

Member Governments

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

**DURHAM – CHAPEL HILL-CARRBORO
METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION ADVISORY COMMITTEE (TAC)**

**April 8, 2009
9:00 AM**

**Committee Room
2nd Floor Durham City Hall**

- 1. Roll Call**
- 2. Adjustments to the Agenda**
- 3. Public Comments**
- 4. Directives to Staff (Attachment 4)**

ACTION ITEMS

**5. March 11, 2009 TAC Meeting Minutes
(Attachment 5)**

A copy of the March 11, 2009 TAC meeting minutes is enclosed as Attachment 5.

TAC Action: Approve minutes of the March 11, 2009 TAC meeting.

**6. 2035 Long Range Transportation Plan and Air Quality Analysis and Conformity
Determination Report
(No attachment)
Andy Henry, LPA Staff**

At the March TAC meeting, the TAC authorized the Chair and Vice-Chair to approve the public release of the 2035 Long Range Transportation Plan (2035 LRTP) and the Air Quality Analysis and Conformity Determination Report (Air Quality Report) for public comment. The document was released on March 25, 2009 for a 42-day public comment period that will continue through May 5, 2009. The table below shows the remaining actions for this project.

Action	Date
Release 2035 LRTP and Air Quality Report	3/25/09
TAC hold public hearing for 2035 LRTP and Air Quality Report	4/8/09
Public comment period closed	5/5/09
TAC approve 2035 LRTP and Air Quality Report	5/13/09
Federal approval of 2035 LRTP	June 15, 2009 (It is uncertain whether the deadline will be met)

The 2035 LRTP and Air Quality Analysis and Conformity Determination reports are available on the MPO's Web site – www.dchcmpo.org. In addition, copies are available at the libraries and planning offices of the MPO's member jurisdictions. Notice of the release and today's public hearing was provided through publication in local newspapers, a mailed flyer and email message based on the MPO's master contact list, and the public relations offices of member jurisdictions.

TCC Recommendation: That the TAC conduct a public hearing on the 2035 LRTP and Air Quality Analysis and Conformity Determination reports.

TAC Action: Conduct a public hearing on the 2035 LRTP and Air Quality Analysis and Conformity Determination reports.

7. Congestion Mitigation Air Quality Fast Tracked Projects - FY 2009-2015 Metropolitan Transportation Improvement Program - Administrative Modification #4

(Attachment 7)

Ellen Beckmann, LPA Staff

In January, the TAC approved requesting 100 percent federal funding in fiscal year 2009 for four previously approved Congestion Mitigation Air Quality (CMAQ) projects. This request was through the NCDOT's CMAQ Fast-Tracked process. In early March, NCDOT announced that they accepted the MPO's request. As a result, the DCHC MPO must approve an administrative modification to the FY 2009-2015 Metropolitan Transportation Improvement Program (MTIP) to change the funding arrangement on these four projects (Attachment 7). The funding is being changed from an 80 percent federal share to a 100 percent federal share for fiscal year 2009.

TCC Recommendation: That the TAC approve Administrative Modification #4 to the FY 2009-2015 Metropolitan Transportation Improvement Program.

TAC Action: Approve Administrative Modification #4 to the FY 2009-2015 Metropolitan Transportation Improvement Program.

8. American Recovery and Reinvestment Act of 2009 - FY 2009-2015 Metropolitan Transportation Improvement Program - Administrative Modification #5

(Attachment 8, 8A, 8B)

Ellen Beckmann, LPA Staff

President Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009 on February 17, 2009. The legislation provides funding for transportation projects including highways, transit, rail, airports, enhancements, etc. The funding is up to 100 percent federal with no local match requirements. Attachment 8 is a memo on the American Recovery and Reinvestment Act of 2009. The funds are provided through existing funding programs such as Surface Transportation Program (STP), Surface Transportation Program Direct Attributable (STPDA), and the Section 5307 transit program.

In March, the DCHC MPO approved a resolution adopting an administrative modification to the

2009-2015 Metropolitan Transportation Improvement Program to include the first wave of STP ARRA projects. NCDOT and the local jurisdictions have been working together to identify projects for the second wave of STP ARRA projects. In addition, a portion of the funding is sub-allocated to the urbanized area through the Surface Transportation Program Direct Apportionment (STPDA). The DCHC MPO will receive \$7,889,430 of STPDA funding through the ARRA. A portion of the funding is also sub-allocated to the urbanized area through the Section 5307 transit program. The DCHC MPO will receive \$8,377,719 in 5307 funds. In March, the TAC approved the distribution of Section 5307 ARRA funds to the three transit operators.

Attachment 8A is a set of tables displaying projects that the TCC recommends be funded by the STP, STPDA, and Section 5307 ARRA funds. Although the schedule presented to the TAC in March included an April to May public comment period and a May public hearing, the TCC recommends that these be waived and that the TAC approve the FY 2009-2015 MTIP Administrative Modification #5 (Attachment 8B) to add these projects to the MTIP at their April meeting. The accelerated TAC approval process will allow the local jurisdictions and NCDOT more time to implement projects to ensure that all funds are obligated by the deadlines in the legislation. In addition, the Governor plans to announce projects in the second wave in April with State Board of Transportation approval in early May. TAC approval in April will allow the MPO's projects to be included in the State's actions.

TCC Recommendation: That the TAC approve the sub-apportionment of Surface Transportation Program Direct Apportionment funds and that the TAC approve Administrative Modification #5 to the FY 2009-2015 Metropolitan Transportation Improvement Program.

TAC Action: Approve the sub-apportionment of Surface Transportation Program Direct Apportionment funds and approve Administrative Modification #5 to the FY 2009-2015 Metropolitan Transportation Improvement Program.

9. TE-4705 and TE -4707 - FY 2009-2015 Metropolitan Transportation Improvement Program - Administrative Modification #6
(Attachment 9)

Patrick McDonough, Triangle Transit

Triangle Transit had two projects in the FY 2007-2013 Transportation Improvement Program for the regional rail project, TE-4705 and TE-4707. In the FY 2009-2015 TIP, these two projects were removed and replaced with two alternatives analysis and preliminary engineering and design projects for the regional rail system. Triangle Transit has requested that TE-4705 and TE-4707 be added to the FY 2009-2015 TIP as unfunded projects. This is needed to demonstrate to the Federal Transit Administration that Triangle Transit is making progress on the rail project. Attachment 9 is an administrative modification to the FY 2009-2015 TIP adding these two projects.

TCC Recommendation: That the TAC approve Administrative Modification #6 to the FY 2009-2015 Metropolitan Transportation Improvement Program.

TAC Action: Approve Administrative Modification #6 to the FY 2009-2015 Metropolitan Transportation Improvement Program.

10. Regional Transportation Alliance – Transportation Survey Results
(Attachment 10)

Joe Milazzo, Regional Transportation Alliance

In March, the Regional Transportation Alliance released results from a poll on transit (Attachment 10). The poll surveyed 1,006 registered voters in Durham, Orange, and Wake Counties. The poll included questions about the importance of transportation, attitudes towards funding sources for public transportation, types of transit systems, and how a transit system should be planned and managed. At the April TAC meeting, there will be a brief presentation of the poll results.

TAC Action: Receive a presentation on the Regional Transportation Alliance transit poll.

11. H148 and S151 Congestion Relief/Intermodal Transport Fund
(Attachment 11, 11A, 11B, 11C)

Mark Ahrendsen, TCC Chair

H148 and S151, the Congestion Relief/Intermodal Transport Fund legislation, have been introduced in the 2009 session of the NC General Assembly (Attachment 11 is H148). Triangle J Council of Governments has prepared a summary of the legislation and a questions and answers document (Attachment 11A). The Triangle J Council of Governments board has recently adopted a resolution in support of the legislation.

Last year, the DCHC MPO adopted a position paper on an earlier version of the Congestion Relief/Intermodal Transport Fund and sent a letter to the MPO's state legislative delegation requesting support for the bill (Attachment 11B). Many of the MPO's concerns have been addressed in the current version of the legislation. The TAC is asked to consider approving a resolution of support for HS148 and S151 and sending it to the MPO's legislative delegation (Attachment 11C).

TAC Action: Approve a resolution of support for the Congestion Relief/Intermodal Transport Fund and direct the TAC Chair to send a letter to the MPO's state legislative delegation regarding the legislation.

12. Ozone Non-Attainment Boundary
(Attachment 12)

John Hodges-Copple, Triangle J COG

The North Carolina Department of Environment and Natural Resources has made a recommendation to the U.S. Environmental Protection Agency regarding the 8-hour ozone non-attainment boundaries in the State (Attachment 11). The U.S. EPA will make the official boundary designations, which may follow the state recommendations or deviate from them, by

March 12, 2010. The boundary designation will affect the area's future Motor Vehicle Emissions Budgets (MVEB).

TAC Action: Receive information on the ozone non-attainment boundary.

REPORTS:

13. Report from the TAC Chair
Mike Woodard, TAC Chair

TAC Action: Receive Report from TAC Chair

14. Report from Staff
(Attachment 14)
Felix Nwoko, LPA Staff

TAC Action: Receive Report from Staff

15. Report from the TCC Chair
Mark Ahrendsen, TCC Chair

TAC Action: Receive Report from TCC Chair

16. NCDOT Report
(Attachment 16)
Wally Bowman, Division 5 – NCDOT
Mike Mills, Division 7 – NCDOT
Bill Barlow, PTD – NCDOT

TAC Action: Receive report of NCDOT

INFORMATIONAL ITEMS

17. Recent News Articles and Updates
(Attachment 17)

18. NC Metropolitan Mayors Coalition – A 21st Century Transportation System Requires a Modern Funding Formula
(Attachment 18)

19. S1001 and H881 Transportation Corridor Mapping Changes
(Attachment 19)

Adjourn

Next meeting: May 13, 2009
Tentative Joint TAC meeting: April 29, 2009

TAC Directives to Staff

06/11/03 – 12/31/07 (Pending/In Progress/On Going)

01/01/08 – Present (Completed/Pending/In Progress)

Meeting Date	Directive	Status
6/11/03	(TAC) Letter to Durham City Council and Jon Nance requesting they take some action to address the safety issue for pedestrians at US 15-501/ Garrett Road Service Road relocation project.	<u>Completed/Pending</u> – Letter sent to Council and NCDOT. Staff has met with NCDOT. Under consideration by NCDOT. Plan to include pedestrian improvements in the US 15-501 widening project (U-4012)
3/10/04	Send letter to NCDOT expressing concern over NC-147 /I-40 interchange and concern over backups occurring on NC-147.	<u>Completed/Pending</u> - Letter sent 03/17/04. Staff has discussed with NCDOT various alternatives under consideration by NCDOT.
8/25/04	Metropolitan Area Boundary	<u>Completed/In Progress</u> – TAC approved MAB for the 2030 LRTP. Staff to bring back proposal for MAB expansion for the next LRTP update.
4/12/06	Investigate use of peer review for Triangle Regional Model (TRM)	<u>In Progress:</u> TRM committee has taken up this project
4/12/06	Address cost splits for TRM tasks at next DCHC MPO/CAMPO joint TAC meeting	<u>In Progress:</u>
8/09/06	Follow up with the BPAC and DATA Boards regarding public involvement for MPO activities.	<u>In Progress:</u>
10/11/06	Provide information on if a municipality can accelerate resurfacing using local funding.	<u>In Progress</u>
2/14/07	Develop a long-term and short-term strategy for addressing funding needs working with other MPOs and the Metropolitan Coalition	<u>In Progress:</u> See 10/31/07 Joint TAC Agenda.
2/13/08	Present to the JCCPC and planning boards on the LRTP targets and the importance of land use.	<u>In Progress:</u>
3/12/08	Present to the JCCPC and Orange County Assembly of Governments on the LRTP Deficiency Analysis	<u>Completed:</u> Presentations given at the 4/2/08 JCCPC and 3/31/08 Assembly of Governments.
3/12/08	Provide an update on the state's human services transportation plan	<u>In Progress:</u>
4/09/08	Provide a report on Triangle Transit's funding sources from the DCHC MPO and CAMPO	<u>Completed:</u> See Attachment 6C of 5/14/08 TAC Agenda.

4/09/08	Consider the Morgan Creek Greenway project in Chapel Hill when evaluating projects for the STP-DA regional bicycle and pedestrian category	<u>Completed:</u> To be considered as part of the evaluation of regional bicycle and pedestrian corridors during the 2035 LRTP. See Attachment 7 of 10/8/08 TAC Agenda.
4/09/08	Develop a list of principles that should be considered in the proposed Congestion Intermodal Transportation Fund legislation.	<u>Completed:</u> See Attachment 10B of 5/14/08 TAC agenda.
5/14/08	Develop a recommendation for funding regional bicycle and pedestrian projects with STP-DA.	<u>Completed:</u> To be considered as part of the evaluation of regional bicycle and pedestrian corridors during the 2035 LRTP.
6/11/08	Send a letter to the NC Turnpike Authority expressing the TAC's concerns regarding Triangle Parkway.	<u>Completed:</u> See Attachment 18 and 18A of the 8/13/08 TAC agenda.
6/11/08	Send a letter to the MPO's state delegation stating the MPO's position on the Triangle Parkway.	<u>Completed:</u> See Attachment 17 of the 8/13/08 TAC Agenda.
8/13/08	Work with NCDOT to amend the 2009-2015 TIP to address transit project errors.	<u>Completed:</u> See Attachment 8 of 10/8/08 TAC Agenda.
11/12/08	Provide an accounting for the rental car taxes collected by Triangle Transit	<u>Completed:</u> See Attachment 17 of 12/10/08 TAC Agenda.
11/12/08	Develop a recommendation for the overlapping project issues for the final FY 2011-2017 TIP Regional Priority List	<u>Completed:</u> See Attachment 6 of 1/14/09 TAC Agenda.
12/10/08	Develop a recommendation for the bridge replacement on State Forest Rd.	<u>In Progress:</u> NCDOT is currently reviewing the issue including meeting with stakeholders.
12/10/08	Respond to the issues raised by the TAC on the final 2035 LRTP	<u>Completed:</u> See Attachment 7 of 1/14/09 TAC Agenda and Attachment 6 of 2/11/09 TAC Agenda.
1/14/09	Re-order projects and respond to the issues raised by the TAC on the draft FY 2011-2017 TIP Regional Priority List.	<u>Completed:</u> See Attachment 7 of 2/11/09 TAC Agenda.
1/14/09	Investigate the relationship between projected transit ridership and revenue	<u>Completed:</u> See Attachment 6 of 2/11/09 TAC Agenda.
2/11/09	Send a letter to the MPO's congressional delegation regarding the urbanized area's 5307 apportionment	<u>Completed:</u> See Attachment 19 of 3/11/09 TAC Agenda.

TRANSPORTATION ADVISORY COMMITTEE

March 11, 2009

MINUTES OF MEETING

The Transportation Advisory Committee met on March 11, 2009, at 9:00 a.m. in the Council

Committee Room on the second floor of Durham City Hall. The following attended:

**William V. Bell	City of Durham
*Diane Catotti	City of Durham
**Mike Gering	Town of Hillsborough
**Alice Gordon	Orange County
**Ed Harrison	Town of Chapel Hill
**Sally Kost	Chatham County
**Lydia Lavelle	Town of Carrboro (TAC Vice-Chair)
**Michael Page	Durham County
*Ellen Reckhow	Durham County
**Mike Woodard	City of Durham (TAC Chair)
Mark Ahrendsen	City of Durham/Transportation
Cha'ssem Anderson	City of Durham/DATA
Ellen Beckmann	City of Durham/Transportation
David Bonk	Town of Chapel Hill
Wally Bowman	NCDOT – Division 5 Engineer
Bonnie Estes	Durham City/County Planning
Ray Gronberg	The Herald Sun
Andy Henry	City of Durham/Transportation
John Hodges-Copple	Triangle J COG
Leta Huntsinger	City of Durham/Transportation
Howard W. Kimbrell	JJG, 120 Lock Lomond Circle, Cary, NC
Tom King	Town of Hillsborough
Karen Lincoln	Orange County
Paul Maladen	NBC 17
Patrick McDonough	Triangle Transit
Dale McKeel	City of Durham/Transportation
Adena Messinger	Town of Carrboro
Ryan Mickles	Town of Chapel Hill
Kumar Neppalli	Town of Chapel Hill
Felix Nwoko	City of Durham/Transportation
Dawn Qiu	City of Durham/Transportation
Brad Wall	NCDOT – Division 7 Engineer
Jim Wise	News & Observer

Mike Woodard, TAC Chair, called the meeting to order at 9:06 a.m. and the Roll Call was conducted.

PRELIMINARIES:

Adjustments to the Agenda

Mark Ahrendsen stated that handouts were distributed at the beginning of the meeting and the handouts will be discussed during the agenda items.

Public Comments

There were no public comments.

Directives to Staff (Attachment 4)

The Directives to Staff are attached for review.

ACTION ITEMS:

February 11, 2009 TAC Meeting Minutes (Attachment 5)

A motion was made by Sally Kost and seconded by Ed Harrison to approve the February 11, 2009 TAC Meeting Minutes. The motion carried unanimously.

January 14, 2009 TAC Meeting Minutes (Attachment 6 and 6A)

A motion was made by Sally Kost and seconded by Ed Harrison to approve the January 14, 2009 TAC Meeting Minutes with the amendments. The motion carried unanimously.

December 10, 2008 TAC Meeting Minutes (Attachment 7 and 7A)

A motion was made by Sally Kost and seconded by Ed Harrison to approve the December 10, 2008 TAC Meeting Minutes with the amendments. The motion carried unanimously.

American Recovery and Reinvestment Act of 2009 (Attachments 8, 8A, 8B, 8C, and 8D)

Ellen Beckmann provided a Power Point presentation to the TAC on the American Recovery and Reinvestment Act of 2009, along with the attachments.

Wally Bowman stated there are a lot of secondary roads that meet the federal-aid eligibility which is good for us as there are a lot of roads that need to be improved. We have a website available to determine if the project is eligible. There is one exception. A bridge replacement on a non-federal

67 route can use stimulus funds. The stimulus funds are being used on a diverse selection of projects. We
68 want to keep contractors busy, but at the same time, not overload a contractor as it will push the
69 project back.

70 Lydia Lavelle asked if the amount of funds available for the second wave of surface
71 transportation projects has been identified. Wally Bowman stated that Division 5's funds are
72 approximately \$15 million for the second wave; that is after the DA funds. All the deadlines must be
73 met so we don't lose any funds coming to North Carolina.

74 Mike Woodard said the staff has put a lot of work into getting the projects together and we
75 have to act fast so we don't lose funds for the MPO.

76 Ellen Reckhow asked if secondary roads are eligible for the stimulus funds, and Wally Bowman
77 stated that none of the unpaved secondary roads will meet the federal-aid eligibility. Some resurfacing
78 projects could be in the second wave and the county can weigh in.

79 Diane Catotti asked if the projects that say widening/resurfacing include sidewalks. Wally
80 Bowman stated that the projects do not currently include sidewalks. We would have to have right-of-
81 way for the other side of the ditch or curb and gutter in order to do it. We would lose time and wouldn't
82 meet the deadline if we have to obtain right-of-way. Mark Ahrendsen stated staff is considering
83 sidewalk projects in the second wave of the STP-DA projects.

84 Ellen Reckhow asked if additional pavement can be added to Hillandale Road/Fulton Street due
85 to the ambulances and hospital traffic using the road between I-85 and Erwin Road. Mark Ahrendsen
86 stated staff will follow up with the NCDOT.

87 Ed Harrison read from Attachment 8C, second paragraph. Mr. Harrison hopes to identify
88 projects in Orange County in the second wave. One is the resurfacing of NC-86 between Franklin Street
89 and Cameron Avenue which has 25 bus routes and major traffic. Mr. Harrison wonders what priorities

were used to allocate the funds. Sally Kost is also concerned as to how the funds were allocated. Mr. Harrison is also concerned about the Chapel Hill signal system which has been delayed again.

Brad Wall, NCDOT Division 7 Maintenance Engineer, stated that the Mebane Street project was ready to go. NCDOT will be happy to discuss projects for the second wave at the TCC subcommittee meeting next week.

Alice Gordon wants to see projects in the second wave because a lot of projects have been left out.

A motion was made by Bill Bell and seconded by Lydia Lavelle to approve the Administrative Modification #3 to the FY 2009-2015 Metropolitan Transportation Improvement Program, waiving the public comment period, and to approve the distribution formula for Section 5307/5340 funds and authorize the Chair to send a letter to FTA regarding the distribution. The motion carried unanimously.

Mark Ahrendsen and Alice Gordon thanked Ellen Beckmann for keeping on top of this item.

2035 Long Range Transportation Plan and Comprehensive Transportation Plan, (Attachment 9 and 9A to be handed out at the meeting)

Andy Henry provided a Power Point presentation on the 2035 Long Range Transportation Plan and Comprehensive Transportation Plan, along with the attachments.

Lydia Lavelle asked why CAMPO was included in the report and Andy Henry stated that a lot of the development of the LRTP was done with CAMPO. Therefore, we are trying to establish one regional report. We have a lot of roads that cross both MPOs. Staff thought it would support our case if we have a combined report.

Alice Gordon asked do we approve the same language as CAMPO. Andy Henry stated that the material for DCHC MPO is in green, CAMPO is in yellow, and white for both MPOs. Andy Henry stated that staff will also provide a summary brochure.

Lydia Lavelle asked if CAMPO has a delay, would that delay us as well, and Andy Henry stated no it would not delay us.

116 Ed Harrison questioned the schedule for the remaining steps. John Hodges-Copple stated if we
117 stay on track, the federal agencies will try to approve the reports quickly and meet the June 15 deadline
118 but it may not happen.

119 Alice Gordon asked how projects in two jurisdictions are described and Andy Henry stated the
120 descriptions cut each project at the county line.

121 Alice Gordon stated that some of the projects in the bicycle/pedestrian table are listed several
122 times and some of the jurisdictions are missing.

123 Sally Kost stated there are some Chatham County projects in CAMPO's list. Who has jurisdiction
124 in Chatham County? Andy Henry stated that the DCHC MPO has jurisdiction. Andy Henry will look into
125 it and get back to Ms. Kost.

126 Alice Gordon asked if we could review the schedule. Andy Henry stated the TAC needs to
127 provide comments to staff by March 20, 2009, so the reports can be released by March 25, 2009, for
128 public review.

129 John Hodges-Copple stated the Air Quality report becomes an appendix to the LRTP because the
130 Air Quality report requires a separate public hearing.

131 Mike Woodard summarized the action before the TAC.

132 Ed Harrison asked if Sally Kost could put the Chatham County list in memo form, and Ms. Kost
133 stated she will.

134 Ellen Reckhow stated on page 24 that the greenhouse gas reduction data is missing and Andy
135 Henry stated it will be added. Ms. Reckhow stated if we aren't meeting targets that we need to start
136 working on it with our planning staff.

137 Bill Bell asked the status of the Alston Avenue widening project. Mark Ahrendsen stated the
138 funding is still there. However, there are environmental justice issues still outstanding. Wally Bowman
139 stated that it will be mid-April before NCDOT can meet regarding the project. The current schedule is

140 August 2009 for the right-of-way; but it is dependent on cash availability. NCDOT is four to six months
141 from developing a realistic TIP considering stimulus projects. The Hillandale project is on schedule; but
142 is also dependent on cash availability for the right-of-way. Alston Avenue will take eighteen to twenty-
143 four months to complete after the project gets started. Bill Bell asked why 2017 is shown for the
144 completion date, and Mark Ahrendsen stated it is the air quality year used for modeling.

145 A motion was made by Alice Gordon and seconded by Bill Bell to allow TAC members ten days to
146 review the reports and provide comments to staff, and authorize the TAC Chair and Vice-Chair to
147 approve the release of the final report for public comment when the air quality conformity analysis has
148 been incorporated. The motion carried unanimously.

149 Ed Harrison asked how the documents will be made available to the public. Andy Henry stated it
150 will be on the website and at the libraries.

151 Sally Kost asked if there will be a press release to the public. Andy Henry stated staff puts a
152 public notice in the local newspapers, sends an email to the mailing list, post cards to interested parties,
153 and contacts the public information contact at the City of Durham. Mr. Henry will also contact Chatham
154 County.

155 **FY 2009-2010 Unified Planning Work Program (Attachment 10, 10A, and 10B)**

156 Felix Nwoko provided an introduction for the FY 2009-2010 Unified Planning Work Program,
157 along with the attachments.

158 There are two sources of funding for the MPO which are FHWA and FTA. The document only
159 includes a partial apportionment of transit funding, but this will change because the federal budget
160 recently passed. There are also local matching funds. Bill Bell asked who provides the local match and
161 Felix Nwoko stated that, for transit operators, the City of Durham provides the match for DATA, the
162 Town of Chapel Hill provides the match for Chapel Hill Transit, and Triangle Transit provides the match
163 for Triangle Transit. For FHWA funds, the local matching funds are provided by the local jurisdictions.

Felix Nwoko provided an overview of the document including special projects. Alice Gordon asked what will be done for the CTP. Felix Nwoko stated staff will be working with NCDOT and the RPOs to coordinate in the RPO portions of Chatham County and Orange County. After we approve the LRTP, our first task will be to have a coordination meeting with NCDOT and the RPOs to come up with a schedule for developing the CTP. NCDOT has a prescribed format for the CTP maps. Alice Gordon asked if the work plan will include coordinating with the counties and cities, and Felix Nwoko stated that it does. Felix Nwoko stated they are not proposing any new initiatives, but they will begin working on the 2040 LRTP as it is part of the routine planning activities.

Sally Kost stated that Chatham County needs to do a better job of transportation planning. Next year they would like to see some UPWP funds for Chatham County.

Felix Nwoko stated that STPDA is the funds available to this group for planning and will invite Chatham County staff to attend meetings where these funds will be discussed. Sally Kost asked if there are still funds available. Mark Ahrendsen stated funds will be available through the UPWP and STPDA.

Mike Woodard opened the public hearing for the FY 2009-2010 Unified Planning Work Program at 10:42 a.m. There were no public comments and the public hearing was closed at 10:43 am.

A motion was made by Lydia Lavelle and seconded by Michael Page to approve the FY 2009-2010 Unified Planning Work Program and include the Town of Carrboro tasks in the final report. The motion carried unanimously.

REPORTS:

Report from the TAC Chair

Mike Woodard stated the Congestion Relief Intermodal Transport Fund legislation will be introduced this morning. Ed Harrison stated it must be acted on by one chamber of the General Assembly by May 14, 2009. Mr. Woodard stated the he and staff recently gave presentations to groups

on transit. He also participated in the regional Reality Check exercise. Lydia Lavelle stated there will be a public hearing for the Town of Carrboro bicycle plan on March 24, 2009.

Report from Staff (Attachment 12)

Felix Nwoko stated the DCHC MPO public involvement plan and JARC/NF Plan have been highlighted as an example to other MPOs.

Report from the TCC Chair

Mark Ahrendsen stated that work has begun on the county financial plans for transit. Staff is finalizing the scope of work on the NC-54 project. A legislative committee has been set up to look at the equity formula. Staff is continuing to work with NCDOT and FHWA on the Alston Avenue project. They expect to have the environmental assessment signed by April with a hearing in June for the East End Connector project. Wally Bowman stated the right-of-way has been moved to FY 2011. Ellen Reckhow stated that CAMPO seems to be ahead in developing their transit priorities, and Mark Ahrendsen stated that staff is working on this for Durham and Orange Counties and will bring it back to the TAC.

NCDOT Report (Attachment 14)

Wally Bowman, NCDOT Division 5 Engineer, provided an update on projects. Thanks for the efforts on the first wave of stimulus funds. Mr. Bowman stated Davis Drive and NC-54 are moving along. The NC-54 project is ahead of schedule. The US 15-501 project is behind schedule.

Brad Wall, NCDOT Division 7 Maintenance Engineer, provided an update on projects. Lydia Lavelle stated that on Eubanks Road there is a lot happening and there appears to be sidewalk being built. Ms. Lavelle wonders how far the sidewalk will go past the animal shelter and Ed Harrison stated it is along the frontage only. NCDOT will provide an update to Ms. Lavelle on this project. Alice Gordon asked if there are any further updates on the Turkey Farm Road bridge project, and Mr. Wall stated the project is progressing. Alice Gordon asked about the flasher lights at Bennett Road, and Mr. Wall stated

they are looking to put in a solar-powered system. They are continuing to work on this project and Mr. Wall will provide an update to Alice Gordon.

INFORMATIONAL ITEMS:

Recent News Articles and Updates (Attachment 15)

The recent news articles and updates are attached for review. Mike Woodard provided an article on Triangle Transit's role in rail. Anyone that sees an article they want put in the packet, please send them to Ellen Beckmann so they can be included. Ellen Reckhow thinks Wake County is more comfortable with the current version of the bill. Alice Gordon stated that Wake County is putting elected officials on the Triangle Transit board. Ed Harrison stated that the main obstacle is Wake County legislators.

Letter and resolution from DCHC MPO to NCDOT re Proposed Budget Cuts (Attachment 16)

The letter and resolution from DCHC MPO to NCDOT re Proposed Budget Cuts is attached for review.

