituted by the presence of:*

- *at least ten (10) of the eligible voting members at the beginning of the meeting; and*
- *who together represent a minimum of 51% of the weighted votes; and*
- *that qualified voting members from jurisdictions representing at least two counties must be present.*
- *~~Only members physically present shall count toward establishing a quorum.~~ (Suspended by CRTPO Board chairman due to North Carolina State of Emergency Declaration)*

Mr. Burke conducted the roll-call and determined that a quorum of the MPO 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.

Chairman Miltich 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 Chairman 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.

## **2. Adoption of the Agenda**

### Summary:

Chairman Miltich asked if any changes to the agenda were necessary. No changes were identified.

### Motion:

Chairman Miltich made a motion to the Board to adopt tonight’s 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 agenda as presented was approved by acclamation.

## **3. Public Comment Period**

Chairman Miltich asked if there were any public comments received prior to the meeting, or a resident participating remotely that wished to submit a comment. 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:

Chairman Miltich requested action on the following two consent agenda items:

1. March 18, 2020 CRTPO Board Meeting minutes
2. 2020-2029 Transportation Improvement Program Amendments

### Motion:

Chairman Miltich made a motion to the Board to approve the two consent agenda items 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 by acclamation.

## **6. MPO Bylaws Amendment**

### Presenter:

Neil Burke

### Summary

Mr. Burke began his presentation by stating the requested action is to approve amendments to the Board bylaws to modify quorum requirement to allow remote participation in the event a CRTPO planning area county or statewide State of Emergency is declared affecting the ability of Board members to physically attend the meeting.

Mr. Burke reviewed the proposed amendment in the section 3 (quorum requirements) of the bylaws. Within bylaws Section 3, proposed text was added stating the Chairman may suspend the requirement for physical attendance to constitute a quorum when a CRTPO planning area county or statewide State of Emergency has been declared. Mr. Burke explained that a sentence was added to section 3 that describes the acceptable forms of remote participation, a provision requiring a call-in telephone number, and clarification that all other qualifications within the section must be met was also added to Section 3.

Mr. Burke concluded his presentation stating the objective of the proposed amendment is to allow the Board to conduct business virtually if needed in the future. He restated the requested action and asked for questions.

### Motion:

Chairman Miltich made a motion to the Board to approve the MPO Bylaws amendment items unanimously by acclamation unless at least one opposing vote was cast. No opposing vote was cast. Upon being put to a vote, the motion to MPO bylaws amendments were approved by acclamation.

## **7. East-West Connector Conformity Analysis and MTP/TIP Amendments**

### Presenter:

Neil Burke

### Summary:

Information to the Board was provided via a Power Point presentation, the contents of which are incorporated into the minutes.

Mr. Burke began his presentation by stating the requested action is for the Board to make an air quality conformity determination and approve amendments to the 2045 Metropolitan Transportation Plan (MTP) and the 2020-2029 Transportation Improvement Program (TIP) for the East-West Connector project (U-6239) in Mooresville.

The Town of Mooresville was awarded a \$13.6 million federal Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program grant to construct the East-West Connector from Langtree Road to NC 115 in November 2019. The North Carolina Board of Transportation (BOT) approved 2018-2027 and 2020-2029 STIP amendments during its meeting on February 6 to program the funding for right-of-way and construction of East-West Connector project (U-6239) to the FFY 2021 program year.

Mr. Burke stated the East-West Connector is included in the 2035 horizon year of the CRTPO's 2045 MTP. The project was classified as "not regionally significant" but "not exempt" from air quality conformity analysis in the 2045 MTP.

An amendment to the 2045 MTP will be required to move the East-West Connector project from the 2035 horizon year to the 2025 horizon year as a result of the project schedule funding of FFY 2021 in the STIP. He stated an amendment to the 2020-2029 TIP will be required to program the funding for the East-West Connector project in FFY 2021.

