

CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION
Charlotte-Mecklenburg Government Center, Room 267
May 17, 2023 Meeting
Summary Minutes

Members Attending:

Ed Driggs (Charlotte), Denis Bilodeau (Cornelius), Rusty Knox (Davidson), Dan Boone (Huntersville), David Cohn (Indian Trail), Ernestine Staton (Marshville), Jamie Lein (Marvin), Leigh Altman (Mecklenburg County), Fredrick Becker (Mineral Springs), Dale Dalton (Mint Hill), James Kerr (Monroe), Lisa Qualls (Mooresville), Stephen Rosenburgh (NCBOT-Division 10), Brad Richardson (Stallings), David Jones (Statesville), George Harris (Troutman), Ron Pappas (Waxhaw), Craig Horn (Weddington)

Non-Voting Members Attending:

Loretta Barren (FHWA)

1. Call to Order

Chair Ron Pappas called the May 2023 CRTPO Board meeting to order at 6:19 p.m.

2. Adoption of the Agenda

Summary:

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

Motion:

Mayor Becker made a motion to approve the agenda. Mayor Knox seconded the motion. Upon being put to a vote, the agenda was adopted by acclamation.

3. Public Comment Period

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 of interest were identified.

5. Consent Agenda

Summary:

Chair Pappas requested action on the following consent agenda items:

- a) March 15, 2023 CRTPO Board Meeting Minutes
- b) 2020-2029 TIP Amendments

Motion:

Brad Richardson made a motion to approve the consent agenda. Ed Driggs seconded the motion. Upon being put to a vote, the consent agenda was unanimously approved.

6. Education Session: CRTPO Memorandum of Understanding Renegotiation Process

Presenter:

Mary Kaczmarek, Skillful Means Marketing

Summary:

Ms. Kaczmarek 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 she has been retained by the CRTPO to provide consultant facilitation services to a subcommittee of Board members working to develop consensus-based recommendations on the renegotiation of the Memorandum of Understanding (MOU). The subcommittee consists of the following members: Ron Pappas, Lisa Qualls, Ed Driggs, Renee Garner, Craig Horn, David Jones, Rob Kidwell, and Brad Richardson. The subcommittee had an initial meeting in March to review the list of topics to consider, assign subcommittee roles and finalize the schedule. Mr. Kaczmarek summarized by the outcome of the May 17 subcommittee meeting by stating that the purpose of the MOU in federal and state law was discussed as well as proposed changes to the calculations of member jurisdiction cost shares were reviewed. The June 29 meeting agenda will consist of reviewing excerpts of peer MPO's MOUs and an overview of the weighted vote. The July and August meetings will be dedicated to finalizing the subcommittee recommendations with the goal of requesting action of the CRTPO Board to approve the updates to the MOU during the August 16 meeting.

Ms. Kaczmarek provided an overview of the legal basis for MPO's MOUs by stating that it is required for appropriate governance of the MPO and the receipt of federal and state transportation and transit funds. State law requires that the MOU is reviewed and updated by each MPO every ten years following the release of the decennial census results. She explained that once each MPO approves revisions to its MOU, the Governor executes the document as well as the FHWA administrator for the North Carolina division. At this point, it becomes binding on all signatories and members of the MPO.

She concluded the presentation by stating that subcommittee members will continue to update the Board regarding the outcome of these meetings throughout the next several months.

7. Draft 2024-2033 Transportation Improvement Program: Public Comment Summary

Presenter:

Travis Johnson

Summary:

Mr. Johnson 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 summarize the public comment periods for the Draft 2024-2033 TIP, the 2050 MTP amendments, and an air quality conformity determination. The initial public comment period began on March 16 and concluded on April 14. The CRTPO received delivery project schedule adjustments from NCDOT on April 4. NCDOT project schedule delays are attributed to project schedule adjustments due to project status swaps, delivery schedule changes, and STIP balancing to ensure fiscal constraint is met. Mr. Johnson reviewed the 16 project schedule delays within the CRTPO.

Based on guidance provided by the FHWA, a supplemental public comment period began on Thursday, May 4 and will conclude on Wednesday, May 17 to allow residents and stakeholders to comment on the final version of the NCDOT STIP which includes the project schedule adjustments. A total of four comments were received in both public comment periods. Mr. Johnson stated that staff will summarize the comments received and provide responses that will be included within the June agenda packet. He concluded his presentation by stating that action will be requested during the June 21 meeting to approve the 2024-2033 TIP, approve the 2050 MTP amendments, and make an air quality conformity determination.

