

**MINUTES  
WINSTON-SALEM URBAN AREA  
TRANSPORTATION ADVISORY COMMITTEE (TAC)  
JULY 17, 2013  
4:15 P.M.  
FIFTH FLOOR, PUBLIC MEETING ROOM,  
BRYCE A. STUART MUNICIPAL BUILDING**

**MEMBERS PRESENT:**

Margaret Bessette, City-County Planning Board, TAC Secretary  
Mark Baker, Commissioner, Forsyth County, Alternate  
Brent Rockett, Commissioner, Town of Bethania  
Allen Joines, Mayor, City of Winston-Salem  
Dan Besse, Council Member, City of Winston-Salem, Vice Chairman  
James Taylor, Council Member, City of Winston-Salem  
John Bost, Mayor, Village of Clemmons  
Allen Todd, Mayor, Town of Wallburg  
Billy McHone, Mayor, Village of Tobaccoville  
Dan Pugh, Mayor, Town of Lewisville  
Kenneth Rethmeier, Mayor, Town of Bermuda Run  
Randy Mendenhall, Council Member, Town of Walkertown  
Leon Inman, Commissioner, Stokes County  
Steve Jarvis, Commissioner, Davidson County, Alternate  
Tracey Shiftlette, Alderman, Town of Kernersville

**PRESIDING:** Mayor Larry Williams, Town of Rural Hall, Chairman

**STAFF PRESENT:**

Pat Ivey, NCDOT  
Andy Bailey, NCDOT  
Scott Rhine, PART  
Cary Gentry, FCOEAP  
Art Barnes, WSTA  
Kaori Fujisawa, WSDOT  
Toneq' McCullough, WSDOT  
Greg Errett, WSDOT  
Wendy Miller, WSDOT  
Kevin Edwards, WSDOT  
Matthew Burczyk, WSDOT  
Ryan Newcomb, WSDOT  
Fred Haith, WSDOT

**RECORDING SECRETARY:** Laura Whitaker, WSDOT

**OTHERS:** Russ DuBois, Creative Corridors Coalition  
Robin Dean  
Allan Younger

- 1. Larry Williams read the Ethics Awareness and Conflict of Interest Reminder**
- 2. Citizen Comments**

Russ DuBois, Executive Director, Creative Corridors Coalition, 380-H Knollwood Street, Winston-Salem, NC 27103, stated that the CCC is a nonprofit organization created to provide a voice and a process for residents of Winston-Salem and Forsyth County to influence the design and implementation of roadway infrastructure projects in and around the downtown area. Mr. DuBois further stated that the CCC supports the US 421 and Business 40 project being combined and streamlined.

Robin Dean, 3523 Line Street, Clemmons, NC 27012, expressed his concerns over the Western Section of the Northern Beltway and requested that it be removed from the TIP. Mr. Dean provided his comments in writing to be filed with the meeting minutes.

Larry Williams introduced Winston-Salem Council Member James Taylor, Denise Adams replacement.

### **Action Items**

- 3. Consideration of the May 30, 2013 TAC Meeting Minutes**

Presented by Chairman Larry Williams.

MOTION: Dan Pugh moved approval of the minutes.

SECOND: Allen Todd

VOTE:

FOR: Unanimous

AGAINST: None

- 4. Consideration of Resolutions Regarding the Winston-Salem Urban Area Metropolitan Planning Organization (MPO) Fiscal Year 2012-2018 Metropolitan Transportation Improvement Program (MTIP)**

Presented by Wendy Miller.

- Wendy distributed the Creative Corridors Coalition's comments on the MTIP amendments.
- The Peters Creek Parkway Interchange (U-2827BA) and the Business 40 Pavement Rehabilitation project (U-2827BB) were combined into one project (U-2827B) with overall construction accelerated to 2016.
- A delay in right-of-way acquisition for the Peters Creek Parkway Interchange from 2015 to 2016 crossed over the first four years of the STIP which is a FHWA fiscal and conformity period that triggers both an amendment of the MTIP and an Air Quality Conformity Determination on the project.
- The project amendment and modification as well as the Air Quality Conformity Determination Report went out for public review from June 12th to July 15th, 2013.

