

**CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION**  
**Charlotte-Mecklenburg Government Center, Room 267**  
**February 15, 2023 Meeting**  
**Summary Minutes**

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**Members Attending:**

Ed Driggs (Charlotte), Denis Bilodeau (Cornelius), Rusty Knox (Davidson), Rob Kidwell (Huntersville), David Cohn (Indian Trail), Brad Stroud (Iredell County), Ernestine Staton (Marshville), Joe Pollino (Marvin), Renee Garner (Matthews), Leigh Altman (Mecklenburg County), John Higdon (Metropolitan Transit Commission), Fredrick Becker (Mineral Springs), Dale Dalton (Mint Hill), James Kerr (Monroe), Lisa Qualls ( Mooresville), Tony Lathrop (NCBOT-Division 10), Brad Lail (NCBOT-Division 12), Jack Edwards (Pineville), Brad Richardson (Stallings), David Jones (Statesville), George Harris (Troutman), Ron Pappas (Waxhaw), Craig Horn (Weddington)

**Non-Voting Members Attending:**

Jerry Santoni (Iredell County Planning Board), Chuck Travis (NC Turnpike Authority)

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**1. Call to Order**

Chair Ron Pappas called the February 2023 CRTPO Board meeting to order at 6:06 p.m.

**2. Adoption of the Agenda**

Summary:

Chair Pappas asked if any changes to the agenda were necessary. No changes were identified.

Motion:

Ed Driggs made a motion to approve the agenda. Rob Kidwell seconded the motion. Upon being put to a vote, the agenda was adopted by acclamation.

**3. Public Comment Period**

1. Maureen Gilewski spoke in support of multimodal transportation improvements along the Albemarle Road corridor in Charlotte on behalf of the Charlotte East coalition. In particular, she expressed support for safer bicycle and pedestrian infrastructure to serve the above average concentrations of immigrants without automobiles within this area.
2. Darren Crosby is a resident of the Pine Island Country Club Community in Charlotte. He expressed support for the widening of Mount Holly Road (NC 27) between Rhyne Road and Belemeade Drive in Charlotte. The CRTPO submitted the NC 27 project to NCDOT for evaluation in Prioritization 6.0, and the process was halted due to the state's financial issues. Mr. Crosby stated that he spoke to Neil Burke regarding the project, and the CRTPO can choose to resubmit this project for the development of the 2026-2035 STIP (NCDOT Prioritization 7.0) this summer. He cited safety issues with gas trucks and congestion issues related to over ten rezonings along the two-lane corridor.
3. Pete Frandano spoke on behalf of the commercial real estate community and encouraged the CRTPO to support NCDOT's request to review of the unsolicited proposal for I-77 South.
4. Manny Gonzalez, Vice-President of Carowinds, encouraged the CRTPO to support NCDOT's review of the unsolicited proposal for I-77 South. Mr. Gonzalez stated that I-77 serves as a critical route for employees and visitors to access the amusement park and increasing levels of congestion necessitate short-term improvements to the I-77 corridor.
5. Jan Martin is the public affairs manager of Domtar Paper Company in Fort Mill, SC. Ms. Martin spoke in support of pursuing additional improvement options for the I-77 corridor between Uptown Charlotte and the South Carolina State Line. Ms. Martin stated that the additional residential and employment between Rock Hill and Charlotte necessitates short-term improvements along the I-77 corridor.

**4. Ethics Awareness & Conflict of Interest Reminder**

Mr. Burke read the ethics awareness and conflict of interest reminder. Tony Lathrop recused himself from item #12: NCDOT I-77 South Unsolicited Proposal, citing a conflict of interest with his employer. No additional conflicts of interest were identified.

**5. Consent Agenda**

Summary:

Chair Pappas requested action on the following six consent agenda items:

- a) January 25, 2023 CRTPO Board Meeting Minutes
- b) 2020-2029 TIP Amendments
- c) CRTPO Public Involvement Plan Update
- d) Federal Functional Classification Revisions Resolution
- e) NCDOT Paved Trail & Sidewalk Feasibility Study Grant Program: Iredell County Resolution
- f) NCDOT Paved Trail & Sidewalk Feasibility Study Grant Program: Carolina Thread Trail Resolution

Motion:

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

**6. CRTPO Discretionary Funds Project Call – Recommended Projects**

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 stating that action is requested to approve the discretionary funds for the projects recommended from the Fall 2022 project call and amend the 2020-2029 Transportation Improvement Program to add the funding allocations to new and existing projects. The call for projects to award CRTPO discretionary funds opened on August 15, 2022, and closed on October 28, 2022. Ms. Stafford stated that the Project Oversight Committee (POC) met on January 26, 2023, to review comments received during the January TCC and Board meetings. CATS reduced the funding request and the POC modified its recommendation to the TCC to fund two additional bicycle/pedestrian projects. The recommended project list includes funding for four CMAQ projects, which will require submission to NCDOT to review the emissions reductions, and a resolution from the CRTPO Board that is contained within the agenda packet for tonight’s meeting. She concluded the presentation by stating that the TCC unanimously recommended that the Board approve the discretionary funds for the projects recommended from the Fall 2022 project call and amend the 2020-2029 TIP to add the funding allocations during the February 2 meeting.

Mr. Kidwell stated that the Board has the final approval of the allocation of the CRTPO’s discretionary funds, and as such they have the ability to make adjustments to the project list following the TCC recommendation. He acknowledged that CATS has reduced their request amount from \$9 million to \$6.5 million for Electric Vehicle (EV) chargers but proposed Board members discuss the reduction of this request to a smaller amount to fund additional bicycle and pedestrian projects.

Several Board members asked questions regarding the scope of the request; however, CATS was not present during the meeting.

Mr. Kerr requested that CATS provide ridership data at an upcoming Board meeting. Mr. Driggs supported the idea of CATS conducting an upcoming presentation regarding systemwide ridership, and he suggested that action this item is deferred to an upcoming CRTPO Board meeting.

Motion:

Leigh Altman made a motion to defer action on this item until the March 15 meeting to have a CATS staff member provide an explanation regarding the scope of the CATSEV charger discretionary project funding request. Mr. Kerr seconded the motion. Upon being put to a vote, the motion to defer action on the recommended projects from the CRTPO 2022 fall call was unanimously approved.

**7. 2024-2033 CRTPO Transportation Improvement Program Update**

Presenter:

Travis Johnson

Summary:

Mr. Johnson provided information via a Power Point presentation, the contents of which are incorporated into the minutes. The presentation's purpose was to update the board on the process to adopt the 2024-2033 TIP. NCDOT released a revised draft STIP on August 4 that included additional revenue from the state sales tax revenue transfer. Mr. Johnson provided an overview of the 2050 MTP amendments that are necessary for consistency in aligning with the project schedules in the 2024-2033 TIP. The CRTPO Board approved the two project status swaps within the 2024-2033 STIP prior to the department's deadline of October 28.

The CRTPO Board will be asked to open a 30-day public comment period on the draft 2024-2033 TIP, 2050 MTP amendments and the air quality conformity determination during the March 2023 meeting. Public engagement will be focused on the review of documents on the CRTPO's website, an advertisement will be published within the Mecklenburg Times, and shared on the CRTPO's social media accounts. Residents can sign up to speak during the public comment periods at the beginning of the CRTPO Board meetings. Mr. Johnson concluded his presentation by providing a schedule for the 2026-2035 TIP development process where staff will be coordinating the submission of projects to NCDOT for scoring in Prioritization 7.0. All projects must be submitted to NCDOT by the end of September 2023.

**8. CRTPO FY 2024 Unified Planning Work Program: Annual Budget**

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. The presentation's purpose was to update the Board on the preparation of the FY 2024 UPWP. An overview of the UPWP was provided.

The second draft of the FY 2024 UPWP was reviewed with updated funding allocations. The allocation process is largely complete, and the document is being prepared. Mr. Cook explained that allocations are as a result of more information, and analysis of FY 23 first and second quarter trends. The tasks associated with the allocations were discussed. A final review will be conducted during the February 22 Transportation Staff meeting. He concluded his presentation by stating that action will be requested for the Board to adopt the FY 2023 UPWP in March.

**9. FY 2023 CRTPO Self-Certification**

Presenter:

Robert Cook

Summary:

Mr. Cook stated that federal regulations and NCDOT policy require MPOs to annually self-certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that their planning processes address the major issues facing the planning area and are being conducted in accordance with all applicable

requirements of the metropolitan planning process and related requirements. A checklist was reviewed that addresses all major regulations and statutes. Staff's finding was that the CRTPO was meeting all requirements. This topic was addressed during the February 1 Transportation Staff meeting; attendees raised no concerns with staff's findings. Action will be requested in March for the Board to adopt a self-certification resolution for FY 2023. Mr. Cook indicated that this item could be placed on the consent agenda for the March 15 CRTPO Board meeting.