Letter from DCHC MPO to NCDOT re Transportation Reform (Attachment 17)

The letter from DCHC MPO to NCDOT re Transportation Reform is attached for review.

Letter from Chatham County to NCDOT re Transportation Reform (Attachment 18)

The letter from Chatham County to NCDOT re Transportation Reform is attached for review.

Letter from DCHC MPO to Federal Congressional Delegation re 5307 Apportionment (Attachment 19)

The letter from DCHC MPO to Federal Congressional Delegation re 5307 Apportionment is attached for review.

Adjournment

There being no further business before the Transportation Advisory Committee, the meeting adjourned at 11:01 a.m.

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

ADMINISTRATIVE MODIFICATION #4

April 8, 2009

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 modify the FY 2009-2015 Metropolitan Transportation Improvement Program as described in the attached sheet; 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 Metropolitan Planning Organization Transportation Advisory Committee on August 13, 2008; and

WHEREAS, the DCHC MPO certifies that this TIP modification is consistent with the intent of the DCHC MPO 2030 LRTP; and

WHEREAS, the Federal Energy Independence and Security Act of 2007 allows the obligation of 100 percent federal funding for Congestion Mitigation Air Quality (CMAQ) projects authorized during federal fiscal year 2009; and

WHEREAS, the North Carolina Department of Transportation has approved the four CMAQ project applications submitted by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization on January 14, 2009, requesting 100 percent federal funding for fiscal year 2009; and

BE IT THEREFORE RESOLVED that the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Transportation Advisory Committee hereby modifies 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 Administrative Modification #4 to DCHC 2009-2015 MTIP" provided here on this, the 8th day of April, 2009.

TAC Chair

STATE of: North Carolina

COUNTY of: _____

I, _____, a Notary Public of Durham County, North Carolina do hereby certify that personally J. Michael Woodard appeared before me on the 8th day of April, 2009, to affix his signature to the foregoing document.

Notary Public

(Seal)

My commission expires _____

Attachment to Resolution for Administrative Modification #4 to DCHC 2009-2015 MTIP

TABLE 1

Existing (As modified by 09-15 MTIP administrative modification #1) - 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	170		
			S	A	170		
			CMAQ	O	91	94	97
			C	O	23	23	24
			TOTAL		1,814	117	121

Modification - 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	1,700		
			CMAQ	O	114	94	97
			C	O		23	24
			TOTAL		1,814	117	121

TABLE 2

Existing (As modified by 09-15 MTIP administrative modification #1) - 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	108	
			S	A	108	
			CMAQ	O	238	247
			C	O	59	62
			TOTAL		1,377	309

Modification - 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	1,080	
			CMAQ	O	297	247
			C	O		62
			TOTAL		1,377	309

TABLE 3

Existing - Funded Project

I. D. No.	System	Description	Funding		FY 2009
C-4927	Durham	Purchase 5 hybrid electric buses	CMAQ	A	400
			C	A	100
			TOTAL		500

Modification - Funded Project

I. D. No.	System	Description	Funding		FY 2009
C-4927	Durham	Purchase 5 hybrid electric buses	CMAQ	A	500
			TOTAL		500

TABLE 4

Existing - Funded Project

I. D. No.	System	Description	Funding		FY 2009	FY 2010	FY 2011
C-4932A	Hillsborough Orange	Construct a 125 space park and ride lot.	CMAQ	O	41	41	41
		Section A: DCHC MPO to participate in construction and operating assistance for three years for a new transit service	L	O	41	41	41
			TOTAL		82	82	82

Modification - Funded Project

I. D. No.	System	Description	Funding		FY 2009
C-4932A	Hillsborough Orange	Operating assistance for transit service to a 125 space park and ride lot, passenger amenities at the park and ride lot.	CMAQ	A	6
			CMAQ	O	87
			TOTAL		93

MEMORANDUM

TO: Transportation Advisory Committee
DCHC MPO

FROM: DCHC MPO Lead Planning Agency

DATE: April 8, 2009

SUBJECT: American Recovery and Reinvestment Act of 2009

President Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009 on February 17, 2009. The legislation provides funding for transportation projects including highways, transit, rail, airports, enhancements, etc. The transportation funds are being distributed through the agencies within the U.S. Department of Transportation. The following memo describes the legislation and how the transportation funding will be implemented. The DCHC MPO will need to act quickly to meet the obligation deadlines in the legislation.

Federal Highway Administration Funds

The Federal Highway Administration funds are provided to the states and urbanized areas through the Surface Transportation Program (STP). Sixty-seven percent of the funds will be distributed to the states to be used anywhere. Three percent of the funds will be distributed to the states to be used for enhancements. Thirty percent of the funds will be distributed to the urbanized areas through the Surface Transportation Program Direct Allocation (STPDA) program.

The ARRA funds are subject to the State equity formula for the distribution of funds. The funding is up to 100 percent federal. Fifty percent of the funds must be obligated within 120 days of the date of apportionment to the State. The remaining fifty percent of the funds must be obligated by March 2010. Any funds not obligated by the deadlines will be redistributed to other states. Any redistributed funds must be obligated by September 30, 2010. Priority is to be given to projects that are located in economically distressed areas and that will be completed within three years. These funds must supplement, not supplant, existing funding, meaning that there is no advance construction.

There are specific reporting requirements that the states and MPOs must meet. If the state is unable to maintain a level of effort meeting these reporting requirements then the state will be prohibited from receiving the redistribution of unobligated funds in 2011. The following policies apply to ARRA projects:

- Davis Bacon wage laws
- National Environmental Protection Act (NEPA)
- Disadvantaged Business Enterprise (DBE)
- Buy America

State STP Funds

The funds are distributed through the Surface Transportation Program (STP) and thus the STP eligibility requirements apply. STP funds are relatively flexible and can be used for highway, bicycle, pedestrian, and transit projects. Highway projects must be on the federal-aid system. Bridge, safety, bicycle, pedestrian, and transit projects do not need to be on the federal-aid system.

The NCDOT Highway Divisions identified a set of projects to be funded by the first wave of stimulus funding. This first wave of projects will meet the requirement that fifty percent of funds be obligated within 120 days of the date of apportionment to the State. For the DCHC MPO, there are six Durham County projects included on this list. These six projects are scheduled to be let in May and June 2009. The DCHC MPO and NCDOT will be evaluating these resurfacing/widening projects for opportunities to add bicycle facilities within the existing right-of-way. NCDOT has also identified two statewide projects using the economic stimulus funding. In March 2009, the DCHC MPO adopted an administrative modification to the 2009-2015 MTIP to incorporate these eight projects.

The LPA Staff, the TCC members, and NCDOT have had many discussions regarding the second wave of stimulus projects. Attachment 8A, page 1, includes a table of requests for the State's second wave of ARRA STP projects. Attachment 8A, page 2, is a list of the resurfacing projects requested in Durham and Orange Counties. Although all of these projects are unlikely to be funded, the TCC recommends that the TAC approve all of them at this time so all can be in a position to be implemented. Changes may need to be made later based on the availability of funding. The TCC recommends that the TAC approve these projects through an administrative modification to the 2009-2015 MTIP (Attachment 8B).

The TCC recommends that the TAC waive the public comment period for these projects and approve the administrative modification this month. The Governor is planning to announce these projects in April, and the State Board of Transportation will be approving the second wave of projects in early May. TAC approval in April will enable these projects to be included in the Governor's announcement and the Board of Transportation's action.

STPDA Funds

Thirty percent of the funding is sub-allocated to the urbanized area through the Surface Transportation Program Direct Allocation (STPDA) program. The DCHC MPO will receive \$7,889,430 of STPDA funding through the ARRA. Unlike regular STPDA funds, these funds will not require a local match. The DCHC MPO has a policy for the use of STPDA funds that prioritizes projects that do not expand highway capacity.

The TCC has recommended distributing the funding to all of the MPO's jurisdictions by percentage of 2000 Census population in the MPO boundary. The 2000 Census population is used to distribute the funds to the urbanized areas. The funding distribution is as follows:

Jurisdiction	2000 Population in the MPO	%	ARRA STPDA
City of Durham	187,035	57%	\$ 4,498,066
Town of Chapel Hill	48,715	15%	\$ 1,171,563
Town of Carrboro	16,782	5%	\$ 403,596
Town of Hillsborough	5,446	2%	\$ 130,973
Durham County	34,401	10%	\$ 827,321
Orange County	25,475	8%	\$ 612,657
Chatham County	10,198	3%	\$ 245,255
TOTAL	328,052		\$ 7,889,430

The TCC has developed a recommendation for the use of these ARRA STPDA funds. Attachment 8A, pages 3-5, includes a table of projects. The TCC recommends that the TAC approve these projects through an administrative modification to the 2009-2015 MTIP (Attachment 8B). The TCC recommends that the TAC waive the public comment period for these projects and approve the administrative modification this month. Since all of these projects will be implemented locally, the local governments need adequate time to approve agreements, obtain right-of-way certification and environmental documents, and prepare plans and estimates. TAC approval in April will allow more time to complete these steps by the deadlines.

Regular STPDA Funds (Non-stimulus)

Triangle Transit has two projects that are proposed to receive ARRA STPDA funding from the Capital Area MPO and regular STPDA funding from the DCHC MPO. Regular STPDA funding is the annual appropriation that the MPO receives that requires a 20 percent local match. These projects are the purchase of 1 replacement bus and 2 12-passenger vans. The TAC approved the use of regular STPDA funding on these two projects in May 2008 contingent upon Triangle Transit receiving 50 percent of the funding from the Capital Area MPO. The Capital Area MPO TCC has recommended that these funds be provided through their ARRA STPDA funding. Since the cost of the bus and vans has increased since 2008, Triangle Transit has requested additional regular STPDA funding for these projects. The change is as shown in the table below:

Description	Current Regular STPDA			Recommended Regular STPDA		
	Federal (80%)	Local (20%)	Total	Federal (80%)	Local (20%)	Total
1 Replacement Bus	\$136,000	\$34,000	\$170,000	\$146,800	\$36,700	\$183,500
2 12-Passenger Vans	\$16,376	\$4,094	\$20,470	\$18,600	\$4,650	\$23,250

Since these projects are using Capital Area MPO ARRA funds, they must be added to the MTIP at this time. Attachment 8B includes a table to add these projects as funded projects. By approving the administrative modification, the TAC would be approving the additional \$13,024 of regular STPDA funding. This can be accommodated in the regular STPDA budget for FY 2009.

Federal Transit Administration Funds

The ARRA funds that are distributed through the Federal Transit Administration will be distributed through the following programs:

- Urbanized area formula program (Section 5307) and growing states formula program (Section 5340)
- Formula grants for other than urbanized areas (Section 5311)
- Capital investment grants for existing new starts and small starts (Section 5309)
- Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER)

The Section 5307/5340 funds are provided to the urbanized areas while the Section 5311 funds are provided to the State for distribution to the rural transit systems. The Section 5309 funds are only provided to existing new starts and small starts fixed guideway projects so the DCHC MPO transit operators are not eligible. Eligibility requirements and guidance on the TIGGER program have recently been published by FTA. The TCC is currently reviewing this competitive grant program for funding opportunities.

The funding can only be used for capital projects and administrative expenses associated with a capital project. Funding can be used for preventative maintenance and preliminary engineering. Funding cannot be used for operating expenses. The funding is up to 100 percent federal.

Fifty-percent of the state and urbanized area funds must be obligated by September 1, 2009. The remaining fifty percent of the funds must be obligated by March 5, 2010. Any funds not obligated by the deadlines will be redistributed to other states. Any redistributed funds must be obligated by September 30, 2010. Obligation occurs on the date of the grant award. ARRA funds cannot be used to substitute for funds in an existing grant – even if the funds have not yet been expended. ARRA funds must be in a separate grant from other FTA program funds.

Priority is to be given to projects that are located in economically distressed areas and that will be completed within three years. These funds will supplement not supplant existing funding, meaning that there is no advance construction. There are specific reporting requirements that the states, MPOs, and transit operators must meet. The following policies apply to ARRA projects:

- Davis Bacon wage laws
- National Environmental Protection Act (NEPA)
- Disadvantaged Business Enterprise (DBE)
- Buy America

Section 5307/5340 Funds

The DCHC MPO will receive \$8,377,719 in Section 5307/5340 funds through the ARRA. In March 2009, the TAC approved using the regular distribution formula for Section 5307/5340 funds to distribute the ARRA funds among the MPO's three transit operators. This formula uses the same factors as the federal formula that distributes the funds to the urbanized areas. The funding distribution is as follows:

Operator	ARRA Section 5307/5340
Durham Area Transit Authority	\$4,257,465
Chapel Hill Transit	\$2,714,867
Triangle Transit	\$1,405,387
TOTAL	\$8,377,719

Attachment 8A, page 6, includes a table of projects for these ARRA Section 5307/5340 funds. The TCC recommends that the TAC approve these projects through an administrative modification to the 2009-2015 MTIP (Attachment 8B). The TCC recommends that the TAC waive the public comment period for these projects and approve the administrative modification this month. Fifty percent of the funds must be obligated by September 1, 2009, and FTA Region IV has requested that all applications should be submitted by July 1, 2009. TAC approval in April will allow the transit operators more time to prepare and submit their applications before the deadline.

Contingency Projects

LPA staff and the TCC will be developing internal deadlines and checkpoints to ensure that projects will be obligated by the deadlines. Any funding that cannot be obligated by a jurisdiction by the deadline will be considered for use on the contingency projects listed in a table in Attachment 8A, page 7. Transit projects are good contingency projects because they generally do not involve design work or right-of-way acquisition and can be obligated quickly.

TIP and LRTP Administrative Modifications

ARRA funded projects must be in the DCHC MPO's FY 2009-2015 Metropolitan Transportation Improvement Program (MTIP) and 2030 Long Range Transportation Plan (LRTP). The 2035 LRTP does not have standing until the air quality conformity determination is complete and has been federally approved. Projects must also be in the FY 2009-2015 State TIP (STIP). The first wave of stimulus projects has already been approved by the State Board of Transportation in March.

The DCHC MPO can only do administrative modifications to the MTIP at this time since we do not have a SAFETEA-LU compliant LRTP. Any project that is exempt from the air quality conformity process can be added, deleted, advanced, delayed, etc., through an administrative modification. Non-exempt projects can only be modified through administrative modifications if the project is already listed in the first four funding years (2009-2012) of the TIP and does not cross the project's air quality horizon year in the LRTP. Non-exempt projects cannot be added to the MTIP or advanced from post-2012 to pre-2012 through an administrative modification. In general, highway capacity increases are considered non-exempt projects, and bicycle, pedestrian, transit, enhancement, maintenance, ITS, and safety improvements are considered exempt projects. The eight resurfacing and enhancement projects in the 2009-2015 MTIP administrative modification #3 are exempt projects.

If the DCHC MPO's 2035 LRTP and air quality determination is not federally approved by June 15, 2009, the DCHC MPO will not be able to do any TIP administrative modifications for any

projects until it is approved. Hopefully, this will not be an issue or it will only be a couple of months delay at the most. To avoid this issue, the DCHC MPO will complete all necessary MTIP administrative modifications by June.

The 2030 LRTP cannot be amended at this time since it is not SAFETEA-LU compliant. However, this should not be an issue for the ARRA projects. Since any non-exempt project must be in the first four years of the MTIP, these projects should already be in the 2030 LRTP. Exempt projects are also likely already in the 2030 LRTP. If a specific bicycle, pedestrian, or transit project is not listed in the 2030 LRTP, the FHWA has advised that these projects will not require a LRTP amendment because the MPO will still be fulfilling the intent of the LRTP to expand bicycle, pedestrian, and transit facilities. Highway preventative maintenance, resurfacing, intelligent transportation systems, and transportation system management projects are in the 2030 LRTP as general categories and thus are flexible.

Public Involvement

The DCHC MPO Public Involvement Plan includes the following statement regarding public involvement for MTIP amendments:

Amendments to MTIP will be available for public review and comment, if they make a substantial change to the MTIP. A substantial change is classified as the addition or deletion of a project with an implementation cost exceeding \$1 million. Public comment on project additions or deletions of less than \$1 million may be sought at the discretion of the TAC by majority vote. As long as a project's description, scope or expected environmental impact have not materially changed, the TAC may approve changes to project funding without a separate public meeting.

The minimum notification period for MTIP amendments is 21 days.

Due to the tight deadlines and timelines associated with the legislation, the TCC recommends that the TAC waive the public involvement process for Administrative Modification #5 to the 2009-2015 MTIP. Doing so will allow the MPO more influence over the State's decisions on STP funding, allow more time for local governments to implement STPDA projects, and allow the transit operators more time to submit their applications for Section 5307 projects. All projects are in the current LRTP and thus have had a degree of public involvement through the creation of this plan. In addition, many projects are already in the TIP and thus have had further public involvement. Since projects must be "shovel-ready," most projects have also already been publicly vetted and approved by local governments.

Schedule

Action	Date
TCC discuss process for ARRA funding TCC recommendation for MTIP administrative modification for first wave of stimulus projects	February 25, 2009
TCC subcommittee meetings and meetings with NCDOT staff on potential projects	February-March
TAC discuss process for ARRA funding TAC approval of MTIP administrative modification #3 for first wave of stimulus projects TAC approval of Section 5307/5340 funding split.	March 11, 2009
TCC recommendation for Section 5307/5340 projects. TCC recommendation for STPDA projects. TCC recommendation for 2009-2015 MTIP administrative modification #5 for second wave of stimulus projects, STPDA projects, and Section 5307/5340 projects (and contingency projects).	March 25, 2009
TAC approval of 2009-2015 MTIP administrative modification #5. TAC approval of transfer of STPDA funds to FTA (if needed).	April 8, 2009
Final opportunity for the TAC to approve MTIP administrative modifications before LRTP plan lapse.	June 10, 2009
50% of STP funds must be obligated	June 30, 2009
Applications for Section 5307/5340 grants must be submitted Agreements for STPDA projects must be approved by local government	July 1, 2009
TCC update on project status. TCC recommendation for contingency projects (if needed).	July 22, 2009
TAC action on contingency projects (if needed).	August 12, 2009
50% of Section 5307/5340 funds must be obligated	September 1, 2009
Final opportunity for TAC action on contingency projects (if needed).	September 9, 2009
Highway/Bicycle/Pedestrian projects – construction authorization	October 1, 2009
Transit projects - grant awarded in FTA system Highway/Bicycle/Pedestrian projects – project let	January 1, 2010
100% of all STP and STPDA funds must be obligated	March 2, 2010
100% of all Section 5307/5340 funds must be obligated	March 5, 2010
Unobligated funds are redistributed to states	March 2010

TCC Recommendation: That the TAC approve the sub-apportionment of Surface Transportation Program Direct Apportionment funds and that the TAC approve Administrative Modification #5 to the FY 2009-2015 Metropolitan Transportation Improvement Program.

TAC Action: Approve the sub-apportionment of Surface Transportation Program Direct Apportionment funds and that the TAC approve Administrative Modification #5 to the FY 2009-2015 Metropolitan Transportation Improvement Program.

American Recovery and Reinvestment Act
STP Request Table

TIP #	Location	Description	Provide status and estimated completion date				Total ARRA STP	Other Funding	Total Project Funds
			Municipal Agreement	Design	ROW or utility conflicts	Letting			
		<u>DIVISION 5</u>							
X-XXXX	Durham	Installation of LED Traffic Signals on the City-maintained system (cost proposed to be shared by the State and City)	need		n/a		\$676,544	\$128,866	\$805,410
X-XXXX	Durham - NC 55 and SR 1171 (Riddle Road)	Installation of turn lanes	complete, would need amendment		No ROW needed, utilities addressed in design		\$310,000		\$310,000
X-XXXX	Durham	Resurfacing, multiple locations	NCDOT project	n/a	n/a		\$7,097,000		\$7,097,000
X-XXXX	Durham	Traffic signal upgrades on the City-maintained system (cost proposed to be shared by the State and City)	5/15/2009	5/29/2009	n/a	6/1/2009	\$304,950	\$136,450	\$441,400
X-XXXX	Durham - SR 1670 (Geer Street) and SR 1357 (Avondale Drive)	Installation of roundabout	complete, would need amendment		No ROW needed, utilities addressed in design		\$570,000		\$570,000
X-XXXX	Durham	ITS - installation of cameras at 11 locations					\$275,000		\$275,000
		Total					\$9,233,494		
		<u>DIVISION 7</u>							
U-4704	Chapel Hill Durham Orange	Signal System Upgrade	need	Complete	None required	Sep-09	\$5,250,000		\$5,250,000
X-XXXX	Chapel Hill	Improvements to South Columbia St between Cameron Ave and Franklin St (NC 86 Route)	need	Complete	None required	Sep-09	\$250,000		\$250,000
X-XXXX	Chapel Hill	Construction of bus pull-offs on Fordham Blvd at Old Mason Farm Rd (US 15/501)	need	Complete	None required	Sep-09	\$150,000		\$150,000
X-XXXX	Chapel Hill	Install ADA Ramps to conform to the revised ADA standards	need	Complete	None required	Sep-09	\$150,000		\$150,000
X-XXXX	Chapel Hill	Replace deteriorated curb/gutter at several locations on State roads; Franklin St, Raleigh Rd, South Rd, NC 86	need	Complete	None required	Sep-09	\$100,000		\$100,000
X-XXXX	Chapel Hill	Bus stop and street improvements on Raleigh Rd (NC 54), South Rd, and Pittsboro St (NC 86)	need	Complete	None required	Sep-09	\$82,000		\$82,000
U-3100B	Carrboro	SR 1107 (Old Fayetteville Road), NC 54 to SR 1106 (Stroud Lane), Provide bicycle and pedestrian facilities, and transit accommodations		Complete			\$1,800,000		\$1,800,000
X-XXXX	Orange	Resurfacing, multiple locations	NCDOT project	n/a	n/a		\$2,935,000		\$2,935,000
		Total					\$10,717,000		
		<u>DIVISION 8</u>							
		No projects provided to the MPO							
		Total					\$0		

American Recovery and Reinvestment Act
STP Request Table

Durham Resurfacing List

TIP #	Location	Description	Provide status and estimated completion date				Total Federal	Other Funding	Total Project Funds
			Municipal Agreement	Design	ROW or utility conflicts	Letting			
	US 15-501 Business South (Mangum Street)	Milling and Resurfacing, Lakewood to Roxboro					\$480,000		
	US 15-501 Business North (Roxboro Street)	Milling and Resurfacing, Lakewood to I-85					\$560,000		
	SR 1127 (West Chapel Hill Street)	Milling and Resurfacing, Great Jones to Kent					\$160,000		
	US 15-501 Business (Lakewood Ave / University Drive)	Milling and Resurfacing, Roxboro to Chapel Hill Road					\$550,000		
	NC 55 (Avondale Drive)	Resurfacing, I-85 to Geer Street					\$150,000		
	US 70 Business (Main Street)	Milling and Resurfacing, Erwin/9th Street to Morgan St.					\$215,000		
	SR 2028 (T.W. Alexander Drive)	Milling and Resurfacing, NC 54 to Cornwallis Rd					\$235,000		
	SR 2295 (Archdale / S. Roxboro)	Milling and Resurfacing, MLK Jr Parkway to Summit St.					\$310,000		
	SR 1959 (South Miami Blvd.)	Milling and Resurfacing, NC 54 to Cornwallis Rd.					\$623,000		
	SR 1404 (Rose of Sharon Rd.)	Milling and Resurfacing, Cole Mill Rd. to Guess Rd.					\$380,000		
	SR 1615 (Quail Roost Rd.)	Milling and Resurfacing, Bahama Rd. to US 501					\$372,000		
	SR 1815 (Stagville Rd.)	Milling and Resurfacing, Old Oxford Hwy. to Bahama Rd.					\$567,000		
	SR 1928 (Angier Ave.)	Milling and Resurfacing, Pleasant Dr. to US 70					\$545,000		
	SR 1118 (Fayetteville Rd.)	Milling and Resurfacing, NC 751 to Herndon Rd.					\$419,000		
	SR 1407 (Carver St.)	Milling and Resurfacing, Rose of Sharon Rd. to N. Roxboro St.					\$516,000		
	SR 1380 (Morgan St.)	Milling and Resurfacing, Mangum St. to Foster St.					\$60,000		
	NC 98 (Holloway St.)	Milling and Resurfacing, Miami Blvd. to N. Roxboro St.					\$280,000		
	SR 1670 (Geer St.)	Milling and Resurfacing, Mangum St. to Cheek Rd.					\$175,000		
	SR 1945 (Alston Ave.)	Milling and Resurfacing, NC 55 to Cornwallis Rd.					\$500,000		
							\$7,097,000		

Orange Resurfacing List

TIP #	Location	Description	Provide status and estimated completion date				Total Federal	Other Funding	Total Project Funds
			Municipal Agreement	Design	ROW or utility conflicts	Letting			
	Orange	Resurfacing NC 86 (US 70 Business to Whitfield Road)	NCDOT project	n/a	n/a		\$2,393,000		\$2,393,000
	Orange	Resurfacing NC 86 (US 70 Bypass to Coleman Loop)	NCDOT project	n/a	n/a		\$542,000		\$542,000
							\$2,935,000		

American Recovery and Reinvestment Act
STPDA Table

TIP #	Location	Description	Provide status and estimated completion date				Total ARRA STPDA	Other Funding	Total Project Funds
			Municipal Agreement	Design	ROW or utility conflicts	Letting			
		<u>TOTAL AVAILABLE</u>					\$ 7,889,430		
		<u>CITY OF DURHAM</u>					\$4,498,066		
U-4726	NC 751 (Hope Valley Road)	Sidewalk Construction (NC 54 to Swarthmore)	Aug-09	complete	Oct-09	Dec-09	\$77,274		\$77,274
U-4726	SR 1116 (Garrett Road)	Sidewalk Construction (NC 751 to Swarthmore)	Aug-09	complete	Oct-09	Dec-09	\$438,840		\$438,840
U-4726	SR 1666 (Dearborn Drive)	Sidewalk Construction (Old Oxford to Ruth)	Aug-09	complete	Oct-09	Dec-09	\$388,755		\$388,755
U-4726	SR 1321 (Hillandale Road E/S)	Sidewalk Construction (Cammie to Peppertree)	Aug-09	Oct-09	Oct-09	Dec-09	\$500,000		\$500,000
U-4726	US 70 Bus (Hillsborough Rd S/S) and Markham Street	Sidewalk Construction (15-501 Bypass to Broad Street)	Aug-09	complete	Oct-09	Dec-09	\$477,500		\$477,500
U-4726	Washington St W/S	Sidewalk Construction (Trinity to Glendale)	Aug-09	complete	Oct-09	Dec-09	\$345,000		\$345,000
U-4726	SR 1183 (University Drive N/S)	Sidewalk Construction (Chapel Hill Rd to Chapel Hill Rd)	Aug-09	complete	Oct-09	Dec-09	\$505,000		\$505,000
U-4726	Durham	Lyon Park Greenway and Sidewalks	Aug-09	complete	n/a	Sep-09	\$280,000		\$280,000
X-XXXX	Durham	Installation of LED Traffic Signals on the City-maintained system (cost proposed to be shared by the State and City)	Aug-09	n/a	n/a	Dec-09	\$128,866	\$676,544	\$805,410
X-XXXX	Durham	Traffic signal upgrades on the City-maintained system (cost proposed to be shared by the State and City)	Aug-09	Oct-09	n/a	Dec-09	\$136,450	\$304,950	\$441,400
X-XXXX	Durham - Renaissance Parkway	Installation of traffic signal	Aug-09	complete	n/a	Dec-09	\$200,000		\$200,000
X-XXXX	Durham - William Penn and Ben Franklin	Installation of traffic signal	Aug-09	Oct-09	n/a	Dec-09	\$200,000		\$200,000
X-XXXX	Durham - Miami Blvd. and Geer St.	Intersection redesign	Aug-09	Oct-09	n/a	Dec-09	\$80,000		\$80,000
X-XXXX	Durham	Duke, Gregson, Rockwood, MLK Urban Forestry	Aug-09	Oct-09	n/a	Dec-09	\$50,100		\$50,100
U-4726	American Tobacco Trail	Resurfacing from Morehead to Southpoint Crossing	Aug-09	Oct-09	n/a	Dec-09	\$62,078		\$62,078
U-4726	American Tobacco Trail	Resurfacing Riddle Road Spur	Aug-09	Oct-09	n/a	Dec-09	\$11,452		\$11,452
U-4726	Durham	Third Fork Creek Trail from MLK to Southern Boundaries Park	Aug-09	complete	Oct-09	Dec-09	\$262,000		\$262,000
U-4726	Durham	Third Fork Creek Trail MLK connector	Aug-09	complete	Oct-09	Dec-09	\$170,000		\$170,000
		<i>City of Durham Uncommitted Balance</i>					<i>(\$15,249)</i>		