- There were no comments from FHWA, NCDQAQ or the EPA on the Air Quality Conformity Determination. One comment was received from the Creative Corridors Coalition in support of the project and its acceleration.

**a. Approving the Air Quality Conformity Analysis and Determination Report (AQCDR)**

MOTION: Billy McHone moved approval.

SECOND: Ken Rethmeier

VOTE:

FOR: Unanimous

AGAINST: None

**b. Amendment and Modification to Delay the Right-of-Way and Incorporate the Peters Creek Parkway (NC 150) Interchange into the Regionally Significant Business 40 (US 421) Design Build Project (U-2827B)**

MOTION: Dan Besse moved approval.

SECOND: Billy McHone

VOTE:

FOR: Unanimous

AGAINST: None

**c. Amendment to Add Federal Transit Administration (FTA) Sections 5307 and 5340 Funds for the Winston-Salem Transit Authority (WSTA) for Operating and Capital Assistance**

Presented by Art Barnes.

- Transit systems located in urbanized areas of more than 200,000 in population are eligible to use FTA Sections 5307 and 5340 funds for operating and capital assistance.
- The FTA has announced that the Winston-Salem Urban Area is eligible to receive a total of \$4,085,792 in Section 5307 and 5340 funding for operating and capital assistance in Fiscal Year 2012-2013 for transit services.
- Historically, Section 5307 funds were used for only for capital assistance for WSTA. Because WSTA maintains a system with 100 or fewer buses, the Moving Ahead for Progress for the 21<sup>st</sup> Century Act (MAP-21) has expanded the eligibility for these funds to also be used for operating assistance.
- Additionally, activities traditionally eligible under the Job Access Reverse Commute (JARC) program, which provides for job access for low-income individuals, are also now an eligible activity for these funds.
- At the March 2013 meeting, the TAC approved \$3,935,030 in Section 5310 and 5307 funds to be allocated to WSTA and JARC agencies with \$55,000 in funding for JARC eligible agencies and \$3,880,030 to WSTA.
- In order to continue to provide the financial support to WSTA and JARC agencies, staff recommends that the additional Section 5307 and 5340 funds be distributed to WSTA in the total amount of \$4,030,792 and \$55,000 to JARC agencies.

- In order for WSTA and JARC agencies to receive the Section 5307 and 5340 funds, the 2012-2018 MTIP must be amended to include operating and capital assistance for WSTA and JARC agencies funded from 5307 and 5340 funds totaling \$4,085,792.

MOTION: Allen Joines moved approval.

SECOND: Billy McHone

VOTE:

FOR: Unanimous

AGAINST: None

Ken Rethmeier made a motion to make information item 5 an action item. The motion was duly seconded by Randy Mendenhall and unanimously carried.

### **Information Items**

#### **5. Review of a Proposed Amendment to the Winston-Salem Urban Area MPO Fiscal Year 2012-2018 MTIP**

Presented by Matthew Burczyk.

- In September, 2012, the Winston-Salem Urban Area TAC allocated \$2,017,600 in STP-DA funds for sidewalk projects in the urban area.
- One of those projects was the construction of sidewalk, curbing, and drainage structures along the south side of NC 65 from Runningbrook Lane to Norvasa Street and on the north side of NC 65 from Forum Parkway to the McDonalds' restaurant driveway.
- This project connects to the NC 65 sidewalk project for which additional funds were programmed at the May, 2013 TAC meeting. The total cost of the project was estimated at \$685,000 (\$548,000 in STP-DA funds and \$137,000 in a local match from the Town).
- In the course of constructing another sidewalk, the Town of Rural Hall revised its sidewalk pricing formula to reflect increased costs associated with construction and project management.
- That new pricing formula applied to the NC 65 sidewalk project resulted in higher estimates than originally planned for in September, 2012.
- The Town, therefore, would like to program additional STP-DA funds towards the project.
- The revised cost estimate for the project is now \$900,000 (\$720,000 in STP-DA funds and \$180,000 in local match).
- The Town is requesting an additional \$172,000 of STP-DA funds and will provide the additional \$43,000 in local match.
- The total project cost increase is \$215,000.
- Although this is on the agenda as an information item, the TCC discussed Rural Hall's desire to move forward on the project as soon as possible. The TC recommends approve of this amendment as an action item today.