Mr. Burke explained the project is not exempt from air quality conformity analysis therefore, a "short form" conformity determination report to ensure that the Metrolina State Implementation Plan (SIP) budget has an adequate emissions budget to incorporate the East-West Connector project within the 2025 horizon year of the 2045 MTP.

The Board approved the opening of a public comment period for the air quality conformity determination and MTP/TIP amendments during the March 18 meeting. The public comment period began on March 19 and ended on April 19. No public comments were received. He stated that the TCC unanimously recommended that the Board make an air quality conformity determination and amendments to the 2045 MTP and the 2020-2029 TIP during the May 7 meeting. He restated the requested action and asked for questions.

### Motion:

Chairman Miltich made a motion to the Board to make an air quality conformity determination and approve amendments to the 2045 MTP and the 2020-2029 TIP for the East-West Connector project by acclamation unless at least one opposing vote was cast. No opposing vote was cast. Upon being put to a vote, the motion to make an air quality conformity determination and approve amendments to the 2045 MTP and the 2020-2029 TIP for the East-West Connector project was approved by acclamation.

## **8. Performance-Based Planning Integration**

### Presenter:

Robert Cook, Erin Musiol and Nick Landa (RS&H)

### Summary:

Mr. Cook, Ms. Musiol and Mr. Landa provided information to the board via a Power Point presentation, the contents of which are incorporated into the minutes. Mr. Cook began his presentation by providing an overview of the presentation and defined Performance-Based Planning and Programming (PBPP). He explained CRTPO is

federally mandated to integrate PBPP into its planning processes and programs such as the MTP and the TIP. However, the federal requirements provide flexibility as to how each MPO integrates PBPP into their planning activities.

Ms. Musiol provided an overview of the various resources available to help agencies meet federal PBPP requirements. She stated CRTPO identified the appropriate contacts at partner agencies including FHWA, FTA, NCDOT, and CATS and initiated conversations about PBPP integration. CRTPO also surveyed peer MPOs about their efforts to integrate PBPP into their plans and programs. The peer survey revealed 20 distinct planning activities that CRTPO can consider for integrating PBPP into its plans and programs.

Ms. Musiol explained that the planning activities identified within the peer survey were evaluated based on the following four criteria:

- data availability;
- time needed to complete the activity;
- feasibility of the activity; and,
- categorized into an implementation framework (immediate, short-term, long-term).

Mr. Landa reviewed the immediate PBPP integration activities and highlighted the activities which would require action from the TCC and CRTPO Board. He explained the ‘Integrate Performance Measures with Goals and Objectives’ activity will be evaluated during the 2050 MTP update, at which time the Advisory Committee will determine the feasibility of incorporating PBPP into the plan’s goals and objectives. Similarly, the Project Oversight Committee (POC) will evaluate the ‘Explore Opportunities to Integrate PBPP into Discretionary/Local Project Evaluation’ activity and discuss whether to incorporate PBPP into the discretionary project evaluation.

Mr. Cook described upcoming activities related to PBPP integration efforts. CRTPO will be required to take action to approve NCDOT’s 2021 Safety Targets and CMAQ Performance Plan which are expected to be released in August. CRTPO is also working with transit agencies to identify initial transit safety targets.

## **9. 2020 Discretionary Projects Program Funding Recommendation**

Presenter: Bjorn Hansen, Union County

### Summary:

Mr. Hansen provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes. Mr. Hansen began his presentation stating the Project Oversight Committee (POC) has several recommendations for the 2020 discretionary project program:

- Amount of discretionary funding available for the spring and fall project calls;
- Methodology to prioritize project submittals determined to benefit the I-485 Express Lanes project corridor for consideration of BA funds; and,
- Development of a criteria to evaluate the feasibility of allocating additional discretionary funds to existing projects.