American Recovery and Reinvestment Act
STPDA Table

TIP #	Location	Description	Provide status and estimated completion date				Total ARRA STPDA	Other Funding	Total Project Funds
			Municipal Agreement	Design	ROW or utility conflicts	Letting			
		TOWN OF CHAPEL HILL					\$1,171,563		
U-4726	NC 86	Martin Luther King Jr. Blvd: Pedestrian Safety Improvements	Apr-04	complete or near completion	n/a or by Sep-09	on or before Dec 09	\$250,000		\$250,000
U-4704	Signal System	Installation of bicycle detection loops as part of the Signal System Upgrade Project.	need	complete or near completion	n/a or by Sep-09	With Signal System	\$175,000		\$175,000
U-4704	Signal System	Installation of transit bus priority signalization along Martin Luther King Jr Blvd as part of the Signal System Upgrade Project.	need	complete or near completion	n/a or by Sep-09	With Signal System	\$150,000		\$150,000
U-4726	Chapel Hill	ADA Ramps at selected locations	need	complete or near completion	n/a or by Sep-09	on or before Dec 09	\$50,000		\$50,000
U-4726	Chapel Hill	Raised Crosswalks/traffic calming	need	complete or near completion	n/a or by Sep-09	on or before Dec 09	\$50,000		\$50,000
U-4726	US 15-501, NC 54	Sidewalk Construction: Fordham Blvd, Manning Dr. to Old Mason Farm	need	complete or near completion	n/a or by Sep-09	on or before Dec 09	\$135,000		\$135,000
U-4726	Chapel Hill	Morgan Creek Greenway, Phase I	need	complete or near completion	n/a or by Sep-09	on or before Dec 09	\$300,000		\$300,000
U-4726	Chapel Hill	Installation of in-street pedestrian lighting @ three locations	need	complete or near completion	n/a or by Sep-09	on or before Dec 09	\$61,563		\$61,563
		<i>Town of Chapel Hill Uncommitted Balance</i>					(\$0)		
		TOWN OF CARRBORO					\$403,596		
U-4726	Ashe Street	Sidewalk on one side from Weaver Street to Shelton	need	anticipate final design complete by April 2009	set to obtain ROW and Easements by end of April; no utility conflicts	May/June 2009	\$155,200		\$155,200
U-4726	Bim Street	Sidewalk on one side from Jones Ferry to Fidelity	need	anticipate final design complete by April 2009	set to obtain ROW and Easements by end of April; no utility conflicts	May/June 2009	\$200,100		\$200,100
X-XXXX	Carrboro	Bus shelter and shelter materials	need	complete	none	Sep-09	\$48,296		\$48,296
		<i>Town of Carrboro Uncommitted Balance</i>					(\$0)		
		TOWN OF HILLSBOROUGH					\$130,973		
U-4726	Hillsborough	Nash Street Sidewalk	In progress, complete by 5/2009	complete, under review	set to obtain ROW easement by end of June 2009; minimal utility conflicts	Jul-09	\$130,973	\$1,069,027	\$1,200,000
		<i>Town of Hillsborough Uncommitted Balance</i>					(\$0)		

American Recovery and Reinvestment Act
STPDA Table

TIP #	Location	Description	Provide status and estimated completion date				Total ARRA STPDA	Other Funding	Total Project Funds
			Municipal Agreement	Design	ROW or utility conflicts	Letting			
		DURHAM COUNTY					\$827,321		
U-4726	Durham	Third Fork Creek Trail from Woodcroft Parkway to Garrett Road	Aug-09	complete	complete	Dec-09	\$375,000		\$375,000
U-4726	Durham	Resurfacing the North-South Greenway Trail from Lavender to Murray	Aug-09	Aug-09	complete	Dec-09	\$460,000		\$460,000
		<i>Durham County Uncommitted Balance</i>					<i>(\$7,679)</i>		
		ORANGE COUNTY					\$612,657		
T-XXXX	OPT	Two (2) 28' light transit vehicles w/wheelchair lift: 1 replacement; 1 expansion for CMAQ Project C-4932, service to start Sept. 2009	need	N/A	N/A	(to be ordered Jul. 09)	\$183,200		\$183,200
U-4726	Carrboro-Orange County	Twin Creeks Park Greenway (linear park): 10' multiuse asphalt trail including bridge over Jones Creek	need	Oct. 2009	none	Jan. 2010	\$429,457	\$470,543	\$900,000
		<i>Orange County Uncommitted Balance</i>					<i>(\$0)</i>		
		CHATHAM COUNTY					\$245,255		
U-4726	Chatham - US 15-501	Pedestrian Facilities on East and/or West side of US 15-501 in Cole Park area north to county line - using existing curb and gutter, serving existing commercial and UNC Park and Ride Lot	need - 6/15/2009	8/1/2009	8/1/2009	11/1/2009	\$220,000		\$220,000
X-XXXX	Chatham - US 15-501	Streetscaping/landscaping along US 15-501	need - 6/15/2009	8/1/2009	8/1/2009	11/1/2009	\$25,255		\$25,255
		<i>Chatham County Uncommitted Balance</i>					<i>\$0</i>		
		Uncommitted Balance					(\$22,929)		

American Recovery and Reinvestment Act
Section 5307/5340 Table

TIP #	Location	Description	Provide status and estimated completion date			Total Federal	Other Funding	Total Project Funds
			Contract	Date of Service	Grant Awarded			
		TOTAL AVAILABLE				\$ 8,377,719		
		DATA				\$4,257,465		
TG-4738	Durham	FY 2009 Fixed Route Preventative Maintenance	Jul-08	Jun-09	May-09	\$500,000		\$500,000
TR-4931	Durham	FY 2009 Paratransit Preventative Maintenance	Jul-08	Jun-09	May-09	\$500,000		\$500,000
TG-4738	Durham	FY 2010 Fixed Route Preventative Maintenance	Jul-09	Jun-10	Jul-09	\$500,000		\$500,000
TR-4931	Durham	FY 2010 Paratransit Preventative Maintenance	Jul-09	Jun-10	Jul-09	\$500,000		\$500,000
T-XXXX	Durham	15 Paratransit Replacement Vans	Jul-09	Dec-09	Jul-09	\$707,790		\$707,790
T-XXXX	Durham	9 Paratransit Expansion Vans	Jul-09	Dec-09	Jul-09	\$424,675		\$424,675
T-XXXX	Durham	Logistical Enhancement - Real Time Bus Arrival/AVL/GPS for all vehicles	Jul-09	Jun-10	Jul-09	\$600,000		\$600,000
TG-4958	Durham	Passenger Amenities - 20 Bus Shelters, 20 Solar Lights, 20 Benches and Trashcans	Jul-09	Dec-09	Jul-09	\$230,000		\$230,000
T-XXXX	Durham	30 Bus Repaint@7,850k each	Jul-09	Jun-10	Jul-09	\$235,000		\$235,000
TG-4958	Durham	1,200 Sq. ft Storage Shed for Passenger Amenities	Jul-09	Jun-10	Jul-09	\$60,000		\$60,000
		DATA Uncommitted Balance				\$0		
		CHT				\$2,714,867		
TA-4748	Chapel Hill	8 Paratransit Replacement Vans	June-09	June-09		\$520,000		\$520,000
TA-4726	Chapel Hill	2 Hybrid Replacement Buses	May-09	May-09		\$1,072,851		\$1,072,851
TG-4731	Chapel Hill	FY 2009 Preventative Maintenance	June-09	June-09		\$500,000		\$500,000
TG-4731	Chapel Hill	FY 2010 Preventative Maintenance	June-09	June-09		\$500,000		\$500,000
TG-4732	Chapel Hill	1 Service Truck Replacement	June-09	June-09		\$45,000		\$45,000
T-XXXX	Chapel Hill	Computer Technology/Hardware	Sep-09	Sep-09		\$49,867		\$49,867
TG-4731	Chapel Hill	Bus Stop Shelters, Lighting & other Enhancements	Sep-09	Sep-09		\$27,149		\$27,149
		CHT Uncommitted Balance				\$0		
		TRIANGLE TRANSIT				\$1,405,387		
TA-4993	Triangle Transit	Paratransit fleet expansion				\$75,000	\$75,000	\$150,000
TT-4911	Triangle Transit	ITS Project - Real Time Passenger Information Project				\$398,467	\$212,432	\$610,899
TA-4818	Triangle Transit	Replacement Buses				\$917,500	\$917,500	\$1,835,000
TG-4821	Triangle Transit	Passenger Amenities				\$14,420	\$13,390	\$27,810
		TT Uncommitted Balance				\$0		
		Uncommitted Balance				\$0		

**American Recovery and Reinvestment Act
Contingency Projects Table - Unfunded**

TIP #	Location	Description	Provide status and estimated completion date			Total Federal	Other Funding	Total Project Funds
			Contract	Date of Service	Grant Awarded			
		<u>TOTAL AVAILABLE</u>						
		<u>DATA</u>						
TA-4923	Durham	4 Hybrid Replacement Buses	Sep-09	Feb-11	Sep-09	\$2,200,000		
U-4726	Durham	Easy to Construct Sidewalks Along DATA Routes	Sep-09	Oct-10	Sep-09	\$600,000		
		<u>DATA Projects</u>				\$2,800,000		
		<u>CHT</u>						
T-XXXX	Chapel Hill	Radio System Study and Upgrade	Sep-09	Sep-09		\$500,000		\$500,000
TA-4748	Chapel Hill	2 Paratransit Replacement Vehicles	June-09	June-09		\$130,000		\$130,000
TG-4732	Chapel Hill	15 Replacement Support Vehicles	June-09	June-09		\$396,000		\$396,000
TA-4726	Chapel Hill	6 Replacement 40' HB Diesel Buses	June-09	June-09		\$3,300,000		\$3,300,000
T-XXXX	Chapel Hill	Bus Storage Expansion	June-09	Sept-10		\$1,500,000		\$1,500,000
		<u>CHT Projects</u>				\$5,826,000		
		<u>TRIANGLE TRANSIT</u>						
TT-4911	Triangle Transit	ITS Project - Real Time Passenger Information				\$44,551	\$44,551	\$89,101
TA-4818	Triangle Transit	Replacement Buses				\$1,972,500	\$1,972,500	\$3,945,000
TG-4821	Triangle Transit	Passenger Amenities				\$1,083,314	\$1,083,314	\$2,166,628
		<u>TT Projects</u>				\$3,100,365		
		Total				\$11,726,365		

TIP #	Location	Description	Provide status and estimated completion date				Total Federal	Other Funding	Total Project Funds
			Municipal Agreement	Design	DW or utility conflict	Letting			
		<u>Other</u>							
U-4726	Carrboro - Pine Street	Sidewalk on one side from Greensboro to Hillsborough	need	preliminary design complete	set to obtain ROW and Easements by end of September; no anticipated utility conflicts	October/November 2009	\$232,500		\$232,500
U-4726	Carrboro - Davie Road	Sidewalk on one side from Fidelity to Main	need	preliminary design complete	set to obtain ROW and Easements by end of September; no anticipated utility conflicts	October/November 2009	\$264,500		\$264,500
U-4726	Chapel Hill - Ephesus Church Road	Sidewalk Construction	need	complete or near completion	n/a or by Sep-09	on or before Dec-09	\$58,000		\$58,000
U-4726	Durham Markham Ave. N/S	Sidewalk Construction (Washington to Avondale)					\$275,000		\$275,000
X-XXXX	Durham	Painting of RR bridge underpasses on Chapel Hill Street and Roxboro Street					\$200,000		\$200,000
U-4726	American Tobacco Trail	Construction of trailhead parking lot at Scott King Road					\$200,000		\$200,000
		Total					\$ 1,230,000		

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

ADMINISTRATIVE MODIFICATION #5

April 8, 2009

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 modify the FY 2009-2015 Metropolitan Transportation Improvement Program as described in the attached sheet; 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 Metropolitan Planning Organization Transportation Advisory Committee on August 13, 2008; and

WHEREAS, the DCHC MPO certifies that this TIP modification is consistent with the intent of the DCHC MPO 2030 LRTP; and

WHEREAS, exempt projects as identified in 40 CFR part 93 can be funded with Economic Recovery Funds and are too small to warrant inclusion in the LRTP, but are by this resolution being included in as part of this TIP modification; and

BE IT THEREFORE RESOLVED that the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Transportation Advisory Committee hereby modifies 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 Administrative Modification #5 to DCHC 2009-2015 MTIP" provided here on this, the 8th day of April, 2009.

TAC Chair

STATE of: North Carolina

COUNTY of: _____

I, _____, a Notary Public of Durham County, North Carolina do hereby certify that personally J. Michael Woodard appeared before me on the 8th day of April, 2009, to affix his signature to the foregoing document.

Notary Public

(Seal)

My commission expires _____

DCHC MPO 2009-2015 MTIP Administrative Modification #5 - April 8, 2009

TABLE 1

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham	Installation of LED Traffic Signals on the City-maintained system (cost proposed to be shared by the State and City)	ARRA (STP)	C	677
			ARRA (STPDA)	C	129
			TOTAL		805

TABLE 2

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham - NC 55 and SR 1171 (Riddle Road)	Installation of turn lanes	ARRA (STP)	C	310
			TOTAL		310

TABLE 3

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham	Resurfacing, multiple locations	ARRA (STP)	C	7,097
			TOTAL		7,097

TABLE 4

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham	Traffic signal upgrades on the City-maintained system (cost proposed to be shared by the State and City)	ARRA (STP)	C	305
			ARRA (STPDA)	C	136
			TOTAL		305

TABLE 5

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham - SR 1670 (Geer Street) and SR 1357 (Avondale Drive)	Installation of roundabout	ARRA (STP)	C	570
			TOTAL		570

TABLE 6

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham	ITS - installation of cameras at 11 locations	ARRA (STP)	C	275
			TOTAL		275

TABLE 7

Existing Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
U-4704	Chapel Hill Durham Orange	Signal System Upgrade	STP	C	4,550
			C	C	450
			TOTAL		5,000

Modify Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
U-4704	Chapel Hill Durham Orange	Signal System Upgrade Installation of bicycle detection loops as part of the Signal System Upgrade Project. Installation of transit bus priority signalization along Martin Luther King Jr Blvd as part of the Signal System Upgrade Project.	ARRA (STP)	C	5,250
			ARRA (STPDA)	C	325
			TOTAL		5,575

TABLE 8

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Chapel Hill	Improvements to South Columbia St between Cameron Ave and Franklin St (NC 86 Route)	ARRA (STP)	C	250
			TOTAL		250

TABLE 9

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Chapel Hill	Construction of bus pull-offs on Fordham Blvd at Old Mason Farm Rd (US 15/501)	ARRA (STP)	C	150
			TOTAL		150

TABLE 10

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Chapel Hill	Install ADA Ramps to conform to the revised ADA standards	ARRA (STP)	C	150
			TOTAL		150

TABLE 11

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Chapel Hill	Replace deteriorated curb/gutter at several locations on State roads; Franklin St, Raleigh Rd, South Rd. NC 86	ARRA (STP)	C	100
			TOTAL		100

TABLE 12

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Chapel Hill	Bus stop and street improvements on Raleigh Rd (NC 54), South Rd, and Pittsboro St (NC 86)	ARRA (STP)	C	82
			TOTAL		82

TABLE 13

Existing Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2012	Post Year
U-3100B	Carrboro	SR 1107 (Old Fayetteville Road), NC 54 to SR 1106 (Stroud Lane), Provide bicycle and pedestrian facilities, and transit accommodations	S	R	300	
			S	C		1,500
			TOTAL		300	1,500

Modify Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
U-3100B	Carrboro	SR 1107 (Old Fayetteville Road), NC 54 to SR 1106 (Stroud Lane), Provide bicycle and pedestrian facilities, and transit accommodations	ARRA (STP)	C	1,800
			TOTAL		1,800

TABLE 14

Add Funded Project *dependent upon availability of funding

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Orange	Resurfacing, multiple locations	ARRA (STP)	C	2,935
			TOTAL		2,935

TABLE 15

Existing Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
U-4726	Various Chatham Durham Orange	DCHC Urban Area Bicycle and Pedestrian Allocation	STPDA	C	849	2,716	2,133	47	67
			O	C	212	679	533	12	17
			TOTAL		1,061	3,395	2,666	59	84

Modify Project - Partially Funded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
U-4726	Various Chatham Durham Orange	DCHC Urban Area Bicycle and Pedestrian Allocation	ARRA (STPDA)	C	6,335				
			ARRA (unfunded)	C	1,630				
			STPDA	C	849	2,716	2,133	47	67
			O	C	212	679	533	12	17
			TOTAL		9,026	3,395	2,666	59	84

TABLE 16

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham - Northpointe Drive	Installation of traffic signal	ARRA (STPDA)	C	200
			TOTAL		200

TABLE 17

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham - Renaissance Parkway	Installation of traffic signal	ARRA (STPDA)	C	200
			TOTAL		200

TABLE 18

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham - William Penn and Ben Franklin	Installation of traffic signal	ARRA (STPDA)	C	200
			TOTAL		200

TABLE 19

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham - Miami Blvd. and Geer St.	Intersection redesign	ARRA (STPDA)	C	80
			TOTAL		80

TABLE 20

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham	Duke, Gregson, Rockwood, MLK Urban Forestry	ARRA (STPDA)	C	50
			TOTAL		50

TABLE 21

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Carrboro	Bus shelter and shelter materials	ARRA (STPDA)	C	48
		TOTAL			48

TABLE 22

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
T-XXXX	OPT	Two (2) 28' light transit vehicles w/wheelchair lift: 1 replacement; 1 expansion for CMAQ Project C-4932, service to start Sept. 2009	ARRA (STPDA)	C	183
		TOTAL			183

TABLE 23

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Chatham - US 15-501	Streetscaping/landscaping along US 15-501	ARRA (STPDA)	C	25
		TOTAL			25

TABLE 24

Existing Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TG-4738	Durham	Fixed Route Preventative Maintenance	FUZ	C	2,414	2,535	2,535	2,535	2,535	2,582	2,670
			L	C	604	634	634	634	634	646	668
			TOTAL		3,018	3,169	3,169	3,169	3,169	3,228	3,338

Modify Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TG-4738	Durham	Fixed Route Preventative Maintenance	ARRA (FUZ)	C	500	500					
			FUZ	C	2,414	2,535	2,535	2,535	2,535	2,582	2,670
			L	C	604	634	634	634	634	646	668
			TOTAL		3,518	3,669	3,169	3,169	3,169	3,228	3,338

TABLE 25

Existing Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TR-4931	Durham	Paratransit Preventative Maintenance	RGP	C	35	35	35	35	35	35	35
			TOTAL		35	35	35	35	35	35	35

Modify Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TR-4931	Durham	Paratransit Preventative Maintenance	ARRA (FUZ)	C	500	500					
			RGP	C	35	35	35	35	35	35	35
			TOTAL		535	535	35	35	35	35	35

TABLE 26

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
T-XXXX	Durham	15 Paratransit Replacement Vans	ARRA (FUZ)	C	708
		TOTAL			708

TABLE 27

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
T-XXXX	Durham	9 Paratransit Expansion Vans	ARRA (FUZ)	C	425
		TOTAL			425

TABLE 28

Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
T-XXXX	Durham	Logistical Enhancement - Real Time Bus Arrival/AVL/GPS for all vehicles	ARRA (FUZ)	C	600
		TOTAL			600

TABLE 29
Existing Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
TG-4958	Durham	Passenger Amenities - 20 Bus Shelters, 20 Solar Lights, 20 Benches and Trashcans	STPDA	C	86
			L	C	22
			TOTAL		108

Modify Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
TG-4958	Durham	Passenger Amenities - 20 Bus Shelters, 20 Solar Lights, 20 Benches and Trashcans 1,200 Sq. ft Storage Shed for Passenger Amenities	ARRA (FUZ)	C	660
			STPDA	C	86
			L	C	22
			TOTAL		768

TABLE 30
Add Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
T-XXXX	Durham	30 Bus Repaint@7,850k each	ARRA (FUZ)	C	235
			TOTAL		235

TABLE 31
Existing Project - Unfunded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TA-4748	Chapel Hill	Paratransit Replacement Vans 9 FY 2009 6 FY 2010 9 FY 2013 6 FY 2014	FED	C	320	563			923	634	
			L	C	90	70			115	79	
			STAT	C	90	70			115	79	
			STPDA	C	400						
			TOTAL		900	703	-	-	1,153	792	-

Modify Project - Partially Funded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TA-4748	Chapel Hill	8 Paratransit Replacement Vans 9 FY 2009 6 FY 2010 9 FY 2013 6 FY 2014	ARRA (FUZ)	C	520						
			ARRA (unfunded)	C	130						
			FED	C	320	563			923	634	
			L	C	90	70			115	79	
			STAT	C	90	70			115	79	
			STPDA	C	400						
			TOTAL		1,550	703	-	-	1,153	792	-

TABLE 32
Existing Project - Unfunded except for FY 2009 and STPDA in FY 2010

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2013	FY 2014
TA-4726	Chapel Hill	Replacement Buses 7 FY 2009 36 FY 2010 17 FY 2013 10 FY 2014	FED	C	3,000	7,550	4,896	2,608
			L	C	375	1,224	612	326
			STAT	C	375	1,224	612	326
			STPDA	C		2,242		
			TOTAL		3,750	12,240	6,120	3,260

Modify Project - Partially Funded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2013	FY 2014
TA-4726	Chapel Hill	2 Hybrid Replacement Buses 7 FY 2009 36 FY 2010 17 FY 2013 10 FY 2014	ARRA (FUZ)	C	1,073			
			ARRA (unfunded)	C	3,300			
			FED	C	3,000	7,550	4,896	2,608
			L	C	375	1,224	612	326
			STAT	C	375	1,224	612	326
			STPDA	C		2,242		
			TOTAL		8,123	12,240	6,120	3,260

TABLE 33
Existing Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TG-4731	Chapel Hill	Preventative Maintenance, inc. passenger amenities	FUZ	C	900	927	955	984	1,013	1,043	1,074
			L	C	325	232	239	246	253	261	269
			TOTAL		1,225	1,159	1,194	1,230	1,266	1,304	1,343

Modify Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TG-4731	Chapel Hill	Preventative Maintenance, inc. passenger amenities	ARRA (FUZ)	C	527	500					
			FUZ	C	900	927	955	984	1,013	1,043	1,074
			L	C	325	232	239	246	253	261	269
			TOTAL		1,752	1,659	1,194	1,230	1,266	1,304	1,343

TABLE 34

Existing Project - Unfunded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2013	FY 2014
TG-4732	Chapel Hill	Replacement Support Vehicles 13 FY 2009 1 FY 2010 1 FY 2011 13 FY 2013 1 FY 2014	FEDU	C	387	56	32	432	56
			L	C	97	14	8	108	14
			TOTAL		484	70	40	540	70

Modify Project - Partially Funded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2013	FY 2014
TG-4732	Chapel Hill	Replacement Support Vehicles 13 FY 2009 1 FY 2010 1 FY 2011 13 FY 2013 1 FY 2014	ARRA (FUZ)	C	45				
			ARRA (unfunded)	C	396				
			FEDU	C	387	56	32	432	56
			L	C	97	14	8	108	14
			TOTAL		925	70	40	540	70

TABLE 35

Modify Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
T-XXXX	Chapel Hill	Computer Technology/Hardware	ARRA (FUZ)	C	50
			TOTAL		50

TABLE 36

Existing Project - Unfunded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
TA-4993	Triangle Transit	Paratransit fleet expansion	FEDU	C	53
			L	C	7
			STAT	C	7
			TOTAL		67

Modify Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
TA-4993	Triangle Transit	Paratransit fleet expansion	ARRA (FUZ)	C	75
			FEDU	C	53
			L	C	7
			STAT	C	7
			TOTAL		142

TABLE 37

Existing Project - Unfunded

I. D. No.	County/Location	Location/ Description	Funding		FY 2010
TT-4911	Triangle Transit	ITS Project - Real Time Passenger Information Project	FED	C	560
			L	C	140
			TOTAL		700

Modify Project - Partially Funded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
TT-4911	Triangle Transit	ITS Project - Real Time Passenger Information Project	ARRA (FUZ)	C	398
			ARRA (unfunded)	C	45
			TOTAL		443

TABLE 38

Existing Project - Unfunded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2011	FY 2012
TA-4818	Triangle Transit	Replacement Buses 7 FY 2009 15 FY 2011 11 FY 2012	FED	C	1,904	4,080	2,992
			L	C	238	510	374
			STAT	C	238	510	374
			TOTAL		2,380	5,100	3,740

Modify Project - Partially Funded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2011	FY 2012
TA-4818	Triangle Transit	Replacement Buses Funded half by DCHC and CAMPO using ARRA (FUZ) funds Includes DCHC regular STPDA funding and local match Includes CAMPO ARRA STPDA funds	ARRA (FUZ)	C	918		
			STPDA	C	147		
			L	C	37		
			ARRA (unfunded)	C	1,973		
			FED	C	1,904	4,080	2,992
			L	C	238	510	374
			STAT	C	238	510	374
			TOTAL		5,454	5,100	3,740

Also includes CAMPO funds:

Funding		FY 2009
ARRA (FUZ)	C	918
ARRA (STPDA)	C	184

TABLE 39
Existing Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TG-4821	Triangle Transit	Preventative Maintenance, inc. passenger amenities	FUZ	C	800	800	800	800	800	800	800
			L	C	211	200	200	200	200	200	200
			STPDA	C	46						
			TOTAL		1,057	1,000	1,000	1,000	1,000	1,000	1,000

Modify Project - Partially Funded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
TG-4821	Triangle Transit	Preventative Maintenance, inc. passenger amenities	ARRA (FUZ)	C	14						
			ARRA (unfunded)	C	1,083						
			FUZ	C	800	800	800	800	800	800	800
			L	C	211	200	200	200	200	200	200
			STPDA	C	46						
			TOTAL		2,155	1,000	1,000	1,000	1,000	1,000	1,000

TABLE 40
Existing Project - Unfunded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2013
TA-4923	Durham	Replacement Buses 4 FY 2009 30 FY 2013	FED	C	1,760	9,600
			L	C	220	1,200
			STAT	C	220	1,200
			TOTAL		2,200	12,000

Modify Project - Unfunded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009	FY 2013
TA-4923	Durham	Replacement Buses 4 FY 2009 30 FY 2013	ARRA	C	2,200	
			FED	C	1,760	9,600
			L	C	220	1,200
			STAT	C	220	1,200
			TOTAL		4,400	12,000

TABLE 41
Add Unfunded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
T-XXXX	Chapel Hill	Radio System Study and Upgrade	ARRA	C	500
			TOTAL		500

TABLE 42
Add Unfunded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
T-XXXX	Chapel Hill	Bus Storage Expansion	ARRA	C	1,500
			TOTAL		1,500

TABLE 43
Add Unfunded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
X-XXXX	Durham	Painting of bridge underpasses on Chapel Hill Street and Roxboro Street	ARRA	C	200
			TOTAL		200

TABLE 44
Existing Project - Unfunded

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
TA-4992	Triangle Transit	Vanpool fleet expansion	FEDU	C	168
			STAT	C	21
			L	C	21
			TOTAL		210

Modify Funded Project

I. D. No.	County/Location	Location/ Description	Funding		FY 2009
TA-4992	Triangle Transit	Vanpool fleet expansion Includes DCHC regular STPDA funding and local match	STPDA	C	18
			L	C	5
			TOTAL		23

Also includes CAMPO funds

Funding		FY 2009
ARRA (STPDA)	C	23

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

**ADMINISTRATIVE MODIFICATION #6
May 13, 2009**

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 modify the FY 2009-2015 Metropolitan Transportation Improvement Program as described in the attached sheet; 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 Metropolitan Planning Organization Transportation Advisory Committee on August 13, 2008; and

WHEREAS, the DCHC MPO certifies that this TIP modification is consistent with the intent of the DCHC MPO 2030 LRTP; and

WHEREAS, a regional rail system is included in the draft 2035 Long Range Transportation Plan; and

WHEREAS, legislation has been introduced in the North Carolina General Assembly that would provide a local revenue source for the implementation of a regional rail system in the Triangle; and

BE IT THEREFORE RESOLVED that the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Transportation Advisory Committee hereby modifies 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 Administrative Modification #6 to DCHC 2009-2015 MTIP" provided here on this, the 13th day of May, 2009.

TAC Chair

STATE of: North Carolina

COUNTY of: _____

I, _____, a Notary Public of Durham County, North Carolina do hereby certify that personally J. Michael Woodard appeared before me on the 13th day of May, 2009, to affix his signature to the foregoing document.

Notary Public

(Seal)

My commission expires _____

Attachment to Resolution for Administrative Modification #6 to DCHC 2009-2015 MTIP

TABLE 1

Modification - Add Unfunded Project

I. D. No.	System	Description	Funding		FY 2013
TE-4705B	Triangle Transit Durham Wake	Regional Rail Service.	FED	C	416,000
			L	C	138,000
			STAT	C	138,000
			TOTAL		692,000

TABLE 2

Modification - Add Unfunded Project

I. D. No.	System	Description	Funding		FY 2013
TE-4707B	Triangle Transit Durham Wake	Airport Rail Project - Planning/PE/DEIS	FED	C	2,750
			L	C	1,375
			STAT	C	1,375
			TOTAL		5,500

NORTH CAROLINA TRIANGLE TRANSPORTATION SURVEY***Durham, Orange and Wake Counties******3/7 – 3/11/2009******n=1,006, +/- 3.08%******Registered Voters****(percentages may not add up to 100% due to rounding)*

www.FallonResearch.com

Q. 1. Generally speaking, would you say that your community is going in the right direction, or has it gotten off onto the wrong track?