Chairman Williams stated that the Town of Rural Hall was anxious to move forward and would appreciate approval of the additional funding at today's meeting.

A discussion ensued.

MOTION: Randy Mendenhall moved approval.

SECOND: Tracey Shiftlette

VOTE:

FOR: Unanimous

AGAINST: None

**6. Review of the Draft Compliance Response to the 2013 Federal Certification Review Corrective Action for the Winston-Salem Urban Area MPO to Demonstrate Fiscal Constraint of the TIP**

Presented by Fredrick Haith.

- Fred distributed a draft executive summary to demonstrate fiscal constraint of the TIP.
- The draft executive summary outlines an amendment to the current Winston-Salem Urban Area MPO FY 2012-2018 MTIP.
- The MTIP includes a detailed listing of upcoming projects in the Winston-Salem Urban Area for fiscal years 2012 through 2018.
- The amendment was prompted by federal law and regulations which require STIPs and MTIPs include proof that they are fiscally viable, or as described in the federal register financially constrained.
- The same rules apply to Transportation Plans.
- The Financial Plan of the Winston-Salem Urban Area MPO Transportation Plan documents the financial assumptions through horizon year of 2035.
- The plan outlines proposed investments for roadway, rail, transit, bicycle, and pedestrian facilities.
- The financial analysis showed the transportation plan to be financially constrained and included a review of current and forecasted costs and revenues for the life of the plan (2013-2035).
- The purpose of this report is to provide similar information or a Financial Plan for the first four years (2012-2015) of the MTIP.
- NCDOT project data for years 2012-2015 for the MPO area was the basis for the analysis.
- The analysis was based on financial data as of July 2011. A review of project costs and revenue sources show the first four years of the Winston-Salem MPO MTIP are financially constrained.
- Under the federal regulations, only the first four years of project work are considered part of the MTIP.
- Any funding or work shown beyond year four is considered informational and is subject to change.
- The Winston-Salem Urban Area has approximately \$262 million programmed towards Highway, Bicycle & Pedestrian, and Transit projects for years 2012-2015 with committed revenue of approximately \$262 million.

**7. MPO Staff Reports**

**a. NCDOT Division 9 Transportation Projects Update**

Presented by Pat Ivey.

- Pat distributed a Strategic Mobility Formula fact sheet and stated that he would bring a report back to the committee in September.

A discussion ensued regarding the upgrade of the computerized traffic signal system.

A discussion ensued regarding the McGregor Road Bridge.

A discussion ensued regarding the Yadkinville Road Bridge.

A discussion ensued regarding the Highway 109 project. There have been design changes and updated traffic volumes but that will not affect the chosen corridor.

**b. Piedmont Authority for Regional Transportation (PART) Update**

Presented by Scott Rhine.

- Scott distributed a PART brochure.

Ken Rethmeier requested PART investigate providing transportation for the new Davie County Medical Center.

**c. Forsyth County OEAP Air Quality Update**

No questions for staff.

**d. Bicycle and Pedestrian Facilities Projects Update**

No questions for staff.

**e. Winston-Salem Transit Authority (WSTA) Update**

Presented by Art Barnes and Kaori Fujisawa.

