

Member Governments

Town of Carrboro
Town of Chapel Hill
County of Chatham
City of Durham
County of Durham
County of Orange
NC Department of
Transportation
Town of Hillsborough

**DURHAM – CHAPEL HILL-CARRBORO
METROPOLITAN PLANNING ORGANIZATION
TECHNICAL COORDINATING COMMITTEE (TCC)**

AGENDA

**August 27, 2008
9:00 a.m.**

**City Council Committee Room
2nd floor Durham City Hall**

- 1. Preliminaries**
- 2. Adjustments to the Agenda**
- 3. Public Comments**

ACTION ITEMS

**4. Approval of July 23, 2008 TCC Meeting Minutes
(Attachment 4)**

A copy of the July 23, 2008 minutes is enclosed as Attachment 4.

TCC Action: Approve minutes of the July 23, 2008 TCC meeting.

**5. 2035 Long Range Transportation Plan and Comprehensive Transportation Plan –
Update**

Andy Henry, LPA Staff

The 2035 Long Range Transportation Plan and Comprehensive Transportation Plan alternatives analysis was released for public comment on August 13, 2008. Public meetings and workshops have also begun. Staff will provide an update of the 2035 LRTP activities, including status of the alternatives analysis and preferred option. The alternatives analysis information is on the DCHC MPO website:

http://www.dchcmpo.org/index.php?option=com_content&task=view&id=59&Itemid=35

TCC Action: Receive update on the 2035 LRTP and CTP

**6. FY 2009-2015 Transportation Improvement Program – Amendment #1
(Attachment 6)**

Ellen Beckmann, LPA Staff

The DCHC MPO TAC approved the final FY 2009-2015 Metropolitan Transportation Improvement Program (MTIP) on August 13, 2008. In order to maintain consistency with the State Transportation Improvement Program (STIP), the TAC approved the MTIP with several

errors in the transit project tables. Amendment #1 to the FY 2009-2015 MTIP (Attachment 6) addresses those errors. The North Carolina Board of Transportation will consider approval of a corresponding amendment to the STIP at their November 2008 meeting.

TCC Action: Recommend that the TAC approve the resolution to amend the FY 2009-2015 Metropolitan Transportation Improvement Program (Attachment 6).

7. 2008-2009 Unified Planning Work Program – Amendment #1
(Attachment 7)

Adena Messenger, Town of Carrboro

Felix Nwoko, LPA Staff

The DCHC MPO approved the FY 2008-2009 Unified Planning Work Program (UPWP) on April 9, 2008. The Town of Carrboro has requested a UPWP amendment to better reflect its work tasks. Attachment 7 is a resolution approving Amendment #1 to the FY 2008-2009 UPWP.

TCC Action: Recommend that the TAC approve the resolution to amend the FY 2008-2009 Unified Planning Work Program.

8. Request to Transfer FY 2009 CMAQ and STPDA Funds to FTA
(Attachment 8)

Ellen Beckmann, LPA Staff

The DCHC MPO has approved CMAQ and STPDA funding for several transit projects in FY 2009. These funds must be transferred from the Federal Highway Administration to the Federal Transit Administration. Attachment 8 is a letter to NCDOT requesting that the FY 2009 CMAQ and STPDA funds for transit projects be transferred to FTA.

TCC Action: Recommend that the TAC send a letter to NCDOT requesting that the FY 2009 CMAQ and STPDA funds for transit projects be transferred to FTA.

9. NCDOT Proposal for Congestion Mitigation Air Quality (CMAQ) Project Selection and Programming Process

(Attachment 9)

Felix Nwoko, LPA Staff

NCDOT is considering changes to the Congestion Mitigation Air Quality (CMAQ) project selection and programming process. Attachment 9 is a summary of the draft proposal. NCDOT has provided this to the MPOs and RPOs for review and comment.

TCC Action: Receive update on NCDOT's proposal for the CMAQ process. Provide comments as needed.

10. Proposed Rescission of Federal Metropolitan Planning Funds
(Attachment 10)

Felix Nwoko, LPA Staff

The Federal Highway Administration is considering rescinding federal PL funding previously committed to the Metropolitan Planning Organizations. PL funding is the primary funding

source for MPO planning activities. The Association of Metropolitan Planning Associations (AMPO) has written a letter opposing this proposal (Attachment 10). The DCHC MPO may consider providing comments to FHWA regarding this proposal.

TCC Action: Receive update on NCDOT's proposal for the CMAQ process. Provide comments as needed.

REPORTS FROM STAFF:

11. Reports from Staff

(Attachment 11)

Felix Nwoko, LPA Staff

TCC Action: Receive Report from staff

12. Report from the Chair

Mark Ahrendsen, TCC Chair

TCC Action: Receive Report from TCC Chair

13. NCDOT Report

(Attachment 13)

Wally Bowman, Division 5 – NCDOT

Mike Mills, Division 7 – NCDOT

Bill Barlow, PTD – NCDOT

INFORMATIONAL ITEMS

14. USDOT Proposal “Refocus, Reform, Renew”: National Association of Regional Councils (NARC) Summary and Response

(Attachment 14, 14A)

Adjourn

Next meeting: September 24, 2008

TECHNICAL COORDINATING COMMITTEE

July 23, 2008

MINUTES OF MEETING

*Jamal Alavi	NCDOT – TPB
*Andy Henry	City of Durham – Transportation
*John Hodges-Copple	Triangle J COG
*Tom King	Town of Hillsborough
*Karen Lincoln	Orange County
*Ray Magyar	UNC - Transportation
*Adena Messinger	Town of Carrboro
*Ryan Mickles	Town of Chapel Hill
*Felix Nwoko	City of Durham – Transportation
*Battle Whitley	NCDOT – Division 5 Engineer
Bill Barlow	NCDOT – PTD
Kevin Harward	City of Durham – Transportation
Dale McKeel	City of Durham – Transportation
Dawn Qiu	City of Durham – Transportation

*Voting Member

Felix Nwoko called the meeting to order at 9:06 a.m.

PRELIMINARIES:

Adjustments to the Agenda

There were no adjustments to the agenda.

Public Comments

There were no public comments.

ACTION ITEMS:

Approval of June 25, 2008 TCC Meeting Minutes (Attachment 4)

A motion was made by John Hodges-Copple and seconded by Jamal Alavi to approve the June 25, 2008 TCC Meeting Minutes. The motion carried unanimously.

FY 2011-2017 Transportation Improvement Program – Regional Priority List – Ranking Methodology (Attachments 5 and 5A)

Felix Nwoko provided an introduction for the FY 2011-2017 Transportation Improvement Program – Regional Priority List – Ranking Methodology, along with the attachments.

Felix Nwoko stated that Attachment 5A is the subcommittee's recommendation. Dale McKeel stated the largest change to the Bicycle/Pedestrian was made on page 5, Regional Connectivity was added. After the meeting, they discussed adding points for regional pedestrian projects. Dale stated there was a lot of discussion on the transit projects.

A motion was made by Jamal Alavi and seconded by Dale McKeel to recommend that the TAC approve the FY 2011-2017 Transportation Improvement Program Regional Priority List Ranking Methodology. The motion carried unanimously.

2035 Long Range Transportation Plan and Comprehensive Transportation Plan

Andy Henry provided an introduction for the 2035 Long Range Transportation Plan and Comprehensive Transportation Plan.

Andy Henry stated we still need two pieces. The biggest item is the data from the Triangle Regional Model and it will take three weeks to run the model. Andy stated it will take until August 8th and we have a TAC meeting on August 13th. Andy stated it looks like we will have to walk the alternatives into the meeting and ask the TAC to release for public comment. The August 8th date also depends on everything going smoothly on the part of the model. The second item is the transit maps.

Felix Nwoko asked the service bureau to provide a timeline of when they can have everything prepared so staff can prepare a recommendation to the TAC informing them of the updated schedule and public comment release period.

Andy Henry suggested changing the evening meeting back to a morning meeting for the TAC August meeting and making the September TAC meeting an evening meeting for the public comment period. The public comment meetings in early August will need to be delayed due to the release. Andy will update the schedule.

John Hodges-Copple stated we need to keep the schedule tight because of the air quality requirements.

Regional Bicycle and Pedestrian Connections (Attachments 7 and 7A)

Dale McKeel provided an introduction of the Regional Bicycle and Pedestrian Connections, along with the attachments.

Adena Messinger suggested having a subcommittee meeting to discuss this item further. Dale McKeel set the meeting for September 30, 2008 at 9:00 a.m.

Memorandum of Agreement between the DCHC MPO, DATA, Chapel Hill Transit, and Triangle Transit (Attachment 8)

Felix Nwoko provided an introduction for the Memorandum of Agreement between the DCHC MPO, DATA, Chapel Hill Transit, and Triangle Transit, along with the attachment.

Comments from the transit operators are incorporated in the Memorandum of Agreement. The only changes that were made were made on the signature page. Instead of having the board sign, the City and Town Manager will sign the agreement.

Andy Henry suggested changes on page 2, under B; Chatham County needs to be added. On page 3, number 6; "Coordinate with Triangle Transit" the other transit operators need to be added. On page 4, number 3; add "in a timely manner."

A motion was made by Andy Henry and seconded by Jamal Alavi to recommend the TAC authorize the Chair to execute the Memorandum of Agreement between the DCHC MPO, DATA, Chapel Hill Transit, and Triangle Transit with the suggested changes. The motion carried unanimously.

REPORTS FROM STAFF:

Reports from Staff (Attachment 9)

The report from staff is attached for review.

Report from the Chair

There was no report from the TCC Chair.

NCDOT Report (Attachment 11)

The NCDOT report is attached for review.

INFORMATIONAL ITEMS

There were no informational items.

Adjournment

There being no further business before the Technical Coordinating Committee, a motion was made by Andy Henry and seconded by Jamal Alavi to adjourn the meeting at 9:42 a.m.

**RESOLUTION TO AMEND THE
2009-2015 TRANSPORTATION IMPROVEMENT PROGRAM
FOR THE DURHAM-CHAPEL HILL-CARRBORO URBAN AREA**

**AMENDMENT #1
September 10, 2008**

A motion was made by TAC Member _____ and seconded by TAC Member _____ for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

WHEREAS, The Metropolitan Transportation Improvement Program (MTIP) is a staged multiple year listing of all federally funded transportation projects scheduled for implementation within the Durham-Chapel Hill-Carrboro Urban Area which have been selected from a priority list of projects; and

WHEREAS, The document provides the mechanism for official endorsement of the program of projects by the Transportation Advisory Committee (TAC); and

WHEREAS, The inclusion of the TIP in the transportation planning process was first mandated by regulations issued jointly by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) and no project within the planning area will be approved for funding by these federal agencies unless it appears in the officially adopted TIP; and

WHEREAS, The procedures for developing the MTIP have been modified in accordance with certain provisions of the SAFETEA-LU Federal Transportation Act and guidance provided by the State; and

WHEREAS, Projects listed in the MTIP are also included in the State TIP (STIP) and balanced against anticipated revenues as identified in the STIP; and

WHEREAS, The North Carolina Department of Transportation and the Transportation Advisory Committee have determined it to be in the best interest of the Urban Area to amend the FY 2009-2015 Metropolitan Transportation Improvement Program as described in the attached sheets; and

WHEREAS, There has been no change in the MTIP project schedule or project design concept and scope with regard to the air quality conformity finding made by the Durham-Chapel Hill-Carrboro Transportation Advisory Committee on August 13, 2008; and

Now, therefore, be it resolved that:

The Durham-Chapel Hill-Carrboro Transportation Advisory Committee hereby amends the FY 2009-2015 Metropolitan Transportation Improvement Program of the Durham-Chapel Hill-Carrboro Urban Area, as approved by the TAC on August 13, 2008, and as described in the "Attachment to Resolution for Amendment #1 to DCHC 2009-2015 MTIP."

I, _____, Transportation Advisory Committee Chair, do hereby certify that the above is a true and correct copy of the excerpt from the minutes of a meeting of the Durham-Chapel Hill-Carrboro Transportation Advisory Committee, duly held on the 10th day of September 2008.

Signature of the TAC Chair
Durham-Chapel Hill-Carrboro Transportation Advisory Committee

STATE of: North Carolina
COUNTY of _____

I, _____, Notary Public of _____ County, North Carolina do hereby certify that _____ personally appeared before me on the _____ day of _____ 2008 to affix her signature to the foregoing document.