8. 2026-2035 TIP Development Process (NCDOT Prioritization 7.0) Update

Presenter:

Travis Johnson

Summary:

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

He began the presentation by providing an overview of the CRTPO's involvement in NCDOT Prioritization 7.0 to develop the 2026-2035 STIP. Mr. Johnson explained that staff has initiated the process of convening subcommittees to identify project submittals for roadway, bicycle/pedestrian, transit, rail and aviation projects in P7.0. The CRTPO receives 49 project submittals within each mode and NCDOT Divisions 10 and 12 receive 14 submittals for each of the transportation modes. Mr. Johnson then reviewed the 'carryover' and 'holding tank' project classifications for P7.0. Carryover projects do not require a submittal slot and will automatically be resubmitted for P7.0, whereas holding tank projects will use a submittal slot.

Mr. Johnson concluded the presentation by stating that project submittals will be reviewed along with an action request to (1) Approve modifications/deletions to existing projects in NCDOT database (2) open a 30-day public comment period on P7.0 project submittals during the June 21 meeting.

9. NCDOT I-77 South Unsolicited Proposal

Presenter:

Brett Canipe, NCDOT

Summary:

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

The presentation began with a history of the I-77 South Managed Lanes project. The project was first identified within the Fast Lanes Study in 2007 and was submitted as a managed lanes project by the CRTPO in NCDOT Prioritization 3.0 (2014). Mr. Canipe mentioned that per state law (NCGS 136-89.183), toll projects in North Carolina must be requested/approved by the local planning organization. After 2014, NCDOT has completed a feasibility study, begun the preparation of the environmental document, and the project has been included as a partially funded project I-5718 in the STIP.

Mr. Canipe then provided a summary of the unsolicited proposal for the I-77 South Managed Lanes project. Cintra submitted the proposal on February 11, 2022 for a public-private partnership (P3) delivery of the project, and the CRTPO approved performing an initial screening of the proposal and comparative analysis on February 15, 2023.

He reviewed the technical considerations and scope differences between the managed lanes project along I-77 south in the STIP against the proposal. Mr. Canipe discussed the financial considerations regarding the proposal. He explained that the 2022 assumptions would indicate that NCDOT would receive a \$211 million concession payment, but construction costs are materially higher and interest rates have doubled. Mr. Canipe explained that cost increases for materials and right-of-way will necessitate a re-evaluation of the economics of the project.

A kickoff meeting of the Unsolicited Proposal Screening Workgroup was held on May 1 to provide a basic review. The workgroup consists of the following members: Neil Burke (CRTPO), Brett Canipe (NCDOT-Div. 10), Sean Epperson (NCDOT-Div. 10), David Roy (NC Turnpike Authority), Scott Slusser (Attorney General's Office), David Stark (NCDOT - Priority Projects), Derrick Weaver (NCDOT - Technical Services). The work group's analysis will determine if the proposal is compliant to [NCDOT's Public Private Partnerships Policy and Procedures](#), and if the scope of the project within the proposal significantly differs from NCDOT's scope for the project. Mr. Canipe stated that the proposal review will start during the second meeting of the workgroup on May 24. It is anticipated that the in-depth review of the contract will take 2-3 months.

In addition to determining proposal policy compliance and material significance, the workgroup will analyze these inputs and assumptions:

- Project Schedule and Terms

- Revenue
- Costs
- Financing
- Depreciation/Tax
- Equity Returns
- Inputs and Assumptions that could not be extracted from proposal

Once the workgroup's review is complete, proposal findings and an update on the comparative analysis will be presented to the Board. The proposal findings presentation is anticipated to occur during the August 16 meeting. The project comparative analysis of a P3 delivery against the traditional NCDOT STIP funding method will continue to progress with the recommendations anticipated to be finalized in the first quarter of 2024. Mr. Canipe concluded his presentation by stating that NCDOT is continuing to progress on the traffic and revenue analysis and the preparation of the environmental document for the corridor concurrently with the unsolicited proposal review and comparative analysis.