## **10. Proposed Transit Work Group**

### Presenter:

Jerrel Leonard

### Summary:

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

He began the presentation by explaining that recommendations from the 2019 Staffing and Resources Study recommended a new transit planner position to facilitate collaboration between the transit providers, Charlotte Department of Transportation (CDOT), and the CRTPO. In 2021, the four transit providers within the CRTPO providers were interviewed to gain their views on the steps necessary to fulfill the Staffing and Resources Study recommendation to integrate transit planning more fully into CRTPO's activities. One outcome of the interviews was support for establishing a transit work group to help improve coordination among providers and represent transit more fully in CRTPO's activities and decisions. In 2022, a survey was conducted to determine if the 2021 support for a work group remained. The survey results reaffirmed the earlier support for forming a work group.

Mr. Leonard stated that the work group will focus on matters such as implementation of the Sec. 5307 memorandum of understanding, Sec. 5303 allocations, performance-based planning requirements, and other issues that require regional coordination of the transit agencies. He concluded the presentation by stating that action will be requested the Board to formally establish the work group during the March 15 meeting.

Ms. Altman asked for clarification regarding the purpose of this proposed work group as opposed to the CONNECT Beyond Advancing the Plan subcommittee. Mr. Leonard responded to explain that the CRTPO Transit Work Group would primarily focus on short-term operational and federal funding formulas amongst the four transit providers within the three-county CRTPO planning area, and the Advancing the Plan subcommittee is focused on long-range transit planning in a 12-county area.

## **11. Charlotte Urban Area Boundary**

### 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 defining the methods by which the Census Bureau defines urban areas as opposed to MPO identification of their planning areas. Urban areas are defined by Census Bureau for statistical purposes. Other federal agencies, state and local government, etc., use urban areas for various purposes. FHWA uses census urban areas larger than 50,000 persons as the minimum requirement to establish an MPO. The Census-designated urban area is the minimum planning area for an MPO. Mr. Cook then explained that an MPO's area of jurisdiction is developed in cooperation with State DOT's, FHWA, and local governments.

He then provided a comparison of population and land area for the Charlotte Urban Area (UA) between the 2010 and 2020 censuses. Between 2010 and 2020, the Charlotte urban area gained 130,431 residents, but lost

109 square miles of land area. A county-level breakdown of the urban area reductions was reviewed. He explained that the Town of Marshville and the City of Statesville are no longer in the Charlotte UA but can choose to remain active CRTPO members. Maintaining member status would allow these jurisdictions to remain eligible for the CRTPO's discretionary funds. Staff is in the process of contacting each community to determine their commitment to remain a part of the CRTPO. Mr. Cook explained that the reasons for the land area reductions are attributed to changes to criteria used by the census to designate urban areas. He concluded the presentation by reviewing a series of maps that depicted the 2010 and 2020 urban areas in Charlotte.

Chair Pappas stated that the release of the 2020 urban area data has necessitated a re-evaluation of the CRTPO's MOU. He explained that an MOU subcommittee has been formed with the following CRTPO Board members:

- Ed Driggs, Charlotte
- Rob Kidwell, Huntersville
- Ernestine Staton, Marshville
- Renee Garner, Matthews
- Lisa Qualls, Mooresville
- David Jones, Statesville
- Brad Richardson, Stallings
- Chair Ron Pappas, Waxhaw
- Craig Horn, Weddington

A consultant has been retained to assist in facilitating discussions during the subcommittee meetings. The kickoff meeting has been scheduled for March 2, and monthly meetings are anticipated for the remainder of the calendar year.

## **12. NCDOT I-77 South Unsolicited Proposal**

Presenter:

Ron Pappas

Summary:

Chair Pappas began the presentation by reviewing NCDOT's Public Private Partnerships Policy & Procedures dated January 9, 2014. He noted that the NCDOT Secretary must authorize the review of the unsolicited proposal and doing so must be endorsed by the affected MPO. Chair Pappas stated that this project has been included in the CRTPO's 2050 MTP and is a current project in NCDOT's 2020-2029 STIP. NCDOT has provided analysis, historical information, and resources to the Board over the past 11 months, and Chair Pappas explained that he believed it is appropriate to entertain a vote during tonight's meeting.