Notary Public
My Commission expires: _____

Amendment #1 to the DCHC MPO FY 2009-2015 MTIP

TABLE 1
Existing - Funded project

I. D. No.	System	Description	Funding		FY 2009
TG-4731	Chapel Hill	Preventative maintenance, associated capital maintenance items, routine capital items-- office and shop equipment.	FUZ	CP	900
			L	CP	325
			STPDA	CP	400
			TOTAL		1,625

Amended - Funded project - STPDA funding deleted

I. D. No.	System	Description	Funding		FY 2009
TG-4731	Chapel Hill	Preventative maintenance, associated capital maintenance items, routine capital items-- office and shop equipment.	FUZ	CP	900
			L	CP	325
			TOTAL		1,225

TABLE 2
Existing - Unfunded project

I. D. No.	System	Description	Funding		FY 2009
TG-4958	Durham	Passenger amenities - shelters, benches, trash cans, solar lights, sidewalks	L	CP	26
			STPDA	CP	128
			TOTAL		154

Amended - Funded project - \$ changed

I. D. No.	System	Description	Funding		FY 2009
TG-4958	Durham	Passenger amenities - shelters, benches, trash cans, solar lights, sidewalks	L	CP	22
			STPDA	CP	86
			TOTAL		108

TABLE 3
Existing - Funded project

I. D. No.	System	Description	Funding		FY 2009	FY 2010
C-5103	Durham	Purchase two (2) hybrid electric buses and provide portion of operating assistance for two years	CMAQ	A	864	
			C	A	216	
			CMAQ	O	238	247
			C	O	59	62
			TOTAL		1,377	309

Amended - Funded project - C ("city") changed to L ("local") for acquisition to reflect combination of city and state match

I. D. No.	System	Description	Funding		FY 2009	FY 2010
C-5103	Durham	Purchase two (2) hybrid electric buses and provide portion of operating assistance for two years	CMAQ	A	864	
			L	A	216	
			CMAQ	O	238	247
			C	O	59	62
			TOTAL		1,377	309

TABLE 4

Existing - Funded project

I. D. No.	System	Description	Funding		FY 2009	FY 2010	FY 2011
C-5104	Chapel Hill	Purchase two (2) hybrid electric buses and provide portion of operating assistance for three years	CMAQ	A	1,360		
			C	A	340		
			CMAQ	O	91	94	97
			C	O	23	23	24
			TOTAL		1,814	117	121

Amended - Funded project - C ("city") changed to L ("local") for acquisition to reflect combination of city and state match

I. D. No.	System	Description	Funding		FY 2009	FY 2010	FY 2011
C-5104	Chapel Hill	Purchase two (2) hybrid electric buses and provide portion of operating assistance for three years	CMAQ	A	1,360		
			L	A	340		
			CMAQ	O	91	94	97
			C	O	23	23	24
			TOTAL		1,814	117	121

TABLE 5

Existing - Unfunded project FY 2013

I. D. No.	System	Description	Funding		FY 2009	FY 2013
TA-4923	Durham	11- Replacement buses	CMAQ	CP	3,080	
			FED			9600
			L	CP	385	1200
			STAT	CP	385	1200
			TOTAL		3,465	12000

Amended - Unfunded project FY 2013 - 7 buses were funded in FY 2008 with CMAQ funding

I. D. No.	System	Description	Funding		FY 2009	FY 2013
TA-4923	Durham	Replacement buses 4 - FY 2009 30 - FY 2013	FED		1280	9600
			L	CP	160	1200
			STAT	CP	160	1200
			TOTAL		1,600	12000

TABLE 6

Existing - Funded project

I. D. No.	System	Description	Funding		FY 2009
TA-4755	Durham	Expansion buses 13 - FY 2009	CMAQ	CP	3,024
			L	CP	702
			STAT	CP	702
			STPDA	CP	2592
			TOTAL		7,020

Amended - Funded project - CMAQ funding deleted

I. D. No.	System	Description	Funding		FY 2009
TA-4755	Durham	Expansion buses 6 - FY 2009	L	CP	702
			STAT	CP	702
			STPDA	CP	2592
			TOTAL		3,996

TABLE 7

Existing - Unfunded project

I. D. No.	System	Description	Funding		FY	FY	FY	FY	FY
					2009	2010	2011	2013	2014
TA-4726	Chapel Hill	Replacement buses	FED	CP	4,130	7190	3897	5406	3275
		11 - FY 2009	L	CP	448	1023	423	586	355
		26 - FY 2010	STAT	CP	398	909	376	521	316
		13 - FY 2011	STPDA	CP		2242			
		17 - FY 2013							
		10 - FY 2014	TOTAL			4,976	11,364	4,696	6,513

Amended - Unfunded project - # and \$ of buses in FY 2009 changed to reflect FY 2008 CMAQ funds

I. D. No.	System	Description	Funding		FY	FY	FY	FY	FY
					2009	2010	2011	2013	2014
TA-4726	Chapel Hill	Replacement buses	FED	CP	4,130	7190	3897	5406	3275
		11 - FY 2009	L	CP	448	1023	423	586	355
		26 - FY 2010	STAT	CP	398	909	376	521	316
		13 - FY 2011	STPDA	CP		2242			
		17 - FY 2013							
		10 - FY 2014	TOTAL			4,976	11,364	4,696	6,513

TABLE 8

Existing - Unfunded project

I. D. No.	System	Description	Funding		FY
					2009
TA-4992	Triangle Transit	Vanpool fleet expansion	FEDU	CP	712
			L	CP	178
			TOTAL		890

Amended - Unfunded project - \$ changed to reflect FY 2008 CMAQ funds

I. D. No.	System	Description	Funding		FY
					2009
TA-4992	Triangle Transit	Vanpool fleet expansion	FEDU	CP	168
			STAT	CP	21
			L	CP	21
			TOTAL		210

TABLE 9

Existing - Unfunded project

I. D. No.	System	Description	Funding		FY	FY	FY
					2009	2011	2012
TA-4818	Triangle Transit	Replacement buses	FED	CP	4,624	4080	2992
		17 - FY 2009	L	CP	578	510	374
		15 - FY 2011	STAT	CP	578	510	374
		11 - FY 2012	TOTAL		5,780	5,100	3,740

Amended - Unfunded project - \$ and # in FY 2009 changed to reflect FY 2008 CMAQ funds

I. D. No.	System	Description	Funding		FY	FY	FY
					2009	2011	2012
TA-4818	Triangle Transit	Replacement buses	FED	CP	1,904	4080	2992
		7 - FY 2009	L	CP	238	510	374
		15 - FY 2011	STAT	CP	238	510	374
		11 - FY 2012	TOTAL		2,380	5,100	3,740

TABLE 10
Existing - Funded project

I. D. No.	System	Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TM-5123	Chapel Hill	Job Access/Reverse Commute Operating Cost	JARC	O	85	89	94	98	103	108	114
			L	O	85	89	94	98	103	108	114
			TOTAL		170	178	188	196	206	216	228

Amended - Funded in FY 2009, Unfunded in FY 2010-2015
(Should funding in 2010-2015 be deleted since the MPO has not approved it? Should DATA funding in FY 2009 be shown as a separate project?)

I. D. No.	System	Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TM-5123	Chapel Hill	Job Access/Reverse Commute Operating Cost	JARC	O	85	89	94	98	103	108	114
			L	O	85	89	94	98	103	108	114
			TOTAL		170	178	188	196	206	216	228

TABLE 11
Existing - Unfunded project

I. D. No.	System	Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TM-5129	Chapel Hill	New Freedom Operating Cost	FNF	O	50	53	55	58	61	64	67
			L	O	50	53	55	58	61	64	67
			TOTAL		100	106	110	116	122	128	134

Amended - Funded in FY 2009, Unfunded in FY 2010-2015
(Should funding in 2010-2015 be deleted since the MPO has not approved it?)

I. D. No.	System	Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TM-5129	Chapel Hill	New Freedom Operating Cost	FNF	O	50	53	55	58	61	64	67
			L	O	50	53	55	58	61	64	67
			TOTAL		100	106	110	116	122	128	134

TABLE 12
Existing - Unfunded project

I. D. No.	System	Description	Funding		FY 2010	FY 2011	FY 2014
TA-4979	Chapel Hill	Replacement Vans	FED	CP	563	160	634
			L	CP	70	15	79
			STAT	CP	70	15	79
			TOTAL		703	190	792

Amended - Delete project, redundant with TA-4748 in FY 2010 and 2014, Chapel Hill has not requested vans in FY 2011

TABLE 13
Existing - Unfunded project

I. D. No.	System	Description	Funding		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	
TA-4995	Chapel Hill	Expansion buses	FEDU	CP	1394	900	1295	1233	1374	1414	
			L	CP	151	98	140	145	149	153	
			STAT	CP	151	87	125	128	132	136	
			TOTAL		1,696	1,085	1,560	1,506	1,655	1,703	

Amended - Unfunded project - fixed \$ error in FY 2013

I. D. No.	System	Description	Funding		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	
TA-4995	Chapel Hill	Expansion buses	FEDU	CP	1394	900	1295	1333	1374	1414	
			L	CP	151	98	140	145	149	153	
			STAT	CP	151	87	125	128	132	136	
			TOTAL		1,696	1,085	1,560	1,606	1,655	1,703	

TABLE 14
Amended - Add new funded project

I. D. No.	System	Description	Funding		FY 2009
TX-NNNN	Triangle Transit	Passenger Amenities	STPDA	CP	46
			L	CP	12
			TOTAL		58

RESOLUTION

TO APPROVE AMENDMENT #1 TO THE FY 2008-2009 UNIFIED PLANNING WORK PROGRAM OF THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION (DCHC MPO)

September 10, 2008

A motion was made by TAC Member _____ and seconded by TAC Member _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, A comprehensive and continuing transportation planning program must be carried out cooperatively in order to ensure that funds for transportation planning projects are effectively allocated to the DCHC MPO; and

WHEREAS, The Durham-Chapel Hill-Carrboro MPO requests an amendment to the 2008-2009 UPWP as outlined on the attached tables; and

WHEREAS, Members of the Transportation Advisory Committee agree that the Unified Planning Work Program amendment effectively advances transportation planning for 2008-2009.

Now, therefore, be it resolved that the Transportation Advisory Committee hereby endorses Amendment #1 of the Durham-Chapel Hill-Carrboro Urban Area Unified Planning Work Program for the FY 2008-2009 as described in the attached sheets.

I, Alice M. Gordon, Transportation Advisory Committee Chair, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Durham-Chapel Hill-Carrboro Urban Area Transportation Advisory Committee, duly held on the 10th day of September, 2008.

Signature of TAC Chair
Durham-Chapel Hill-Carrboro Metropolitan Planning Organization

STATE OF: North Carolina
COUNTY OF: Durham

I, _____, a Notary Public of _____ County, North Carolina do hereby certify that Alice M. Gordon personally appeared before me on ___ day of _____, 2008 to affix her signature to the foregoing document.

Notary Public
101 City Hall Plaza
Durham, NC 27701

My commission expires: _____

Reallocation of funds by the Town of Carrboro to better reflect current and scheduled work activities for the 2008-2009 fiscal year. As indicated in the table below, there is no net change in total funding with these changes.

Carrboro	Section 104(f) Planning Funds					
	Original		Proposed		Difference (change)	
	2008-2009 UPWP Adopted April 9, 2008		Amendment #1 August 13, 2008			
Task Description	Local 20%	FHWA 80%	Local 20%	FHWA 80%	Local 20%	FHWA 80%
Surveillance of Change						
Transit System Data	125	500	90	360	-35	-140
Mapping	60	240	95	380	35	140
Planning Work Program						
Planning Work Program	200	800	250	1000	50	200
Transportation Improvement Plan						
Transportation Improvement Plan	125	500	400	1600	275	1100
Civil Rights						
Public Involvement	300	1200	200	800	-100	-400
Incidental Planning/Project Dvlpt.						
Tranp. Enhancement Planning	100	400	50	200	-50	-200
Special Studies (greenway planning)	300	1200	800	3200	500	2000
Management and Operations						
Management and Operations	3000	12000	2325	9300	-675	-2700
Net Change					0	0

**RESOLUTION TO REQUEST THE TRANSFER OF
FFY 2009 CONGESTION MITIGATION AIR QUALITY (CMAQ) AND SURFACE
TRANSPORTATION PROGRAM – DIRECT ATTRIBUTABLE (STPDA)
FUNDS FROM FHWA TO FTA
FOR THE DURHAM-CHAPEL HILL-CARRBORO URBAN AREA**

September 10, 2008

A motion was made by TAC Member _____ and seconded by TAC Member _____ for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) program provides funding for surface transportation and other related projects that contribute to air quality improvements and reduce congestion; and

WHEREAS, transit projects that are likely to increase transit ridership and reduce congestion are permitted to receive CMAQ funds; and

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) approved FFY 2009 CMAQ funds for three eligible transit projects: C-4927 (Durham purchase of five hybrid expansion buses), C-5103 (Durham purchase of two hybrid expansion buses and operating assistance), and C-5104 (Chapel Hill purchase of two hybrid articulated buses and operating assistance); and

WHEREAS, Surface Transportation Program – Direct Attributable (STPDA) funds are provided to the DCHC MPO for transportation projects and planning activities; and

WHEREAS, the DCHC MPO approved FFY 2008 STP-DA funds for four transit projects: TG-4958 (Durham passenger amenities), TX-#### (Triangle Transit passenger amenities), TA-4755 (Durham purchase of six hybrid expansion buses), TA-4748 (Chapel Hill purchase of five replacement vans), U-4727 (Chapel Hill transit marketing and short range planning); and

WHEREAS, the Federal Transit Administration (FTA) administers most transit projects through the FTA’s Urbanized Area Formula Grant Program; and

WHEREAS, in order for local governments to receive CMAQ and STPDA funds for transit projects, the Federal Highway Administration (FHWA) must transfer the funds to the FTA; and

Now, therefore, be it resolved that:

The Durham-Chapel Hill-Carrboro Transportation Advisory Committee hereby requests that the Federal Highway Administration transfer the Congestion Mitigation Air Quality (CMAQ) funds and Surface Transportation Program Direct Attributable (STPDA) funds for FFY 2009 to the Federal Transit Administration for projects C-4927 (Durham purchase of five hybrid expansion buses), C-5103 (Durham purchase of two hybrid expansion buses and operating assistance), C-5104 (Chapel Hill purchase of two hybrid articulated buses and operating assistance), TG-4958

(Durham passenger amenities), TX-#### (Triangle Transit passenger amenities), TA-4755 (Durham purchase of six hybrid expansion buses), TA-4748 (Chapel Hill purchase of five replacement vans), and U-4727 (Chapel Hill transit marketing and short range planning) as described on the attached table as soon as it is authorized to do so.

I, Alice M. Gordon, Transportation Advisory Committee Chair, do hereby certify that the above is a true and correct copy of the excerpt from the minutes of a meeting of the Durham-Chapel Hill-Carrboro Transportation Advisory Committee, duly held on the 10th day of September 2008.