Mr. Driggs inquired about an upcoming a decision that the CRTPO Board may have to consider during the August meeting. Mr. Canipe explained that the results of the workgroup's recommendations will be presented along with its recommendation to accept or reject the unsolicited proposal. If the NCDOT moves forward with a P3 delivery process for the I-77 South Managed Lanes, Cintra would automatically be shortlisted based upon the department's P3 policy. Mr. Canipe explained that this would be a public, competitive bid process. He added the only decision point in August would be whether or not to continue evaluating the Cintra proposal to see if it has merit.

Mr. Driggs followed up to request the date as to when the CRTPO Board would be requested to take action to determine a P3 or traditional STIP delivery process for the project. Mr. Canipe responded to explain that the comparative analysis needs to be conducted, which may take up to a year.

Mayor Knox stated that he wants assurances that NCDOT's policy wouldn't create an advantage for Cintra as opposed to other firms if the P3 is publicly bid. Mr. Canipe responded that if the project moves forward as a P3, the policy requires that it is competitively bid. Stephen Rosenburgh stated that there will be significant discussion if the state level if the project moves forward as state or privately managed. Mr. Canipe added that if the CRTPO Board does not find the outcomes satisfactory at any point in the process, a vote can be cast to stop the process.

Denis Bilodeau stated that the contractual terms, user, and revenue data from the I-77 North Managed Lane project should analyzed with the review of the unsolicited proposal since Cintra has been involved in both processes. Mr. Canipe was unsure as to how the existing managed lane along I-77 North would be incorporated within the unsolicited proposal review for I-77 South but he agreed to follow up and provide a response to the Board. Chair Pappas directed Mr. Canipe to provide the information to Mr. Burke to distribute Mr. Bilodeau's inquiry to the CRTPO Board.

Leigh Altman confirmed that the CRTPO requested that the scope of the I-77 South project contain a managed lane component. Mr. Canipe confirmed that the concept of a managed lane along I-77 south originated within the Fast Lanes study, which began in 2007. Following the Fast Lanes study, an I-77 managed lanes project was included within the 2040 MTP and the CRTPO submitted the project in the 2016-2025 STIP development process (NCDOT Prioritization 3.0) in 2014. Ms. Altman questioned the decision to include a tolling component within this project. Mr. Canipe responded to explain that managed lanes are utilized to provide travel time reliability along congested freeway corridors. Mr. Rosenburgh stated he was on the MPO Board in 2007, and the only option offered by NCDOT to improve congestion on urban freeway corridors was to consider managed lanes. He added that the states funding limitations will necessitate other capital projects to move forward as tolled facilities.

Ms. Altman agreed with Mr. Bilodeau that the pricing intervals and provision to maintain a minimum 45 mile per hour travel speed within the managed lanes in the I-77 North corridor should be factored into the review of the terms within the unsolicited proposal for I-77 South. She added that additional bidders should be considered in the comparative analysis. Mr. Canipe responded to explain that the unsolicited proposal is not a factor within the comparative analysis as it is a conceptual screening to determine benefits and drawbacks of a P3 or a traditional STIP delivery method.

10. Upcoming Agenda Items

Presenter:

Neil Burke

Summary:

The June 21 CRTPO Board agenda will include the following agenda items:

Action items:

- Adopt the 2024-2033 TIP, 2050 MTP Amendments, and Air Quality Conformity
- Open a 30-day public comment period on the CRTPO's recommended project submittals for NCDOT P7.0
- Approval of supplementary funds for two CRTPO discretionary funded projects

Information items:

- Waxhaw Parkway CTP Amendment

FHWA and Federal Transit Administration (FTA) will hold a certification review to evaluate and certify the transportation planning processes for the CRTPO on Tuesday, June 27. The last review was dated March 2020. Board members will have an opportunity to meet with FHWA and FTA staff on June 27, but Loretta Barren, our NC FHWA liaison, has stated that she can meet with members at other times.

Jerrel Leonard announced the 2023 split letter for the FTA Section 5307/5340 funds have been issued to the four transit agencies within CRTPO on Monday April 3. Local match documentation must be submitted within the 60-day window that ends on June 2.

11. Board Member Comments

Presenter:

Ron Pappas

Mr. Rosenburgh encouraged the CRTPO Board to review Senate Bill 512 (Greater Accountability for Boards/Commissions) as it would have significant implications on the composition of the North Carolina Board of Transportation if passed. A summary of the bill may be viewed [here](#).

12. Adjourn

The meeting was adjourned at 7:40 p.m.