- Art distributed a WSTA system map for Sunday routes that will begin on November 3<sup>rd</sup> from 7 am – 7 pm.
- There will be 7 routes available to ride on Sundays.
- Trans-Aid will also be operating on Sundays.
- A comprehensive destination/origin study is underway.
- The results from the study will be presented at the next committee meeting.

**8. Update on State Ethics Law as Applied to MPOs**

Presented by Margaret Bessette.

- In late June 2013, the NC Legislature adopted SB 411 with updated ethics requirements for MPO Boards.

- TCC members and alternates are no longer covered under the State Ethics Act—meaning TCC members are no longer required to file Statements of Economic Interest, are not subject to the lobbyist gift ban and do not have to take state ethics education training.
- TAC members and alternates are no longer subject to the state ethics education requirement (city and county governing board members are still subject to the local ethics education requirement that is triggered by each election and reelection), nor are they subject to the lobbyist gift ban.
- TAC members and alternates still have to disclose certain economic interests annually by filing a SEI with the State Ethics Commission which the Commission will evaluate.
- TAC members are also subject to new ethics requirements that mirror some of the previous requirements under the State Ethics Act. These requirements are:
  1. Refrain from taking action as a TAC member that will result in financial benefit to the member, the member’s extended family, or a business with which the member is associated
  2. Promptly disclose in writing actual and potential conflicts of interest
  3. File a SEI as required under the State Ethics Act
  4. Disclose certain real estate interests when filing a SEI
  5. No use of nonpublic information for personal financial benefit

**9. Discussion of Potential Amendments to the Winston-Salem Urban Area MPO Administrative Documents**

Presented by Margaret Bessette.

**a. Memorandum of Understanding (MOU)**

- The MPO is established through a Memorandum of Understanding (MOU) between the North Carolina Department of Transportation (NCDOT) and member jurisdictions.
- From time to time, the TAC amends the MOU. A draft amended MOU is included in your agenda packet.
- While there may appear to be extensive changes, most are simply wording changes requested by the State. The only significant change is the addition of WSTA as a voting member of the TAC.
- The WSTA Board Chair is currently an ex-officio, non-voting member. During our federal certification review at the end of 2012, the Winston-Salem MPO was strongly encouraged to add the Winston-Salem Transit Authority as a voting member of the TAC.
- Staff plans to bring the amended MOU to the TAC for adoption in September.
- If the changes are approved, WSTA would be invited to join the TAC as a voting member and would become a party to the MOU.
- All member jurisdictions would then need to adopt resolutions authorizing their chief elected official to execute the document. The changes would likely become effective in January 2014.

**b. TAC By-Laws**

- Proposed amendments are included in your agenda book.

- Two changes to the TAC by-laws are proposed: 1) addition of WSTA as a voting member of the TAC, consistent the MOU changes previously discussed; and 2) an update of the weighted voting allocation.
- The MOU establishes that the TAC will generally operate on one member, one vote, but also establishes a weighted voting system based on population.
- The 100 weighted votes are apportioned based on the population of each jurisdiction as of the most recent decennial census, with a minimum of one vote per voting member.
- Our current apportionment is based on the 2000 census and needs to be updated based on the 2010 census.
- A spreadsheet with the proposed reapportionment was provided in the May meeting agenda packet.
- Per the by-laws, weighted votes for the North Carolina Board of Transportation representative come from the apportioned votes of the most populous jurisdiction (Winston-Salem.)
- As per the amendment, WSTA's vote(s) would also come from Winston-Salem. Staff is proposing that WSTA be allocated 2 votes, which would keep Winston-Salem's weighted votes at 46 votes.

A discussion ensued regarding the weighted voting numbers, specifically related to the Board of Transportation member's votes.

Larry Williams requested staff to coordinate with NCDOT regarding the Board of Transportation member's attendance.

Billy McHone requested a copy of the distributed weighted votes.

## **10. Review of the 2013 MPO Calendar of Activities**

Presented by Greg Errett.

- Next meeting September 19th

## **11. Other Business/Adjourn Meeting**

ADJOURNMENT 5:02 pm