Signature of the TAC Chair
Durham-Chapel Hill-Carrboro Transportation Advisory Committee

STATE of: North Carolina
COUNTY of _____

I, _____, Notary Public of _____ County, North Carolina do hereby certify that _____ personally appeared before me on the _____ day of _____ 2008 to affix her signature to the foregoing document.

Notary Public
My Commission expires: _____

Table: FFY 2009 CMAQ funds that need to be transferred from FHWA to FTA.

TIP #	Project	FFY 2009 (federal funds)	Funding Source
TG-4958	Durham, passenger amenities	\$86,274	STPDA
TX-####	Triangle Transit, passenger amenities	\$46,400	STPDA
TA-4755	Durham, purchase six hybrid electric expansion buses	\$2,592,000	STPDA
TA-4748	Chapel Hill, purchase five replacement vans	\$400,000	STPDA
U-4727	Chapel Hill, transit marketing/short range planning	\$200,000	STPDA
C-4927	Durham, additional capital funding to address a funding shortfall for a previously approved CMAQ project to purchase five hybrid electric buses for service expansion	\$397,995	CMAQ
C-5103	Durham, purchase two hybrid electric buses for service expansion and a portion of operating assistance for two years (FY 2009 and 2010)	\$864,000 capital \$237,911 operating	CMAQ
C-5104	Chapel Hill, purchase two hybrid electric articulated buses to operate on an existing route and a portion of operating assistance for three years (FY 2009, 2010, and 2011)	\$1,360,000 capital \$90,868 operating	CMAQ

DEVELOPMENT OF A NEW DIRECTION FOR CMAQ AT NCDOT

Background

Congestion Mitigation & Air Quality (CMAQ) is a Federal program that funds transportation projects and programs in air quality nonattainment and maintenance areas to help achieve and maintain national standards for pollutants. In North Carolina, the current criteria pollutants are ozone, carbon oxides and particulate matter. Figure 1 shows the current non-attainment and maintenance counties within North Carolina.

CMAQ was initially authorized with ISTEA and further continued in TEA-21 and SAFETEA-LU. The program is jointly administered by FHWA and FTA in consultation with EPA.

Funding is apportioned to North Carolina based on the population in non-attainment and maintenance areas of the state and the severity of air quality problem. These funds are outside of the Equity Formula.

Current Status of CMAQ program

In 2004, NCDOT changed the process for funding CMAQ projects by issuing a call for projects to be locally administered within North Carolina's 21 non-attainment and maintenance counties¹. NCDOT announced that approximately \$20 million per year would be available to fund CMAQ projects in the TIP for years the 2006 – 2012.

The anticipated North Carolina CMAQ authorization was allocated to eligible MPO/RPOs. In addition, a portion was reserved for projects with statewide benefits. The allocation formula that was used mimicked the Federal apportionment formula and was approved by the Board of Transportation.

The project selection process was a cooperative process performed by an interagency review committee.

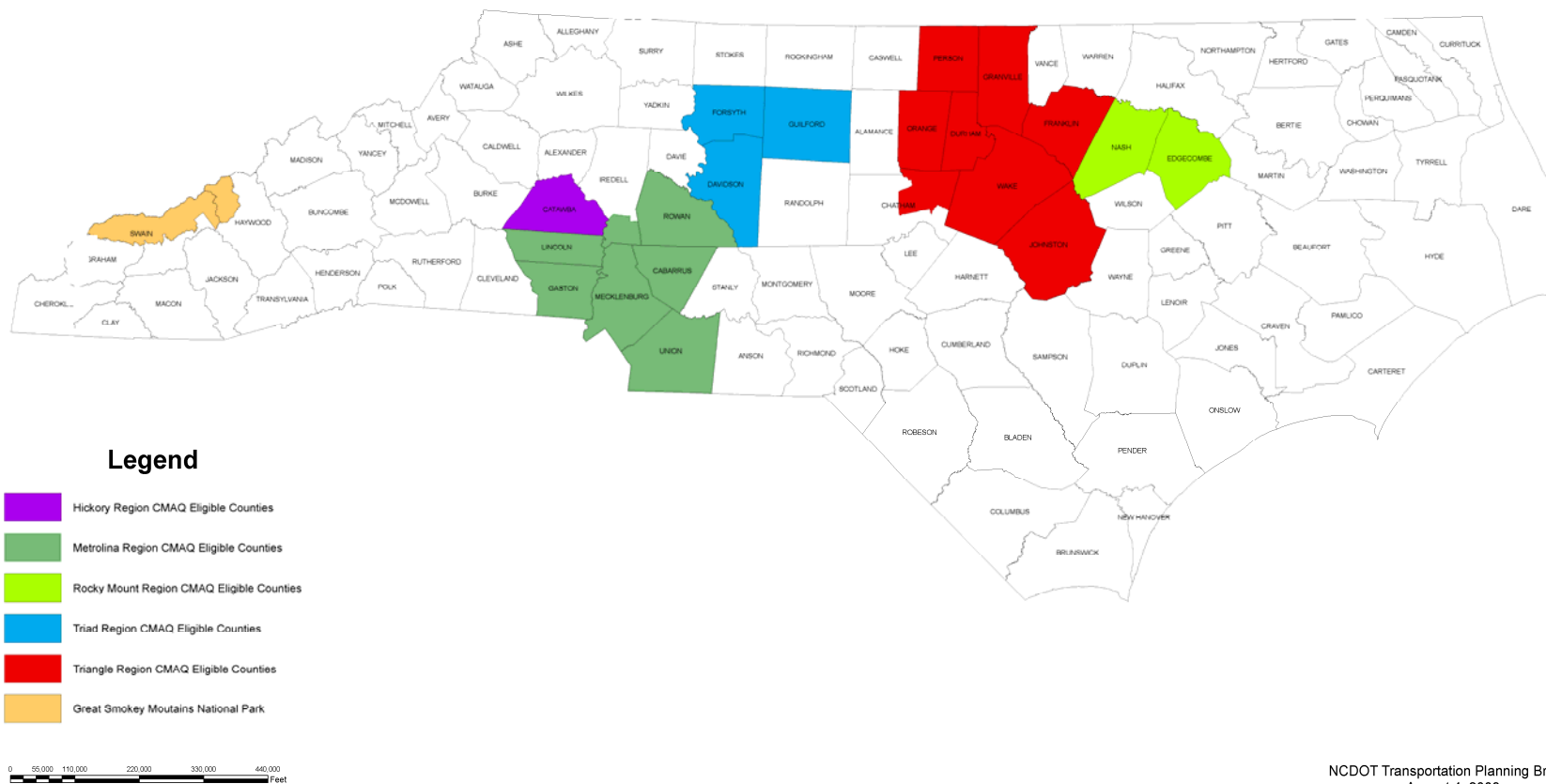
- Team was comprised of representatives from NCDOT (Transportation Planning and Program Development); NCDENR (Division of Air Quality); FHWA and FTA; and MPO/RPOs (presiding presidents from NCAMPO and NCARPO).
- Committee reviewed projects based on the CMAQ eligibility rules, emissions benefits, cost and other applicable criteria and recommended projects to the Board of Transportation.

¹ Non-attainment and maintenance counties at that time included the following: Cabarrus, Catawba, Chatham, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Granville, Guilford, Haywood, Iredell, Johnston, Lincoln, Mecklenburg, Nash, Orange, Person, Rowan, Swain, Union and Wake.

Figure 1



CMAQ Eligible Counties in North Carolina



The committee reviewed both statewide and local projects.

- **Statewide projects** – those projects benefiting multi-jurisdictions (more than one air quality region), having true statewide benefits, that can not be considered local projects
 - *Evaluated by air quality emissions benefits and cost*
- **Local projects** – awarded within eligible counties at the MPO/RPO level from a selection of candidate projects submitted by local project sponsors up to the target yearly allocation for the MPO/RPO
 - *Evaluated by air quality emissions benefits, MPO/RPO priorities and cost*
 - *Required endorsement by MPO/RPO*

As a result of this call for projects and review of submitted proposals, approximately 100 projects were selected for funding across the State.

- *Four areas did not submit any projects for consideration²*
- *Some areas did not submit enough projects to use their full allocation of funds with the intent to add projects based on initial distribution during the next call for projects*
- *Prior to programming projects, received notification that NCDOT cash flow model would only support CMAQ funding of \$12 million for first years of program and then increase to \$28 million for years 2009 – 2012*

Management of these projects has been managed by the Transportation Planning Branch (TPB) has responsibility for managing the CMAQ program. Other divisions within NCDOT are involved with the process at some point.

- *Management includes overseeing the development of local agreements, requesting Federal authorizations, approving environmental documentation, overseeing local procurement of consultants/contractors, managing individual contracts & reimbursements, etc.*

There have been issues encountered through this process, mostly focused on project implementation and meeting the TIP established cash flow targets.

- *Implementation delays due to local areas being unfamiliar with Federal funds process and our inexperience in project management*
- *Burdensome management process involving a multitude of divisions within NCDOT*
- *Same level of management and oversight required, regardless of project size/cost*

² NW Piedmont RPO, Hickory MPO, Unifour RPO, Upper Coastal Plain RPO

Opportunity for Change

In light of the issues encountered implementing the program over the last few years and NCDOT's recent transformation process, it seems appropriate to modify the current methodology to improve its functionality and align better with the goals and mission of both the CMAQ program and NCDOT.

The main goals sought with revisions to the current CMAQ methodology include the following:

- To program unused funds remaining from 2004 Call for Projects allocations;
- To better utilize NC's pre-existing CMAQ balance;
- To address implementation and management issues realized as a result of the initial call for projects; and
- To keep in mind the goals of the CMAQ program by focusing on the highest & best use of funds.

In order to meet these goals, the three processes described on the following pages are proposed.

PROGRAMMING UNALLOCATED FUNDS FROM 2004 CALL FOR PROJECTS

Goal – To program unused funds leftover from the 2004 Call for Projects allocations

During the 2004 Call for Projects, four areas did not submit any projects and several others did not submit sufficient project proposals to exhaust their entire CMAQ allocation. Table 1 presents the current balance of CMAQ funds for Fiscal Years 2009 – 2012.

Table 1. FY 2006 – FY 2012 Summary of Funding

Area	2006 - 2012 Allocation	Total Funded Projects ³	Balance
Burlington-Graham MPO	\$224,438	\$0	\$224,438
Greensboro MPO	\$8,649,393	\$6,682,156	\$1,967,237
High Point MPO	\$4,644,397	\$496,018	\$4,148,379
NW Piedmont RPO	\$1,048,597	\$0	\$1,048,597
Piedmont Triad RPO	\$2,279,712	\$765,894	\$1,513,818
Winston-Salem MPO	\$9,677,543	\$1,878,520	\$7,799,023
Cabarrus-Rowan MPO	\$7,065,979	\$6,557,380	\$508,599
Gaston MPO	\$4,383,131	\$6,891,000	(\$2,507,869)
Lake Norman RPO	\$4,850,744	\$901,152	\$3,949,592
Mecklenburg Union MPO	\$24,484,950	\$22,600,652	\$1,884,298
Rocky River RPO	\$529,390	\$141,542	\$387,848
Capital Area MPO	\$19,076,138	\$23,259,200	(\$4,183,062)
Durham-Chapel Hill-Carrboro MPO	\$9,332,401	\$5,566,941	\$3,765,460
Kerr Tarr RPO	\$3,686,237	\$1,907,140	\$1,779,096
Triangle RPO	\$639,141	\$329,758	\$309,383
Hickory MPO	\$3,336,171	\$0	\$3,336,171
Unifour RPO	\$524,975	\$0	\$524,975
Land of Sky RPO ⁴	\$1,227,073	\$217,367	\$1,301,205
Southwestern RPO ⁴	\$294,499		
Rocky Mount MPO	\$1,612,865	\$844,400	\$768,465
Upper Coastal Plain RPO	\$4,432,227	\$0	\$4,432,227

³ As currently programmed in the Draft 2009 – 2015 STIP.

⁴ Funding allocated to the Land of Sky RPO and Southwestern RPO was combined, per local request.

NCDOT proposes a process to allow each non-attainment/maintenance MPO/RPO with a balance to submit project proposals for CMAQ funding. The following process would apply:⁵

➤ **Step 1 (Fall 2008)**

MPO/RPOs having a CMAQ balance will receive notification of these balances from the NCDOT Transportation Planning Branch (NCDOT – TPB). This will initiate a window of time for these areas to submit project proposals to NCDOT to exhaust these balances.

- Project proposals will require a completed CMAQ application (and supporting details) and MPO/RPO endorsement.
- Individual project proposals will be subject to a minimum cost threshold of \$250,000 or amount remaining in MPO/RPO allocation, whichever is less.

➤ **Step 2 (Winter 2009)**

Eligible MPO/RPOs will submit project proposals to NCDOT – TPB for funding consideration. TPB will initiate interagency review.

- All proposals require documentation of MPO/RPO approval.
- All proposal packages must be hard copies and must be physically received by TPB by the due date. Email submissions will not be allowed.

➤ **Step 3 (Winter – Spring 2009)**

NCDOT – TPB will distribute project proposals to **Interagency Review Team** (IRT, made up of FHWA, FTA, EPA, NCDOT and NCDAQ⁶), allowing at least **4 weeks** for review & comment. The IRT will convene for a Project Review Meeting, if needed.

- IRT will determine CMAQ eligibility of each project proposal.

➤ **Step 4 (Spring 2009)**

NCDOT – TPB will provide feedback to eligible MPO/RPOs regarding project proposals. Once all comments have been sufficiently addressed & reviewed by the IRT, NCDOT – TPB will forward IRT recommendation to NCDOT Transportation Improvement Unit Development Unit (NCDOT – TIP Unit).

⁵ Dates shown are for illustrative purposes only to establish a timeline frame of reference. Final dates and deadlines will be established upon final approval of process by NCDOT Board of Transportation.

