

**MINUTES
WINSTON-SALEM URBAN AREA
TRANSPORTATION ADVISORY COMMITTEE (TAC)
MAY 27, 2014
4:15 P.M.
FIFTH FLOOR, PUBLIC MEETING ROOM,
BRYCE A. STUART MUNICIPAL BUILDING**

MEMBERS PRESENT:

Margaret Bessette, City-County Planning Board, TAC Secretary
Dan Besse, Council Member, City of Winston-Salem, Vice Chairman
Bill Whiteheart, Commissioner, Forsyth County
Norman Wilkes, Mayor, Town of Midway
Allen Joines, Mayor, City of Winston-Salem
Mike Horn, Council Member, Town of Lewisville
Nick Nelson, Mayor, Village of Clemmons
Randy Mendenhall, Council Member, Town of Walkertown
Tracey Shifflette, Alderman, Town of Kernersville
Allen Todd, Mayor, Town of Wallburg
Billy McHone, Mayor, Village of Tobaccoville
Kenneth Rethmeier, Mayor, Town of Bermuda Run
Regina Streed, WSTA

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

STAFF PRESENT:

Al Andrews, Deputy City Attorney
Jeff Hatling, Town of Kernersville
Marty Myers, Town of Lewisville
Gary Looper, Village of Clemmons
Pat Ivey, NCDOT
Andy Bailey, NCDOT
Scott Rhine, PART
Cary Gentry, FCOEAP
Paul Norby, CCPB
Bill Marley, FHWA
Toneq' McCullough, WSDOT
Matthew Burczyk, WSDOT
Dewey Williard, WSDOT
Kaori Fujisawa, WSDOT
Greg Errett, WSDOT
Wendy Miller, WSDOT
Kevin Edwards, WSDOT
Fred Haith, WSDOT
Steve Hawryluk, Budget

RECORDING SECRETARY: Laura Whitaker, WSDOT

- Chairman Larry Williams read the Ethics Awareness and Conflict of Interest Statement.

1. Citizen Comments

No one present.

Action Items

2. Consideration of the March 20, 2014 TAC Meeting Minutes

Presented by Chairman Larry Williams.

MOTION: Norman Wilkes moved approval of the minutes.

SECOND: Allen Todd

VOTE:

FOR: Unanimous

AGAINST: None

3. Consideration of an Amendment to the Fiscal Year 2012-2018 Metropolitan Transportation Improvement Program (MTIP) and the North Carolina Department of Transportation State TIP (STIP)

Presented by Jeff Hatling.

a. TIP Project TQ-6170 – Amend the MTIP to Add Federal Transit Administration (FTA) Section 5310 (Elderly and Persons with Disabilities) Funds for Elderly Transit Services in the Town of Kernersville

- In 2012, the Town of Kernersville applied to the NCDOT for a grant of a total of \$60,000 in FTA Section 5310 (Elderly and Persons with Disabilities) funds to provide for elderly transit services in the town.
- The request was forwarded to FTA in April, 2013 and approved by FTA.
- The \$60,000 grant included \$48,000 of Section 5310 funds and \$12,000 of local match from the town for the typical 80/20% federal/local split.
- The funds would provide a Kernersville senior shuttle service for eligible riders who are elderly and may also have a disability, since a fixed-route service is unavailable in the Town of Kernersville.
- The proposed transit service would operate two days a week and provide service to local shopping, dining, recreational activities within the town limits and to the Kernersville Senior Enrichment Center. The shuttle service would provide transportation services for approximately 6 senior living centers (upwards of 450 units).
- There is taxi service available within the Town of Kernersville; however, it is not ADA accessible.
- Many of the elderly in need use walkers or wheelchairs and are unable to use the taxi service.

- The proposed transit service comes from a recommendation from the Winston-Salem Urban Area MPO's Coordinated Public Transit-Human Service Transportation Plan, adopted in 2008.
- The proposed service by the Town of Kernersville would restart the elderly transit service for Kernersville residents who would otherwise be without service, however it proposes to significantly expand the people and facilities that had been previously served by the old WSTA service by adding more stops in a variety of locations and modifying the route from a snake pattern to a loop.
- The new service will be contracted with a provider to be determined through a Request for Proposals currently underway.