69.9% Right direction
 17.3 Wrong track
 4.2 Mixed/both (volunteered)
 8.7 Unsure/no answer

Q. 2. What do you think should be the top priority for local elected officials to work on right now? Do you think it is...

(randomly rotated)

28.2% Improving the quality of public education
 28.5 Attracting more businesses and jobs to the area
 3.3 Reducing traffic congestion
 8 Preventing home foreclosures
 8.7 Expanding public transportation systems
 16.4 Lowering taxes
 4.8 Other (volunteered)
 2 Unsure/no answer

Thinking more about transportation...

As you may or may not know, there was a bill recently introduced in the North Carolina State Legislature to allow Durham, Orange and Wake Counties to ask voters for approval to levy a sales tax for public transportation systems.

Q. 3. Based on what you may have heard, read or know about the proposed law to allow Durham, Orange and Wake Counties to ask voters for approval to levy a sales tax of one-half percent for public transportation, do you favor or oppose it? Follow-up: Would you say that you strongly favor/oppose it, or just somewhat favor/oppose it?

TOTAL FAVOR	20.2% Strongly favor
49.1%	28.9 Somewhat favor
TOTAL OPPOSE	15.8% Somewhat oppose
42.1%	26.3 Strongly oppose

8.7% Unsure/no answer

Q. 4. If the legislator that represents your area votes in the favor of the proposed law, would you be more or less likely to re-elect him or her, or would it make no difference in your decision?

18.9% More likely
 20.2 Less likely
 55.7 No difference
 5.1 Unsure/no answer

Q. 5. Which of the following would you say is the biggest benefit from new or expanded public transportation? Is it...

(randomly rotated)
 33.1% Less traffic congestion
 26.5 Better air quality and environmental preservation
 9.2 Lower commuting costs
 13.3 Greater convenience
 9 Ability to travel to more destinations
 1.5 Other (volunteered)
 3 No benefit (volunteered)
 4.5 Unsure/no answer

Q. 6. Which of the following would you say is the biggest drawback from new or expanded public transportation? Is it...

(randomly rotated)
 6.8% Less money to spend on roads
 21.8 Higher taxes
 14.9 Low ridership
 24.9 It takes a long time to implement
 25.6 It probably will not benefit you
 .7 Other (volunteered)
 1.8 No drawback (volunteered)
 3.6 Unsure/no answer

Q. 7. Which of the following routes do you think should be the highest priority for a new or expanded public transportation system? Is it...

(randomly rotated)
 28.1% Traveling to and from the Research Triangle Park area
 13.1 Traveling to and from the Raleigh Durham Airport
 10.8 Traveling to and from the Raleigh downtown area

- 26.3 Traveling between Durham, Orange and Wake Counties
 14.3 Traveling within the county where you live
 .9 Other (volunteered)
 1.9 No priority (volunteered)
 4.7 Unsure/no answer

Thinking about the types of transportation systems that could be built or expanded for the Triangle area...

(RANDOMLY ROTATED QUESTIONS 8 THROUGH 11)

Q. 8. Do you favor or oppose a light rail transit train system for commuters? Follow-up: Would you say that you strongly favor/oppose it, or just somewhat favor/oppose it?

TOTAL FAVOR	45.1% Strongly favor
74.5%	29.4 Somewhat favor
TOTAL OPPOSE	6.9% Somewhat oppose
20.3%	13.4 Strongly oppose
5.2% Unsure/no answer	

Q. 9. Do you favor or oppose more buses and bus routes? Follow-up: Would you say that you strongly favor/oppose it, or just somewhat favor/oppose it?

TOTAL FAVOR	35.1% Strongly favor
67.2%	32.1 Somewhat favor
TOTAL OPPOSE	14.9% Somewhat oppose
25%	10.1 Strongly oppose
7.7% Unsure/no answer	

Q. 10. Do you favor or oppose a combined system of light rail trains for major destinations and connector buses to individual neighborhoods? Follow-up: Would you say that you strongly favor/oppose it, or just somewhat favor/oppose it?

TOTAL FAVOR	43.9% Strongly favor
74.9%	31 Somewhat favor
TOTAL OPPOSE	8.8% Somewhat oppose
20.7%	11.9 Strongly oppose

4.4% Unsure/no answer

Q. 11. Do you favor or oppose dedicating an existing lane on streets in downtown areas so that they could be used for a system of buses or electric streets cars that would run on regular schedules without being delayed by car traffic? Follow-up: Would you say that you strongly favor/oppose it, or just somewhat favor/oppose it?

TOTAL FAVOR	34%	Strongly favor
66.7%	32.7	Somewhat favor
TOTAL OPPOSE	11.7%	Somewhat oppose
27.8%	16.1	Strongly oppose

5.5% Unsure/no answer

Thinking about various ways to pay for a new or expanded public transportation system for the Triangle area...

(RANDOMLY ROTATED QUESTIONS 12 THROUGH 14)

Q. 12. Would you vote for or against a property tax increase that would amount to \$ [\$38 for Durham County/\$23 for Orange County /\$27 for Wake County] for each \$100,000 of property value to pay for new or expanded public transportation, if one was on the ballot in your county?

39.2% For
56.9 Against
3.8 Unsure/no answer

Q. 13. Would you vote for or against a 30-year general obligation bond issue of \$ [\$300 for Durham County/\$100 for Orange County/\$600 for Wake County] million dollars to pay for new or expanded public transportation, if one was on the ballot in your county?

49.8% For
38.7 Against
11.5 Unsure/no answer

(SPLIT SAMPLE - Random assignment between versions A and B)

*Q. 14a. Would you vote for or against a sale tax increase of **one-quarter** of a percent to pay for new or expanded public transportation, if one was on the ballot in your county?*

57.9% For - skipped next question
38.1 Against

4 Unsure/no answer - skipped next question

*Q. 14b. Would you vote for or against a sale tax increase of **one-half** of a percent to pay for new or expanded public transportation, if one was on the ballot in your county?*

52.8% For - skipped next question

43.7 Against

3.5 Unsure/no answer - skipped next question

Q. 15. What is the biggest reason that you would vote against the sales tax?

n=396

47.1% Taxes are already too high/against increased taxes

13.3 Timing is poor due to economic crisis

11 Non-riders should not have to pay/I won't use it

6.2 Do not trust government to tax and spend responsibly

5.6 Would not get enough use/no need

5.3 Money could be better used on other projects

4.2 Tax increase is not necessary/money should be allocated from existing revenue

2 Would not be cost effective

1.3 Area not suitable for public transportation

3.8 Other

0 Unsure/no answer

(RANDOMLY ROTATED QUESTIONS 16 THROUGH 18)

Q. 16. Do you agree or disagree with people who say that they could not vote for any funding plan for new or expanded public transportation unless there is also an increase in ridership fees, so the people using the systems are paying more to help defray the costs?

52.7% Agree

39.7 Disagree

7.6 Unsure/no answer

Q. 17. Do you agree or disagree with people who say that they could not vote for any funding plan for new or expanded public transportation unless there is also an increase in housing and development impact fees, so that new growth is helping to defray the costs?

52.4% Agree

39.9 Disagree

7.7 Unsure/no answer

Q. 18. Do you agree or disagree with people who say that they could not vote for any funding plan for new or expanded public transportation that would allow tax money collected in their

county to be spent in nearby counties?

42.2% Agree
52.4 Disagree
5.4 Unsure/no answer

Thinking about how a new or expanded public transportation system would be planned and managed in the Triangle area...

Q. 19. I would like to read you two things that people have said. After I am done, please tell me which opinion comes closest to yours...(rotated)....

...(Some/other) people say that a regional approach is a good idea, so that a single plan can be developed for traffic problems that affect the entire area, rather than each county making their own plans. They want future new or expanded public transportation systems to be planned and managed on a regional basis...

...(Other/some) people say that traffic issues should be managed locally by each individual county because their needs are different and, covering such a large area, it won't be possible to come up with fair solutions which meet each county's needs. They want future new or expanded public transportation systems to be planned and managed by each individual county...

Which opinion comes closest to yours?

63.2% Planned and managed on a regional basis
32.8 Planned and managed by each individual county
4 Unsure/no answer

Q. 20. Thinking about the kinds of people who should be on the board of directors to oversee a new or expanded public transportation system in the Triangle area, do you think it should be made up of...(rotated)...elected officials that will be accountable to voters...or...experts that have specialized skills and knowledge?

17.3% Elected officials
59.1 Experts
20.1 Both (volunteered)
3.5 Unsure/no answer

Q. 21. Prior to this survey, have you ever heard of the agency named Triangle Transit, or also known by the initials T-T-A? Follow-up if yes: Would you say that you approve or disapprove of the work that it does?

57.6% Yes, approve
5.9 Yes, disapprove

2.9 Yes, mixed opinion (volunteered)
 20 Yes, heard/no opinion (volunteered)
 10.7 No, never heard
 2.9 Unsure/no answer

Finally, I have a few short questions for statistical purposes...

Q. 22. I would like to read you a list of age groups. Please stop me when I get to the one you are in.

20% 18 to 29
 27.9 30 to 44
 28.6 45 to 59
 22 60 and older
 1 Refused
 .5 Unsure

Q. 23. What is your main racial or ethnic heritage? Is it...

69.3% White
 21 African-American
 1.1 Hispanic
 5.5 Something else
 .1 Mixed race (volunteered)
 2.8 Refused
 .2 Unsure

Q. 24. Thinking about your current occupational status, are you currently employed working outside the home?

60.5% Yes
 37.5 No - skipped next question
 2 Unsure/no answer - skipped next question

Q. 25. Is the place of employment that you travel to located...

n=614

65.7% Within the county you live
 30.4 An adjacent county
 3.9 Unsure/no answer

Q. 26. How many automobiles do have at your household?

23.2% 1
 43.7 2
 20.5 3
 7.2 4 or more
 3 None
 2.5 Unsure/no answer

Gender:

47.5% Men
 52.5 Women

Area:

30% Durham County (n=302)
 29.8 Orange County (n=300)
 20.2 Raleigh (n=203)
 20 Wake County/except Raleigh (n=201)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 148*
Committee Substitute Favorable 3/11/09

Short Title: Congestion Relief/Intermodal Transport Fund.

(Public)

Sponsors:

Referred to:

February 12, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND, TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE, TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS, AND ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING.

The General Assembly of North Carolina enacts:

CHAPTER I. Fund Created.

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 19.

"Congestion Relief and Intermodal 21st Century Transportation Fund.

"§ 136-250. Congestion Relief and Intermodal Transportation 21st Century Fund.

There is established in the State treasury the Congestion Relief and Intermodal Transportation 21st Century Fund, hereinafter referred to as the Fund. The Fund shall consist of all revenues appropriated and allocated to it. Interest on earnings of the Fund shall remain within the Fund.

"§ 136-251. Findings of fact.

The General Assembly finds that:

- (1) Accelerated use of rail for transport of freight will reduce highway congestion as well as allow economic expansion in a way that lessens the impact on the State highway system.
- (2) Public transportation, in addition to a program of urban loops and toll roads, will enable North Carolina to have a balanced 21st century transportation system.
- (3) As part of its initial program of internal improvements, the State capitalized the North Carolina Railroad in the 1840s and invested in other railroads, and those internal improvements led to North Carolina's rapid economic development. The North Carolina Railroad, with a 317-mile corridor from Charlotte to Morehead City, is still owned by the State.



- (4) Improved rail facilities and restoration of abandoned rail lines can allow increased access to the North Carolina State ports and military installations located within the State.
- (5) Session Law 2005-222 found that expanding and upgrading passenger, freight, commuter, and short-line rail service is important to the economy of North Carolina; and provided that the State would seek to provide matching funds partly so it can leverage the maximum federal and private participation to fund needed rail initiatives, such as the restoration of the rail corridor from Wallace to Castle Hayne, and a rail connection between north-south and east-west routes in the vicinity of Pembroke.
- (6) Rail freight plays a vital role in economic development throughout the State. Intermodal service depends on partnerships with railroads, trucking companies, seaports, and others in the transportation logistics chain. North Carolina has 3,250 mainline miles of track, with Class I railroads holding seventy-nine percent (79%) of the trackage rights, the remainder controlled by local railroads and switching and terminal railroads. The 2006 Mid-Cycle Update to the North Carolina Statewide Intermodal Transportation Plan identified seven hundred ninety-nine million dollars (\$799,000,000) in freight rail needs over the next 25 years, including maintenance and preservation, modernization, and expansion.
- (7) North Carolina's short-line railroads play a key role in the State's economic development and transportation service and are needed to provide essential services to other modes of transportation and the North Carolina port system. North Carolina agriculture is dependent upon essential service by short-line railroads. State funds are needed to maintain short-line railroads as a viable contributor to economic development, agriculture, and transportation in this State in order to prevent the loss of regional rail service. The Department of Transportation reported that 44,992 rail cars handled by short-lines kept 179,688 trucks off North Carolina highways. Short-line railroads are essential to preserve and develop jobs in rural and small urban areas of North Carolina.
- (8) Intermodal facilities and inland ports can greatly reduce freight traffic on North Carolina's highway system, reducing demand, congestion, and damage.
- (9) The proposed North Carolina International Terminal will need high-capacity intermodal access.
- (10) Most of North Carolina's growth is in its urban regions. According to the State Data Center, during the first decade of the 21st century, sixty-six percent (66%) of the projected 1,270,000 growth in population is in 15 urban counties surrounding Charlotte, Raleigh, and the Triad, while forty percent (40%) is in just six counties: Mecklenburg, Wake, Durham, Orange, Forsyth, and Guilford.
- (11) This large urban population growth greatly taxes resources. Despite the visionary creation of the Highway Trust Fund by the 1989 General Assembly and the funding of urban loop highways, congestion continues to worsen. Creation of a special fund to help meet urban transportation needs with alternatives such as rail transit and buses, coupled with land-use planning, will spur and guide economic development in a more economically and environmentally sound manner. Investment in public transportation facilitates economic opportunity to the State through job creation, access to employment, and residential and commercial

- development. Public transportation also protects the public health by decreasing air pollution and reducing carbon emissions. It reduces traffic congestion, road expenditures, public and private parking costs, and the number of traffic accidents. Charlotte's recent success in opening the first phase of its light rail system, with ridership significantly over projections, shows that North Carolinians are willing to use transportation alternatives.
- (12) Significant local revenues are needed to match State funds so that a major portion of the expenses is borne by the localities receiving the majority of the benefits. A local option sales tax for public transportation was approved by a fifty-eight percent (58%) favorable vote in Mecklenburg County in 1998, and reaffirmed by a seventy percent (70%) favorable vote in 2008. Extending this authority to additional jurisdictions, along with other revenue options, will enable localities to demonstrate local support for additional transit options.
- (13) Surveys have indicated broad public support for providing additional public transportation options and for allowing localities to generate revenue to match State grants.

"§ 136-252. Grants to local governments and transportation authorities.

(a) Cities, counties, transportation authorities under Article 25 of Chapter 160A of the General Statutes, regional public transportation authorities under Article 26 of Chapter 160A of the General Statutes, and regional transportation authorities under Article 27 of Chapter 160A of the General Statutes may receive grants from the Fund for public transportation purposes, including planning and engineering.

(b) No grant may be approved from the Fund unless:

- (1) The application is approved by all Metropolitan Planning Organizations under Article 16 of this Chapter whose jurisdiction includes any of the service area of the grant applicant.
- (2) The applicant has approved a transit plan that includes local planning policies that include the following:
- a. Relief of traffic congestion.
 - b. Improvement of air quality.
 - c. Reduction in energy consumption.
 - d. Promotion of a pedestrian- and bike-friendly environment around and connected to transit stations.

In addition, the applicant may also include plans for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101, et seq.) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

- (3) The applicant has approved a housing needs assessment and plan that includes the following:
- a. A housing inventory of market rate, assisted housing units, and vacant residential parcels.
 - b. An analysis of existing housing conditions, affordable housing needs, and housing needs for specific populations groups, such as people who are elderly, are disabled, have special needs, or are homeless.
 - c. A catalogue of available resources to address housing needs.
 - d. Identification of potential resources to provide replacement housing for low-income residents displaced by transit development and to increase stock of affordable housing to at least thirty percent (30%) within a one-half mile radius of a transit station or bus hub to be

1 affordable to families with income below sixty percent (60%) of area
2 median income.
3 e. Goals, strategies, and actions to address housing needs over a
4 five-year period.
5 (4) The applicant has an adequate and sustainable source of funding established
6 for its share of project costs.
7 (c) Grants from the Fund may be committed for a multiyear basis to stabilize the phased
8 implementation of a plan, including multiyear allotments. The Secretary of Transportation,
9 after consultation with the Board of Transportation, shall approve, and amend from time to
10 time, a rolling multiyear projection of up to 15 years for allocation of funds under this section.
11 No applicant is eligible under the 15-year plan projection for more than one-third of the total
12 funds to be granted under this Article during that 15-year period.
13 (d) No grant under this section may exceed twenty-five percent (25%) of the cost of the
14 project and must be matched by an equal or greater amount of funds by the applicant. In
15 evaluating projects, qualification for federal funding shall be considered.
16 **"§ 136-253. Grants to other units.**
17 (a) Grants from the Fund may also be made to State agencies and railroads for the
18 following purposes:
19 (1) Assistance to short-line railroads to continue and enhance rail service in the
20 State so as to assist in economic development and access to ports and
21 military installations. This may involve both the Rail Industrial Access
22 Program and the Short Line Infrastructure Access Program, as well as other
23 innovative programs. Grants under this subdivision shall not exceed fifty
24 percent (50%) of the nonfederal share and must be matched by equal or
25 greater funding from the applicant. Total grants under this subdivision may
26 not exceed five million dollars (\$5,000,000) per fiscal year.
27 (2) Assistance to any railroad in construction of (i) rail improvements and
28 restorations and intermodal or multimodal facilities to serve ports and
29 military installations; and (ii) inland ports to reduce truck traffic on the
30 highway system. Grants under this subdivision shall not exceed fifty percent
31 (50%) of the nonfederal share and must be matched by equal or greater
32 funding from the applicant. Total grants under this subdivision may not
33 exceed ten million dollars (\$10,000,000) per fiscal year.
34 (3) Assistance (i) to the State ports in terminal railroad facilities and operations,
35 (ii) to improve access to military installations, and (iii) to the North Carolina
36 International Terminal. Grants under this subdivision shall not exceed fifty
37 percent (50%) of the nonfederal share and must be matched by equal or
38 greater funding from the applicant. Total grants under this subdivision may
39 not exceed ten million dollars (\$10,000,000) per fiscal year.
40 (4) Expansion of intercity passenger rail service, including increased frequency
41 and additional cities serviced. Routes under this section must extend beyond
42 the territorial jurisdiction of a transportation authority.
43 (b) Grants from the Fund may also be made to State agencies, railroads, transportation
44 authorities under Article 25 of Chapter 160A of the General Statutes, regional public
45 transportation authorities under Article 26 of Chapter 160A of the General Statutes, and
46 regional transportation authorities under Article 27 of Chapter 160A of the General Statutes for
47 introduction of commuter rail service. Routes under this section must extend beyond the
48 territorial jurisdiction of a transportation authority.
49 (c) Grants under this section may serve more than one of the four listed purposes.
50 **"§ 136-254. Grant approval.**

All grants made under this Article are subject to approval of the Secretary of Transportation after consultation with the Board of Transportation. The Fund may be administered in conjunction with G.S. 136-44.20 and G.S. 136-44.36, but any funds allocated under those sections shall continue to be available as provided therein.

"§ 136-255. Funds remain available until expended.

Appropriations to the Fund remain available until expended."

CHAPTER II. Public Transportation Sales Tax.

SECTION 2.(a) Section 1(a) of S.L. 1997-417 is recodified as G.S. 105-510.1.

SECTION 2.(b) Article 43 of Chapter 105 of the General Statutes, as enacted by S.L. 1997-417 and amended by Section 74 of S.L. 2008-134 and by subsection (a) of this section, reads as rewritten:

"Article 43.

"Local Government Sales and Use Taxes for Public Transportation.

"Part 1. General.

"§ 105-505. Short title; purpose.

This Article is the Local Government Public Transportation Sales Tax Act and may be cited by that name. This Article gives the ~~counties~~ counties and transportation authorities of this State an opportunity to obtain an additional source of revenue with which to meet their needs for financing local public transportation systems. It provides ~~counties~~ them with authority to levy one-half percent (1/2%) sales and use taxes. All such taxes must be approved in a referendum.

"§ 105-506. Definitions.

The definitions in G.S. 105-164.3 and the following definitions apply in this Article:

(1) Board of trustees. – The governing body of an Authority.

~~(1)(2)~~ (2) Net proceeds. – Gross proceeds less the cost of administering and collecting the tax.

~~(2)(3)~~ (3) Public transportation system. – Any combination of real and personal property established for purposes of public transportation. The systems may include one or more of the following: structures, improvements, buildings, equipment, vehicle parking or passenger transfer facilities, railroads and railroad rights-of-way, rights-of-way, bus services, shared-ride services, high-occupancy vehicle facilities, car-pool and vanpool programs, voucher programs, telecommunications and information systems, integrated fare systems, and the interconnected bicycle and pedestrian infrastructure that supports public transportation, bus lanes, and busways. The term does not include, however, streets, roads, or highways except to the extent they are dedicated to public transportation vehicles or to the extent they are necessary for access to vehicle parking or passenger transfer facilities.

(4) Transportation authority. – For the purposes of Parts 3 and 3A of this Article, a regional public transportation authority created pursuant to Article 26 of Chapter 160A of the General Statutes; and for the purposes of Parts 3 and 3B of this Article, a regional transportation authority created pursuant to Article 27 of Chapter 160A of the General Statutes.

"§ 105-506.1. Exemption of food.

A tax levied under this Article does not apply to the sales price of food that is exempt from tax pursuant to G.S. 105-164.13B or to the sales price of a bundled transaction taxable pursuant to G.S. 105-467(a)(5a).

"Part 2. Mecklenburg County.

"§ 105-507. Limitations.

A county may not levy a tax or taxes under this ~~Article~~ Part unless the county or at least one unit of local government in the county operates a public transportation system. In addition, a

county may not levy a tax under this ~~Article-Part~~ unless it has developed a financial plan and distributed it to each unit of local government in the county that operates a local public transportation system. The financial plan must provide for equitable allocation of the net proceeds distributed to the county in consideration of the identified needs of local public transportation systems in the county, countywide human service transportation systems, and expansion of public transportation service to unserved areas in the county.

"§ 105-508. Local election on adoption of sales and use tax.

(a) Resolution. – The board of commissioners of a county may direct the county board of elections to conduct an advisory referendum within the county on the question of whether a local sales and use tax at the rate of one-half percent (1/2%) may be levied in accordance with this ~~Article-Part~~. The election shall be held on a date jointly agreed upon by the boards and shall be held in accordance with the procedures of G.S. 163-287. The board of commissioners shall hold a public hearing on the question at least 30 days before the date the election is to be held.

(b) Ballot Question. – The form of the question to be presented on a ballot for a special election concerning the levy of a tax authorized by this Article shall be:

[] FOR [] AGAINST

One-half percent (1/2%) local sales and use taxes, in addition to the current ~~two percent (2%)~~ local sales and use taxes, to be used only for public transportation systems.'

"§ 105-509. Levy and collection of sales and use tax.

If the majority of those voting in a referendum held pursuant to this ~~Article~~ G.S. 105-508 vote for the levy of the tax, the board of commissioners of the county may, by resolution, levy one-half percent (1/2%) local sales and use taxes in addition to any other State and local sales and use taxes levied pursuant to law. Except as provided in this ~~Article-Part~~, the adoption, levy, collection, administration, and repeal of these additional taxes shall be in accordance with Article 39 of this Chapter. In applying the provisions of Article 39 of this Chapter to this ~~ArticlePart~~, references to 'this Article' mean 'Part 1 of Article 43 of Chapter 105 of the General Statutes'.

"§ 105-510. Distribution and use of taxes.

(a) Distribution. – The Secretary shall, on a quarterly basis, allocate to each taxing county the net proceeds of the tax levied under this ~~Article-Part~~ by that county. If the Secretary collects taxes under this ~~Article-Part~~ in a month and the taxes cannot be identified as being attributable to a particular taxing county, the Secretary shall allocate these taxes among the taxing counties, in proportion to the amount of taxes collected in each county under this ~~Article Part~~ in that month and shall include them in the quarterly distribution.

The Secretary shall distribute the net proceeds of the tax levied by a county on a per capita basis among the county and the units of local government in the county that operate public transportation systems. No proceeds shall be distributed to a county that does not operate a public transportation system or to a unit of local government that does not operate a public transportation system.

(b) Use. – A county must allocate the net proceeds distributed to it in accordance with its financial plan adopted pursuant to G.S. 105-507 and use the net proceeds only for financing, constructing, operating, and maintaining local public transportation systems. Any other unit of local government may use the net proceeds distributed to it under this ~~Article-Part~~ only for financing, constructing, operating, and maintaining local public transportation systems. Every unit of government shall use the net proceeds to supplement and not to supplant or replace existing funds or other resources for public transportation systems.

"§ 105-510.1. Applicability.

This ~~section-Part~~ applies only to Mecklenburg County.

"Part 3. Transportation Authorities.

"§ 105-510.5. Limitations.

A transportation authority may not levy a tax under Part 3A or 3B of this Article unless:

(1) It operates a public transportation system.

(2) It has developed a financial plan and distributed it to each unit of local government located within its territorial jurisdiction. The plan must be approved by the board of commissioners of each county in the district prior to the levy of the tax. If the board of commissioners of a county in a multicounty district does not adopt the plan, the transportation authority may remove that county from the district, and no tax may be levied in that county under this Part. The financial plan must provide for equitable use of the net proceeds within or to benefit the special district created under Part 3A or Part 3B of this Article and consider (i) the identified needs of local public transportation systems in the district, (ii) human service transportation systems within the district, and (iii) expansion of public transportation systems to underserved areas of the district. The financial plan must also be approved by all Metropolitan Planning Organizations under Article 16 of this Chapter whose jurisdiction includes any of the area of the special district. The plan may be revised from time to time. An interlocal agreement between the transportation authority and all the counties in the special district may require periodic review and approval of the financial plan.

(3) The tax is approved by the voters.

"§ 105-510.5A. Distribution and use of taxes.

(a) Distribution. – The Secretary shall, on a quarterly basis, allocate to each special district the net proceeds of the tax levied under this Part within the special tax district, to be used for the benefit of that district.

(b) Use. – A special district must expend the net proceeds distributed to it in accordance with its financial plan adopted pursuant to G.S. 105-510.5 and use the net proceeds only for financing, constructing, operating, and maintaining public transportation systems. The special district shall use the net proceeds to supplement and not to supplant or replace existing funds or other resources for public transportation systems.

"§ 105-510.5B. Special district.

(a) A special district created pursuant to this Article is a local government body corporate and politic and has the power to carry out the purposes of this Part and the Part under which it is established. The board of trustees of the transportation authority shall serve ex officio as the governing body of a special district it creates pursuant to this subsection, except in the case of a single county district the board of commissioners of that county shall be ex officio the governing body.

(b) The transportation authority creating the special district shall name it and file with the Secretary of State the documents creating the district, and shall also file notice of the addition to and removal from the district of any counties, or of the abolition of the special district."

"Part 3A. Regional Public Transportation Authority. (Triangle)

"§ 105-510.6. Local election on adoption of sales and use tax – regional public transportation authority.

(a) Special District. – A transportation authority may create a special district that consists of the entire area of one or more counties within its territorial jurisdiction and may levy on behalf of the special district the tax authorized in this section. The proceeds of a tax levied under this section may be used only for the benefit of the special district and only for the purposes provided in this Article. If a referendum in a district fails in all the counties in the district, the transportation authority may abolish the special district.

(a1) If the special district created under this Part consists of only one county, then the board of commissioners of that county shall be the management agency for the special district,

shall be ex officio its governing board, and shall be responsible for budget adoption and operation of the transit services provided by the district, but may contract with the regional transportation authority created pursuant to Article 26 of Chapter 160A of the General Statutes as needed. If the district is later expanded to more than one county under G.S. 105-510.8, then on the first day of the next fiscal year after expansion of the district the board of the regional transportation authority created under Article 26 of Chapter 160A of the General Statutes shall be responsible for operation and management of the entire district.

(b) Resolution. – The board of trustees of the transportation authority, with the concurrent vote of:

(1) In the case of a single-county special district, a majority of the county board of commissioners within the special district,

(2) In the case of a multicounty special district, a majority vote of each of the county boards of commissioners within the special district,

may direct the respective county board or boards of elections to conduct an advisory referendum within the special tax district on the question of whether a local sales and use tax at the rate of one-half percent (1/2%) may be levied within the district in accordance with this Part. The election shall be held on a date jointly agreed upon by the authority and the county board or boards of elections and shall be held in accordance with the procedures of G.S. 163-287. The board or boards of commissioners shall hold a public hearing on the question at least 30 days before the date the election is to be held. As provided in this Article, the tax may not be levied without voter approval.