⁶ IRT for this process is not envisioned to include MPO/RPO Association representation, since IRT is only reviewing CMAQ eligibility of proposed projects.

➤ **Step 5 (Spring 2009)**

NCDOT – TIP Unit will add approved CMAQ projects to 2009 TIP by amendment, subject to current funding availability.

➤ **Step 6 (Spring 2009)**

Any funds not programmed for eligible projects through this process will then revert to the general balance of CMAQ funds and be subject to new NCDOT CMAQ Project Selection & Programming Guidelines.

DRAFT

➤ **CMAQ Project Fast-Tracking**

Goal – To better utilize remaining CMAQ balance by fully funding existing projects

The Federal Energy Independence and Security Act (Energy Act) passed in 2007 allows States to obligate up to 100% Federal share for CMAQ projects for Fiscal Years 2008 and 2009. This presents an opportunity for NCDOT to exhaust a significant portion of the unobligated CMAQ balance⁷ by encouraging sponsors to fast-track the preliminary engineering on their CMAQ projects and resulting construction authorization requests.

NCDOT proposes a process to apply 100% Federal CMAQ funds towards projects that meet a specified deadline for construction funding authorization. The following process would apply:⁸

➤ **Step 1 (Fall 2008)**

MPO/RPOs, along with the sponsors of local projects within these areas, will receive notification of the opportunity for full-Federal funding on currently programmed projects. This will initiate a window of time for these areas to assess their ability to meet the requirements of this process and notify NCDOT of their intent.

- In order to qualify for project fast-tracking, all required preliminary engineering (environmental document and right-of-way authorization) must be complete in time for NCDOT to request Federal funding authority by **September 15, 2009**⁹.
- This offer will extend to any currently programmed CMAQ project or any project proposals programmed as a result of the *Programming of Unallocated Funds from 2004 Call for Projects* process.

➤ **Step 2 (Fall 2009)**

Project Sponsors will evaluate if the required preliminary engineering could be completed for a project so that the construction authorization could be requested no later than **September 15, 2009**. Project Sponsors will then submit documentation of these projects and their commitment to complete the preliminary engineering by this deadline to the associated MPO/RPO.

➤ **Step 3 (Winter 2009)**

MPO/RPOs will submit a list of projects to be fast-tracked via letter/memorandum to NCDOT – TPB. This submittal should include the anticipated completion date for preliminary engineering items.

⁷ This unobligated balance is outside of the current MPO/RPO balances.

⁸ Unless otherwise noted, dates shown are for illustrative purposes only to establish a timeline frame of reference. Final dates and deadlines will be established upon final approval of process by NCDOT Board of Transportation.

⁹ This is the last day that NCDOT will request Federal authorization for funding in FY 2009.

➤ Step 4 (Winter 2009)

NCDOT – TPB will request a Supplemental Agreement for each fast-track project request from the NCDOT Agreements Unit. The Supplemental Agreement will include a provision that if all preliminary engineering is completed by the locally specified completion deadline, NCDOT will request construction authorization with 100% Federal funding. NCDOT – TPB will facilitate local approval of this agreement directly with the Project Sponsor.

➤ Step 5 (Fall 2009)

Project Sponsor will submit required preliminary engineering items by the locally specified deadline. In turn, NCDOT – TPB will request construction authorization at 100% Federal funding. If Project Sponsor does not complete preliminary engineering by the locally specified deadline, the project will not be funded with 100% Federal funding and will be funded according to the original local agreement.

➤ **Programming Post-2012 CMAQ Funds with New Guidelines**

Goal – To revise 2004 call methodology for allocating funds and programming projects, beginning with those funds authorized for FY 2013 and beyond

The 2004 Call for Projects was a successful process, yet there have been issues encountered from the both the State and local perspectives implementing the resulting projects. These include implementation delays and a resource-intensive management process. In addition, NCDOT has implemented new departmental goals and missions and is striving to incorporate these into all programs.

NCDOT proposes modifying the Call for Project methodology to better address these issues and incorporate the NCDOT goals and missions. This process would coincide with the STIP update cycle followed by the NCDOT – TIP Unit. The following guidelines would apply:

➤ **Step 1 – September Year 1**

Eligible MPO/RPOs will receive notification letter outlining the new project selection process and their regional monetary CMAQ allocation for the TIP under development (September – Year 1). MPO/RPOs within each AQ region should work cooperatively to develop CMAQ project proposals.

- Project proposals will be submitted with the MPO/RPO priority list to the TIP Unit.
- All projects will be subject to a minimum project cost threshold equal to \$250,000.

➤ **Step 2 – Fall Year 1**

MPO/RPOs will submit CMAQ project proposals with the project priority list submitted to the NCDOT - TIP Unit. The TIP Unit will forward all CMAQ applications to the TPB.

- Project proposals will require a completed CMAQ application (and supporting details) and MPO/RPO endorsement.

➤ **Step 3 – January Year 1**

NCDOT – TPB will distribute project proposals to IRT, allowing at least **4 weeks** for review to be followed by a Project Review Meeting to be held in **early January – Year 1** to select Statewide projects and discuss any outstanding issues with local project proposals.

- **Statewide projects** (those projects benefiting multi-jurisdictions – more than one air quality region – having true statewide benefits that can not be considered local projects) evaluated by air quality emissions benefits and cost
- **Local projects** (those projects within eligible counties submitted by local project sponsors) evaluated by air quality emissions benefits, MPO/RPO priorities and cost and require endorsement by MPO/RPO

➤ Step 4 – Winter/Spring Year 1

Based on IRT comments, NCDOT – TPB will provide feedback to eligible MPO/RPOs regarding project proposals. Once all comments have been sufficiently addressed & reviewed by the IRT, TPB will forward IRT recommendation to TIP Unit.

➤ Step 5 – June Year 1

Approved CMAQ projects will be included in the Draft TIP (June – Year 1).

- Final Statewide CMAQ projects will be determined based on coordination between the TIP Unit and the BOT/Secretary/Governor
- Final MPO/RPO projects within a region will be determined based on consultation between BOT Members and MPOs/RPOs in their region

➤ Step 6 – June Year 2

Any funds not programmed after final adoption of the STIP revert back to the overall balance & are reallocated per formula for the next update cycle.

Allocation of Funds

Allocation of the NC CMAQ apportionment under the proposed modified process is based on a revamp of the distribution formula used in the 2004 call for projects. This new formula allocates funds by AQ region, rather than MPO/RPO. In addition, the formula incorporates 2000 Census population within AQ area as established by EPA¹⁰. As with the previous allocation formula, factors will be used to account for the severity of AQ pollutants – ozone, carbon oxides and particulate matter – within the AQ regions.

The revised formula is as follows:

$$\text{Yearly Regional CMAQ Allocation} = \frac{\text{Factored NA Population for Region}}{\text{Total State NA Population}} * \text{Total Yearly NC CMAQ Allocation}$$

A minimum yearly allocation will be guaranteed for any AQ region whose yearly allocation resulting from this formula is less than \$125,000. These funds will be allocated from the statewide allocation. This will ensure that each AQ region can program at least one CMAQ project that meets the \$250,000 minimum project amount during the TIP update cycle.

The actual calculations, as shown in Table 2, are made by county, then summed up to each AQ region. The resulting regional allocations are shown in Table 3.

¹⁰ Source - <http://www.epa.gov/oar/oaqps/greenbk/anay.html>

Table 2. Calculation of Funding by County

Assumed Yearly North Carolina CMAQ Allocation = \$30,000,000								
County	Pollutant	Classification	Non Attainment Area Population (2000 Census) ²	Pollutant Factors		Factored Population	% Factored Population	Yearly Allocation (FP) by County
				8-hr Ozone Basic (1.0)	8-hr Ozone Moderate (1.1) PM _{2.5} (1.2) Ozone + CO (1.2 x O ₃ Factor)			
Statewide³								\$ 6,000,000.00
Cabarrus	8 hr ozone	Moderate	131,063	1.1		144,169	3.291%	\$ 789,901.48
Gaston	8 hr ozone	Moderate	190,365	1.1		209,402	4.780%	\$ 1,147,307.75
Iredell ^P	8 hr ozone	Moderate	39,885	1.1		43,874	1.002%	\$ 240,382.26
Lincoln	8 hr ozone	Moderate	63,780	1.1		70,158	1.602%	\$ 384,394.66
Mecklenburg	8 hr ozone, CO	Moderate, Not Classified	695,454	1.3		917,999	20.957%	\$ 5,029,704.62
Rowan	8 hr ozone	Moderate	130,340	1.1		143,374	3.273%	\$ 785,544.05
Union	8 hr ozone	Moderate	123,677	1.1		136,045	3.106%	\$ 745,386.92
Davidson	PM 2.5	Nonattainment	147,246	1.2		176,695	4.034%	\$ 968,110.41
Forsyth	CO	Moderate	306,067	1.0		306,067	6.987%	\$ 1,676,936.61
Guilford	PM 2.5	Nonattainment	421,048	1.2		505,258	11.535%	\$ 2,768,299.00
Catawba	PM 2.5	Nonattainment	141,685	1.2		170,022	3.881%	\$ 931,548.05
Chatham ^P	8 hr ozone	Basic	21,320	1.0		21,320	0.487%	\$ 116,811.97
Durham	8 hr ozone, CO	Basic, Moderate	223,314	1.2		267,977	6.118%	\$ 1,468,240.97
Franklin	8 hr ozone	Basic	47,260	1.0		47,260	1.079%	\$ 258,936.85
Granville	8 hr ozone	Basic	48,498	1.0		48,498	1.107%	\$ 265,719.83
Johnston	8 hr ozone	Basic	121,965	1.0		121,965	2.784%	\$ 668,244.45
Orange	8 hr ozone	Basic	118,227	1.0		118,227	2.699%	\$ 647,764.00
Person	8 hr ozone	Basic	35,623	1.0		35,623	0.813%	\$ 195,177.90
Wake	8 hr ozone, CO	Basic, Moderate	627,846	1.2		753,415	17.200%	\$ 4,127,950.85
Edgecombe	8 hr ozone	Basic	55,606	1.0		55,606	1.269%	\$ 304,664.46
Nash	8 hr ozone	Basic	87,420	1.0		87,420	1.996%	\$ 478,972.90
Haywood ^P	8 hr ozone	Basic	28	1.0		28	0.001%	N/A ⁴
Swain ^P	8 hr ozone	Basic	260	1.0		260	0.006%	N/A ⁴
			3,777,689			4,380,373	100.000%	\$ 30,000,000.00

Notes

1 - The level of CMAQ funds to be available has not been determined. This funding is based on \$30,000,000 with \$6,000,000 available on a statewide basis. The total amount to be available and/or the split between regions and statewide is subject to revision.

2 - Source - <http://www.epa.gov/oar/oaqps/greenbk/anay.html>

3 - \$125,000 from yearly Statewide allocation will be allocated for any NA area whose yearly allocation by the revised formula is less than \$125,000

4 - 2000 Census population of Great Smoky National Park estimated at 288, which would result in a minimal yearly allocation. Therefore, GSMNP is not included in the distribution formula.

P - only a portion of the county is non-attainment or maintenance for AQ

Table 3. Statewide and Regional CMAQ Allocations¹¹

Region	Yearly Allocation	2011 -2 017 Allocation
Statewide	\$ 6,000,000.00 ¹²	\$ 30,000,000.00 ¹¹
Metrolina	\$ 9,122,621.75	\$ 45,613,108.74
Triad	\$ 5,413,346.02	\$ 27,066,730.12
Hickory	\$ 931,548.05	\$ 4,657,740.25
Triangle	\$ 7,748,846.82	\$ 38,744,234.09
Rocky Mount	\$ 783,637.36	\$ 3,918,186.80
Great Smoky Mtn. Nat'l Park	\$125,000.00	\$ 625,000.00

¹¹ The level of CMAQ funds to be available has not been determined. This funding is based on \$30,000,000 with \$6,000,000 available on a statewide basis. The total amount to be available and/or the split between regions and statewide is subject to revision.

¹² Minus the allocation of \$125,000 per year for each region with minimal yearly allocation resulting from application of revised formula.



**ASSOCIATION OF
METROPOLITAN
PLANNING
ORGANIZATIONS**

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Administrator James Ray
Federal Highway Administration
Room E87-314
1200 New Jersey Ave. S.E.
Washington, DC 20590-9898

August 5, 2008

Dear Administrator Ray:

I am writing on behalf of the member metropolitan planning organizations ("MPOs") of the Association of Metropolitan Planning Organizations ("AMPO") with regard to serious concerns about proposed rescissions of federal funds previously committed to metropolitan transportation planning. AMPO represents metropolitan planning organizations across the United States, of which there are 385 ranging in designated population size of 50,000 persons to several million.

Background

As you are aware, the Energy Independence and Security Act of 2007 ("EISA"), Pub. L. 110-140, established new rules for federal highway funding rescissions in federal fiscal years (FFY) 2008 and 2009. Section 1132(a) of EISA provides in pertinent part that:

Any unobligated balances of amounts that are appropriated from the Highway Trust Fund for a fiscal year, and apportioned under chapter 1 of title 23, United States Code [23 U.S.C. ch. 1] . . . and that are rescinded in fiscal year 2008 or fiscal year 2009 shall be distributed by the Secretary of Transportation within each State . . . *among all programs for which funds are apportioned* under [23 U.S.C. ch. 1] for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, [sic] bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year (emphasis added).

A companion provision in Section 1132(b) of EISA allows States to "make adjustments" to the distribution of rescissions by "transferring the amounts to be rescinded *among the programs* for which funds are apportioned under [23 U.S.C. ch. 1]" (emphasis added), as long as the adjusted amount does not exceed 110% of the funds to be rescinded from each program.