Mr. Hansen explained that CRTPO receives \$18.2 million STBG-DA and \$1.4 million TAP-DA in annual federal discretionary funding. During the February 2020 meeting, the Board approved \$103 million in the CRTPO’s discretionary funds through FFY 2025 in the 2020-2029 TIP from the 2019 fall discretionary call, leaving a total of \$11 million in federal discretionary funding available for programming through FFY 2025. The POC does not recommend allocating funds beyond FFY 2025 to accrue a fund balance to ensure that funds are available for annual project calls in future years.

The POC recommends allocating up to 50% of the available funds (maximum of \$5.5 million) during the spring 2020 project shortfall call. Any un-allocated funding in the spring will be made available during the fall 2020 project call, beginning in August 2020. In addition, the POC recommends allocating at least 50% of the available funds, a minimum of \$5.5 million, during the fall 2020 project call in addition to the \$26.7 million Bonus Allocation (BA) funds from the I-485 Express Lanes (I-5507) project.

Mr. Hansen stated projects soliciting the BA funding from the I-485 express lanes project in August 2020 must be roadway projects in Mecklenburg County that can achieve funding authorization by June 30, 2024 as stipulated within the STI legislation.

The POC recommends utilizing a tier of corridor buffers to prioritize project submittals adjacent to the I-485 express lanes project. Projects within a 1-mile buffer are given priority. Projects within a 2-mile and 3-mile buffer are given second and third priority. Any remaining BA funds may be allocated throughout Mecklenburg County. The POC based its tier-based recommendations for the I-485 BA funding upon a concept that was used by a TCC subcommittee to score and prioritize the I-77 BA funds in 2015, which preceded the CRTPO's discretionary projects policy that was adopted in 2019. The CRTPO discretionary policy identifies criteria for scoring and prioritizing all of the discretionary funding (BA, CMAQ, STBG-DA, TAP-DA) that the CRTPO is eligible to receive.

Mr. Hansen explained the POC recommends developing criteria to determine whether a shortfall request should be scored. The goal of the criteria is to predetermine scenarios in which the CRTPO Board may determine a project needs additional support from a local community or is not competitive enough for discretionary funding. Mr. Hansen displayed the following four criteria for discussion:

- Percent increase in CRTPO request over the project's original budget;
- Highest phase complete of project;
- Percent of local funds committed for the shortfall request; and,
- Number of previous shortfall awards received for this project.

He stated project submittals would be assigned a numerical value (1-11) based on the criteria and submittals ranked 9 or higher would not be eligible to compete for shortfall funds during the particular project call cycle. He encouraged Board members to discuss this concept with their TCC members and provide feedback to the POC and staff regarding the equity of the shortfall criteria.

Mr. Hansen concluded his presentation stating today's recommendations are for information purposes and will be presented to the Board in June for consideration of approval.

Mayor Higdon asked why the Bonus Allocation funding from the I-485 Express Lanes project would require a local match when NCDOT does not require a local match for this funding source. Mr. Burke explained that the discretionary policy recommends a minimum 20% local match for all funding sources. Mr. Hansen added that a local match for discretionary funding demonstrates accountability from the member jurisdiction and allows the CRTPO to allocate these funds to as many projects as possible. In addition, the BA funds may need to be swapped to other projects to ensure that they can meet the June 30, 2024 authorization deadline, therefore a match for the BA funds would ensure consistency across multiple funding sources.

Jane Campbell questioned the equity behind the buffering recommendation within the project corridor when the express lane project will address the mobility issues adjacent to the project. Mr. Burke explained that the I-77 Express lane Bonus Allocation funding recommendations were founded on the premise that the initial scope of the express lane project along I-77 only partially met the desires of the communities along the corridor and the BA funds were used in-part to enhance the scope of the project. He added that the I-485 express lanes project was prioritized through NCDOT Prioritization 3.0 in 2014 and there has been extensive coordination since that time on the scope of this project between NCDOT and the municipalities along the project corridor.