(c) Ballot Question. – The form of the question to be presented on a ballot for a special election concerning the levy of a tax authorized by this Article shall be:

☐ FOR ☐ AGAINST

One-half percent (1/2%) local sales and use taxes, to be used only for public transportation systems.'

"§ 105-510.7. Levy and collection of sales and use tax – regional public transportation authority.

If the majority of those voting in a referendum held pursuant to G.S. 105-510.6 vote for the levy of the tax, the transportation authority may, by resolution, levy one-half percent (1/2%) local sales and use taxes within the special district, in addition to any other State and local sales and use taxes levied pursuant to law. In determining the results of the election in a multicounty district, all the counties of the district shall be considered to be one unit, but also must receive a majority vote in each county, except that if the referendum is passed in one or more but not all of the counties, the counties in which the referendum was not approved are removed from the special district upon certification of the election result and the county or counties that approved the referendum shall remain in the special district. Except as provided in this Part, the adoption, levy, collection, administration, and repeal of these additional taxes shall be in accordance with Article 39 of this Chapter. In applying the provisions of Article 39 of this Chapter to this Article, references to 'this Article' mean 'Part 3A of Article 43 of Chapter 105 of the General Statutes.' Any repeal of the tax shall be done by the same procedure as its enactment under this section, and in a multicounty district a petition for repeal under G.S. 105-473 shall be judged by the total votes in all the counties in the district.

"§ 105-510.8. Expansion of district.

If a special district established under this Part does not include all the counties in the territorial jurisdiction of a transportation authority, it may be expanded to include an additional whole county or counties by joint action of the board of trustees of the transportation authority and the board of commissioners of the county or boards of commissioners of the counties to be added, with the approval of the voters in the county or counties to be added. The procedure for addition of a county or counties and for the election shall be the same as for the initial creation

of the district, but the referendum shall be held separately within each of the counties to be added.

"Part 3B. Regional Transportation Authority. (Triad)

"§ 105-510.8A. Local election on adoption of sales and use tax – regional public transportation authority.

(a) Special District. – A transportation authority may create a special district that consists of the entire area of one or two counties within its territorial jurisdiction and may levy on behalf of the special district the tax authorized in this section. The proceeds of a tax levied under this section may be used only for the benefit of the special district and only for the purposes provided in this Article. The special district may not include counties other than Forsyth and Guilford. If a referendum in a district fails, the transportation authority may abolish the special district.

(a1) If the special district created under this Part consists of only one county, then the board of commissioners of that county shall be the management agency for the special district, shall be ex officio its governing board, and shall be responsible for budget adoption and operation of the transit services provided by the district, but may contract with the regional transportation authority created pursuant to Article 27 of Chapter 160A of the General Statutes as needed. If the district is later expanded to more than one county under G.S. 105-510.8C, then on the first day of the next fiscal year after expansion of the district the board of the regional transportation authority created under Article 27 of Chapter 160A of the General Statutes shall be responsible for operation and management of the entire district.

(b) Resolution. – The board of trustees of the authority, with the concurrent vote of:

(1) In the case of a single-county special district, a majority of the county board of commissioners within the special district,

(2) In the case of a multicounty special district, a majority vote of each of the county boards of commissioners within the special district,

may direct the respective county board or boards of elections to conduct an advisory referendum within the special tax district on the question of whether a local sales and use tax at the rate of one-half percent (1/2%) may be levied within the district in accordance with this Part. The election shall be held on a date jointly agreed upon by the authority and the county board or boards of elections and shall be held in accordance with the procedures of G.S. 163-287. The board or boards of commissioners shall hold a public hearing on the question at least 30 days before the date the election is to be held. As provided in this Article, the tax may not be levied without voter approval.

(c) Ballot Question. – The form of the question to be presented on a ballot for a special election concerning the levy of a tax authorized by this Article shall be:

☐ FOR ☐ AGAINST

One-half percent (1/2%) local sales and use taxes, to be used only for public transportation systems.'

"§ 105-510.8B. Levy and collection of sales and use tax – regional public transportation authority.

If the majority of those voting in a referendum held pursuant to G.S. 105-510.8A vote for the levy of the tax, the transportation authority may, by resolution, levy one-half percent (1/2%) local sales and use taxes within the special district, in addition to any other State and local sales and use taxes levied pursuant to law. In determining the results of the election in a multicounty district, all the counties of the district shall be considered to be one unit, but also must receive a majority vote in each county, except that if the referendum is passed in one but not both of the counties, the county in which the referendum was not approved is removed from the special district upon certification of the election result and the county that approved the referendum shall remain in the special district. Except as provided in this Part, the adoption, levy, collection, administration, and repeal of these additional taxes shall be in accordance with

Article 39 of this Chapter. In applying the provisions of Article 39 of this Chapter to this Article, references to 'this Article' mean 'Part 3B of Article 43 of Chapter 105 of the General Statutes.' Any repeal of the tax shall be done by the same procedure as its enactment under this section, and in a multicounty district a petition for repeal under G.S. 105-473 shall be judged by the total votes in all the counties in the district.

"§ 105-510.8C. Expansion of district.

If a special district established under this Part does not include both the eligible counties under G.S. 105-510.8A(a), it may be expanded to include the other county by joint action of the board of trustees of the transportation authority and the board of commissioners of the county to be added, with the approval of the voters in the county to be added. The procedure for addition of a county shall be the same as for the initial creation of the district, but the referendum shall be held separately within the county to be added.

"Part 4. Other Counties.

"§ 105-510.12. Limitations.

A county may not levy a tax under this Part unless the county or at least one unit of local government in the county operates a public transportation system. As used in this Part, operation of a public transportation system includes a contract or interlocal agreement for operation of the public transportation system by another county or municipality, or by a transportation authority created under (i) a municipal charter; or (ii) Article 25, 26, or 27 of Chapter 160A of the General Statutes. As used in this Part, operation of a public transportation system also includes a contract with a private entity for operation of the public transportation system.

"§ 105-510.13. Local election on adoption of sales and use tax.

(a) Resolution. – The board of commissioners of a county may direct the county board of elections to conduct an advisory referendum within the county on the question of whether a local sales and use tax at the rate of one-quarter percent (1/4%) may be levied in accordance with this Part. The election shall be held on a date jointly agreed upon by the boards and shall be held in accordance with the procedures of G.S. 163-287. The board of commissioners shall hold a public hearing on the question at least 30 days before the date the election is to be held.

(b) Ballot Question. – The form of the question to be presented on a ballot for a special election concerning the levy of a tax authorized by this Article shall be:

☐ FOR ☐ AGAINST

One-quarter percent (1/4%) local sales and use taxes, in addition to the current local sales and use taxes, to be used only for public transportation systems.'

"§ 105-510.14. Levy and collection of sales and use tax.

If the majority of those voting in a referendum held pursuant to this Part vote for the levy of the tax, the board of commissioners of the county may, by resolution, levy one-quarter percent (1/4%) local sales and use taxes in addition to any other State and local sales and use taxes levied pursuant to law. Except as provided in this Part, the adoption, levy, collection, administration, and repeal of these additional taxes shall be in accordance with Article 39 of this Chapter. In applying the provisions of Article 39 of this Chapter to this Part, references to 'this Article' mean 'Part 4 of Article 43 of Chapter 105 of the General Statutes.'

"§ 105-510.15. Distribution and use of taxes.

(a) Distribution. – The Secretary shall, on a quarterly basis, allocate to each taxing county the net proceeds of the tax levied under this Part by that county. If the Secretary collects taxes under this Part in a month and the taxes cannot be identified as being attributable to a particular taxing county, the Secretary shall allocate these taxes among the taxing counties, in proportion to the amount of taxes collected in each county under this Part in that month and shall include them in the quarterly distribution.

The Secretary shall distribute the net proceeds of the tax levied by a county on a per capita basis among the county and the units of local government in the county that operate a public transportation system as follows:

(1) To the county based on the population of the county that is not in an incorporated area, and to the municipalities within the county based on the population of that municipality that is located within that county. To determine the population of each county and each municipality, the Secretary shall use the most recent annual estimate of population certified by the State Budget Officer.

(2) Notwithstanding subdivision (1) of this subsection, if a municipality to which funds are to be allocated neither operates nor contracts for the operation of a public transportation system, the population of that municipality shall be excluded from the calculations of subdivision (1) of this subsection.

(3) Notwithstanding subdivision (1) of this subsection, if a county to which funds are to be allocated neither operates nor contracts for the operation of a public transportation system, the population of that county not in an incorporated area shall be excluded from the calculations of subdivision (1) of this subsection.

If a county or a municipality that does not receive an allocation of funds on account of subdivision (2) or (3) of this subsection begins to operate or contract for the operation of a public transportation system, that county or municipality shall begin receiving funds beginning the first day of July that is more than 30 days thereafter.

(b) Use. – A county or municipality may use funds received under this Part only for financing, constructing, operating, and maintaining public transportation systems. Every unit of government shall use funds to supplement and not to supplant or replace existing funds or other resources for public transportation systems.

"§ 105-510.16. Applicability.

This Part only applies in counties other than Durham, Forsyth, Guilford, Mecklenburg, Orange, or Wake County."

SECTION 2.(c) G.S. 105-164.14(c) reads as rewritten:

"(c) Certain Governmental Entities. – A governmental entity listed in this subsection is allowed an annual refund of sales and use taxes paid by it under this Article on direct purchases of tangible personal property and services, other than electricity, telecommunications service, and ancillary service. Sales and use tax liability indirectly incurred by a governmental entity on building materials, supplies, fixtures, and equipment that become a part of or annexed to any building or structure that is owned or leased by the governmental entity and is being erected, altered, or repaired for use by the governmental entity is considered a sales or use tax liability incurred on direct purchases by the governmental entity for the purpose of this subsection. A request for a refund must be in writing and must include any information and documentation required by the Secretary. A request for a refund is due within six months after the end of the governmental entity's fiscal year.

This subsection applies only to the following governmental entities:

...

(23) A special district created under Article 43 of this Chapter."

SECTION 2.(d) G.S. 159-81(1) reads as rewritten:

"The words and phrases defined in this section shall have the meanings indicated when used in this Article:

(1) "Municipality" means a county, city, town, incorporated village, sanitary district, metropolitan sewerage district, metropolitan water district, county water and sewer district, water and sewer authority, hospital authority,

hospital district, parking authority, special airport district, special district created under Article 43 of Chapter 105 of the General Statutes, regional public transportation authority, regional transportation authority, regional natural gas district, regional sports authority, airport authority, joint agency created pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes, a joint agency authorized by agreement between two cities to operate an airport pursuant to G.S. 63-56, and the North Carolina Turnpike Authority created pursuant to Article 6H of Chapter 136 of the General Statutes, but not any other forms of State or local government.

...."

SECTION 2.(e) G.S. 160A-460 reads as rewritten:

"§ 160A-460. Definitions.

The words defined in this section shall have the meanings indicated when used in this Part:

- (1) "Undertaking" means the joint exercise by two or more units of local government, or the contractual exercise by one unit for one or more other units, of any power, function, public enterprise, right, privilege, or immunity of local government.
- (2) "Unit," or "unit of local government" means a county, city, consolidated city-county, local board of education, sanitary district, facility authority created under Part 4 of this Article, special district created under Article 43 of Chapter 105 of the General Statutes, or other local political subdivision, authority, or agency of local government."

SECTION 2.(f) Section 3.1 of S.L. 1997-417, as added by Section 30 of S.L. 2006-162, reads as rewritten:

"SECTION 3.1. A county authorized to impose a tax under Part 2 of Article 43 of Chapter 105 of the General Statutes as enacted by Part 1 of this act, ~~Statutes~~ is considered an authority under Article 50 of Chapter 105 of the General Statutes, as enacted by Section 3 of this of this act, and the board of commissioners of that county is considered the board of trustees of the authority under Article 50. G.S. 105-554 of Article 50 does not apply to the proceeds of a tax imposed by county considered an authority under this section. The proceeds of a tax imposed by a county considered an authority under this section must be transferred to the largest city in that county operating a public transportation system. The proceeds of a tax imposed by a county considered an authority under this section must be transferred to the largest city in that county operating a public transportation system and used only for financing, constructing, operating, and maintaining a public transportation system. The proceeds may supplant existing funds allocated for a public transportation system. The term 'public transportation system' has the same meaning as defined in ~~G.S. 105-506 of Article 43.~~ G.S. 105-506."

CHAPTER III. Local Vehicle Registration Charge Adjusted for Inflation.

SECTION 3.(a) G.S. 105-561(a) reads as rewritten:

"(a) Tax Authorized. – The board of trustees of an Authority may, by resolution, levy an annual license tax in accordance with this Article upon any motor vehicle with a tax situs within its territorial jurisdiction. The purpose of the tax levied under this Article is to raise revenue for capital and operating expenses of an Authority in providing public transportation systems. The rate of tax levied under this Article must be a full dollar amount, but may not exceed ~~five dollars (\$5.00)~~ seven dollars (\$7.00) a year."

SECTION 3.(b) Effective July 1, 2010, G.S. 105-561(a), as amended by subsection (a) of this section, reads as rewritten:

"(a) Tax Authorized. – The board of trustees of an Authority may, by resolution, levy an annual license tax in accordance with this Article upon any motor vehicle with a tax situs within its territorial jurisdiction. The purpose of the tax levied under this Article is to raise revenue for capital and operating expenses of an Authority in providing public transportation

1 systems. The rate of tax levied under this Article must be a full dollar amount, but may not
2 exceed ~~seven dollars (\$7.00)~~ eight dollars (\$8.00) a year."

3 **SECTION 3.(c)** G.S. 105-561(d) reads as rewritten:

4 "(d) Special Tax District. – If a regional transportation authority created under Article 27
5 of Chapter 160A of the General Statutes has not levied the tax under this section or has levied
6 the tax at a rate of less than ~~five dollars (\$5.00)~~ seven dollars (\$7.00), it may create a special
7 district that consists of the entire area of one or more counties within its territorial jurisdiction
8 and may levy on behalf of the special district the tax authorized in this section. The rate of tax
9 levied within the special district may not, when combined with the rate levied within the entire
10 territorial jurisdiction of the authority; exceed ~~five dollars (\$5.00)~~ seven dollars (\$7.00). The
11 regional transportation authority may not levy or increase a tax within the special district unless
12 the board of commissioners of each county in the special district has adopted a resolution
13 approving the levy or increase.

14 A special district created pursuant to this subsection is a body corporate and politic and has
15 the power to carry out the purposes of this subsection. The board of trustees of the regional
16 transportation authority created under Article 27 of Chapter 160A of the General Statutes shall
17 serve, ex officio, as the governing body of a special district it creates pursuant to this
18 subsection. The proceeds of a tax levied under this subsection may be used only for the benefit
19 of the special district and only for the purposes provided in G.S. 105-564. Except as provided
20 in this subsection, a tax levied under this subsection is governed by the provisions of this
21 Article."

22 **SECTION 3.(d)** Effective July 1, 2010, G.S. 105-561(d), as amended by
23 subsection (c) of this section, reads as rewritten:

24 "(d) Special Tax District. – If a regional transportation authority created under Article 27
25 of Chapter 160A of the General Statutes has not levied the tax under this section or has levied
26 the tax at a rate of less than ~~seven dollars (\$7.00)~~ eight dollars (\$8.00), it may create a special
27 district that consists of the entire area of one or more counties within its territorial jurisdiction
28 and may levy on behalf of the special district the tax authorized in this section. The rate of tax
29 levied within the special district may not, when combined with the rate levied within the entire
30 territorial jurisdiction of the authority; exceed ~~seven dollars (\$7.00)~~ eight dollars (\$8.00). The
31 regional transportation authority may not levy or increase a tax within the special district unless
32 the board of commissioners of each county in the special district has adopted a resolution
33 approving the levy or increase.

34 A special district created pursuant to this subsection is a body corporate and politic and has
35 the power to carry out the purposes of this subsection. The board of trustees of the regional
36 transportation authority created under Article 27 of Chapter 160A of the General Statutes shall
37 serve, ex officio, as the governing body of a special district it creates pursuant to this
38 subsection. The proceeds of a tax levied under this subsection may be used only for the benefit
39 of the special district and only for the purposes provided in G.S. 105-564. Except as provided
40 in this subsection, a tax levied under this subsection is governed by the provisions of this
41 Article."

42 CHAPTER IV. Vehicle Registration Charge.

43 **SECTION 4.** Subchapter IX of Chapter 105 of the General Statutes is amended by
44 adding a new Article to read:

45 "Article 52. County Vehicle Registration Tax.

46 **"§ 105-557. County Vehicle Registration Tax; shared with municipalities.**

47 (a) A county is considered an authority under Article 51 of this Chapter, and the board
48 of commissioners of that county is considered the board of trustees of the authority under
49 Article 51, except that the maximum tax that may be levied by a county under this Article is
50 seven dollars (\$7.00) per year.

1 (b) A county may not levy a tax under this Article unless the county or at least one unit
2 of local government in the county operates a public transportation system.

3 (c) Any tax levied under this Article shall, after the receipt of those funds from the
4 Division of Motor Vehicles, be retained or distributed by the county on a per capita basis as it
5 receives those funds as follows:

6 (1) Pro rata (i) retained by the county based on the population of the county that
7 is not in an incorporated area, and (ii) distributed to the municipalities within
8 the county based on the population of that municipality that is located within
9 that county. To determine the population of each county and municipality,
10 the county shall use the most recent annual estimate of population certified
11 by the State Budget Officer.

12 (2) Notwithstanding subdivision (1) of this subsection, if a municipality to
13 which funds are to be distributed does not operate a public transportation
14 system, the population of that municipality shall be excluded from the
15 calculations of subdivision (1) of this subsection and no distribution shall be
16 made to that municipality.

17 (3) Notwithstanding subdivision (1) of this subsection, if a county for which
18 funds are to be retained does not operate a public transportation system, the
19 population of that county not in an incorporated area shall be excluded from
20 the calculations of subdivision (1) of this subsection, and the county shall
21 not retain any funds.

22 If a county that does not retain funds or a municipality that does not receive an allocation of
23 funds on account of subdivision (2) or (3) of this subsection begins to operate a public
24 transportation system, that county or municipality shall begin retaining or receiving funds
25 beginning the first day of July that is more than 30 days thereafter.

26 (d) The proceeds of a tax imposed under this Article may be used by that county or
27 municipality only to operate a public transportation system, including financing, constructing,
28 operating, and maintaining that public transportation system. The term 'public transportation
29 system' has the same meaning as defined in G.S. 105-506.

30 (e) As used in this section, operation of a public transportation system includes a
31 contract or interlocal agreement for operation of the public transportation system by another
32 county or municipality, or by a transportation authority created under (i) a municipal charter; or
33 (ii) Article 25, 26, or 27 of Chapter 160A of the General Statutes. As used in this section,
34 operation of a public transportation system also includes a contract with a private entity for
35 operation of the public transportation system.

36 (f) An interlocal agreement under this section may also deal with allocation of funds
37 between a municipality and county for operation by the county of a human services public
38 transportation system within the municipality when the municipality also operates a public
39 transportation system.

40 (g) This Article is supplemental to Article 51 of this Chapter."

41 **SECTION 5.** This act is effective when it becomes law.



TJCOG Staff Review of the "Intermodal Bill:" Transit Funding for the Research Triangle Region

John Hodges-Copple, Triangle J Council of Governments
March 26, 2009

The "Intermodal Bill"

Legislation has been introduced in both the NC House (H148) and NC Senate (S151) with a short title of "Congestion Relief/Intermodal Transport Fund." Based on the language in the version of the bill labeled, *H148 Committee Substitute Favorable 3/11/09*, the bill has 3 components that specifically relate to the Triangle Region:

1. Establishing a framework for additional state transit funding through intermodal grants;
2. Setting conditions for a local option ½ cent sales tax for transit in Wake, Durham and Orange Counties and a ¼ cent sales tax for transit in all other counties; and
3. Permitting Triangle Transit to levy a vehicle registration fee of up to \$7 annually (rising to \$8 in 2010) and counties to levy a vehicle registration fee of up to \$7 annually (to be shared with municipalities within the county that operate public transit) to support public transit.

This document examines each of these components. Staff comments are **highlighted**.

State Intermodal Funding (Chapter I of the bill)

Chapter 136 of the General Statutes would add Article 19 to establish the *Congestion Relief and Intermodal 21st Century Fund* in the state treasury. Key issues include:

1. The bill would establish the fund but does not allocate revenues to the fund.
2. Grants from the fund to local governments and regional transportation authorities would be limited to 25% of total project costs and are contingent on 4 things:
 - a) Approval by **all** MPOs with jurisdiction in **any** of the service area of the applicant. As currently written, this would require Burlington-Graham MPO approval for an application that would include Orange County. **One option is for the legislation to be changed so that MPO approval is required if the MPO has greater than some explicit, minor percentage of the land area or population in the applicant's service area.**
 - b) An applicant-approved "**transit plan**" that includes local planning policies that include relief of traffic congestion, improvement of air quality, reduction in energy consumption and promotion of a pedestrian- and bicycle-friendly environment around and connected to transit stations." **It may be useful to clarify whether this transit plan is distinct from, or can be combined with, the financial plan required to levy the sales tax under Article 43 in this bill.**
 - c) An applicant-approved "**housing needs assessment and plan**" that includes an inventory; analysis; catalogue of resources; identification of potential resources for affordable housing near transit stations; and 5-year list of goals, strategies and actions to address housing needs.
 - d) Adequate and sustainable **source of funding for the applicant's share** of project costs.

Sales Tax (Chapter II of the bill; Parts 1, 3, 3A and 4 apply to the Triangle)

Chapter 105 of the General Statutes, Article 43 would be changed to enable a ½ cent sales tax for public transit in Wake, Durham and/or Orange Counties, and a ¼ cent sales tax in all other counties (provided public transit is operated in the county), subject to public referendum with specified ballot language. The ½ cent sales tax (Wake, Durham, Orange) and the ¼ cent sales tax (other counties) would exclude food.

The ¼ cent tax could be levied by the applicable county commission. Proceeds must be distributed on a per capita basis among all local governments operating public transit; the county share of population would be the population outside of incorporated areas. No specific financial plan for using the ¼ cent sales tax proceeds is required, but the county and any applicable incorporated municipalities may expend the funds only to finance, construct, operate and maintain public transportation systems, including contracting for such services. Funds may be used only “to supplement and not to supplant or replace existing funds or other resources for public transportation systems.” Clarification may be useful in how this “maintenance of effort” will be determined.

The ½ cent tax could be levied in a special district created by Triangle Transit that could consist of the entire area of one, two or all three counties (partial counties are not allowed). If the special district is one or two counties, it can later be expanded to add the other county or counties by the same method as used to create the original district. If the special district is a single county, the county commission serves as the district’s governing body; if it is multiple counties, Triangle Transit’s Board serves as the governing body.

The referendum must pass in each county in the district. If the referendum fails in a county that is part of a multi-county special district, that county is removed from the district and the county or counties in which the referendum passes comprise the district.

Prior to levying the ½ cent tax (either before or after a referendum), Triangle Transit must develop a **financial plan**; the proceeds of the tax must be expended in accordance with the plan. The legislation does not stipulate specific details of the financial plan. The plan may be revised from time to time and an interlocal agreement between Triangle Transit and the counties in the special district may require periodic review and approval of the financial plan.

The financial plan must be approved by Triangle Transit, **all** MPOs with jurisdiction in **any** of the special district and each county in the special district where the tax is to be levied. As currently written, this would require Burlington-Graham MPO approval for an application that would include Orange County. One option is for the legislation to be changed so that MPO approval is required if the MPO has greater than some explicit, minor percentage of the land area or population in the applicant’s service area, e.g 10%.

Proceeds of the tax may be used only “for the benefit of the special district” and only to finance, construct, operate and maintain public transportation systems. Proceeds shall be used to “supplement and not to supplant or replace existing funds or other resources for public transportation systems.” Clarification may be useful in how this “maintenance of effort” will be determined.

The ½ cent tax can be repealed by the “same procedure as its enactment” except that the repeal “shall be judged by the total votes in all the counties in the district.” This differs from the enactment, which must pass in each of the counties. The legislation does not specify ballot language for a repeal, as it does for the initial enactment. Clarification may be useful on whether, in the case of a multi-county district, the “same procedure” for repeal includes the approvals to place repeal on the ballot by each affected county and by the Board of Triangle Transit. Clarification may also be useful as to whether a repeal that succeeds in the total district, but fails in one or more counties in the district, means those counties rejecting repeal nevertheless lose the ½ cent tax.

Vehicle Registration Fees (Chapters III and IV of the bill)

G.S. 105 would be amended so that:

- Triangle Transit could increase the current \$5 annual vehicle fee it collects to \$7; the limit would rise to \$8 after July 1, 2010.
- Counties could levy an annual vehicle fee up to \$7; counties must share the proceeds with municipalities that operate public transit in the same manner as they would for the ¼ cent sales tax.

No public referendum would be required for the annual vehicle registration fees. No specific financial plan is required to institute the fee. Fee proceeds can apparently substitute for existing revenues going towards public transit, unlike the sales tax which may only be used to supplement existing revenues.

Tracking the bill's progress and getting more information

For further information, contact:

- John Hodges-Copple, Planning Director: 558-9320, johnhc@tjcog.org

The status of the intermodal bill can be tracked at the NC General Assembly's bill look-up web site by going to the following location and typing in the Intermodal bill number (H148 for the house legislation or S151 for the senate legislation) in the "bill number" box on the website:

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl>



The "Intermodal Bill:" Funding for Transit in the Research Triangle Region

Triangle J Council of Governments
March 26, 2009

What is the "Intermodal Bill?"

Legislation has been introduced in both the NC House (H148) and NC Senate (S151) with a short title of "Congestion Relief/Intermodal Transport Fund." The bill would accomplish a number of things, including establishing a framework for additional state transit funding. The following are key components related to local and regional revenues for transit in the Research Triangle region (based on the language in the version of the bill labeled, H148 Committee Substitute Favorable 3/11/09):

- ½ cent sales tax for public transit in Wake, Durham and/or Orange Counties; ¼ cent sales tax in all other counties; subject to public referendum with specified ballot language.
- Prior to levying the tax (either before or after a referendum), Triangle Transit must develop a financial plan that is approved by Triangle Transit, all MPOs and all counties in the special district where the tax is to be levied; the district can be one or more counties.
- Triangle Transit could increase the current \$5 annual vehicle fee it collects to \$7; the limit would rise to \$8 after July 1, 2010.
- Counties can levy an annual vehicle fee up to \$7; counties must share the proceeds with municipalities that operate public transit.

On what basis might TJCOG as an organization support the Intermodal Bill?

The intermodal bill would help fulfill two of the top priorities in the TJCOG legislative agenda. The first is to provide revenue options for local governments, specifically noting a local option sales tax:

"Provide Revenue Options for Local Government: Triangle J seeks legislation that authorizes a variety of revenue options by resolution for local governments to fund municipal and county services that confront the significant growth issues of Region J. An overarching principle is that any local government revenue source that is presently available to one or more local governments in the state should be available to all local governments uniformly throughout the state. Triangle J seeks authority for local government, on a reasonable basis, to levy local option sales taxes ..."

The second calls for increased transportation funding:

"Transportation Planning and Funding: Triangle J seeks legislation and funding for the myriad of multi-modal transportation needs within the region that are now in crisis. The region seeks the funding of planning and infrastructure needs associated with the Transportation Improvements Plan (TIP), Metropolitan Planning Organizations (MPO's), Rural Planning Organizations (RPO's), Powell Bill Funds, local transit authorities, and the Triangle Transit Authority ..."

These priorities have been part of the TJCOG adopted legislative agenda for several years.

In addition, TJCOG's new *Development & Infrastructure Partnership*, whose sponsors include TJCOG, many of its communities, other regional organizations and the region's largest universities, adopted the following top strategic priority in September 2008:

"Focus on transit investment until legislation is passed and revenues are secured."

Finally, the region's two Metropolitan Planning Organizations have adopted Long Range Transportation Plans in 2009 that include bus and rail transit investments that depend on new regional revenues equivalent to a half-cent increase in the local option sales tax in Durham, Orange and Wake Counties. Additionally, the governing board of Triangle Transit has voted to support the legislation.

Why might it be important to support this bill now?

The intermodal bill has already been introduced and is being considered by the legislature. Action now enables the Triangle J Council of Governments to add its voice to the deliberations on the bill.

What if I'd rather support other revenue sources besides the sales tax?

The intermodal bill would add two revenue sources to the local/regional toolbox that can support public transit: a sales tax and an increase in annual fees paid on registered vehicles. But passage of the bill only grants communities the sales tax option subject to public referendum and it does not mandate that they use either new revenue source. Nor does it prevent communities from turning to other existing revenue options.

Local governments have additional revenue options they can use for public transit funding, should they elect to, including the existing property and sales tax and current authorization for counties to enact an additional 0.25% sales tax subject to public referendum. Counties have the authority for a 0.4% real estate transfer tax, subject to public referendum; the proceeds could be used for transportation, among other uses. Several communities have the authority to levy impact or facility fees on new development, but transit capital such as buses or rail systems is not a use included in the legislative authority, although roads and sidewalks are. Revenues from such fees must be spent to benefit the locations from which the revenues are generated. Some localities have authorization for annual vehicle fees that can also be used for transit.