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*...the transportation advocate for metropolitan regions...
committed to enhancing MPOs' abilities to improve metropolitan transportation systems...*

Some States have interpreted EISA to allow funds set aside for metropolitan planning ("PL" funds) under Title 23 to be proportionately rescinded on the same basis as funds for highway programs. Further, some States have proposed to upwardly adjust the rescission of PL funds to the maximum 110% of a proportionate share. It is our view that neither action by States would be legal under current federal highway law.

Metropolitan Planning Funds Are Not "Program" Funds Subject to Rescission

Chapter 1 of title 23 of the United States Code, 23 U.S.C. §§ 101-164, as amended by the 2005 SAFETEA-LU transportation law, consists of numerous sections controlling the use and distribution of federal highway funds. As mandated by Section 104(b), under the heading "Apportionments," highway funds are allocated to states through five discrete funding programs, which are the "programs" referenced in the 2007 EISA energy bill: (1) the National Highway System (NHS) program; (2) the congestion mitigation and air quality (CMAQ) program; (3) the surface transportation (STP) program; (4) the interstate maintenance (IM) program; and (5) the highway safety improvement program.

In contrast, planning funds are not apportioned in the manner of highway "programs," but rather are taken off the top of the overall Congressional appropriations pursuant to 23 U.S.C. § 104(f), which provides under the heading "Metropolitan planning" that: "the Secretary shall set aside 1.25 percent of the funds authorized to be appropriated for the interstate maintenance, national highway system, surface transportation, congestion mitigation and air quality improvement, and highway bridge replacement and rehabilitation *programs* authorized under this title to carry out the requirements of section 134 [relating to metropolitan planning]" (emphasis added).¹ Although the overall set-aside pool created by Section 104(f) is then sub-allocated to states, there is no indication in Section 104 that the PL set-aside is considered a "program" subject to rescission as that term is used in EISA.

Indeed, Section 104(b) itself recognizes that the planning set-aside is separate from the highway program allocation by requiring that the Secretary of Transportation "after making the set-asides authorized by subsections (d) and (f) [the set aside for planning] and section 130(e), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the Interstate and National Highway System program, the Congestion Mitigation and Air Quality Improvement program, the highway safety improvement program, and the Surface Transportation program," in other words, to the programs other than PL that are subject to rescission. We note that FHWA has determined that State Planning and Research funds (SPR) are not subject to rescission, and PL funds are by law on similar footing.

The consequences of improper rescission of PL funds could be dire. Among other repercussions, rescission of PL funds would result in unfunded federal and state mandates related to air quality, congestion management, transit planning, long range transportation planning, public involvement and other processes required to be undertaken prior to initiation and throughout the project development cycle. Similarly, completion of planning requirements is regularly mapped in the Unified Planning Work Programs adopted annually (or bi-annually) by local entities through local processes. The level of effort required to comply with the planning requirements is substantial and does not diminish whether the jurisdiction has 10 or 110 capital projects to be funded. Planning is done far in advance of actual construction and often planning dollars are already spent or committed for planning resources such as MPO staff and modeling. PL dollars are very limited under current funding. Funding for PL has increased a mere 0.25% over the past 3 years, and costs routinely exceed available funding. Rescission of PL funds will likely necessitate layoffs and inability to continue critical planning tasks.

¹ This set aside for metropolitan planning is similar to the funding earmarked for USDOT administrative expenditures under 23 U.S.C. § 104(a). Prior to the 2005 SAFETEA amendments, funding for federal expenditures was accomplished through a similar off-the-top percentage set aside from various program funds; however, with the passage of SAFETEA, Pub. L. 109-59, Congress specified fixed dollar amounts as authorizations for federal administrative expenditures.

Conclusion

Based on federal law, planning funds set aside under 23 U.S.C. § 104(f) are not subject to EISA's provisions relating to rescissions or the allowed 10% adjustment of rescissions between the various highway programs. As a result, States may not distribute rescissions by reducing funding already committed for metropolitan planning purposes. Nor may States adjust rescissions directed at various highway programs by altering the level of funding for PL funds in any discretionary adjustment of rescissions among highway programs.

Because rescission of PL funds would be contrary to Congressional intent and would undermine the transportation planning process, we respectfully request that FHWA issue guidance to division offices and States clarifying the rescission mechanism and directing that PL funds shall not be reduced pursuant to the statutory mandate of EISA.

Sincerely,

A handwritten signature in cursive script, appearing to read "DeLania Hardy".

DeLania Hardy
Executive Director

MEMORANDUM

To: Transportation Advisory Committee (TAC)
DCHC MPO

From: DCHC MPO Lead Planning Agency

Date: August 13, 2008

Subject: **Lead Planning Agency (LPA) Staff Report**

This memorandum provides a summary status of tasks for projects in the FY 2008-2009 Unified Planning Work Program.

- ✓ Indicates that task is complete.
- Indicates that task is ongoing or not complete.

2008-09 Unified Planning Work Program (UPWP) – Projects

Long Range Transportation Plan (LRTP) / Comprehensive Transportation Plan (CTP) Update

- ✓ Draft schedule – August 2006
- ✓ Release SE Data for public comment – January 2007
- ✓ Release Goals and Objectives for public comment – July 2007
- ✓ TAC approve SE Data – September 2007
- ✓ Goals and Objectives – TAC hold public hearing, September 2007, and approve, October 2007.
- ✓ TAC approve Targets – February 2008
- ✓ TAC review Deficiency Analysis – March 2008
- TAC review Land Use Scenarios – May 2008
- TAC review LRTP Alternatives – June 2008

Travel Time Survey/Speed Study

- ✓ Consultant has been selected for the survey.
- ✓ Scoping and contract negotiations completed.
- ✓ Field reconnaissance and data collection – in progress.
- Field survey completed. Analysis in progress

GIS/Data Integration and Automation

- ✓ Issue RFQ – September 11, 2006
- ✓ Non-mandatory pre-proposal conference – September 25, 2006
- ✓ Receive written proposals – October 15, 2006
- ✓ Consultant short list by October 23-27, 2006

- ✓ Consultant short list interviews/references check and city issues Notice of Intent to Award a Contract by October 30-November 13, 2006
- ✓ Contract negotiation and scoping in progress
- ✓ Council approves contract – August 13, 2007
- ✓ City issues contract
- ✓ Notice to proceed
- ✓ Kick-off meeting held in October
- ✓ Project underway

Land-use Model development

- ✓ Issue RFQ – August 7, 2006
- ✓ Pre-proposal conference – August 29, 2006
- ✓ Receive written proposals – September 8, 2006
- ✓ Consultant short list – September 13-22, 2006
- ✓ Consultant short list interviews/references check and City issues notice of intent to award a contract – September 25-29, 2006
- ✓ Contract negotiation and scoping completed
- ✓ Council approves contract March 5, 2007
- ✓ City issues contract – March 25, 2007
- ✓ Notice to proceed – March 25, 2007
- Study underway – completion December 2008

Non-Motorized Model development

- ✓ Issue RFQ – August 21, 2006
- ✓ Non-mandatory pre-proposal conference – September 6, 2006
- ✓ Receive written proposals – September 21, 2006
- ✓ Consultant short list – September 25-29, 2006
- ✓ Consultant short list interviews/references check and City issues notice of intent to award a contract – October 2-6, 2006
- ✓ Contract negotiation and scoping completed
- ✓ Council approves contract – March 5, 2007
- ✓ City issues contract – March 25, 2007
- ✓ Notice to proceed – March 25, 2007
- Study underway –completion December 2008

ITS Deployment Plan

- Two Triangle regional stakeholder coordination meetings held.
- ✓ Update of ITS short range strategies for the 2007-2013 TIP.
- ✓ Update of 2007-2010 ITS project – December 2006
- ✓ Request for funding from NCDOT
- ✓ Draft scope of services and Request for Proposals.
- Consultants selection in spring of 2008
- Notice to proceed in spring 2008
- Completion of Project expected in spring of 2009.

Farrington Road/Stagecoach Road Corridor Study

- This study would involve the following tasks:
 1. Data collection and analysis
 2. Traffic circulation plan (including a collector street system plan)
 3. Sub-area modeling analysis and forecast of future demand
 4. Alternative evaluation
 5. Recommendation
- Kimley Horn and Associates is the consultant
- Data collection underway
- Steering Committee proposed
- Completion of study expected in January
- Integration in the 2035 LRTP
- Draft report complete
- Presentation at June TAC

MPO Collector Street Plan

- ✓ Supplemental Agreement with Kimley Horn and Associates
- ✓ Data collection underway
- Completion of study and integration with the 2035 LRTP in Spring 2008

Regional Transit Infrastructure Blueprint

- ✓ Establish and convene sponsors and partners teams, agree on detailed task list, responsibilities, products, begin infrastructure and corridor descriptions; begin investment principles - summer 2006
- ✓ Finish corridor and infrastructure descriptions; finalize principles fall 2006
- ✓ Begin land use, travel and cost analysis - winter 2006
- ✓ Finish land use, travel, cost analysis - spring 2007
- Conclude work, issue Blueprint, implement tracking mechanism - summer 2007

Chapel Hill/Carrboro/UNC Long Range Transit Plan

- Project underway
- Projected to be completed in spring of 2008

Unified Planning Work Program (UPWP) – Continuing Projects

Greenhouse Gas (GHG) Emission Inventory and Action Plan

- ✓ Execute contract and give consultant Notice-to-Proceed – March 2006 (delayed due to contract issues)
- ✓ Formation of Technical Committee finalized in February 2006.
- ✓ Formation of stakeholder committee (Advisory Committee) finalized in February 2006.
- ✓ Kick off meeting for the study held March 23, 2006
- ✓ Establish Project Team List serve in February 2006
- ✓ Base Year data Collection and Information Gathering to be completed in March-August 2006 (Durham – complete; Orange – in progress).

- ✓ Data Analysis and Projection likely to be completed in (Durham - August 2006; Orange - ?).
- ✓ Determine and quantify historic and existing measures likely to be completed in July-August 2006.
- ✓ Identify new measures to be completed in August 2006.
- ✓ Criteria Air Pollutant (CAP) Analysis anticipated to be completed in September 2006.
- ✓ Identify GHG target and model reduction targets anticipated to be completed in February-March 2006.
- ✓ Formulate Action Plan anticipated to be completed in March 2007.
- ✓ Recommend reduction targets, strategies and action plan anticipated to be done by March 2007.
- ✓ Draft Plan finalized in June 2007.
- ✓ Durham Public Forum - June 21, 2007
- ✓ Plan Adoption anticipated occurring during fall 2007. Durham City and Durham County approved on September 19, 2007.
- The Orange County plan has been delayed several months beyond the Durham County plan.

Congestion Management System (CMS)/Mobility Report Card

- ✓ Consultants selected for the study.
- ✓ Data collection for the Mobility Report Card underway
- ✓ Data Collection for the Durham study about 80% complete.
- ✓ Data Collection and field inventory completed.
- Level of Service analysis and draft report completed.
- Development of CMS performance measures and guidelines likely to be completed in winter 2008.
- Evaluation of congestion management strategies and development of cost-effective mitigation measures expected to be done in winter 2008.
- Draft CMS State of System Report likely to be done in winter 2008.
- Public Comment and local review in spring 2008.
- Adoption anticipated in spring/summer 2008.

Travel Demand Model Update – Model Revision to Incorporate FTA New Start Enhancement

- ✓ Consultant has been selected to assist the Triangle Regional Model (TRM) Service Bureau at ITRE in the model update.
- ✓ Data collection is complete.
- ✓ Migration of model from Tranplan to TransCad has been completed.
- ✓ Phase I (TTA new start model revision) completed in October 2005.
- ✓ Phase II TTA New Start model conversion to TransCad to be completed in August 2006.
- Calibration of 2002 model in TransCad anticipated to be completed in fall 2007.
- Validation of 2002 model against 2005 count data anticipated to be completed in fall 2007.

Unified Planning Work Program (UPWP) – Routine and Other Special Projects

MPO Environmental Justice (EJ) and Limited English Proficiency (LEP) Plan Integration

- Mandated by federal regulations
- Draft plan to be prepared in 2008.

Update of the MPO Public Involvement Policy Consistent with SAFETEA-LU

- ✓ Draft to be ready for fall of 2007.
- ✓ Adopted anticipated in Spring of 2008

MPO Expansion for the next LRTP Update

- ✓ Initiated dialogue with Person County, Granville County, Butner, Roxboro and Pittsboro – July 2006
- ✓ Met with governing bodies of these jurisdictions – September 2006
- MPO expansion and revision of MOU expected to be completed as part of the 2035 LRTP update.