## **10. Town of Davidson CTP Amendments**

### Presenter:

Andrew Ventresca, Town of Davidson

### Summary:

Mr. Ventresca provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes. Mr. Ventresca began his presentation stating in August 2019, the Town of Davidson adopted the *Davidson Mobility Plan* which identifies projects, policies, and programs to manage

congestion and improve multimodal travel within and through town. The Town is proposing several CTP amendments to incorporate prioritized connections identified through the Davidson Mobility planning process.

Mr. Ventresca displayed maps and details about the proposed improvements for the following amendments:

<b>Project Type</b>	<b>Project Name</b>	<b>Project Extents</b>
New Roadway	Davidson-Concord Road Extension	Concord Road to Presbyterian Road
Intersection Improvement	N. Main Street, Beaty Street, Ridge Road Intersection	
Intersection Improvement	Concord Road, Grey Road, Pine Road Intersection	
Multi-Use Path	West Branch Rocky River Greenway Extension	Abersham/Fisher Farm section to Narrow Passage Subdivision
Multi-Use Path	West Branch Rocky River Greenway Extension	Nature Preserve section to Summers Walk Subdivision
Multi-Use Path	West Branch Rocky River Greenway Extension	Greenway terminus to Cabarrus County Line
Multi-Use Path	Griffith Street	Davidson Gateway to Roosevelt Wilson Park
Multi-Use Path	Main Street	South Street to Glasgow Street
Multi-Use Path	Concord Road	West into the Town Core
Multi-Use Path	Vernon Drive to Walnut Street	
Multi-Use Path	Sam Furr/Mayes Road	Davidson-Concord Road to Barnhardt Road
Multi-Use Path	S. Thompson Street	Avinger Lane to Pine Road
On-Road Bicycle Improvement	Grey Road	Concord Road to Shearer Road
On-Road Bicycle Improvement	Shearer Road	Dembridge Drive to Iredell County
On-Road Bicycle Improvement	E. Rocky River Road	Davidson-Concord Road to Cabarrus County
On-Road Bicycle Improvement	Davidson-Concord Road	Multi-Use Path terminus to Sam Furr Road

Mr. Ventresca concluded his presentation stating the Board will be requested to approve the proposed amendments during the June meeting.

## 11. **NCDOT Financial Status Update**

### Presenter:

David Wasserman and Brett Canipe, NCDOT

### Summary:

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 covered the following points:

Mr. Canipe began the presentation stating CRTPO Staff requested NCDOT provide an update about the impacts of COVID-19 on the department's revenues and potential impacts on project schedules. Mr. Canipe stated NCDOT was operating on a narrow cash balance before COVID19 due to the last three years of storm response and recovery expenses as well as legal settlements related to the Map Act. Mr. Canipe stated due to the pre-existing cash balance the department had to prioritize critical maintenance and was deferring regular maintenance on facility repairs and service such as roadside mowing. NCDOT is currently not able to move forward with locally administered projects due to the current cash balance issue. Municipalities should contact the NCDOT Division office if they have questions about specific projects.

Mr. Wasserman explained that NCDOT's revenues are generated by the gas tax, DMV fees, and the highway-use tax meaning the department is 100% receipt supported. The Governor's "Stay at Home" order significantly reduced traffic volumes which has drastically diminished the department's revenues. Mr. Wasserman explained that NCDOT hopes to continue work on 620 active projects throughout the state. He stated that pausing active projects is not an option because contractors could file \$1.5 million in claims against the department for each day of stopped work.

Larken Eggleston asked if NCDOT had any information regarding the Governor's audit report. Mr. Wasserman responded that the state auditor conducted a presentation to the General Assembly today, and NCDOT is preparing to present a response at an upcoming meeting to the legislature.

Chairman Miltich requested a public list of the project schedule delays. He expressed concern with the number of projects that were scheduled to move forward in the Lake Norman region over the next several years. Mr. Wasserman responded to explain that NCDOT is in the process of determining its future revenue projections and then individual project schedule delays will be presented to the CRTPO and Board of Transportation in the form of TIP amendments. Mr. Wasserman stated that many projects could be delayed by at least a year if NCDOT's financial situation does not improve. He added that NCDOT cannot purchase right-of-way until its financial projections are above the cash floor.