Communities can also continue to pursue other local options that have been suggested in the past, but have not gained legislative support, such as a local option gas tax. The proposed new sales tax authority would not hinder communities from being able to draw on other sources; it would add another option to the menu of choices available to communities.

What if there are aspects of the Bill that I think could be improved?

Support for the bill can be accompanied by a commitment to work with legislators to clarify or improve specific aspects of the bill. Legislation is often amended as it moves through the legislative process.

Isn't the sales tax regressive?

Typically, sales taxes are regressive, meaning that lower income households pay a higher percentage of their income in sales taxes than do higher income households (higher income households pay more in *actual* dollars in sales tax than lower income households, but these payments represent a smaller *proportion* of the total income of higher income households). The proposed legislation seeks to mitigate the "who pays" side of the equation by excluding many necessities from the sales tax, including food, medicine, utilities and shelter. By excluding these items, a typical household in the lowest 20% income group would pay about \$3 per month for the transit tax, based on analysis by the North Carolina Budget & Tax Center. Households in the top 1% income bracket would average \$57 per month in tax payments and those rounding out the top 5% income bracket would average \$17 per month. Also, one financial analysis showed that the impact of a one dollar increase in the price of a gallon of gasoline is about ten times worse for low-income households than the impact of a ½ cent sales tax.

Moreover, looking at who pays is only half of the equation. Analysis should also consider who benefits. Transit service is disproportionately used by people with lower incomes and households that do not have access to cars. Currently, 32,000 households in the Research Triangle Region report having no vehicle available. Our region's travel forecasts estimate that more than 60% of transit trips after we invest in rail service and greatly expanded bus service will be made by people from households without cars and low-income households with cars. In addition, an analysis in Durham and Orange Counties showed that the transit investments made would increase the percentage of low income and minority households within a quarter mile of transit from about 60% before the investments to more than 80% after the investments, increasing access and mobility for these households. So looking at the whole equation, a sales tax that is spent entirely on transit would provide a net benefit to households most dependent on transit service to reach jobs and educational opportunities, different from if a sales tax were spent on services that were used equally by lower income and higher income households.

Other than a resolution of support for the Intermodal Bill, what other actions can TJCOG members and partners take if they wish to encourage passage of the bill?

Member governments and partner organizations can individually pass resolutions of support and communicate these to their legislative representatives. Local government and partner organization leadership can contact their legislative representatives and indicated their views on the bill. Member governments and partner organizations can help educate those with whom they work about the bill.

How can I track the bill's progress and where can I get more information?

The status of the intermodal bill can be tracked at the NC General Assembly's bill look-up web site by going to the following location and typing in the Intermodal bill number (H148 for the house legislation or S151 for the senate legislation) in the "bill number" box on the website:

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl>

In addition, several organizations are following the legislation, including:

- The North Carolina Metropolitan Coalition, www.ncmetros.org/contact.html
- NC Go! www.ncgo.org/
- Triangle Transit (contact Damien Graham: 485-7413, dgraham@triangletransit.org or David King: 485-7424, dking@triangletransit.org)
- Triangle J Council of Governments (contact John Hodges-Copple: 558-9320, johnhc@tjco.org)
- Regional Transportation Alliance (contact Joe Milazzo: 664-7065, Joe@letsgetmoving.org)



Triangle J Council of Governments

A RESOLUTION ENDORSING LEGISLATION TO PROVIDE THE TRIANGLE WITH A NEW LOCAL OPTION REGIONAL REVENUE SOURCE TO FUND BUS AND RAIL TRANSIT INTRODUCED AS "CONGESTION RELIEF/INTERMODAL TRANSPORT FUND" (HB148 AND SB151).

WHEREAS, legislation has been introduced in the state legislature that would provide communities with the option for a half-cent local option sales tax (excluding such necessities as food, medicine and shelter) devoted to public transit and,

WHEREAS, this legislation is consistent with both Triangle J COG's 2009 Regional Legislative Agenda adopted in December 2008 and the top priority of Triangle J COG's Development & Infrastructure Partnership: "Focus on transit investment until legislation is passed and revenues are secured," which was selected by the Partnership sponsors in September 2008 and,

WHEREAS, the legislation requires the development of a financial plan that must be approved by each affected county commission and MPO prior to enactment.

NOW, THEREFORE, BE IT RESOLVED that the Triangle J Council of Governments supports passage of the Congestion Relief/Intermodal Transport Fund legislation (HB 148 and SB 151), and

BE IT FURTHER RESOLVED that the Triangle J Council of Governments will continue to work with its partners and legislators to ensure that the final language of the bill provides the best opportunity to fund long-term, sustainable regional transit services throughout the Triangle Region.

Adopted and approved this the 25th day of March 2009.

[original signed: Barry Jacobs]

Barry Jacobs, Chair

Attested: [original signed: Angela Lewis]

Angela Lewis, Interim Executive Director



DURHAM • CHAPEL HILL • CARRBORO METROPOLITAN PLANNING ORGANIZATION

Member Governments June 2, 2008

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

Sen. Floyd B. McKissick, Jr.
311 Legislative Office Building
Raleigh, NC 27603-5925

Dear Senator McKissick:

The Transportation Advisory Committee (TAC) of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) at its May 14, 2008 meeting adopted a position paper on S1894 - Congestion Relief/Intermodal Transport Fund (enclosed).

The DCHC MPO is very supportive of increasing funding for transit in North Carolina's growing urban areas. S1894 will provide our area the option to enact a sales tax dependent upon a referendum to fund transit improvements. This will greatly increase our ability to implement the bus and rail transit projects that are in our long range transportation plan.

The DCHC MPO strongly supports the requirement that the financial plan called for in this legislation be approved by all Metropolitan Planning Organizations whose jurisdiction includes any of the area of the special transit district. We want to ensure that this legislation adequately addresses all of the transit needs of our area including the growth of local bus operations. In addition, we want to ensure that the projects funded by the Congestion Relief/Intermodal Fund are consistent with our long range transportation plans.

The DCHC MPO appreciates your support for addressing the transportation needs of our area. Please consider our MPO's position as you consider this bill.

Sincerely,

A handwritten signature in blue ink that reads "Alice M. Gordon".

Alice M. Gordon, PhD, Chair
Transportation Advisory Committee

Enclosure

Cc: DCHC MPO State Legislative Delegation
DCHC MPO TAC
Mark Ahrendsen, City of Durham/DCHC MPO
Patrick Baker, City of Durham
Roger Stancil, Town of Chapel Hill
Steve Stewart, Town of Carrboro
Eric Peterson, Town of Hillsborough
Mike Ruffin, Durham County
Laura Blackmon, Orange County

DURHAM – CHAPEL HILL – CARRBORO METROPOLITAN PLANNING ORGANIZATION

POSITION PAPER ON

HB 2363 and SB 1894 - CONGESTION RELIEF/INTERMODAL TRANSPORT FUND

In 2007 the 21st Century Transportation Committee was formed by North Carolina Governor Michael Easley. The committee was charged with the responsibility to study the transportation infrastructure needs of the state. Some of the activities the committee was required to report on include:

- Innovative methods to fund transportation needs of the state including an examination of the traditional and non traditional methods of financing transportation infrastructure
- Local funding options for transportation.

One outcome of the 21st Century Transportation Committee is the proposed legislation titled the Congestion Relief/Intermodal Transport Fund (HB 2363 and SB 1894) that creates a fund for congestion relief to be distributed to eligible local governments and transportation authorities in the form of grants.

About HB 2363 and SB 1894 - Congestion Relief / Intermodal Transport Fund

The proposed legislation authorizes and outlines the procedures for local elections to adopt a sales and use tax with proceeds being used to support transportation authorities and systems. It also extends the authority for motor vehicle registration fees as well as the motor vehicle rental charge to additional counties.

The basic provisions of the bill authorize several funding options at the local level and the creation of a capital fund at the state level for congestion mitigation. Under the proposed legislation the capital fund would be available to transit systems in the Triangle region of the state. Local funding options include:

1. Increasing vehicle registration fees from the current \$5.00 to \$7.00.
2. Authorizing a motor vehicle rental charge not to exceed 5% in several counties.
3. Authorizing a ½ cent sales tax to be introduced in the three largest urban areas of the state, one of them being the Triangle.
4. The authority to call for a referendum to level a ¼ cent sales tax in selected counties that are contiguous to the three urban areas in the state and in counties with populations over 160,000.

In its current form this legislation authorizes the regional transit provider in the Triangle area (Triangle Transit) to seek a referendum to implement a ½ cent sales tax in the counties of Wake, Orange and Durham. It would be necessary to receive the concurrence of the County Boards of Commissioners in each county in order to offer the referendum. The sales tax will be levied on only non essential items excluding food and medicine. The legislation also requires that a detailed financial plan for the use of the sales tax be prepared. This financial plan must be approved by the Board of Commissioners in each county and by all

Metropolitan Planning Organizations whose jurisdiction includes any of the area of the special district.

The Position of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) supports legislation that provides funding or encourages public transportation initiatives at the federal, state or local level. This legislation is seen as a positive step for meeting the missions and goals of the 21st Century Committee and is deserving of support.

While the DCHC MPO applauds the efforts to develop this legislation and supports the overall philosophy of the legislation, we believe that the legislation could be improved to ensure that the legislation is a positive step for all transit systems in the Triangle area. Predictable, consistent sources of funding are necessary for transit systems to adequately plan for future growth and service improvements. The implementation of this significant legislation should be concerned with the needs of all transit systems in the region.

The current structure of this legislation provides opportunities for all urban transit systems to generate predictable funding except for the urban transit systems operating within a regional urban district. As a result, the urban systems within the Triangle Transit district find themselves at a disadvantage because they don't have the ability to introduce legislation to provide long term predictable funding. This is a shortcoming in the legislation that needs correction.

The following points are offered for consideration to ensure that there is benefit to regional and local transit systems from this legislation.

1. The legislation should identify a portion of funding for local transit operation that ensures steady, dependable levels of funding to support local bus operations.
2. The DCHC MPO supports the requirement in the proposed legislation that the additional funding provided by the fund not be used to supplant local funding already committed for public transit.
3. The DCHC MPO supports the provision in the proposed legislation that the financial plan must be approved by all Metropolitan Planning Organizations whose jurisdiction includes any of the area of the special district.
4. The financial plan must be consistent with the MPOs' adopted Long Range Transportation Plans.

The Congestion Relief/Intermodal Transport Fund is a significant piece of legislation that could take great steps to provide long term predictable funding to our state's public transportation systems. We do not have an opportunity to support this type of legislation very often. It is imperative that this legislation be drafted in such a way that it provides a benefit to all transit systems.

**RESOLUTION TO SUPPORT LEGISLATION ESTBLISHING THE CONGESTION
RELIEF/INTERMODAL TRANSPORT FUND (H148 AND S151)**

April 8, 2009

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, rapid population and employment growth in Wake, Durham, and Orange Counties and dependence upon the automobile have resulted in longer commutes, increased congestion, and more pollution that is threatening our quality of life; and

WHEREAS, as more Triangle citizens seek out transportation alternatives, local and regional bus ridership are at record highs; and

WHEREAS, the 21st Century Transportation Committee was established in 2007 to study the transportation infrastructure needs of the State of North Carolina; and

WHEREAS, the 21st Century Transportation Committee has recommended legislation titled the Congestion Relief/Intermodal Transportation 21st Century Fund (H148 and S151);

WHEREAS, this legislation would allow the Triangle's three major counties, Wake, Durham, and Orange, the ability to enact a one-half percent sales tax dependent upon a referendum to fund transit improvements in a special transit district;

WHEREAS, a regional public transportation authority that would administer the funds must have developed a financial plan that considers the identified needs of the local public transportation systems, human service transportation systems, and expansion of public transportation systems in the special transit district;

WHEREAS, this financial plan must be approved by board of commissioners in each county in the special transit district and by all Metropolitan Planning Organizations whose jurisdiction includes any of the area of the special transit district;

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization's current 2030 Long Range Transportation Plan and draft 2035 Long Range Transportation Plan include several major transit capital projects including rail between Durham and Raleigh and rail transit between Durham and Chapel Hill;

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization co-sponsored the work of the Special Transit Advisory Commission which has recommended a regional transit vision plan for the Triangle that includes rail transit capital projects, expansion of local and regional bus systems, and circulator routes in Raleigh, Durham, Cary, Chapel Hill, and Research Triangle Park/RDU Airport;

WHEREAS, the Special Transit Advisory Commission has recommended that the regional transit vision plan be funded in part by a local revenue source equivalent to a one-half percent sales tax;

WHEREAS, the Durham Area Transit Authority, Chapel Hill Transit, and Triangle Transit short range transit plans include expansion of local bus service;

BE IT THEREFORE RESOLVED that the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Transportation Advisory Committee supports H148 and S151, the Congestion Relief / Intermodal Transport Fund legislation, and urges the North Carolina General Assembly to pass this legislation to allow the State's urban areas the ability to expand local and regional transit systems provided here on this, the 8th day of April, 2009.

TAC Chair

STATE of: North Carolina

COUNTY of: _____

I, _____, a Notary Public of Durham County, North Carolina do hereby certify that personally J. Michael Woodard appeared before me on the 8th day of April, 2009, to affix his signature to the foregoing document.

Notary Public

(Seal)

My commission expires _____



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue, Governor

Dee Freeman, Secretary

March 12, 2009

A. Stanley Meiburg
Regional Administrator
USEPA, Region 4
Sam Nunn Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

Dear Mr. Meiburg:

Pursuant to the requirements of the federal Clean Air Act and on behalf of Governor Beverly E. Perdue, I am submitting to you and your colleagues at the U.S. Environmental Protection Agency (EPA) the State of North Carolina's recommendations concerning the boundaries within our State of areas that either attain or do not attain the March 12, 2008 8-hour standard for ozone. We are recommending the boundaries which are described in the enclosed package because we believe that they are the most effective way to achieve the goals of cleaner air, healthier lives, a stronger economy, and more effective conservation of our land and water. We look forward to discussing these recommendations with you after EPA has had the opportunity to review and comment on them.

The federal Clean Air Act requires EPA to designate areas as attainment or nonattainment following promulgation of a new national ambient air quality standard (NAAQS), such as the March 12, 2008 8-hour standard for ozone. EPA has asked states for their recommendations for nonattainment boundaries by March 12, 2009.

Development and submittal of the State's recommendations on appropriate nonattainment boundaries are the first steps in the process of addressing the revised ozone NAAQS. We understand that if EPA intends to designate areas that differ from the State's recommendations, EPA is required to notify the State by no later than 120 days prior to the final designations which would be no later than November 12, 2009. In addition, it is our understanding that EPA plans to provide a 30-day public comment period immediately following issuance of its response letters to the states in order to consider public input in the designation process. The comment period will conclude in mid-December 2009. EPA must then provide the State an opportunity to demonstrate why modifications to a state's recommendations are inappropriate. EPA has established January 12, 2010, as the deadline for such State response. At that time, my staff anticipates providing supplemental information including consideration of the 2009 ozone season monitoring data and EPA's implementation rule currently scheduled to be released in August 2009.

In developing the recommendations, staff in the Division of Air Quality, North Carolina Department of Environment and Natural Resources (DENR), consulted with staff from the Department of Commerce, Department of Transportation, and Department of Agriculture and Consumer Services. In addition, my staff conducted meetings with elected officials and public meetings around the State on draft staff recommendations and EPA presumptive boundaries in December 2008 and January 2009, and held a public comment period through February 9, 2009. Through this process, staff sought comments from local officials, metropolitan planning organizations, environmental organizations, business, industry, and the

general public. The recommendations prepared for your review include consideration of the comments received.

Based on our extensive public discussions and analysis, we are recommending that 24 entire counties and parts of 17 counties in ten areas of the state be designated as nonattainment for the 8-hour ozone standard, one area be designated unclassifiable and all remaining areas be designated as attainment. The State's proposal reflects a regional approach that, we believe, will target areas that need our best efforts in order to achieve the goals listed above.

Ozone pollution is a serious problem in North Carolina that we are working hard in conjunction with our many local, state, and national partners to solve. Over the past decade North Carolina has implemented substantial, progressive emissions reductions that have resulted in almost statewide attainment of the 1997 8-hour ozone standard in all areas of the State except the Charlotte Metro area. Under the North Carolina legislature's Clean Air Bill of 1999, the State's vehicle inspection and maintenance program was changed to an on-board diagnostic (OBD) program which now covers 48 counties. In addition to implementation of the NOx SIP Call rules, in 2002 North Carolina's General Assembly also enacted the landmark multipollutant legislation known as the Clean Smokestacks Act (CSA) which continues to result in significant sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions reductions from the State's two largest electric utility companies. As demonstrated by these and other actions, North Carolina is committed to improving air quality. The State has and will continue to use its statutory authority to implement controls in the State as warranted, regardless of whether the emission sources are located within the boundary of a nonattainment area.

North Carolina is committed to protecting the health of our citizens, our environment, and our economy. Solving our ozone and other air quality problems is critical to achieving those goals. Improving air quality is critical to the health of our citizens, our future growth, prosperity and quality of life. We look forward to continuing to work with EPA and all of our other partners on the challenging tasks ahead to establish appropriate boundaries for nonattainment areas and to develop strategies to attain the 2008 8-hour ozone standard. More detailed information and supporting data are included in the enclosed recommendation package. Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Dee Freeman", with a stylized, flowing script.

Dee Freeman
Secretary

DF:jb

Enclosure

c: The Honorable Beverly E. Perdue
The Honorable Steve Troxler
The Honorable Gene Conti
The Honorable J. Keith Crisco
B. Keith Overcash

Table 1: North Carolina – Ozone (8-Hour Standard)TAC 4/08/09 Attachment 12

Designated Area	Designation Type	Classification Type
Snow Bird Mountains – Joyce Kilmer-Slickrock Wilderness Area: Graham County Above 4000 feet elevation in the Snow Bird Mountains range Joyce Kilmer-Slickrock Wilderness Area boundary Cherokee County Above 4000 feet elevation in the Snow Bird Mountains range	Nonattainment	
Great Smoky Mountains National Park: Haywood County Park boundary Swain County Park boundary	Nonattainment	
Great Balsam Mountains – Shinning Rock Wilderness Area: Buncombe County Above 4000 feet elevation in this mountain range Haywood County Above 4000 feet elevation in this mountain range Shinning Rock Wilderness Area boundary Henderson County Above 4000 feet elevation in this mountain range Jackson County Above 4000 feet elevation in this mountain range Transylvania County Above 4000 feet elevation in this mountain range	Nonattainment	

Table 1: North Carolina – Ozone (8-Hour Standard) TAC 4/08/09 Attachment 12

Designated Area	Designation Type	Classification Type
Black Mountains: Buncombe County Above 4000 feet elevation in this mountain range Madison County Above 4000 feet elevation in this mountain range McDowell County Above 4000 feet elevation in this mountain range Yancey County Above 4000 feet elevation in this mountain range	Nonattainment	
Hickory-Lenoir-Morganton Area: Alexander County Burke County Unifour Metropolitan Planning Organization boundary Caldwell County Unifour Metropolitan Planning Organization boundary Catawba County	Nonattainment	
Charlotte-Gastonia-Salisbury Area: Cabarrus County Gaston County Iredell County Davidson Township Coddle Creek Township Lincoln County Mecklenburg County Rowan County Union County	Nonattainment	

Table 1: North Carolina – Ozone (8-Hour Standard) TAC 4/08/09 Attachment 12

Designated Area	Designation Type	Classification Type
Greensboro-Winston-Salem-High Point Area: Alamance County Davidson County Forsyth County Guilford County Caswell County Davie County Orange County Burlington-Graham Metropolitan Planning Organization boundary Randolph County High Point Metropolitan Planning Organization boundary Rockingham County	Nonattainment	
Raleigh-Durham-Cary Area: Chatham County Baldwin Township Center Township New Hope Township Williams Township Durham County Franklin County Granville County Johnston County Capital Area Metropolitan Planning Organization boundary Orange County Outside Burlington-Graham Metropolitan Planning Organization boundary Person County Wake County	Nonattainment	
Fayetteville Area: Cumberland County	Nonattainment	

Table 1: North Carolina – Ozone (8-Hour Standard) TAC 4/08/09 Attachment 12

Designated Area	Designation Type	Classification Type
Rocky Mount Area: Edgecombe County Nash County	Nonattainment	
Greenville Area: Pitt County	Unclassifiable	
Rest of State	Attainment	

TAC 4/08/09 Attachment 12



- Map Drawn To Approximate Scale
North Is Represented As Up
Map Valid: 03-12-2009
Page 7 of 7

MEMORANDUM

To: Transportation Advisory Committee (TAC)
DCHC MPO

From: DCHC MPO Lead Planning Agency

Date: April 8, 2009

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 – August 2008
- ✓ Public Outreach for Alternative – August-September 2008
- ✓ Public Hearing on the LRTP Alternative – September 10, 2008
- ✓ Release of the Preferred Option for Public Comments and Input – October 2008.
- ✓ Public Hearing on the Preferred Option – November 12, 2008
- ✓ Approval of 2035 LRTP to be used for air quality analysis – February 2009
- ✓ Air analysis and Inter-Agency Coordination – February 2008 to March 2009
- ✓ Release of draft 2035 LRTP Conformity report – March 2009
- TAC approval of LRTP Conformity Determination – May 2009

NC 54/I-40 Corridor/Sub-Area Study

- ✓ Staff study initiation meeting
- ✓ Draft scope of services

- ✓ Agency review of scope and time
- ✓ Request for Proposal notice – October 2008
- ✓ Proposal due January 2009
- ✓ Consultant selected
- ✓ Contract negotiation underway
- Council contract approval March/April 2009
- Notice to Proceed – April/May 2009
- Study completion – February/March 2010

MPO Parking Survey and Study (to be undertaken in 2009)

- Parking model specification
- Regional Coordination
- Draft scope of services
- Request for Proposal notice – July 2009
- Consultant selection September/October 2009
- Council contract approval November/December 2009
- Project commences – January/February 2010

Commercial Vehicle/Freight Survey

- ✓ Model specification - September 2008
- ✓ RFP/Scope of services - September/October 2008
- ✓ Consultant Selection – November 2008
- ✓ Notice to Proceed/Project Kick-off – December 2008
- ✓ Field survey/data collection underway
- ✓ Consultant selected
- ✓ Notice-to-Proceed issued
- ✓ Project underway

GIS/Data Integration and Automation

- ✓ Phase I in progress
- ✓ Initial Kick off meeting and scan completed
- ✓ Initiation Workshop report completed
- ✓ Draft Requirement Assessment & Application Development Report - October 2008
- GIS Warehouse Design & Implementation - underway
- Functional TELUDE Development -underway
- Development of Common Maps, Models & Reports
- TELUDE Implementation, Testing and Evaluation
- TELUDE Computing Environment
- Deployment, Documentation, Users Guide and Training

Land-use Model development

- ✓ Multi-year project in progress
- ✓ Review of existing data and need/requirement analysis completed
- ✓ Land use data collection completed
- ✓ Development of Model specification Completed

- ✓ Model architecture and design completed
- Database for UrbanSim model - underway
- Phase 1 model development - underway
- Demographic and Economic Transition Models
- Household and Job Location Choice Models
- Development Models
- Price Models
- Accessibility and TRM Interface
- Integration of Model Outputs
- Training, documentation, User's manual
- Final Presentation

Non-Motorized Model development

- ✓ Phase 1 completed.
- Phase 2 underway awaiting the completion of LRTP modeling tasks
 - Update and enhancement of Generation Choice Models
 - Revision and revalidation of Destination choice models
 - Development of improved Model Choice model
 - Prepare and implement new TransCad routines to implement new models
 - Documentation, User's manual, and training
 - Project completion date anticipated in 2010

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.
- ✓ Consultant selection in spring of 2008
- Notice to proceed in January 2009
- Scan of Best practices
- ITS Vision and goals
- Gap Assessment
- Development of ITS Architecture
- Development of ITS Cost Estimates and Cost database
- Development of Maintenance Plan
- Development of IDAS Model
- Integration & Streamlining of ITS with Transportation Planning.
- Strategic Deployment Plan
- Project Management
- Final Reports
- Completion of Project expected in Winter of 2010.

Farrington Road/Stagecoach Road Corridor Study

- ✓ This study involved 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 2009

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 after 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 - winter 2008/2009

Contract Number: C200840
Physical Division: 5
Administrative Division: 5
Length: 6.363 miles
Resident Engineer: Jeffrey D. Allen, PE
Location Description: NC-54 FROM SR-1999 IN DURHAM CO TO SR-1959 IN DURHAM CO & SR-1999 FROM SR-3014 IN WAKE CO TO NC-54 IN DURHAM CO.
Type of Work: WIDENING, GRADING, DRAINAGE, PAVING, SIGNALS & CULVERTS.
Contractor Name: C C MANGUM COMPANY LLC
Contract Amount: \$35,467,891.08
Availability Date: 2/5/2007
Completion Date: 11/1/2009
Revised Completion Date: 11/22/2009
Last Estimate Thru: 2/28/2009
Last Estimate Paid: 3/10/2009

Route: NC-54
County: Durham, Wake
TIP Number: R-2904, U-4026
Federal Aid Number: STP-54(5)
RE Phone Number: (919)733-9499
Cost Overrun/Underrun: 5.47%
Letting Date: 12/19/2006
Work Began: 2/19/2007
Estimated Completion: 11/1/2009
Scheduled Progress: 62.9%
Actual Progress: 73.7%

Contract Number: C201439
Physical Division: 5
Administrative Division: 5
Length: 0.373 miles
Resident Engineer: Cadmus Capehart, PE
Location Description: NC-98 (HOLLOWAY ST) FROM EAST OF US-70 TO EAST OF JUNCTION RD IN DURHAM.
Type of Work: WIDENING, GRADING, DRAINAGE, PAVING AND CURB & GUTTER.
Contractor Name: TRIANGLE GRADING & PAVING, INC
Contract Amount: \$3,288,207.30
Availability Date: 5/29/2007
Completion Date: 6/15/2008
Revised Completion Date: 7/12/2008
Last Estimate Thru: 3/12/2009
Last Estimate Paid: 3/16/2009

Route: NC-98
County: Durham
TIP Number: U-4010
Federal Aid Number: STP-98(21)
RE Phone Number: (919)840-0914
Cost Overrun/Underrun: 0.55%
Letting Date: 4/17/2007
Work Began: 7/30/2007
Estimated Completion: 3/13/2009
Scheduled Progress: 100%
Actual Progress: 99.99%

Contract Number: C201487
Physical Division: 5
Administrative Division: 5
Length: 1.769 miles
Resident Engineer: Chadwick D. Hinnant
Location Description: BRIDGES OVER SANDY CRK & TRIBUTARY & APPROACHES ON SR-1116, SR-1126 NEAR US-15/501 & SR-1116, US-15/501 AT MT MORIAH RD.
Type of Work: GRADING, DRAINAGE, PAVING, SIGNALS, AND STRUCTURES.
Contractor Name: DLB, INC DBA DLB INC (OF VA)
Contract Amount: \$18,810,912.36
Availability Date: 10/1/2007
Completion Date: 8/1/2010
Revised Completion Date: 8/3/2010
Last Estimate Thru: 1/31/2009
Last Estimate Paid: 2/13/2009

Route: US-15
County: Durham
TIP Number: B-3450, U-4009, U-4012
Federal Aid Number: BRSTP-1116(6)
RE Phone Number: (919)220-4680
Cost Overrun/Underrun: 0.97%
Letting Date: 8/21/2007
Work Began: 10/1/2007
Estimated Completion: 8/3/2010
Scheduled Progress: 31.2%
Actual Progress: 33.37%

Contract Number: C201642
Physical Division: 5
Administrative Division: 5
Length: 0.22 miles
Resident Engineer: Jeffrey D. Allen, PE
Location Description: SR-2957 (HOPSON RD) FROM NC-55 TO LOUIS STEPHENS DR IN RTP.
Type of Work: GRADING, DRAINAGE, PAVING & SIGNALS.
Contractor Name: THOMPSON CONTRACTING, GRADING, PAVING & UTILITIES, INC.
Contract Amount: \$3,494,677.11
Availability Date: 11/1/2007
Completion Date: 10/1/2008
Revised Completion Date: 12/17/2008
Last Estimate Thru: 12/15/2008
Last Estimate Paid: 12/31/2008

Route: SR-2957
County: Durham
TIP Number: U-4410DB
Federal Aid Number:
RE Phone Number: (919)733-9499
Cost Overrun/Underrun: 17.17%
Letting Date: 8/21/2007
Work Began: 11/9/2007
Estimated Completion: 4/1/2009
Scheduled Progress: 100%
Actual Progress: 99.66%

Contract Number: C201783
Physical Division: 5
Administrative Division: 5
Length: 0.284 miles
Resident Engineer: Cadmus Capehart, PE
Location Description: CULVERT ON SYCAMORE CREEK AND APPROACHES ON SR-1839.
Type of Work: GRADING, DRAINAGE, PAVING & STRUCTURE.
Contractor Name: MOUNTAIN CREEK CONTRACTORS, INC.
Contract Amount: \$1,174,705.74
Availability Date: 4/28/2008
Completion Date: 5/15/2009
Revised Completion Date:
Last Estimate Thru: 3/15/2009
Last Estimate Paid: 3/25/2009