Public Outreach for the East End Connector Planning and Environmental Study

- ✓ LPA working on the Public Involvement and Outreach Program for the East End Connector Planning and Environmental Study (NEPA).
- ✓ Development of mailing list database complete.
- ✓ Received project schedule and time line from NCDOT.
- ✓ Newsletter distributed May 2006
- ✓ Speakers Bureau presentations June 2006 – ongoing
- ✓ First public meeting September 26, 2006
- ✓ Second public meeting – January 30, 2007
- ✓ Alternative 3 selected as LEDPA – June 19, 2007
- ✓ Ad Hoc Committee Meetings – August 9, 2007, August 27, 2007, September 19, 2007, October 10, 2007, November 7, 2007, December 5, 2007
- ✓ Third public meeting December 10, 2007, Orange Grove Missionary Baptist Church
- Environmental Study expected completion - summer 2008

NCDOT PROJECTS UNDER CONSTRUCTION IN DURHAM COUNTY - 8/1/2008

County	TIP #	Route	Location Description	Contract Amount	Length	Contractor Name	Resident Engineer	RE Ph. #	Contract Completion	Scheduled Progress	Actual Progress	Estimated Completion
DURHAM	I-306C	I-85	WIDENING OF I-85 FROM EAST OF COLE MILL RD TO WEST OF BROAD STREET.	\$ 66,628,382.65	3.416 km	Granite Construction Company	Durham RE Office	(919) 220-4680	12/31/2006	100%	100%	
DURHAM	U-4010	NC 98	WIDENING OF NC 98 (HOLLOWAY ST) FROM EAST OF US 70 TO EAST OF JUNCTION ROAD	\$ 3,288,207.30	0.369 miles	Triangle Grading and Paving	Cadmus Capehart, PE	(919) 840-0914	6/15/2008	100.0%	37.4%	12/15/2008
DURHAM	U-4410DB	HOPSON ROAD	NEW ALIGNMENT OF HOPSON ROAD FROM NC-55 TO LOUIS STEPHENS DRIVE	\$ 3,476,305.55	0.587 miles	Thompson Contracting, Inc.	Jeff Allen, PE	(919) 733-9499	10/1/2008	72.0%	64.3%	10/1/2008
DURHAM	2008 RESURF	US-501, NC-55, SR	RESURFACING AND SHLDR RECONSTR. OF US-501, NC-55 AND 14 SECTIONS OF SECONDARY RDS	\$ 3,389,883.53	21.5 miles	C C Mangum Company LLC	Cadmus Capehart, PE	(919) 840-0914	8/1/2008	95.0%	89.5%	8/1/2008
DURHAM / WAKE	U-4026A/B R-2904	DAVIS DRIVE / NC-54	WIDENING OF DAVIS DRIVE FROM MORRISVILLE-CARPENTER ROAD TO NC 54, WIDENING OF NC-54 FROM DAVIS DRIVE TO MIAMI BLVD	\$35,467,891.08	6.363 miles	C C Mangum Company LLC	Jeff Allen, PE	(919) 733-9499	11/1/2009	43.2%	56.4%	11/1/2009
DURHAM	B-3169	RIVERMONT ROAD	BRIDGE 158 ON RIVERMONT ROAD (SR-1402)	\$ 539,350.81	0.067 miles	SMITH-ROWE, INC.	Durham RE Office	(919) 220-4680	11/10/2008	26.0%	26.4%	11/10/2008
DURHAM	B-3450 / U-4009 / U-4012	GARRETT ROAD	TWO BRIDGES ON GARRETT RD; SERVICE ROAD NEAR US 15-501 AND GARRETT RD INTERSECTION; US 15-501 FROM NORTH MT. MORIAH RD SOUTH OF GARRETT RD	\$18,810,912.36	1.769 miles	DLB, Inc.	Durham RE Office	(919) 220-4680	8/1/2010	15.2%	14.1%	8/1/2010
DURHAM / WAKE	B-3528	LEESVILLE ROAD	BRIDGE OVER SYCAMORE CREEK ON LEESVILLE ROAD (SR-1839)	\$ 1,174,705.74	0.284 miles	Mountain Creek Contractors, LLC	Cadmus Capehart, PE	(919) 840-0914	5/15/2009	15.5%	18.0%	5/15/2009
DURHAM	B-4109	PICKETT ROAD	BRIDGE OVER MUD CREEK ON PICKETT ROAD (SR-1303)	\$ 1,102,441.20	0.078 miles	Kirkman Construction, Inc.	Cadmus Capehart, PE	(919) 840-0914	11/21/2008			
DURHAM / WAKE	2008-RESURF	US-70	WIDENING, RESURF. AND SHLDR RECONSTR. OF US-70 W OF ANGLIER AVE TO W OF ANGUS DR	\$ 1,889,926.35	4.39 miles	Rea Contracting, LLC	Cadmus Capehart, PE	(919) 840-0914	10/31/2008			

NCDOT PROJECTS FOR LET NEXT 12 MONTHS IN DURHAM COUNTY - 8/1/2008

County	TIP #	Route	Location Description	Contract Estimate	Length	Contact Engineer	Phone #	Contract Let Date
DURHAM	U-2055B	NC 55	CONSTRUCTION OF TURN LANES AT RIDDLE ROAD AND NC-55	\$ 223,238.50		B. UPSHAW	(919) 220-4600	summer 2008
DURHAM	U-2055D	AVONDALE DRIVE	CONSTRUCTION OF ROUNDABOUT ON AVONDALE DRIVE	\$ 493,065.78		B. UPSHAW	(919) 220-4600	summer 2008
DURHAM	U-3309A	TW ALEXANDER DR	WIDENING FROM CORNWALLIS ROAD TO EAST OF NC-147	\$ 8,900,000.00	1.072 miles	J. MOORE	(919) 250-4016	8/18/2009

12 MONTH TENTATIVE LET LIST MAY BE FOUND ONLINE AT: <http://www.ncdot.org/planning/development/ProjectMgmt/12month/>

PROGRESS REPORTS MAY BE FOUND ONLINE AT: <https://apps.dot.state.nc.us/traffictravel/progloc/>

ACTIVE NCDOT PROJECTS LOCATED IN ORANGE COUNTY - DCHC WFO TC 08/08 Attachment 13

County	WBS #	Route	Location Description	Amount	Status
Orange	36945	SR 1010 (Franklin St.) @ Mallette St.	Upgrade traffic signal and install pedestrian signal heads REVISION: Install mast arm	\$110,000.00	Advertisement pending
Orange	41096	NC 54 @ SR 2016 (Southern Drive)	Construct a left turn lane on NC 54 westbound	\$200,000.00	Barrett, Irvin & Jordan Contr., Inc.= 100% complete
Orange	41488	US 15-501 @ SR 1900 (Old Mason Farm Road)	Extend the left turn lane on northbound US 15-501 , revise the signal and add a right turn lane at SR 1900	\$147,500.00	District design underway; construction pending completion of OWASA project
Orange	41593	Union Street	Construct 750 feet of sidewalk and a crosswalk to connect Hillsborough Elementary School to SR 1156 (Nash St.)	\$32,000.00	Town to include as part of large STP- DA sidewalk contract for Nash St.-Enc. Agreement under review
Orange	41686	NC 54 @ SR 1102/1951 (Dodson's Crossroads/ Butler Rd.)	Construct left turn lanes in both directions	\$250,000.00	S.T. Wooten Corp. = 90% complete
Orange	42037	SR 1939 (Damascus Ch. Rd.) 0.8 mi. west of SR 1919 (Smith Level Rd.)	Install guardrail at Pipe# 89	\$17,000	Req. by OWASA; District POC to be compl. by 10/31/08
Orange	42038	SR 1005 (Greensboro - Chapel Hill Rd.) approx. 1.6 mi. west of SR 1942 (Jones Ferry Rd.)	Install guardrail at Bridge# 85	\$11,000	Req. by OWASA; District POC to be compl. by 10/31/08
Orange	B-4218	SR 1730 (Turkey Farm Rd.)	Replace Bridge # 108 over New Hope Creek	\$750,000.00	Dane Const., Inc. =low bid
Orange	42170 SS 4907 T 42204.2	SR 1710 (Old NC 10) @ NC 86	Construct a right turn lane on SR 1710 and install a traffic signal	\$215,000	Survey pending

Orange	42171 SS-4907 U 42205.2	SR 1710 (Old NC 10) @ SR 1713 (Mt. Herman Church Road)	Improve sight distance on SR 1710 by lowering the crest vertical curve on the westbound approach to the intersection	\$300,000	Survey pending
Orange	7CR.10681.14 7CR.20681.14 7C.068081	4 sections of NC 54 and ramps and 5 sections of secondary roads	Milling, resurfacing, pavement markings, and shoulder reconstruction		S.T. Wooten Corp. =20% complete; ICD 8/8/08 Compl. 10/31/08;
Orange	SF-4907 B 41699.1	US 70 (Hillsborough Rd.) and NC 751 near Durham	Install a right turn lane for traffic travelling east on US 70 and turning right onto NC 751	\$35,000 PE	No R/W required; req. construction funds 7/1/08
Orange	SS-4907E 41026.3	NC 54 @ SR 1952 (White Cross Road)	Construct a left turn lane	\$173,000.00	APAC-Atlantic, Thompson Arthur Div. = 100% complete
Orange	SS-4907 J 41634.3	NC 54 and SR 1945 (Neville Rd.)	Construct a left turn lane	\$187,000.00	S.T. Wooten Corp. =90% complete
NCDOT PROJECTS CURRENTLY IN 12 MONTH LETTING LIST					
County	TIP #	Route	Location Description	TIP Est.	Est. Let Date
Orange	I-4716	I-40	Grind and reseal joints on I-40 from I-85 to Durham Co. (Scope may be revised)	\$1.05 million	Jan. 20, 2009
Orange	B-4592	SR 1561 (Lawrence Rd.)	Replace Bridge # 64 over the Eno River	\$1.6 million	Jan. 20, 2009
Orange	U-0624	NC 86 (S. Columbia St.)	Corridor upgrade including Bicycle lanes from SR 1906 (Purefoy Rd.) to SR 1902 (Manning Dr.)	\$6.66 million	July 21, 2009
Orange	U-4704	Chapel Hill-Carrboro	Computerized Traffic Signal System	\$5.0 million	April 21, 2009

Transit News Report – DCHC TCC – August 2008

STIP - Mike Kozak continues to work on getting amendments made to the FY07-13 STIP, so that grant applications can be approved before this FTA application period closes. Many, but not all, of the amendments are for the \$25M of CMAQ funds and the \$13+M of Section 5309 funds allocated to urban transit systems recently. All FY 2007 Amendments were placed on the July NCDOT Board agenda for discussion – these will be approved at the August Board meeting. Year 2009-2015 STIP is currently being reviewed by FTA/FHWA/USEPA. Amendments will be accepted after the initial approval has been received.

On July 10 the NCDOT Board approved an amendment to a FTA Capital Investment Grant (Section 5309) for the new Durham Station multi-modal center. The City is requested a 10% state match to the additional federal funds (total \$1,82M, Federal 80% State 10%, Local 10%).

Request sent from NCDOT to FHWA (note that it will take a while for the transfer to occur)

TIP Number	Grantee	CMAQ Description	Amount to be transferred
TA-4987	Town of Chapel Hill	Chapel Hill, Orange County. Purchase eight (8) replacement hybrid electric and diesel buses.	\$2,296,000
TA-4923	City of Durham	Durham, Orange County. Purchase 7 replacement buses.	\$3,080,000
TA-4818	Triangle Transit	Durham, Orange and Wake Counties. Purchase 10 replacement buses.	\$2,720,600
TA-4992	Triangle Transit	Durham, Orange and Wake Counties. Purchase 16 replacement vans.	\$258,400
Part of Total CMAQ to be Transferred			\$25,000,000

Triangle Transit funds come from multiple Section 5309 earmarks \$123,731 from E2008-BUSP-0838, \$82,670 from E-2006-BUSP-627, \$43,600 from E-2006-BUSP-629 and \$525,292 older North Carolina Statewide earmark grants.

Community Transit Program

Orange County Public Transit - At the July 10 meeting, NCDOT Board approved a CTP Grant for approximately \$350,000. The capital funds portion (\$165,900) will replace two lift equipped 25-FT light transit vehicles (LTV). OCPT provides community transportation services to four human service agencies and to the general public through subscription, fixed route and dial-a-ride services. OPT provides connector service to Chapel Hill Transit Routes. Recent collaboration between Triangle Transit and Orange County has created a regular service between Chapel Hill and the Town of Hillsborough. OCPT transports elderly/disabled residents from their residence for medical care and shopping. Regular weekday transportation is provided for seniors (60+) to Orange County nutrition sites and Senior Centers. The system operates with 18 vehicles, 12 of which are lift equipped. OCPT delivered more than 123,500 passenger trips in 2007.

Chatham Transit Network (CTN) - In May, the NCDOT Board approved approximately \$326,000 in CTP funds: (Administration \$224,000 (80/5/15) and Capital \$102,000 (80/10/10). Capital funds will replace one lift equipped van and one 20-FT lift-equipped light transit vehicle (LTV). In June 2008 the Board passed an amendment to the Chatham JARC agreement (06-JA-005) to allow \$75,275 (50% fed, 50% local) to supplement service between Siler City and Chapel Hill. CTN provides community transportation services to 10 human service agencies and to the general public through subscription and dial-a-ride routes. The system operates with 19 vehicles, 11 of which are lift-equipped. CTN delivered about 68,000 passenger trips in 2007.

Durham County Access (DCA) requested \$215,800 in CTP funds: (Administration \$98,500 (80/5/15) and Capital \$117,300 (80/10/10). This request has not been forwarded to the Board due to some performance issues.

State Funded Rural Operating Assistance Program (EDTAP, RGP, EMP) – the deadline to receive funds in August 2008 was July 25, 2008. This year Chatham County Commissioners requested \$182,500, Orange County Commissioners requested \$200,000 and Durham County Commissioners have not submitted their proposal.