As noted on the agenda, the requested action was to respond to NCDOT for a decision about the I-77 South Unsolicited Proposal. The following commitments were made by NCDOT should the CRTPO approve the action requested:

- Perform initial screening of unsolicited proposal in accordance with the requirements and expectations as defined in NCDOT's P3 Policies & Procedures document
- Conduct comparative analysis of potential P3 delivery and a traditional public option delivered through NCTA (traditional toll project delivery) to evaluate risk, financial feasibility, benefit-cost and value-for-money
- Form a working group consisting of NCDOT, NCTA, and CRTPO staff

Mr. Driggs acknowledged the diversity of opinion about the unsolicited proposal given the region's experience with the I-77 North managed lanes project. He stated that he is cautious about taking the next steps in this process, but the traffic projections and regional economic implications will necessitate improvements along the

I-77 South corridor in the short term. Mr. Driggs explained that he plans to make a motion to approve the request this evening in order to obtain additional information about the option to fund the project with a public-private partnership (P3).

Ms. Altman expressed that she was offended by the notion of managed lanes along public roadways in terms of equity and fairness. She expressed concerns with the current funding structure that relies on the gas tax to fund major projects. In addition, she added that the concept of managed lanes is perceived as the only feasible option to add capacity along an urban freeway corridor given the structure of transportation funding mechanisms in North Carolina. Ms. Altman stated that she was unaware that managed lanes have been proposed along the I-77 South corridor since 2007. Given that it has been determined that this corridor has been recommended for managed lanes, the remaining questions pertain to how, who and when the project will be constructed. Ms. Altman explained that she does not wish for residents to rely on a congested freeway corridor for the duration of time that it is anticipated to fund a project using public funds, and a process to evaluate funding options must be rational and transparent. Ms. Altman explained that she will vote for NCDOT to conduct a comparative analysis of a P3 along I-77 South to evaluate risk, potential financial feasibility, benefit-cost and value for money.

Mayor Becker stated that residents, stakeholders, and the media need to be educated on the role of CRTPO and NCDOT in the evaluation process to ensure transparency so there is an understanding that managed lanes were determined to be part of the scope of the improvements several years prior to the vote this evening.

Denis Bilodeau stated that the financial track record of the proposing firm should be evaluated to understand the amount of private capital against public funds that have been provided as part of the I-77 North managed lanes project. He explained that this analysis would determine the feasibility of the P3 concept for the I-77 south project and inform any potential taxpayer contributions. Chair Pappas explained that elements of Mr. Bilodeau's comments would be part of NCDOT's analysis. Mr. Bilodeau suggested that NCDOT should provide the financial information for the I-77 North project prior to the CRTPO taking a vote on this agenda item.

Mayor Higdon expressed concerns with the CRTPO taking a vote because it appears to be a predetermined conclusion where a P3 with the unsolicited proposer is the only choice. He expressed support for transportation funding reforms with the state legislature and explained that he could not support the requested action this evening given the track record of the provider of the I-77 North managed lanes project. Chair Pappas requested that David Roy (NC Turnpike Authority CFO) address the CRTPO Board regarding the evaluation and procurement process if the requested action is approved. Mr. Roy stated that an RFP would be publicly advertised if the unsolicited proposal was evaluated and found to meet the criteria within NCDOT's policy. He explained that the firm that submitted the unsolicited proposal would be shortlisted if the project moves forward to procurement, but the policy provides no advantage to that firm.

Mayor Becker asked if the financial track record of the firm contracted for the I-77 North managed lanes project would be considered as part of the evaluation for the I-77 South project. Mr. Roy responded that the comparative analysis would be conducted where a NCTA delivered project would be measured against a P3 delivery option.

Chuck Travis inquired about the process to move forward if NCDOT finds the unsolicited proposal to be acceptable within its policy. Mr. Roy responded that NCDOT would request Statements of Qualifications, shortlist the most qualified firms, and move to an RFP.

Mr. Kidwell asked if NCDOT has coordinated with South Carolina DOT regarding a companion managed lanes project along I-77 south of the state line. He also expressed concerns with semi-truck usage restrictions of the

current and proposed managed lanes as well as the viability of hourly workers being able to afford the daily expense of using the proposed facility.

Renee Garner expressed concern with the unsolicited proposal setting the terms for improvements along the I-77 South corridor. She added that the interstate highway system created inequity issues in Charlotte and throughout the county by segmenting environmental justice neighborhoods. Ms. Garner stated that the residents along the I-77 South corridor would not be able to afford to use the managed lanes. She expressed support for members of the CRTPO Board approaching the General Assembly about the NCTA developing a viable project. Mr. Roy responded that if approved, elements of the unsolicited proposal would be reviewed within a comparative analysis, but the unsolicited proposal would not set the terms of any future work along the I-77 South corridor. He added that any future project would be developed by NCDOT with close coordination with CRTPO and other relevant stakeholders. The unsolicited proposal could include innovative ideas that may be considered in a future procurement process, but it wouldn't dictate the terms of a project that NCDOT would procure.