Route: SR-1839
County: Durham, Wake
TIP Number: B-3528
Federal Aid Number: BRZ-1839(1)
RE Phone Number: (919)840-0914
Cost Overrun/Underrun: 7.88%
Letting Date: 3/18/2008
Work Began: 5/12/2008
Estimated Completion: 5/15/2009
Scheduled Progress: 82%
Actual Progress: 81.18%

Contract Number: C201834
Physical Division: 5
Administrative Division: 5
Length: 0.078 miles
Resident Engineer: Cadmus Capehart, PE
Location Description: BRIDGE OVER MUD CREEK AND APPROACHES ON SR-1303 IN DURHAM.
Type of Work: GRADING, DRAINAGE, PAVING & STRUCTURE.
Contractor Name: KIRKMAN CONSTRUCTION, INC.
Contract Amount: \$1,102,441.20
Availability Date: 6/30/2008
Completion Date: 11/21/2008
Revised Completion Date:
Last Estimate Thru: 2/28/2009
Last Estimate Paid: 3/9/2009

Route: SR-1303
County: Durham
TIP Number: B-4109
Federal Aid Number: BRZ-1303(3)
RE Phone Number: (919)840-0914
Cost Overrun/Underrun: 10.06%
Letting Date: 5/20/2008
Work Began: 7/7/2008
Estimated Completion: 3/15/2009
Scheduled Progress: 100%
Actual Progress: 99.98%

ACTIVE NCDOT PROJECTS LOCATED IN ORANGE COUNTY - DCHC WFO

7/10/09 Attachment 16

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	Bid opening cancelled
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	FA const. complete 10/23/08; UNC-CH to install ped heads & crosswalks by M.A.- signal design approved
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; MA pending more information
Orange	42040	SR 1006 (Orange Grove Rd.) 0.3 mi. south of SR 1177 (Orange Grove- Calvander Rd.)	Install guardrail at the culvert	\$24,000	Installation pending utility relocation; delayed
Orange	42486	SR 1008 (Mt. Carmel Ch. Rd.) @ SR 1913 (Bennett Rd.)	Install solar powered flashers at both approaches to the intersection	\$10,000	FA const. delayed; may need electric power
Orange	42501	US 15/501/NC54 (Fordham Blvd.) at SR 1900 (Old Mason Farm Rd.)	Construct bus pulloffs on both sides	\$140,000	Municipal Agreement pending
Orange	42502	SR 1010 (Franklin St.) between Hillsborough St. and Plant Rd.	Replace deteriorated curb and gutter at several locations on both sides	\$30,000	Municipal Agreement pending
Orange	B-4218	SR 1730 (Turkey Farm Rd.)	Replace Bridge # 108 over New Hope Creek	\$750,000.00	Dane Const., Inc. =9.15% complete
Orange	B-4592	SR 1561 (Lawrence Rd.)	Replace Bridge # 64 over the Eno River	\$1.6 million	Sanford Contractors, Inc. began 3/16/09 for completion by 12/31/09

ACTIVE NCDOT PROJECTS LOCATED IN ORANGE COUNTY - DCHC WFO

TAC 4/08/09 Attachment 16

Orange	42170 SS- 4907 T 42204.2 42204.1	SR 1710 (Old NC 10) @ NC 86	Construct a right turn lane on SR 1710 and install a traffic signal	\$215,000	Design underway; minor R/W & utility relocation
Orange	42171 SS- 4907 U 42205.2 42205.1	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	Design underway
Orange	42423.3 42423.1 SS -4907V	SR 1005 (Old Greensboro Rd.) @ SR 1951 (White Cross Rd.)	Realign intersection	\$165,000	Design pending field review and survey
NCDOT PROJECTS CURRENTLY IN 12 MONTH LETTING LIST					
County	TIP #	Route	Location Description	TIP Est.	Est. Let Date
Orange	B-4216	SR 1002 (St. Mary's Road)	Replacement of Bridge # 66 over Stroud's Creek	\$950,000.00	Jan. 19, 2010
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	Sept. 15, 2009
Orange	U-0624	NC 86 (S. Columbia St.)	Corridor upgrade including Bicycle lanes from SR 1906 (Purefoy Rd.) to SR 1902 (Manning Dr.)	\$4.40 million	July 21, 2009
Orange	U-4704	Chapel Hill- Carrboro	Computerized Traffic Signal System	\$5.0 million	April 21, 2009

Local officials spending Uncle Sam's bucks

By Ray Gronberg : The Herald-Sun
gronberg@heraldsun.com
Mar 12, 2009

DURHAM -- Saying they don't want to have to return any of it to Washington, local officials on Wednesday got down to the business of spending the money the federal economic-stimulus bill is supplying for road and transit projects.

The process began with a unanimous vote by the Durham-Chapel Hill-Carrboro Transportation Advisory Committee that confirmed the group backs the N.C. Department of Transportation's plan for an initial wave of state-controlled road projects.

The same vote also endorsed a proposed split of \$8.4 million in transit aid that will channel about half of it to the Durham Area Transit Authority, a third to Chapel Hill Transit and the rest to Triangle Transit.

Decisions about what projects will benefit from that money and another \$7.9 million in aid for locally controlled road projects remain pending, but are due in mid-May.

Officials are scrambling to hit the deadlines Congress and the Obama administration have set for committing the money. States missing those deadlines can lose their share to those that hit them.

The committee's chairman, Durham City Councilman Mike Woodard, signaled that he intends to make sure the group finishes its decision-making on time.

"We cannot afford to miss any of this money," he said. "Our work has to be fairly focused and disciplined."

The decision to support DOT's "first wave" of road projects -- all announced by Gov. Beverly Perdue on Feb. 24 -- generated the meeting's only significant dispute.

Chapel Hill's representative for the day, Town Councilman Ed Harrison, wasn't happy the list didn't include any projects in either Orange or Chatham counties. It did include six in Durham County.

Harrison didn't have any complaint about the Durham projects, as the money for them is being channeled through a DOT operating division that doesn't include Orange County.

But he didn't like it that it didn't fare well even in its own division, which covers four other counties. He singled out plans to spend \$18.6 million on an Alamance County project, a widening of Mebane Street near a mall in Burlington.

Chapel Hill has two so-called "shovel-ready" projects that in theory were contenders for funding, a repaving of South Columbia Street between Franklin Street and Cameron Avenue, and an upgrade of the town's traffic-signal system, he said.

"There are clearly resurfacing needs in the urban area of Orange County," Harrison said, acknowledging

that DOT is focusing the stimulus bill's road money on repaving work to be sure of committing it quickly.

Brad Wall, division maintenance engineer, said that while engineers regard Mebane Street as a secondary road, it's shovel ready because it'd already been scheduled for a widening and the agency had already purchased the necessary right of way.

He and other officials also noted that DOT is preparing a second wave of state-controlled road projects. A meeting between state and local officials to discuss possibilities for that batch is scheduled on Monday, Wall said.

DOT representatives stressed again Wednesday that the stimulus bill is keeping alive a construction program that otherwise would have been decimated by budget cuts.

Without it, revenue shortfalls would have forced DOT to cut annual spending on new roads, widenings and repairs from its normal \$1.2 billion to no more than about \$180 million, said Wally Bowman, Division 5's chief engineer.

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Don't overlook buses

Ruth Sheehan, Staff Writer

"Come ride with us ... On the bus."

That was the lilting little ditty they used to promote the bus system when I was growing up.

It may be worth a reprise as the Triangle throttles toward a bigger, better transit system with ... drumroll please ... light rail.

On Wednesday, the Transportation committee in the state House will meet to discuss a bill giving the Triangle the right to hold referendums on a half-cent sales tax increase to pay for the new system.

As you might expect, light rail is the mass transit component getting all the attention.

That's what, supposedly, is going to make Raleigh a world-class city -- and the Triangle a world-class region. Just like Charlotte, which already has a light rail line.

But the Triangle reality is that light rail is at least 10 years down the road, even if the commissioners of Wake, Durham and Orange counties all move forward with a referendum, and the voters in all three counties approve.

Meantime, our transit hopes will lean on a more familiar creature: the bus.

The first phase of the transit plan will double the number of buses in Wake County to almost 200.

As someone who has long questioned the wisdom of light rail, I see the decade of the bus as an opportunity for our community to prove we can commit not just our money but our tushes to transit.

The first goal should be to get a much wider swath of humanity to ride the bus.

Last year's spike in gas prices, of course, helped in this endeavor.

Still, the vast majority of people who ride the bus do so because they can't afford a car or because they're especially eco-conscious.

How to attract more riders?

Our buses need to be a cheap ride.

The current fare is hardly exorbitant: a buck a ride or \$2 for an all-day pass.

But consider what happened when Chapel Hill-Carrboro went to free fare: Ridership tripled.

Now, granted, Chapel Hill's a different kind of town from Raleigh. The university is not only home to more than 20,000 students, it's also the town's biggest employer. The university also chipped in a sum to offset much of the town's loss at the farebox.

But Raleigh has several big employers I can think of, too. Ditto for the Research Triangle Park.

We already subsidize more than 80 percent of the cost of running buses. Durham's considering a move to free fares; Raleigh should, too.

What else?

With the doubling of the fleet, we need to rethink the current routes and schedules.

At a Thursday night public hearing at Raleigh's City Hall, one gentleman mentioned that it takes him four hours to get from the north side of Durham to Raleigh by bus. That may be unavoidable, but we need the buses to run more often than once an hour.

Finally, as long as we're training folks to be mass transit riders, we need express or semi-express buses that will take travelers straight to the airport from downtown Raleigh.

I don't care how many parking spaces the airport has to fill. If we're going to commit the millions to make this new transit system work, let's have it take us where we want to go.

Of course, light rail eventually needs to reach out to RDU, too. But that's a decade -- and a whole lot of buses -- down the track.

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New drivers at DOT

From wheeler-dealers to wonks. Oh, we don't mean to hurt their feelings, and nothing against wonks, bless their hearts. But some members of the state Board of Transportation might be wondering: They signed up for this? Planning policy? Program priorities? Phooey!

Time was -- and it wasn't long ago, like a couple of months -- when a seat on the transportation board could make someone the squire of highway projects in his home district. With that kind of power to wield, seats were sufficiently coveted that people would bend over backwards, shall we say, to impress a governor with their worthiness. The bending often resulted in campaign contributions. Nobody was particularly shocked when some board members used their clout to boost projects from which they would derive personal benefit.

Governor Perdue aptly determined that this would not do. She campaigned on a pledge to convert the board from one that decided which projects would go forward to one that would set overall policy for the Department of Transportation and oversee its performance.

Last week, Secretary Gene Conti followed through. The goal, he said, is to "take favoritism or special preference out of the decision-making process." Highway investments will be made in keeping with the judgments of department professionals, in line with long-range planning documents. It sounds like a more orderly and effective way of allocating North Carolina's transportation funds, and board members still will be able to convey local concerns. Maybe they won't have as much fun, but if Perdue's new system works as she and Conti hope, the state will be better off.

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Toll road construction rides on new bond plan

Officials hope to start in summer

Bruce Siceloff, Staff Writer

RALEIGH - Stymied since September by a frigid bond market, the N.C. Turnpike Authority hopes that a newly refashioned financing plan will enable it to start work this summer on the \$1 billion, 18.8-mile Triangle Expressway in western Wake County.

That would be welcome news for hundreds of idle workers and subcontractors in the depressed construction industry, and for property owners waiting to cash in on land that will be taken for the six-lane toll road.

David W. Joyner, the turnpike authority's executive director, needs a \$400 million federal loan and \$600 million in bonds so he can buy 730 acres for right-of-way and start construction.

As a new agency with no assets or track record, the turnpike authority has a BBB credit grade for its bond offering - a judgment by rating agencies that bond buyers would take on moderately low risk by lending money for the TriEx.

That rating would have been sufficient last summer, Joyner said, before a financial crisis brought the bond market to a standstill.

But it is not good enough now to attract bond buyers. Although the bond market is flowing again, buyers are going for only the highest AA and AAA credit ratings, which indicate the lowest risk to lenders.

Now, after consulting with rating agencies, state and federal officials and bond buyers, Joyner has a strategy to boost his agency's credit rating. He has assurances from the state Department of Transportation to share the risks of cost overruns, and a plan to split the bond offering into two packages.

A \$200 million bond would be backed by the legislature's pledge to pay \$25 million a year to cover the expected gap between project costs and toll collections. This probably would be rated as a low-risk, AA-grade loan, he said.

A second \$400 million bond would be repaid with toll collections. Joyner hopes to impress the rating agencies with projections that the authority will collect enough tolls from drivers to keep on hand more than twice as much money as it needs to make its debt repayments.

A better chance

If the rating agencies award AA grades for both bonds, the turnpike authority will have a better chance of making it through the remaining steps, Joyner said. They include buying insurance for the \$400 million toll bond, securing the \$400 million federal loan, and winning approval from the N.C. Local Government Commission, which regulates municipal bond issues.

"If things go well, we will know within three weeks how this plan is cooking," Joyner said. "We're hopeful this whole thing could get done by mid-May, so we can proceed with construction."

The turnpike authority would be awarding two of the biggest road contracts in state history to contractors that were the low bidders last year.

S.T. Wooten Corp. of Wilson would get \$137 million to build the first section of the expressway, the 3.4-mile Triangle Parkway from Interstate 40 south through Research Triangle Park to the 540 Outer Loop.

"This project is very important for us," said Jonathan Bivens, a Wooten vice president. "There are a lot of people on temporary layoff that we'll bring back for this project."

The Triangle Parkway job will employ more than 1,000 people, Bivens said, including suppliers, subcontractors and more than 200 Wooten employees.

An existing portion of the 540 Outer Loop will link the Triangle Parkway to the other new part of the TriEx, a 12.6-mile expressway south from RTP to Holly Springs. This job, worth \$446 million, will go to three out-of-state firms operating together under the name Raleigh Durham Roadbuilders.

The rest of the \$1 billion will pay for operating, maintaining and repaving the turnpike for about four decades, while tolls are collected to repay the debt.

"We're very optimistic that they're going to be successful in getting financed," Bivens said, "and hopefully getting people to work as early as May."

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Chatham officials out to get road relief

By Ray Gronberg : The Herald-Sun
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Mar 11, 2009

DURHAM -- Chatham County officials say the Durham-led group that oversees road planning in the western Triangle has shortchanged their county's needs, to the point that Chatham's interests need help from the state.

The complaint stems from recent decisions by elected officials from Durham and Orange counties to leave a number of suggested northeast Chatham County road widenings out of the area's new long-range road and transit plan.

Chatham County Commissioners, led by their vice chairwoman, Sally Kost, aren't happy because the omissions included a project along Jack Bennett Road, which runs east-west and helps connect U.S. 15-501 South in northeast Chatham to Durham's Southpoint area and RTP.

Kost wrote Transportation Secretary Gene Conti on Feb. 13 to say the decision shows the Durham city administrators who help staff the region's metropolitan planning organization might favor their own community's interests.

She suggested that if Conti wants to reform road planning, he among other things should consider giving a different body, the Triangle J Council of Governments, the lead role in shaping transportation decisions here.

"It seems like there's got to be a way that's fair," said Kost, who took office in December.

Kost's move didn't catch Durham officials by surprise, as she voted against the new plan last month when the area's Transportation Advisory Committee approved it.

That panel's chairman, Durham City Councilman Mike Woodard, is already trying to smooth things over and call attention to the problems that sparked the Jack Bennett Road complaint.

Chatham is poised for a population explosion thanks to the zoning and permit decisions made there between 2002 and 2006 under the leadership of former Chatham County Commissioner Bunkey Morgan.

Morgan and his allies -- all since voted out of office -- approved several massive developments that will add between 8,000 and 12,000 new homes to the area.

Critics at the time complained that Chatham lacked the infrastructure to handle growth on that scale. The deficits on that front included roads.

Kost said Triangle J's projections suggest that by 2035, northeast Chatham could gain roughly 83,000 new residents -- more than any town in this half of the Triangle save Durham is likely to add.

But the Jack Bennett corridor -- and every other road corridor that offers close to a straight-shot link from northeast Chatham to Southpoint and RTP -- skirts Jordan Lake, the massive, federally-owned reservoir that's becoming a key source of drinking water for much of the region.

The lake already has pollution problems, and administrators from Durham's transportation office and other governments in the area agreed last fall that an extensive series of road projects in northeast Chatham could exacerbate that.

For example, runoff hitting Jack Bennett Road's intersection with Lystra Road would only be a quarter-mile uphill from Jordan Lake. Connecting roads also pass through a section of Durham County that's under heavy development pressure.

After hearing of Chatham officials' unhappiness, Woodard took a day-after-Christmas driving tour of northeast Chatham to get a better feel for its roads and likely development.

The potential for problems was obvious. "They're getting ready to face a real tidal wave of growth down there," Woodard said, adding that he's since urged Durham's transportation office to organize a tour for other elected officials and administrators.

Woodard has also encouraged Chatham officials to become more active in the planning group's affairs.

Although Chatham County's government has been a member since 1993, its participation has been spotty. It has dispatched a commissioner to only about half the elected-official-level Transportation Advisory Committee's meetings over the past two years.

A Chatham presence in staff-level debates is even rarer. Records show it had a representative at just one of the 23 meetings the staff-only Technical Coordinating Committee has held since the spring of 2007.

Kost said her government employs only three professional planners and has been dubious about sending one north each month for a half-day's worth of meetings.

But it was the staff group that initially weeded Chatham's road projects out of the long-range plan.

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Orange misses ozone limits; Chatham partial

From staff reports : The Herald-Sun

Mar 13, 2009

RALEIGH -- Orange County has failed to meet federal ozone limits and North Carolina recommended on Thursday that the federal government designate it and 23 other counties as not meeting the new federal air quality standard. Chatham County was named among 17 more as only partially meeting the standard.

If, after federal review, the counties remain in so-called non-attainment areas, plans for controlling ozone will include specific proposals such as measures to reduce emissions from cars, trucks, industries and power plants. The designations also give the U.S. Environmental Protection Agency the authority to review proposed highway projects and long-range transportation plans.

The recommendations for ozone non-attainment areas are a key step in the state's overall plan to improve air quality, protect public health and ensure continued economic growth in North Carolina, said Dee Freeman, secretary of the N.C. Department of Environment & Natural Resources.

"Air quality is improving in North Carolina, but we need to ensure that we meet the new, stricter federal

standard for ozone," Freeman said. "We have identified those areas with the most serious ozone problems, and we will focus attention and develop plans for improving air quality in these non-attainment areas."

The recommendations were submitted to the EPA, which had set Thursday as the deadline for states to propose which areas in their boundaries should be designated non-attainment with the federal ozone standard. The EPA is expected to make a final decision on the designations by March 12, 2010.

Non-attainment areas are regions that do not meet federal air quality standards for pollutants such as ozone. The EPA sets non-attainment boundaries based on recommendations from the states, and the designations can have important implications for growth and development.

Ozone is the main component in urban smog. It is unhealthy to breathe and can damage trees and crops. In March 2008, the EPA adopted a more stringent standard for ozone -- lowering the allowable level from 0.08 to 0.075 parts per million measured over eight hours. Although most of North Carolina is attaining the old ozone standard, current levels exceed the new standard in 21 of the 30 counties where the state Division of Air Quality operates monitors.

The key factor in North Carolina's non-attainment recommendations was air quality monitoring data from across the state. Monitoring by DAQ shows that ozone levels, while declining for many years, exceed the new ozone standard across much of North Carolina during the warmer months. The DAQ evaluated data on air monitoring, motor vehicle use, population density, air quality modeling and other factors in helping to develop the recommendations.

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Local transit voice, Spaulding, resigns

By Neil Offen : The Herald-Sun

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Mar 13, 2009

DURHAM -- Ken Spaulding, a strong booster of local transit initiatives, is stepping down from the state Board of Transportation.

In a letter to Gov. Beverly Perdue, Spaulding, a local attorney, said he would no longer serve on the board beyond the panel's March 5 meeting. He had earlier this year indicated that he did not want a second four-year term on the board. Perdue, however, requested that he continue on the board for an interim period, which Spaulding did. But he said Thursday he couldn't remain there any longer.

"Quite frankly, I've had to turn down business or refrain from representing potential clients due to what I consider to be possible potential conflicts of interest," Spaulding said. "My work is very important to me, so I decided to stick to my original decision to serve only a four year-term on the board."

Durham Mayor Bill Bell said Spaulding will be missed on the panel that sets transportation priorities for the state.

"Ken was a good board member in terms of advocating for Durham," Bell said. "It could be a significant loss [for the city], especially if we don't get someone equally strong, and I've shared that opinion with the governor."

Spaulding's support was instrumental in obtaining more than \$100 million in state funding for Durham's East End Connector, among other local transit projects.

"The connector had been either unfunded or poorly funded for many, many decades," Spaulding said. "I was very pleased to help get the money for that project."

The governor will make the appointment to fill Spaulding's seat representing Division 5, which includes Durham and six other local counties. Bell said he has suggested some potential appointees to the governor, but would not say whom exactly.

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State, local officials clash over stimulus funds

By Larry Copeland, USA TODAY

GREENSBORO, N.C. — Gov. Beverly Perdue stood in front of an asphalt roller near here last month, talking about transportation jobs and construction projects coming to her state from the federal stimulus package.

"I wanted North Carolina to be one of the first states in America to begin to put people back to work to help stimulate our economy," said Perdue, a Democrat. The \$10 million Greensboro-area project will resurface 8 miles of Interstate 85/40 — the two highways merge there — create 300 jobs and pump \$60 million into the local economy, state Transportation Secretary Eugene Conti said.

The repaving job symbolizes a dispute dividing state and local government officials across the nation as money from the \$787 billion American Recovery and Reinvestment Act of 2009 flows from Washington to the grass roots. The Obama administration and some governors such as Perdue want the money spent quickly to create jobs and stimulate moribund local economies. But some local officials say basic repaving and other quick-turn projects will provide only temporary benefits and won't meet long-term transportation needs.

Perdue and Conti told local political dignitaries that the resurfacing project is one of 70 "shovel-ready" highway and bridge projects across the state that will begin immediately, using \$466 million of \$838 million in stimulus transportation funds North Carolina received.

As they spoke, the light mid-afternoon traffic on I-85/40 droned quietly behind them. The sparse traffic was noted by the mayors of the state's two most populous cities, Charlotte and Raleigh, who say such repaving projects do little to relieve traffic congestion.

"Those roads in the rural areas will have 500 cars a day on them," said Raleigh Mayor Charles Meeker, a Democrat. "Our roads will have 50,000, 60,000 or 70,000. If you look at Raleigh, Charlotte, Greensboro and Winston-Salem, they all have lots of transportation needs. But none have roads that are designed and ready to go."

"Too many short-term projects are being targeted," said Charlotte Mayor Pat McCrory, a Republican. "There should be more long-term sustainable projects that will have an impact on the next generation, since that's who's going to have to pay for it. We're resurfacing roads as opposed to rebuilding our highways and transit."

Perdue said some subsequent projects will be more substantive than the early repaving project and that critics "need to give us a shot and wait to see until the end."

The package approved by Congress designates \$47.8 billion for transportation. States and cities have seen years of studies documenting the nation's deteriorating roads and bridges, inadequate transit systems and undeveloped high-speed passenger rail capacity. They want to launch projects that have languished for years.

"We met with the (North Carolina) secretary of Transportation and said, 'We want some of the stimulus money to be going for transit, not just roads and bridges,' " said Karen Rindge, executive director of WakeUP Wake County, a planned growth group in the Research Triangle area. "We recognize we're not going to get the majority of the money. We're basically saying, 'Don't forget about transit.' "

Greg Cohen, president and CEO of the American Highway Users Alliance, which advocates funding for roads, said that transit fared better in the stimulus package than it usually does in federal appropriations.

The stimulus targets \$8.4 billion for transit, \$29 billion for highways and bridges, \$1.3 billion for Amtrak, \$8 billion for high-speed and intercity passenger rail, and \$1.1 billion for airports.

"This time transit got almost one-third of what highway programs got," Cohen said. "Typically, transit gets about one-fifth of highways."

Among the squabbles over federal stimulus dollars:

- In California's Bay Area, where funding for transit was cut drastically as state officials sought to balance the budget, transit users picketed a transit board meeting after a decision to spend \$70 million of the nine-county region's \$495 million share to connect the Oakland airport with the Bay Area Rapid Transit system. The protesters wanted to offset recent service cuts or fare hikes in the region's subway/train system.
- Long-standing tensions between northern and southern Nevada boiled over after release of a state plan for \$140 million in stimulus transportation funding.

The plan targeted \$19 million for Clark County, home of Las Vegas, an amount dwarfed by spending on projects in politically powerful northern Nevada.

North Carolina's Conti summarized the debate over short-term vs. long-term projects: "The major reason this money was provided by the Congress ... was to put people back to work. We're always focused on the longer-term goal of reducing gridlock, but this is about jobs." He says the North Carolina stimulus money will create 14,000 jobs.

That's fine, McCrory said, "but these shovel-ready projects give the impression that the only jobs needed are construction jobs."

"With long-term projects, you would create jobs for engineers, planners, environmentalists and architects. So much of the money is being directed toward repaving. So are you really stimulating anything?"

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N.C. roads get little stimulus

State's funding is 11th lowest in U.S

Steve Harrison, The Charlotte Observer

On a per-capita basis, North Carolina ranks near the bottom of the 50 states and the District of Columbia in stimulus dollars received for roads and bridges and for transit.

And if the state's share of transportation dollars is ranked based on its unemployment rate, North Carolina's share is worse. Six states and Washington, D.C., have a higher percentage of jobless than North Carolina, but that's not factored into how stimulus infrastructure dollars are distributed.

"Welcome to the world of subsidy," joked Mark Foster, the chief financial officer for the N.C. Department of Transportation.

North Carolina is getting \$735 million for roads and bridges, which works out to about \$80 per person. That's the 11th-lowest per-capita share nationwide.

The state's unemployment rate was 9.7 percent in January, with only five states with a higher rate, according to the Bureau of Labor Statistics. Gov. Beverly Perdue, in a news release last month, said the first wave of stimulus road projects would create 14,000 jobs.

Wyoming, which has the country's lowest population, will get about \$295 per person, the highest in the nation. It also has the nation's lowest unemployment rate, at 3.7 percent.

The U.S. Department of Transportation's formula for distributing highway dollars generally favors small states, at least when compared on a per-capita basis. Forty percent of the formula distributes money based on the vehicle miles traveled by state residents and 35 percent based on federal gas tax payments.

The last 25 percent is based on the total lane miles of federal highways a state has -- not how many miles it may need to accommodate a fast-growing population. That's where North Carolina suffers.

As the state's population has surged, the state DOT has struggled to build new interstates. The state has plans to build beltways around major cities and to build Interstates 73 and 74 through the Piedmont and to Wilmington, but construction schedules have been delayed by a lack of funding.

Meanwhile, states such as Michigan aren't building many new miles of expressway. Much of their transportation infrastructure was built decades ago, and their populations are now stagnant. Michigan will receive \$85 per person for highways.

"Typically, what you find is that a lot of southern states are donors, and those in the Midwest and Northeast are recipients," Foster said.

Robert Puentes, a senior fellow at the Brookings Institute, said the part of the formula dedicated to existing lane miles is to help states maintain their roads.

"They have more to maintain, and their needs are greater," Puentes said. "That said, these are slow-growing areas. We have to ask, 'What kind of country are we trying to build?'"

In passing the stimulus, there wasn't time to analyze funding formulas, Puentes said. But "it's important we have that conversation," he said, when the federal government's transportation law is re-authorized over the summer.

New York state receives the lowest per-capita share for highways, at \$58. Most of the state's population is in the New York City area, where many residents don't own cars.

Wyoming, by contrast, has few residents but a number of federal highways crisscrossing the large state, such as Interstate 80. Sparsely populated Alaska, North Dakota and South Dakota also receive more than \$225 per person.

Many states that were low in highway funding were high in transit funding. But North Carolina also got the short end in terms of per-capita transit funding, receiving \$103 million for public transportation, or \$11.20 per resident. That's 11th-lowest out of 50 states and Washington, D.C.

As states prepare to spend their stimulus dollars, some are concerned there isn't enough money to make an impact. Local contractors have said they expect the stimulus to help them keep their existing employees, not necessarily to hire new people. The local office of the DOT will get about \$70 million for highway projects -- about 80 percent of its annual construction budget.

"We should be building long-term projects. Instead we're paving roads," Charlotte Mayor Pat McCrory said.

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High-Speed Rail: Obama 'Signature' Issue

by Neal Peirce

For decades, a hardy band of rail advocates — routinely ignored — has pressed for a modern rail passenger system in America.

So imagine their incredulous joy when Congress' massive economic stimulus bill suddenly included a massive commitment of \$8 billion to construct high-speed rail systems — the most startling national pledge to rail since the Pacific Railway Act under President Lincoln.

And who was responsible for the last-minute insertion of the \$8 billion, far beyond what either the House or Senate had initially approved? Barack Obama. White House chief of staff Rahm Emanuel specifically asked the Senate-House negotiators to insert it. "I put it in there for the president," Emanuel told Politico in an interview. "The president wanted to have a signature issue in the bill, his commitment for the future."