Brian Hines asked if the NC 73 widening project in Huntersville will have to be reprioritized in a future round of NCDOT Prioritization once the department is above the cash floor. Mr. Wasserman explained that this project was committed in a previous round of NCDOT prioritization (P5.0), therefore it will not have to be reprioritized, however, the Division will need to work with the STIP unit to determine the impact on the schedule. Mr. Canipe added that the project schedules within the current 2020-2029 STIP cannot be met due to NCDOT's financial situation. He explained that most projects within CRTPO will be delayed.

Marcus McIntyre stated that the Town of Indian Trail has committed to a \$5 million local match on the Old Monroe Road widening project (U-4714B), and he questioned how he should explain another delay to this project to his constituents. Mr. Canipe explained that the U-4714B project remains a high priority for Division 10, and they will begin right-of-way acquisition for this project as soon as possible. Mr. McIntyre asked Mr. Wasserman about the anticipated length of NCDOT's financial distress, and when he anticipates a return to normal operations. Mr. Wasserman expressed uncertainty in determining the exact length of reduced operations, but he assumes that the department will be in this situation for at least a year.

Bill Thunberg asked about the financial outlook of NCDOT heading into Prioritization 6.0 (P6.0). Mr. Wasserman remains hopeful that there will be new projects identified through the P6.0 process, but he is doubtful that Division 10 will have sufficient revenue for new projects because of cost increases to active projects within the STIP. He added that other Divisions with fewer transition projects may see a small number of new projects in P6.0.

Mr. Hines asked if municipalities could cover the cost of right-of-way acquisition for a project and seek reimbursement from NCDOT at a later date. Mr. Canipe responded that NCDOT is unable to work with municipalities on delayed right-of-way reimbursements because of the uncertainty as to when the department would be in a position to fulfill the reimbursement.

Chairman Miltich concluded the discussion on the agenda item by stating that NCDOT's financial crisis demonstrates that the state needs to pursue alternative methods of funding transportation projects other than the gas tax.

## **12. I-77 Express Lanes Project Status Update**

### Presenter:

Rodger Rochelle, NC Turnpike Authority

### Summary:

Mr. Rochelle provided information to the Board via a Power Point presentation, the contents of which are incorporated into the minutes. The presentation covered the following points. He began his presentation by providing an overview of the I-77 Express Lanes project. The northern portion of the project opened in June of 2019 and the southern segment near Uptown Charlotte opened in November of 2019. Mr. Rochelle stated that the project is 95% complete, and final acceptance of the north section is anticipated in June of 2020, with the southern section acceptance date anticipated in the fall of 2020. He then provided an overview of the toll operations by stating that travel speeds along the I-77 corridor have increased by an average of 12% during morning peak hours and 16% during the afternoon peak hours. Mr. Rochelle explained that the I-77 peak period shoulder use project continues to move forward on design of segments in Huntersville and Cornelius. Mr. Rochelle concluded his presentation by reviewing a proposal to allow for medium size trucks to use the express lanes.

### **13. Upcoming Agenda Items**

Presenter:

Neil Burke

Summary:

An overview of the June 2020 agenda was provided. The June 2020 CRTPO Board agenda will include the adoption of the CRTPO CTP amendments from the Town of Davidson and approval of the recommendations for the 2020 discretionary projects program. The June 17 Board meeting will be held virtually as a result of COVID-19.

Mr. Burke provided the following announcements:

- Staff has been coordinating with the transit agencies within the planning area to hold a virtual education session on federal transit funding allocations. The virtual meeting will be open to Board and TCC members to attend.
- A Beyond 77 stakeholder committee meeting will be held on June 2.

### **14. Adjourn**

The meeting adjourned at 8:11 p.m.