Mr. Driggs expressed concern with the willingness of the General Assembly to consider changes to the corridor cap within STI to fund improvements along I-77 within the short-term. He added that funding the I-77 South managed lanes project as a P3 would free up over \$2 billion in transportation revenue for other transportation projects. In addition, Mr. Driggs stated that users of managed lanes would free up available capacity within the general-purpose lanes.

Mr. Kerr called the question to bring the discussion to a close and move to a vote on the agenda item. Mr. Driggs seconded the motion. No additional CRTPO Board members supported the motion, therefore discussion on the agenda item continued.

Mayor Knox expressed concerns with the track record of the firm that submitted the unsolicited proposal, and the corridor cap which favors P3 as the only method for short-term project delivery.

Vice Chair Qualls expressed support for the CRTPO Board collaborating with the General Assembly on potential transportation funding reforms, but data analysis and gathering facts should be the first step in this effort. She explained that the comparative analysis that NCDOT has proposed to undertake would help in this effort. Vice Chair Qualls followed up by asking Mr. Roy about upcoming CRTPO Board decision points within the process should the motion be approved. Mr. Roy stated that if approved, NCDOT would present the results of the comparative analysis. At that point, additional action would be requested of the CRTPO to move forward with P3 procurement.

Mayor Cohn expressed support for innovative financing solutions to deliver a project that would be affordable for all users. He cited the toll pricing differences between the Monroe Expressway and the I-77 North Managed Lanes. He agreed that if approved, the results of the analysis should be used to apply pressure to the legislature to consider funding reforms. Mr. Roy explained that there is a federal requirement for managed lanes that ensures that vehicles can travel at 45 miles per hour or greater. Toll prices are based upon the federal standard to ensure the requirement can be met. The Monroe Expressway is a Toll Road where all users pay a flat fee, whereas users of the I-77 North corridor have an option to pay the toll to use the managed lanes or use the general purpose lanes for free.

Motion:

Mr. Driggs made a motion for NCDOT to complete the following tasks regarding the I-77 South project:

- Perform initial screening of unsolicited proposal in accordance with the requirements and expectations as defined in NCDOT's P3 Policies & Procedures document

- Conduct comparative analysis of potential P3 delivery and a traditional public option delivered through NCTA (traditional toll project delivery) to evaluate risk, financial feasibility, benefit-cost and value-for-money
- Form a working group consisting of NCDOT, NCTA, and CRTPO staff

Mayor Becker seconded the motion. Upon being put to a vote, the motion was approved with 51 votes in favor and 11 in opposition. Voting in opposition were Cornelius, Davidson, Huntersville, Indian Trail, Matthews, Pineville, and the Metropolitan Transit Commission.

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

Presenter:

Neil Burke

Summary:

The March 15 CRTPO Board agenda will include the following agenda items:

*Action items:*

- Approval of the FY 2024 Unified Planning Work Program and FY 2023 Self-Certification
- Approval of projects and funding allocations from the 2022 CRTPO Discretionary Project Fall Call
- Approval of the formation of the Proposed Transit Work Group
- Approval of the opening of a public comment period for the Draft 2024-2033 TIP, 2050 MTP amendments, and air quality conformity determination

*Information Reports:*

- CRTPO 2023 RAISE Grant Application Update

Mr. Burke stated that two events are in the process of being planned for the March 15 Board meeting. A CRTPO celebration themed “Mobility for the Future” will be held in the lobby of the Charlotte-Mecklenburg Government Center beginning at 4:30 pm on March 15. An education session on the CRTPO MOU reevaluation process following the release of 2020 census urban area information will be conducted at 6:00 pm prior to the start of the March 15 Board meeting.

Information was provided to the Board regarding the filing requirement for delegates and alternates with the State Ethics Commission. Elected officials that serve as delegates or alternates on an MPO Board must fill out the appropriate documents with the North Carolina State Ethics Commission prior to April 17. To date, seven of 45 voting delegates and alternates have successfully filed their forms.

Jennifer Stafford provided an update regarding the CRTPO’s RAISE grant application for the 2023 IJJA cycle. Staff is working to resubmit its 2022 RAISE grant application for a CRTPO Vision Zero Safety Plan. Mr. Burke will distribute sample letters of support if member jurisdictions wish to assist the CRTPO in this effort.

### 14. **Board Member Comments**

Presenter:

Ron Pappas

There were no comments.

### 15. **Adjourn**

The meeting was adjourned at 8:31 p.m.