COUNTIES	EDTAP 09	EMPL 09	RGP 09		Supplmt'l EDTAP 09	Supplmt'l EMPL 09	Supplmt'l RGP 09	TOTAL
Chatham	\$50,848	\$8,088	\$57,161		\$29,855	\$6,471	\$29,979	\$182,402
Durham	\$95,653	\$11,065	\$43,508		\$56,162	\$8,851	\$22,818	\$238,057
Orange	\$59,065	\$12,150	\$55,307		\$34,680	\$9,720	\$29,007	\$199,929

Review of the Triangle Transit Short Range Plan

The Triangle Transit Short Range Plan to year 2013 is an **excellent piece of work**, in which some measurable goals have been set:

- Grow from 62 to 100 Vanpools on the road on a daily basis (86 to 117 vehicles)
- Increase fleet by 30 over-the-road coaches¹, 23 buses (63 existing), and 3 paratransit vehicles (5 existing)
- Increase service (ridership?) by 50%
- Increase weekday peak headway in priority corridors from hourly to 30 minute.
- Add park-n-ride lots at terminus of routes in priority corridors
- Achieve on-time status for 90% of its trips
- Expand service to capture Johnston, Chatham, and Alamance County trips
- Increase contract service where it is more cost effective (i.e. Wake Forest via CAT)

NCDOT suggested further consideration be given to:

- Providing more flexible regional fare medium for the occasional users
- Specific number of park-n-ride stalls to be built within 5 years, establishing a P&R marketing plan and a method for monitoring utilization.
- Implement at least one TSP corridor by 2013.
- Collaboration on CAT's new maintenance facility; possibly joint use for Triangle Transit buses and/or contract service.
- Follow RDU fixed guided transit shuttle plans; to establish principles for 'circulator system' that can be applied to the other three STAC supported circulators. By doing so circulators could become the Gemstones on the Necklace of regional transit.
- Draft transit supportive land-use guidelines for adoption by communities.
- Develop a specific action plan to coordinate with Johnston, Chatham, and Alamance County Community Transit Systems over the next five years. Include park and ride and contracted service possibilities in the discussions.

Triennial Review

It has been proposed by FTA to conduct the State Management Review in North Carolina from September 29 through October 4. Please mark your calendars. FTA will also visit a few sub-recipients within a day trip of Raleigh. Please assist your affiliate systems in getting prepared.

¹ The TT staff is recommending OTR coaches on new Express routes with longer than 30 minute travel times.

Released – July 30, 2008

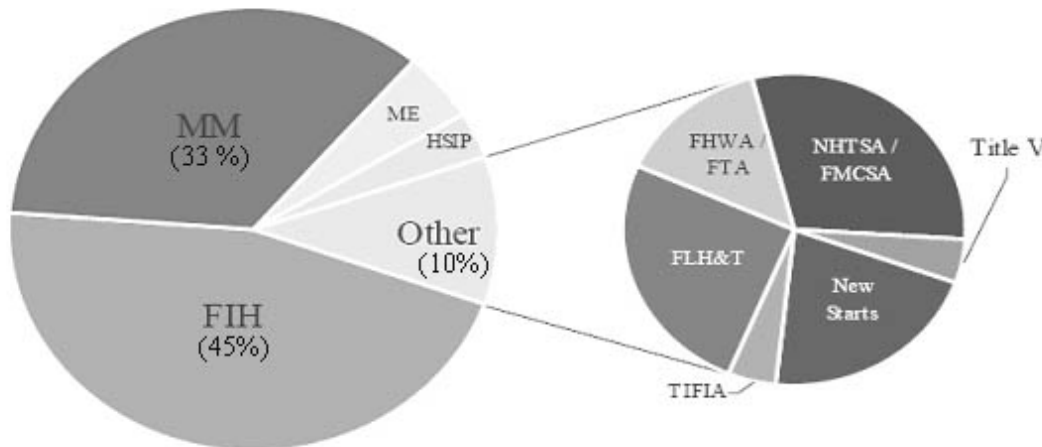
National Association of Regional Councils (NARC) Summary of “*Refocus, Reform, Renew*” U.S. Department of Transportation Surface Transportation Authorization Proposal

I. USDOT’s Vision

The USDOT’s “refocus” portion of surface transportation defines the areas of the “greatest Federal interest” to be:

1. transportation safety
2. the Interstate Highway System and highway facilities of “national interest” (Federal Interest Highway or FIH program)
3. major metropolitan areas (Metro Mobility or MM)

This proposal is very clear in that it does not recommend specific programmatic funding levels, though it does offer a proportionate idea of how DOT would prefer the funding levels weighed.



USDOT defines the most pressing problems facing the US transportation system as the decline in performance of the system and the increased politicization of transportation investment decisions. Based on this context, USDOT identifies the current problems to include:

1. loss of a sense of direction or purpose
2. decline in system performance
3. wasteful spending and poor investment decisions
4. reliance on the fuel tax
5. Highway Trust Fund shortfall

Consequently, USDOT’s “reform” portion outlines the solution to the nation’s surface transportation system as encompassing the following:

1. a more focused federal role
2. continued emphasis on safety

3. price facilities accordingly (including the Federal-aid Interstate Highway)
4. a cost-benefit analysis on both system and program levels
5. a shift toward the use of more long-distance freight

The remainder of this document will delve deeper into the proposal as outlined.

[Click here](#) to access the full USDOT “*Refocus, Reform, Renew*” report.

II. The Problem

1. No Sense of Purpose or Vision (p. 7)

USDOT maintains in trying to be “all things to all people” the surface transportation program has ballooned to 102 programs that are leaving the system in decline. According to USDOT,

“Many programs do not serve national or even regional purposes; some have been co-opted by special interests; and despite the proliferation of new programs, few programs directly address congestion, which is a pressing national problem that threatens our economy, our environment, and our way of life.” (USDOT, Refocus, Reform, Renew, p. 8)

Because of this problem, the USDOT maintains that the surface transportation program needs to be refocused on the five aforementioned issue areas.

2. Declining Transportation System Performance (p. 8)

USDOT maintains that congestion is the primary cause of declining system performance. In fact, the word “congestion” is used 11 times over the course of five paragraphs. According to USDOT, congestion leads to distorted urban and suburban growth and leads to relocations away from the urban centers to less populated and dense areas. The effects of congestion itself (growth, health, environment, productivity) are, in USDOT’s point of view, enough to continue to view congestion as a Federal priority.

3. “Wasteful Spending and Poor Investment Decisions” (p. 9)

As expected, USDOT takes aim at Congressional earmarks. The document refers to them as “the clearest evidence of our failure to prioritize investments.” As further evidence of the negative effects earmarks have, USDOT refers to a USDOT Inspector General report which maintains 99% of the earmarks studied had bypassed the states’ normal planning and programming processes. Additionally, USDOT asserts that earmarks are often inconsistent with State or local transportation plans.

In addition to earmarks, USDOT proposes to apply economic analyses to program and project levels to reduce poor investment decisions.

“Investment decisions by States and localities need to be prioritized and based on thorough economic analyses, and grantees should be held accountable for making progress towards performance goals...Economic analysis should incorporate

environmental impacts both by monetizing their benefits and costs and, in some instances through qualitative methods.” (p. 9)

4. The Fuel Tax

Again, not surprisingly, the USDOT proposes to move away from the collection of fuel taxes to pay for the transportation system. Instead, the Administration supports the:

“development of a surface transportation financial model in which system user charges relate more closely to the true marginal costs of congestion, construction, operation and maintenance.” (p. 10)

USDOT asserts that because the cost of building, operating and maintaining the highway system are not linked closely enough, the public perceives them as “free.” As a result, USDOT wants to see highways priced directly, instead of indirectly at the pump. As an extension of this proposal, the Administration supports both revenue tolling and congestion pricing in general, but specifically in metropolitan areas.

5. Highway Trust Fund (HTF) Shortfall

This section reinforces the prior section about how the HTF is inadequate to fund the surface transportation system.

III. The Solution – Setting the Stage

1. A Focused Federal Role

USDOT recommends narrowing and refocusing the Federal role on areas that address the national interest. These areas include:

Maintaining and improving the Interstate Highway System- invoking the Commerce Clause in the Constitution, USDOT maintains that this program continues to be in the Federal interest.

Reducing congestion in major metropolitan areas – using The Brookings’ Institutions figures about productivity and population density, the “clear Federal interest” is a combination of congestion, environmental issues and goods movement.

Making strategic investments to improve highway safety – this portion requires a heavy use of data-driven technologies to improve safety to the user.

Improving the condition and performance of transportation systems that access Federal and tribal lands – new approaches including consolidated programs and variable pricing are needed.

Using Federal dollars to leverage non-Federal resources – including private sector and State or local governments.

Establishing quality and performance standards – “States and metropolitan areas receiving Federal funds should be asked to establish performance targets and measure and publish their achievement of these targets.” (p. 13) While DOT maintains this is a Federal level priority, it does little more than offer suggestions as to what would constitute a basis for good

performance measures, and lets the States and metro areas define the standards themselves.

Ensuring that the transportation system protects the environment while enhancing mobility – this section uses the potential reduction in greenhouse gas emissions as justification for the variable pricing of highways and the movement of goods to Class 1 railroad carriers.

Supporting transportation research in areas of national significance – again, USDOT uses the practice of Congressional earmarking of research funds to support its assertion that USDOT’s research agenda has been stifled.

The USDOT maintains that it should only deploy Federal resources in areas of clear and fundamental interest, and the scaling back of this reach would free up State and local dollars to fund their own high-priority transportation projects. USDOT states,

“These “newly-freed” State and local dollars would also be unencumbered by the administrative burdens typically associated with receipt of Federal funding.” (p. 14)

2. Safety

USDOT strongly supports the continuation of the State development of strategic highway safety plans. USDOT believes that

“...strict adherence to national program structures may undercut a State’s ability to effectively address its unique problems and meet it’s performance goals.” (p. 15)

USDOT’s combination of the highway safety grant programs in their proposal is intended to reduce traffic fatalities to their 1.0 fatality rate goal. They believe a data-driven approach and flexibility in the use of safety grant funds (by State’s) will help them meet their safety performance measures.

3. Direct Pricing of Roads

While USDOT does not expect direct pricing to replace the traditional fuel tax over the life of the next surface transportation authorization, they propose to begin the transition from the gas tax to direct pricing. USDOT maintains that it would reduce congestion, generate revenues for re-investment, reduce carbon emissions, and provide for greater safety through dedicated revenue streams.

In order to bolster its argument, USDOT asserts,

“Virtually every economist who has studied transportation says that direct pricing of road use, similar to how people pay for other utilities, holds far more promise in addressing congestion and generating sustainable revenues for re-investment than do traditional gas taxes.” (p. 15)

Additionally, USDOT maintains that a pricing structure aligning use with cost will and benefits and creates better investments in roads.

4. Institute Cost Benefit Analysis on both System and Program levels

USDOT's hope is that the application of cost benefit analysis (they use the term "benefit cost") will continue to align the cost of building and operating the road with the benefits, and will lead to investing in areas that have the highest potential return on investment. USDOT's tone for this section leaves the reader under the impression that cost benefit analysis cures all evils, and implies the only reason why it is not more widespread is due to "political concerns". However, USDOT doesn't make that last claim, this interpretation is from a report published by the Government Accountability Office (GAO). Yet USDOT does assist the reader in interpreting GAO's conclusions by stating,

"In other words, not only is BCA underused in the project planning process, it is also rarely used to assess the efficacy of previous investments." (p. 17)

USDOT establishes that the primary use of a cost benefit analysis will be to make transportation investment decisions based on demand, not politics and those decisions can be made in open, transparent processes.

5. Support a modal shift toward long distance freight

USDOT uses about four paragraphs to assert that Class 1 railroads offer benefits that lower emissions and lessen congestion, acknowledging that a "much greater" investment will be required in the future to keep up with the demand for this service. Given that USDOT sees this priority as a Federal solution, it is safe to assume that some sort of public financing will help the needed capacity expansion.

IV. New Program Structure

Federal Interest Highway (“FIH”) Program

<u>Amount</u>	<u>Type</u>	<u>Recipient</u>
80% of program	Grant	States
20% of program	Competitively awarded	
50%	Maximum Federal Share inside a metro area	
Up to 80%	Maximum Federal Share outside a metro area	States or statewide agency

Program Purpose

This program is intended to support the interstate trade and travel functions of the Interstate Highway System. It would also,

“institutionalize performance management and asset management in State-level transportation decision-making and provide funding for critical corridor, bottleneck, and nationally-significant projects.” (p. 21)

Funding/Formula

USDOT would grant 80% of the FIH funding annually to States under a formula based on:

1. project eligibility under Title 23;
2. location on the Interstate System, Corridors of the Future, freight movement corridors, port facilities, major intermodal facilities, border facilities;
3. ability to meet FIH’s performance measurement or cost-benefit analysis requirements

USDOT would competitively award 20% of the FIH funding according to the following criteria:

1. project must be eligible under Title 23;
2. located on the Interstate Highway System or at a border crossing;
3. significant contribution to a State’s FIH Program performance targets;
4. benefits exceeding costs by a substantial amount (cba ratio of greater than 2.0)

Nine other additional factors would be considered (p. 22) when weighing a project applying for federal funding under this program.

Program Features

If the State exceeds its performance measurement targets, they can flex the money to use on non-FIH highway projects. States would be able to use this money to fund analyses for the newly-required cost-benefit, performance management, and public-private partnership requirements.

USDOT would specify a number of **performance areas** for Interstate routes in each State. The State would then use those quantifiable measures to track progress within those performance measures. States would designate target levels for those goals (which USDOT expects to be ambitious) and publish annually the results of their efforts in this area. States successfully

meeting targets would be given favorable consideration when applying for FIH discretionary funding.

All Federal-aid projects with a total cost of in excess of \$250 million would not receive Federal assistance unless the project sponsor could demonstrate that a **public-private partnership** type of procurement was considered.

States would be required to adhere to Federal environmental, labor, and other requirements. Where State and Federal requirements are “substantially similar,” the State requirements would supersede the Federal requirements.

If Federal funding of the project makes up **less than 10%** of total project cost, Title 23 requirements would not apply (although some environmental and Davis Bacon requirements may still apply).

Recipients under this program would be **required to have an emergency evacuation plan** consistent with national defense and security policies and include cooperation among all agencies in the geographic area, including cities, counties and public and private toll authorities.

New Program Structure cont'd.