Obama personally told long-term rail advocate John Robert Smith, mayor of Meridian, Miss., that he'd

have preferred the stimulus bill figure be even greater — \$10 billion.

And Secretary of Transportation Ray LaHood told National Public Radio: "I do think this is the transformational issue for this administration when it comes to transportation. I think President Obama would like to be known as the high-speed rail president, and I think he can be."

Obama's new budget goes beyond the \$8 billion, asking another \$5 billion high-speed rail commitment over five years.

It's true that Congress, after years of general indifference, has recently been giving Amtrak, our national passenger rail service, more support. But the change at the White House — President Bush actually advocated zero-funding of Amtrak — couldn't be more dramatic.

Asserts James RePass, founder-leader of the 20-year-old National Corridors Initiative: "Suddenly, by the grace of God, we have a president who absolutely, positively gets it." This signifies, he adds, an end to the reign of "the ideological libertarians out to destroy the transportation system by saying 'the market' will take care of it, that Amtrak should make a profit — which is nuts!"

A point of reality: Even \$8 billion won't go far to build a system that registers speeds that match the 180 miles per hour that is routine on European and Japanese trains. The closest might be achieved in California, where a \$9 billion bond issue to start building a Sacramento-San Francisco Bay Area-San Diego rapid rail line was approved last fall. Insiders say it might get about \$2 billion from the new federal funds pool.

In most other regions, suggests Ross Capon of the National Association of Railroad Passengers, the money most likely will go for improvements to today's train service — better equipment, bridges to replace grade crossings, and adding double tracks to allow faster movement of trains and fewer conflicts with freight rails using the same tracks.

The result of the added track along existing rights-of-way could be radically improved timing, eliminating the inexorable delays Amtrak trains now so often suffer. Other funding could go to purchase new locomotives, to refurbish or replace Amtrak's aging fleet of rail passenger cars. The more frequent and reliable that service becomes, the more traveling Americans are likely to be won over from auto or air travel.

One corridor that's a prime candidate for upgrading is the economically hard-hit Midwest — and not just because Obama and LaHood are both from Illinois. The Midwest High Speed Rail Association has been pressing for years for funds to develop a Chicago-centered Midwest network including St. Louis, Cleveland, Minneapolis-St. Paul and Detroit — cities Obama has said he'd like to see linked by high-speed rail as an alternative to air travel.

Other corridor candidates include the Pacific Northwest (Seattle-Portland-Eugene), South Central (San Antonio-Dallas-Tulsa), Florida (Miami-Orlando-Tampa), Northern New England/New York (Boston-Springfield-Albany-Buffalo), and Southeast-Gulf Coast (linking Raleigh, Charlotte, Atlanta, New Orleans and Houston). Major improvements are needed on the existing Northeast Corridor (Washington-Boston),

where Acela trains still run at about half the speed of France's TGV service.

On top of all that, the stimulus bill makes a significant infusion of \$8.4 billion into public transit — fiscally flailing bus and subway systems that find their ridership rising fast even as local funding sources contract.

The magic of rail and transit investments is their multiple benefit. In the short term, they're excellent recession fighters. Upgrading rail lines, for example, requires lots of blue-collar labor. Public transit employs so many people that \$1 billion in transit funding creates 22,000 jobs, 70 percent more than defense spending and 30 percent or more than a tax cut, according to University of Massachusetts economist Robert Pollin.

Just as crucial, rail and transit are intrinsically "green," offering deep and lasting energy savings and climate-saving carbon reductions that the oil-dependent auto-truck sector simply can't equal. And they mean investment in a more diversified, resilient American transportation system, a more competitive nation, for the century. A "signature issue" for President Obama? How could he do better?

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Tuesday, March 24, 2009

Study: Triangle residents might favor sales tax hike for transit

Triangle Business Journal

Residents of Wake, Durham and Orange counties might be willing to support an increase in the sales tax to pay for new or expanded public transportation, a new study says – though ridership fees and impact fees might have to go up to make such a plan politically successful.

The study was commissioned by the **Regional Transportation Alliance**, a business group dedicated to enhancing mobility in the area. It shows that, while higher property taxes to pay for public transportation are deeply unpopular locally, a sales tax increase might be more palatable.

Some 57 percent of Triangle residents said they wouldn't support a property tax increase to pay for public transportation, according to the study of 1,006 registered voters.

On the other hand, 53 percent of respondents said they would vote in favor of a half-percent increase in the sales tax if it were on the ballot in their county.

Voters do have concerns about those higher sales taxes. Asked if they agree or disagree with people who say they couldn't vote for a funding plan for public transportation unless it came along with an increase in ridership fees, 53 percent of respondents to the survey said they agree.

Asked if they agree or disagree with people who say they couldn't vote for a public transportation plan unless it also included an increase in housing and development impact fees, some 52 percent of respondents said yes.

Overall, residents said they support new public transportation efforts – including a light rail train system, more bus routes and dedicated lanes for buses.

But expanding public transportation systems was identified by just 9 percent of residents as their top priority for local elected officials. By contrast, 29 percent of residents said attracting more businesses and jobs to the area should be officials' top goal, while 28 percent said officials need to be working on improving the quality of public education.

Live interviewers from Fallon Research performed the survey between March 7 and March 11. The margin of error on the survey is plus or minus 3.08 percentage points.

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Friday, March 27, 2009

North Carolina Turnpike Authority planners change bond package for toll road

Triangle Business Journal - by Chris Baysden

Steve Wilson

Grady Rankin is working for AA-rated bonds.

RALEIGH – The **North Carolina Turnpike Authority**, facing the prospect that its original bond package to finance construction of a toll road in the Triangle would receive a rating just above junk status, is revamping its plan in hopes of getting funding by the end of spring.

The authority was preparing to go to the market with a single bond package to pay for the Triangle Expressway but backed off when told the debt would not rise above a BBB rating.

Chief Financial Officer Grady Rankin says the authority now wants to offer two separate sets of bonds: a \$329 million offering backed by \$25 million in annual "gap funding" from the state and a \$340 million offering backed by toll revenue. The two sets of bonds would be sold in the same week. A \$415 million loan from a federal program called the Transportation Infrastructure and Innovation Act is included in the financing for the toll road.

The new idea is driven by the need to boost the ratings the bonds would receive from rating agencies such as **Moody's**, **Fitch Ratings** and **Standard & Poor's**.

The authority's theory is that the gap funding bonds will be able to obtain a AA rating because they are backed by a revenue source coming from the state. The authority then could buy bond insurance that officials hope would raise the toll revenue-backed bonds' rating from BBB to AA.

Rankin says the authority is in discussions about purchasing bond insurance from Bermuda-based **Assured Guaranty**. He would not reveal any estimates of how much the insurance might cost.

If all goes according to plan, the authority could have proceeds from an offering by late May. There are still several benchmarks that must be met first, including striking an acceptable agreement with Assured Guaranty and obtaining the blessing of the **North Carolina Local Government Commission**.

Creative approaches to financing deals have come under scrutiny in recent months due to the turmoil that has engulfed the nation's financial system. Rankin is adamant that the authority isn't trying to assemble a plan with any of what he calls "fancy footwork."

"This is a plain, solid deal," says Rankin, who points out that there would be no credit swaps involved. Rankin says that the weighted average interest of all the debt – the bonds and the TIFIA loan – will be in the 5.75 percent range.

Turnpike authority officials had wanted to sell bonds for the \$1 billion project, which would be the state's first toll road, by the end of October 2008. But a meltdown in the bond market has frustrated the authority's attempts to issue bonds for the road, which would run through 18.8 miles of western Wake County and southeastern Durham County.

The previous plan called for the authority to issue more than \$600 million in bonds that would be supported by two revenue streams: tolls collected from road users and the \$25 million a year in gap funding that the General Assembly has pledged to provide. The package includes the \$415 million federal loan.

When ratings agencies frowned on the package, the authority went back to the drawing board.

"It would be a very difficult sell," says Jeff Poley, a **Parker Poe** bond attorney who keeps a close eye on the market, says of BBB-rated bonds. "One level above junk status is not safe enough in this environment."

Vance Holloman, a deputy treasurer in the North Carolina Department of State Treasurer, says the Local Government Commission has had preliminary discussions with the authority regarding modifications to its financing plan. But the LGC hasn't received anything in writing.

"I don't think it would be appropriate to comment any further at this time," Holloman says. The LGC staff is employed by the treasurer's office.

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A 21st Century Transportation System Requires a Modern Funding Formula

North Carolina's transportation system is overdue for change. North Carolina's ability to continue to compete in a global economy will be challenged if we fail to protect and improve our transportation infrastructure and quality of life. The challenge in our transportation system is not new, but the current economic conditions have compounded the situation. Cities are fighting traffic congestion, stagnant state funding and construction inflation while accommodating growing populations.

The N.C. Metropolitan Mayors Coalition has long been a partner in efforts to reform and improve transportation in our state. Our cities and towns share the responsibility of building and maintaining a multi-modal transportation system with the State. Cities have sole responsibility for maintaining nearly 20 percent of public roads in our state. They invest nearly \$1 billion of city revenues on transportation — roughly equal to the annual federal investment in our state transportation system. From 2001–2007 cities increased investments in roads by 51 percent, yet still struggled to meet the growing demand of transportation. Conversely, state funding for locally-maintained roads has been relatively stagnant.

The need for action is reaching a critical point. Traffic conditions are steadily eroding. Our urban interstates are ranked third most congested in the nation. State investments in transportation have not matched demand as transportation funding sources — the gas and car sales taxes and federal aid — stagnates or declines. Transportation construction costs are experiencing high inflation which has further exacerbated the problem. We have a growing backlog of maintenance for repaving and renovation projects for our roads and bridges leading the American Society of Civil Engineers to grade North Carolina's roads a "D" and our bridges a "C-." The State and our cities struggle to meet demand for investments for new roads and

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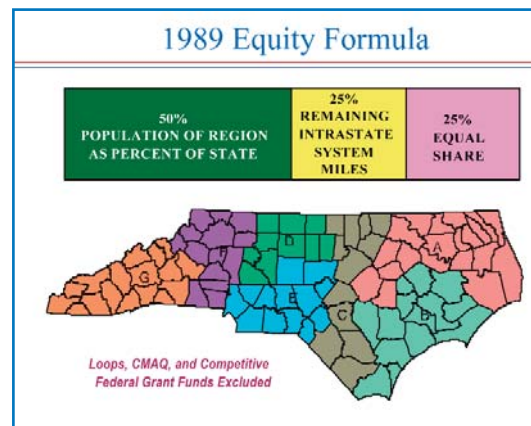
expanded public transportation to accommodate a steadily growing and increasingly urban population. North Carolina recently became the 10th most populous state in the nation and is expected to grow to seventh by 2030.

One critical aspect of the transportation decision-making process that deserves more attention is the formula used to distribute state transportation dollars for the all-important Transportation Improvement Program. The equity formula allocates transportation dollars among seven geographic funding regions. The formula was developed in 1989, when the N.C. Highway Trust Fund was created, with the goal of ensuring equitable distribution of funds across the

state and focus funding on completing the Intrastate System. The formula does not apply to public transportation investments, the urban loop program or routine maintenance.

The Equity Formula

The formula conceived in the 1980s is inadequate for a state that has grown so much in the interim. The 2000 census was a watershed moment in North Carolina history — for the first time more



North Carolinians lived in cities and towns than in unincorporated areas. In the 1980s, North Carolina was largely a rural state dominated by an agricultural and manufac-

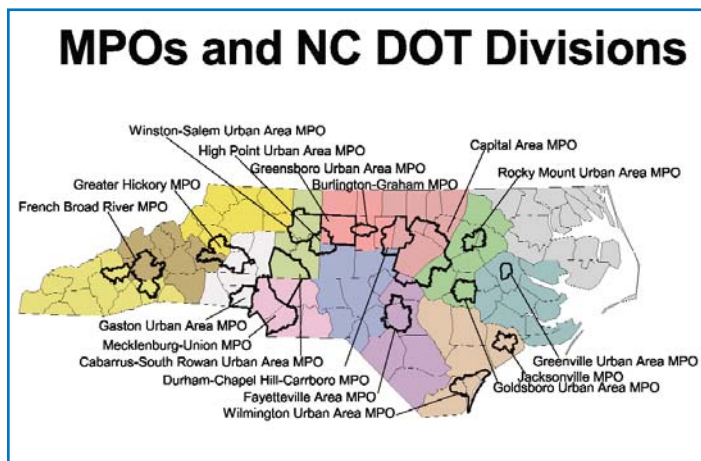
turing base of dispersed textile mills, furniture factories and farms. The state has entered the 21st Century as an urban state with three large metropolitan regions and eight emerging metropolitan regions. Projections show that 88 percent of the state's population growth from 2000-2030 will be in the metropolitan regions that make up the N.C. Metropolitan Mayors Coalition membership. This transition to a metropolitan state and the 21st Century knowledge-based economy demands different things from our transportation system and thus it is time to examine the methods we use to allocate our transportation dollars. **The distribution formula has three primary elements that divide available funding — 1) miles to complete the intrastate system; 2) equal share; and, 3) regional population.** Unfortunately, none of the components of the formula includes traffic or congestion.

INTRASTATE SYSTEM — 25 percent intrastate road miles to complete

In 1989, Governor Martin's Administration proposed the North Carolina Intrastate System, a construction program intended to put a four-lane road within 10 miles of all North Carolinians. When the General Assembly created the Highway Trust Fund it drew a map of the Intrastate System and identified over 1,700 miles of roads on the system that were designated for construction or improvement to four lanes or better. The formula designates 25 percent of the

equity formula funds be allocated based on the miles “to be completed.” The concept was that a region receives money for this work until their projects are complete. When 90 percent of the projects listed in G.S. 136-179 are completed, this part of the equity formula is eliminated. Although funds are allocated based on the “miles to complete,” the funds are not required to be spent on those projects. Because of this, the formula provides a disincentive for completing the projects listed in statute.

As regions of the state complete their designated intrastate highway miles they have less funding available from this part of the formula. This was the case when Division 12 completed all of the Division’s intrastate projects. The statute was then amended in



2003 to add projects to Division 12. Division 8 has the most miles to be completed (94.6 miles). At the current delivery rate, it will require nine years to complete its remaining portion of the Intrastate System. However, 60.4 miles of the remainder has yet to complete environmental work (NEPA) and it seems unlikely that these projects will be delivered by 2018.

Because the equity formula applies to both Highway Fund dollars and Highway Trust Fund dollars, it limits our ability to address critical projects that are not specifically included in the 1989 Highway Trust Fund Legislation. North Carolina has an immense legacy investment in Interstate Highways and major bridges that are not eligible for the Highway Trust Fund. Large non-trust fund projects push money away from their Funding Regions and Highway Divisions. Examples of key intrastate roads that do not qualify for this calculation include the expansion of I-85 in Cabarrus County, the Yadkin Bridge in Rowan and Davidson County and the interchange for I-40 and I-77 in Iredell County. Failing to accommodate such economically-critical projects in the funding distribution formula is a serious flaw.

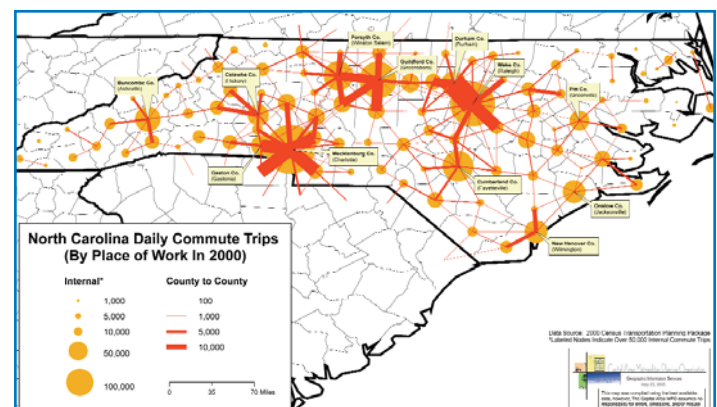
EQUAL SHARE – 25 percent equal share among the seven regions

Each funding region is made up of two of the long-standing state highway divisions. The highway divisions were not drawn around a common or specific transportation identity, but instead to match NCDOT’s maintenance operations to the Department of Correc-

tions’ administrative system that existed 50 years ago. In today’s North Carolina such regional boundaries have little to do with modern transportation flow or needs. These nonsensical regional boundaries create complications and disjointed planning and projects that don’t meet regional needs. As currently drawn they fail to reflect important modern regional identifiers such as commuting patterns, air quality planning or modern patterns of commerce. For example: Wake, Durham, Orange, Chatham and Johnston County – five counties that are all closely linked in commuting and economic patterns and share responsibility for improving air quality reside in four different funding regions.

POPULATION IN REGIONS – 50 percent allocated on the population in each “distribution region”

The population portion of the formula reflects how many residents there are in a defined geographic region. This portion of the formula is designated to direct transportation funds “to where the people are.” Unfortunately, as the formula is currently designed it does not fully reflect the location of the traffic. For example, each



day 23,000 commuters drive into Guilford County from Randolph County, but since they are in different funding regions the traffic impact is not recognized in Guilford’s equity formula allocation. Neither does this portion of the formula reflect the relative expense of projects in less densely populated regions that include critical transportation corridors such as I-95 in the southeastern counties, or I-40 and I-77 in the northwestern counties.

Summary

The time has come to complete a meaningful study of the way we allocate transportation dollars across the State. A study will provide the opportunity to better educate legislators and the public on our current funding allocation methods and options for the future. It would provide the opportunity to debunk long-held myths about the equity formula including who would be a beneficiary of change or that this is a rural/urban debate.



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 1001

Short Title: Transportation Corridor Mapping Changes. (Public)

Sponsors: Senator Jenkins.

Referred to: Commerce.

March 26, 2009

A BILL TO BE ENTITLED
AN ACT TO CHANGE THE FUNDING FORMULA FOR CITIES REGARDING
APPROPRIATIONS FOR MUNICIPAL STREETS, TO INCLUDE CITIES AND
COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM
STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL
ASSEMBLY, AND TO CLARIFY THE DEFINITION OF THE STATE HIGHWAY
SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-41.1(a) reads as rewritten:

"(a) There is annually appropriated out of the State Highway Fund a sum equal to the net amount after refunds that was produced during the fiscal year by a one and three-fourths cents (1 3/4¢) tax on each gallon of motor fuel taxed under Article 36C of Chapter 105 of the General Statutes and on the equivalent amount of alternative fuel taxed under Article 36D of that Chapter. The amount appropriated shall be allocated in cash on or before October 1 of each year to the cities and towns of the State in accordance with this section. In addition, as provided in G.S. 136-176(b)(3), revenue is allocated and appropriated from the Highway Trust Fund to the cities and towns of this State to be used for the same purposes and distributed in the same manner as the revenue appropriated to them under this section from the Highway Fund. Like the appropriation from the Highway Fund, the appropriation from the Highway Trust Fund shall be based on revenue collected during the fiscal year preceding the date the distribution is made.

Seventy-five percent (75%) of the funds appropriated for cities and towns shall be distributed among the several eligible municipalities of the State in the percentage proportion that the population of each eligible municipality bears to the total population of all eligible municipalities according to the most recent annual estimates of population as certified to the Secretary of Revenue by the State Budget Officer. This annual estimation of population shall include increases in the population within the municipalities caused by annexations accomplished through July 1 of the calendar year in which these funds are distributed. Twenty-five percent (25%) of said fund shall be distributed among the several eligible municipalities of the State in the percentage proportion that the mileage of public streets in each eligible municipality which does not form a part of the State highway system bears to the total mileage of the public streets in all eligible municipalities which do not constitute a part of the State highway system.

It shall be the duty of the mayor of each municipality to report to the Department of Transportation such information as it may request for its guidance in determining the eligibility of each municipality to receive funds under this section and in determining the amount of allocation to which each is entitled. Upon failure of any municipality to make such report



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within the time prescribed by the Department of Transportation, the Department of Transportation may disregard such defaulting unit in making said allotment.

Beginning in fiscal year 2011, the funds to be allocated under this section shall be paid in cash to the various eligible municipalities on or before October 1 of each year, biannually in two equal payments on or before December 1 and June 1 of each year. Should the total yearly allocation for a municipality be less than fifty thousand dollars (\$50,000), the Department shall pay the entire amount in one payment before November 1 of that year. Provided that eligible municipalities are authorized within the discretion of their governing bodies to enter into contracts for the purpose of maintenance, repair, construction, reconstruction, widening, or improving streets of such municipalities at any time after January 1 of any calendar year in total amounts not to exceed ninety percent (90%) of the amount received by such municipality during the preceding fiscal year, in anticipation of the receipt of funds under this section during the next fiscal year, to be paid for out of such funds when received.

The Department of Transportation may withhold each year an amount not to exceed one percent (1%) of the total amount appropriated for distribution under this section for the purpose of correcting errors in allocations: Provided, that the amount so withheld and not used for correcting errors will be carried over and added to the amount to be allocated for the following year.

The word "street" as used in this section is hereby defined as any public road maintained by a municipality and open to use by the general public, and having an average width of not less than 16 feet. In order to obtain the necessary information to distribute the funds herein allocated, the Department of Transportation may require that each municipality eligible to receive funds under this section submit to it a statement, certified by a registered engineer or surveyor of the total number of miles of streets in such municipality. The Department of Transportation may in its discretion require the certification of mileage on a biennial basis."

SECTION 2. G.S. 136-44.50(a) reads as rewritten:

"(a) A transportation corridor official map may be adopted or amended by any of the following:

- (1) The governing board of any local government for any thoroughfare included as part of a comprehensive plan for streets and highways adopted pursuant to G.S. 136-66.2 or for any proposed public transportation corridor included in the adopted long-range transportation plan.
- (2) The Board of Transportation, or the governing board of any county, for any portion of the existing or proposed State highway system or for any public transportation corridor, to include rail, that is in the Transportation Improvement Program.
- (3) Regional public transportation authorities created pursuant to Article 26 of Chapter 160A of the General Statutes or regional transportation authorities created pursuant to Article 27 of Chapter 160A of the General Statutes for any portion of the existing or proposed State highway system, or for any proposed public transportation corridor, or adjacent station or parking lot, included in the adopted long-range transportation plan.
- (4) The North Carolina Turnpike Authority for any project being studied pursuant to G.S. 136-89.183.
- (5) The Wilmington Urban Area Metropolitan Planning Organization for any project that is within its urbanized boundary and identified in G.S. 136-179.

Before a city adopts a transportation corridor official map that extends beyond the extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances, or adopts an amendment to a transportation corridor official map outside the extraterritorial

jurisdiction of its building permit issuance and subdivision control ordinances, the city shall obtain approval from the Board of County Commissioners."

SECTION 3. G.S. 136-44.50(a1) reads as rewritten:

"(a1) No ~~transportation corridor official map shall be adopted or amended, nor may any property may~~ be regulated under this Article until:

- (1) The governing board of the city, the county, the regional transportation authority, the North Carolina Turnpike Authority, or the Department of Transportation has held a public hearing in each county affected by the map on the proposed map or amendment. Notice of the hearing shall be provided:
 - a. By publication at least once a week for four successive weeks prior to the hearing in a newspaper having general circulation in the county in which the transportation corridor to be designated is located.
 - b. By two week written notice to the Secretary of Transportation, the Chairman of the Board of County Commissioners, and the Mayor of any city or town through whose corporate or extraterritorial jurisdiction the transportation corridor passes.
 - c. By posting copies of the proposed transportation corridor map or amendment at the courthouse door for at least 21 days prior to the hearing date. The notice required in sub-subdivision a. above shall make reference to this posting.
 - d. By first-class mail sent to each property owner affected by the corridor. The notice shall be sent to the address listed for the owner in the county tax records.

(1a) The transportation corridor official map has been adopted or amended by the governing board of the city, the county, the regional transportation authority, the North Carolina Turnpike Authority, or the Department.

- (2) A permanent certified copy of the transportation corridor official map or amendment has been filed with the register of deeds. The boundaries may be defined by map or by written description, or a combination thereof. The copy shall measure approximately 20 inches by 12 inches, including no less than one and one-half inches binding space on the left-hand side.
- (3) The names of all property owners affected by the corridor have been submitted to the Register of Deeds."

SECTION 4. G.S. 136-66.1(1) reads as rewritten:

- "(1) The State Highway System. – The State highway system inside the corporate limits of municipalities shall only consist of a system of major streets and highways necessary to move volumes of traffic efficiently and effectively from points beyond the corporate limits of the municipalities through the municipalities and to major business, industrial, governmental and institutional destinations located inside the municipalities. The Department of Transportation shall be responsible for the maintenance, repair, improvement, widening, construction and reconstruction of this system. These streets and highways within corporate limits are of primary benefit to the State in developing a statewide coordinated system of primary and secondary streets and highways. Each highway division shall develop an annual work plan for maintenance and contract resurfacing, within their respective divisions, consistent with the needs, inasmuch as possible, as identified in the report developed in accordance with G.S. 136-44.3. In developing the annual work plan, the highway division shall give consideration to any special needs or information provided by the

municipalities within their respective divisions. The plan shall be made available to the municipalities within the respective divisions upon request."

SECTION 5. G.S. 136-66.2 reads as rewritten:

"§ 136-66.2. Development of a coordinated transportation system and provisions for streets and highways in and around municipalities.

(a) Each municipality, not located within a metropolitan planning organization (MPO) as recognized in G.S. 136-200.1, with the cooperation of the Department of Transportation, shall develop a comprehensive transportation plan that will serve present and anticipated travel demand in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality, and shall provide for the safe and effective use of the transportation system. In the development of the plan, consideration shall be given to all transportation modes including, but not limited to, the street system, transit alternatives, bicycle, pedestrian, and operating strategies. The Department of Transportation may provide financial and technical assistance in the preparation of such plans. Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation.

(b) After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within ~~municipalities.~~municipalities that meet the functionality test established in subsection (c) of this section, or is mutually agreed upon.

(b1) The Department of Transportation may participate in the development and adoption of a transportation plan or updated transportation plan when all local governments within the area covered by the transportation plan have adopted land development plans within the previous five years. The Department of Transportation may participate in the development of a transportation plan if all the municipalities and counties within the area covered by the transportation plan are in the process of developing a land development plan. The Department of Transportation may not adopt or update a transportation plan until a local land development plan has been adopted. A qualifying land development plan may be a comprehensive plan, land use plan, master plan, strategic plan, or any type of plan or policy document that expresses a jurisdiction's goals and objectives for the development of land within that jurisdiction. At the request of the local jurisdiction, the Department may review and provide comments on the plan but shall not provide approval of the land development plan.

(b2) The municipality or the MPO shall provide opportunity for public comments prior to adoption of the transportation plan.

(b3) Each county, with the cooperation of the Department of Transportation, may develop a comprehensive transportation plan utilizing the procedures specified for municipalities in subsection (a) of this section. This plan may be adopted by both the governing body of the county and the Department of Transportation. For portions of a county located

1 within an MPO, the development of a comprehensive transportation plan shall take place
2 through the metropolitan planning organization.

3 (b4) To complement the roadway element of the transportation plan, municipalities and
4 MPOs may develop a collector street plan to assist in developing the roadway network. The
5 Department of Transportation may review and provide comments but is not required to provide
6 approval of the collector street plan.

7 (c) From and after the date that the plan is adopted, the streets and highways designated
8 in the plan as the responsibility of the Department of Transportation must be functionally
9 classified as major collectors, arterials, or interstate routes according to the most recent
10 functional classification system map approved by both the Department and the Federal
11 Highway Administration, and shall become a part of the State highway system and all such
12 system streets shall be subject to the provisions of G.S. 136-93, and all streets designated in the
13 plan as the responsibility of the municipality shall become a part of the municipal street system.

14 (d) For municipalities not located within an MPO, either the municipality or the
15 Department of Transportation may propose changes in the plan that meet the eligibility
16 requirements of subsection (c) of this section at any time by giving notice to the other party, but
17 no change shall be effective until it is adopted by both the Department of Transportation and
18 the municipal governing board. For MPOs, either the MPO or the Department of
19 Transportation may propose changes in the plan at any time by giving notice to the other party,
20 but no change shall be effective until it is adopted by both the Department of Transportation
21 and the MPO.

22 (e) Until the adoption of a comprehensive transportation plan that includes future
23 development of the street system in and around municipalities, the Department of
24 Transportation and any municipality ~~may shall~~ reach an agreement as to which existing or
25 proposed streets and highways within the municipal boundaries shall be added to or removed
26 from the State highway ~~system~~ system based on the most recent functional classification of the
27 roadways within the municipal limits.

28 (f) Streets within municipalities which are on the State highway system as of July 1,
29 1959, shall continue to be on that system until changes are made ~~as provided in this section to~~
30 comply with the eligibility requirements of subsection (c) of this section. These new
31 agreements shall become effective on or before June 30, 2015. The Department shall bring all
32 State-maintained roads up to acceptable maintenance standards prior to placing them in the
33 municipal system.

34 (g) The street and highway elements of the plans developed pursuant to G.S. 136-66.2
35 shall serve as the plan referenced in G.S. 136-66.10(a)."

36 **SECTION 6.** This act becomes effective July 1, 2009.