Metro Mobility (“MM”) Program

Amount	Type	Recipient
70% of program	Formula grant	Metropolitan Transportation Board
30% of program	Competitively awarded	Metropolitan Transportation Board
50%	Maximum Federal Share	Metropolitan Transportation Board

Program Purposes

According to USDOT, modal silos, programs and Congressional earmarking have not proven capable of responding to metropolitan congestion. USDOT asserts that funding decisions are only “loosely related” to system performance or return on investment.

Therefore, the Metropolitan Mobility program would provide funding to metropolitan areas of 500,000 or greater. According to USDOT,

“institutionalize performance management in metropolitan-level transportation decision-making, and provide financial support for innovative metropolitan approaches to traffic congestion.” (p. 24)

Funding/Formula

USDOT would **grant** 70% of the MM funding annually under a formula based on:

1. whether the project is Title 23 or 49 eligible (The Secretary of USDOT has authority to waive this section)
2. located within a Metropolitan area of 500,000 or greater;
3. the project should provide mobility or environmental benefits;
4. meet the performance management or cost benefit requirements;
5. projects be selected through a competitive process

USDOT would **competitively award** 30% of the MM funding according to the following criteria:

1. whether the project is Title 23 or 49 eligible (The Secretary of USDOT has authority to waive this section);
2. located within a Metropolitan area of 500,000 or greater;
3. the project should provide mobility or environmental benefits;
4. make a significant contribution to a Metropolitan Transportation Board’s (MTB) MM Program performance targets;
5. have benefits exceeding costs by a substantial amount (cost-benefit analysis ratio of greater than 2.0)

In addition to these requirements, USDOT would also base its funding decisions on the following criteria:

1. the use of direct pricing on congested facilities;
2. a transit projects farebox recovery ratio;
3. if the project can reduce traffic congestion on the facility or elsewhere on the network;

4. the extent of coordination and collaboration between all relevant transportation entities within a given State and between States;
5. if the project's can improve area transit service;
6. if the project uses non-Federal funding resources;
7. the project's use of innovative technology;
8. the project's potential to serve as a regional or national demonstration of innovative or alternative financing mechanisms (e.g., public-private partnerships, State Infrastructure Banks);
9. the technical feasibility and political probability of the project's near-term implementation;
10. the degree to which the MTB has established ambitious MM performance targets;
11. the degree to which the MTB has achieved its MM performance targets;
12. the degree to which the project would contribute to meeting the MTB's MM performance targets

Program Features

MM funding **cannot be used for** transit operations, **but can be used for**:

1. the operations of the Metropolitan Transportation Board;
2. analyses designed to meet the cost-benefit, performance management and public private partnership requirements;
3. research activities consistent with the MM program;
4. While bringing existing assets into good repair would be a priority, the recipients would need to demonstrate the application of balanced asset management principles

Metropolitan Transportation Board (MTB)

1. Is not an MPO – USDOT is silent on what happens to the current MPO structure, though it can be assumed that it would not be reauthorized.

“Although the concept of a MTB has similarities to existing Metropolitan Planning Organizations (“MPOs”), it is envisioned that MTBs would be newly constituted organizations, given the significant scope of their responsibilities.” (p. 25)

2. increases the population limit to 500,000;
3. designated by regional consensus, with the concurrence of appropriate Governor(s) (USDOT specifies this departure from current Federal authorizing legislation);
4. the Federal transportation bill would create requirements of this designation process and define the required technical and administrative capacity of the MTB;
 - when this capacity is established, the MTB could be comprised of entirely public or public-private members

USDOT would specify a number of **performance areas** for MM-eligible areas, the MTB would then use those quantifiable measures to track progress within those performance measures. MTBs would designate target levels for those goals (which DOT expects to be ambitious) and publish annually the results of their efforts in this area. MTBs successfully meeting targets would be given favorable consideration when applying for MM discretionary funding. MTBs would be required to document, publish and justify their progress toward these targets annually.

For MTB projects eligible for discretionary grant funding, the MTB would need to **conduct a cost-benefit analysis** to show that the project has benefits that exceed the 2.0 threshold for cost-benefit analysis. USDOT would issue guidance on how to conduct the cost-benefit analysis, what to include, and how to quantify intangible externalities such as environmental and safety factors.

All MM projects with a total cost of in excess of \$250 million would not receive Federal assistance unless the project sponsor could demonstrate that a **public-private partnership** type of procurement was considered.

MTBs would be required to adhere to Federal environmental, labor and other requirements. Where State and Federal requirements are “substantially similar,” the State requirements would supersede the Federal requirements. States would be able to break up projects as they saw fit (this part doesn’t make sense in this spot, and I am seeking clarification with USDOT).

If Federal funding of the project makes up **less than 10%** of total project cost, Title 23 and 49 requirements would not apply (although some environmental and Davis Bacon requirements may still apply).

In order to receive funding under this program, MTBs would be **required to have an emergency evacuation plan** consistent with national defense and security policies and include cooperation among all agencies in the geographic area, including cities, counties and public and private toll authorities. While not explicitly stated in USDOT’s proposal, it is possible that the MM money could be used to accomplish this goal.

New Program Structure cont'd.

Mobility Enhancement (“ME”) Program

<u>Amount</u>	<u>Type</u>	<u>Recipient</u>
75%	Formula based on State’s share of the population	State
25%	Evenly distributed among States	State
90%	Federal Share	State DOT or entity designated by the Governor

Program Purposes

This program is designed to fulfill the USDOT’s goal of reducing congestion along the Interstate Highway System and other national significant corridors.

Funding Formula

USDOT would **evenly distribute** 25% of the ME funding annually to all states. The other 75% would be **distributed by formula** based on the State’s share of the total population.

The Federal share for ME projects would be 90% of the project cost, and would be given to State DOT’s or any other entity designated by the Governor.

Program Features

While ME funding could be used for any Title 23 or 49 purpose, USDOT is encouraging States to use the money on the following projects:

1. Maintain and improve bridge conditions off the National Highway System
2. Increase mobility in small communities and rural areas
3. Focus on supporting disadvantaged or special needs communities

States would be required to adhere to Federal environmental, labor and other requirements. Where State and Federal requirements are “substantially similar,” the State requirements would supersede the Federal requirements. States would be able to break up projects as they saw fit.

If Federal funding of the project makes up **less than 10%** of total project cost, Title 23 and 49 requirements would not apply (although some environmental and Davis Bacon requirements may still apply).

For State projects eligible for discretionary grant funding, the State would need to **need to conduct a cost-benefit analysis** to show that the project has benefits that exceed the cost-benefit analysis 2.0 level. USDOT would issue guidance on how to conduct the cost-benefit analysis, what to include, and how to quantify intangible externalities such as environmental and safety factors.

All ME with a total cost of in excess of \$250 million would not receive Federal assistance unless the project sponsor could demonstrate that a **public-private partnership** type of procurement was considered.

In order to receive funding under this program, eligible recipients would be **required to have an emergency evacuation plan** consistent with national defense and security policies and include cooperation among all agencies in the geographic area, including cities, counties and public and private toll authorities. While not explicitly stated in USDOT's proposal, it is possible that the MM money could be used to accomplish this goal.

V. Changes to Existing Program Structure

The report makes recommendations for changes to the following programs – some detail is provided and more information is found on pages 31-42:

FHWA's Federal Lands Highway Program

Highway Safety Improvement Program – makes improvements to the SAFETEA-LU program, to reduce paperwork, target safety issues (including tying funding to the existence of primary seatbelt laws) and provide greater flexibility to the State.

Federal Motor Carrier Safety Administration – USDOT would condense the 10 State grant programs administered by FMCSA into a single commercial motor vehicle (CMV) State grant programs, with one set of matching funding requirements.

National Highway Traffic Safety Administration – The National Highway Transportation Safety Administration (NHTSA) would consolidate its individual grant programs for impaired driving, occupant protection, high visibility enforcement, data, and motorcycle safety into one combined grant (CG) program. This would enable entities to submit a single annual application. The program would also make changes to funding allocation through the new program.

Research and Innovative Technology Administration – Taking the power to designate research funds away from Congress, this would allow USDOT to develop an overall strategy to research and development. USDOT would focus on several key areas, including system performance and meeting freight, logistic and global challenges.

Earmark Flexibility – USDOT's proposal would allow States and urbanized areas to use their transportation earmarked funds for specific projects which would be eligible under the FIH, MM, HSIP, or ME programs.

VI. Changes to Transportation Financing

The report makes recommendations for changes to the following financial tools – some detail is provided and more information is found on pages 45-57:

Enhanced Access to Private Activity Bonds ("PABs") – reauthorizes without the \$15 billion PAB cap.

Public-Private Partnership ("P3") Analysis in FIH and MM Programs – if a FIH or MM project is expected to cost more than \$250 million, it must demonstrate that P3s were considered in its formulation.

P3s on Federal Lands Highways – up to five projects would be considered for the P3 model, no more than three would be required to serve areas with populations over 500,000.

State Infrastructure Banks (“SIBs”) – MTB’s would be allowed to create metropolitan mobility banks (“MMBs”), and be required to provide a non-Federal match of 50% to capitalize their urban mobility accounts, though the non-Federal match could be waived. “Recycled funds” in SIBs and MTBs would not be subject to Davis Bacon laws.

Pilot Program for States to Opt Out of the Federal-Aid Highway Program – up to five States could opt out of the FIH, MM, and ME programs in exchange for their loss of a small percentage of the Federal funding. However, opt-out States would still be eligible for FIH and MM discretionary funding.

Tolls and Direct Pricing – tolling would be allowed on Federal-aid highway facilities and would allow States to toll or price any highway eligible to receive aid under the FIH or MM programs.

Innovative Pricing on Federal Lands Highways – would authorize the use of innovative pricing under USDOT’s proposed Federal Lands Highway and Transit program. No more than 3 projects would be required to serve urban areas with populations exceeding 500,000.

Transportation Infrastructure Finance & Innovation Act (“TIFIA”) – would not be subject to Title 23 or 49 requirements.

Transitioning to a Sustainable User Charge System – lays out a framework for analytical investigation into new sources, but does not make sweeping recommendations.

VIII. Changes to Transportation Planning Requirements

Performance-Oriented Pilot (“POP”) Program

The USDOT proposes a new pilot program, which, if the proposed States and MTBs structures agree to meet performance standards established for a variety of planning, environmental and transportation-related areas are allowed to participate:

1. eliminate most Federal planning requirements
 - a. no Long Range Transportation Plans
 - b. no Transportation Improvement Plans
 - c. no Unified Work Programs
 - d. Not subject to the current triennial review by FHWA and FTA
2. approved entities could use a different, USDOT prescribed, procedure to meet air quality conformity requirements

IX. Conclusion

The proposed surface transportation authorization package as submitted by the US Department of Transportation is not a proposal that NARC will be able to endorse. As has been mentioned

in the past, all options to finance the system should be available to be considered, however the disbandment of the existing structure for the metropolitan planning organization system, coupled with an arbitrary threshold, and the lack of any kind of rural consultation process makes the basic structure unrealistic. The abandonment of the planning process for the sake of expediency (including the lack of details as to what would replace it) is concerning in the fact that if we are to move toward an integrated, intermodal transportation system, a certain level of planning capacity must exist in order to pro-actively pursue those goals.

NARC appreciates the attempt to refocus and consolidate federal programs, as well as the realization that the current funding mechanisms are not sustainable and other avenues should be pursued. It is unfortunate however that in these difficult economic times, the USDOT's proposal would strip authority, while awarding the financial burden of local and regional transportation systems to local governments.

NARC looks forward to working with all of the stakeholders in this process, and moving toward a system that seamlessly allows people and goods to move about the country.



PRESS RELEASE

FOR IMMEDIATE RELEASE

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National Association President Knight Responds to US Department of Transportation Proposal *Knight Concerned Transportation Proposal Will Stifle Local Voices*

Washington, DC (July 30, 2008) – National Association of Regional Councils (NARC) President Betty Knight, Platte County, MO Commissioner, issued the following statement in response to the US Department of Transportation’s surface transportation proposal released yesterday.

“On behalf of NARC, I am deeply concerned that the US Department of Transportation’s proposal falls short in addressing the future of transportation with regional solutions. The recommendation to alter and eliminate the current Metropolitan Planning Organization (MPO) structure is not a step in the right direction, but rather reverses any progress made in solving integrated regional transportation challenges that stretch beyond the urban boundaries into suburban and rural areas alike. Additionally, the lack of any kind of process outside of the major metropolitan areas leaves behind a vast majority of areas around the country.”

“A strength of the current transportation planning process is the transparency of their process; involving the community and local elected officials in the decision making process. By removing the current process, the influence and impact local elected officials have in promoting the collaborative solutions to improve our regions and our communities – both urban and rural – is diminished. I fear that this proposal takes away existing local and regional protections forged through collaboration and consensus, and fails to recognize the vital link our nations’ regional organizations play in creating and promoting an integrated, intermodal transportation system.”

“The elimination of the regional voice through the MPOs, will hinder our nation’s ability to adequately address transportation concerns such as congestion, air quality and environmental impacts on the local and regional level. We must do all that we can as a nation, using the proven and reliable regional organizations as the conduit to fix the transportation system’s performance.”

“The National Association of Regional Councils will continue to highlight and address the vital role played by our nation’s regional organizations – Councils of Government, Metropolitan Planning Organizations and Rural Planning Organizations – in the authorization and transformation of this country’s transportation network. We look forward to working with the Department, Congress, local elected officials, businesses and our regions for a renewal of how we think about, manage and fund transportation infrastructure to improve our system at all levels.”

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About NARC

The National Association of Regional Councils (NARC) serves as the national voice for regionalism by advocating for regional cooperation as the most effective way to address a variety of community planning and development opportunities and issues. NARC’s member organizations are composed of multiple local governments that work together to serve American’s communities – large and small, urban and rural.