MOTION: Billy McHone moved approval.

SECOND: Tracey Shiftlette

VOTE:

FOR: Unanimous

AGAINST: None

4. Consideration of a Resolution Approving the Use of Lapsing Statewide Job Access and Reverse Commute (JARC) Funds for the Winston-Salem Urban Area MPO

Presented the Kaori Fujisawa.

- Kaori distributed a lapsing Section 5316 grant proposal for the Winston-Salem Urban Area MPO.
- The JARC program was established to address the unique transportation challenges faced by welfare recipients and low-income persons seeking to obtain and maintain employment for rural communities under the previous law Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
- The NCDOT was the direct recipient of the JARC grant and was responsible for allocating the funding among rural area recipients in Fiscal Year 2012.
- However, after unsuccessful calls for projects, the NCDOT Public Transportation Division (PTD) is releasing the JARC grant funds to the urbanized areas before they lapse on September 30, 2014.
- On April 17, 2014, NCDOT e-mailed select MPOs in North Carolina, requesting a response of interest by April 22, 2014, because the FTA has approved NCDOT to allocate the grant to urbanized area MPOs including the Winston-Salem Urban Area MPO.
- A competitive selection process as well as a commitment of matching funding was required from local MPOs.
- The Winston-Salem Urban Area's call for projects began on April 28, 2014, with the issue of a request for projects and legal notices.
- Applications were due on May 19, 2014 and all projects have been independently reviewed and evaluated by a special committee comprised of members of the Greensboro MPO staff by May 22, 2014.
- The Winston-Salem Urban Area MPO submitted the recommended projects in priority order to NCDOT by May 23, 2014.
- The list of Fiscal Year 2012 JARC funded projects recommended for approval were distributed at the TAC meeting on May 27, 2014.

- NCDOT will notify the Winston-Salem Urban Area MPO of the available amount of funding in early June, 2014 based on a list of requested projects received from qualified MPOs in North Carolina.

A discussion ensued regarding formula used to distribute funding amounts.

MOTION: Ken Rethmeier moved approval.

SECOND: Billy McHone

VOTE:

FOR: Unanimous

AGAINST: None

5. Consideration of Two (2) Resolutions Modifying the Winston-Salem Urban Area 2035 Transportation Plan Update and the Conformity Determination Report – Short Form

Presented by Wendy Miller.

- a. **Change the Functional Classification Designation of the Proposed Great Wagon Road from a Local Road to a Proposed Major Collector Road in the Town of Lewisville**
 - b. **Revise the Description of the Interstate 40 Widening Project (I-911A) in the Village of Clemmons and the Town of Bermuda Run to Match the STIP and MTIP.**
- Two Fiscal Year 2012-2018 MTIP projects were amended in the STIP/MTIP and require a modification to the 2035 Transportation Plan Update to clarify the federal functional classification status and project termini descriptions to allow these projects to move forward with federal funding.
 - The projects are: a) Change the federal Functional Classification designation of the proposed Great Wagon Road from a local road to a “Proposed Major Collector Road” in the Town of Lewisville (for project U-5536); and b) Revise the description of the proposed Interstate 40 widening project, from west of NC 801 to east of Harper Road (I-911A), to match the STIP and MTIP descriptions in the Conformity Determination Report – Short Form.

MOTION: Mike Horn moved approval of item 5a.

SECOND: Dan Besse

VOTE:

FOR: Unanimous

AGAINST: None

MOTION: Nick Nelson moved approval of item 5b.

SECOND: Allen Joines

VOTE:

FOR: Unanimous

AGAINST: None

By consensus information item 6b was made an action item for the TAC to vote upon.

6. Review of Modifications and Amendments to the Fiscal Year 2012-2018 MTIP and STIP

Presented by Matthew Burczyk.

b. Amendment to Add Funds to the Proposed Reynolds Pond Greenway in the Village of Clemmons

- In September, 2010, the Winston-Salem Urban Area TAC allocated \$3,300,000 in STP-DA funds for greenway projects in the urban area.
- One of those projects was the construction of the Village Point Greenway in the Village of Clemmons.
- This 3,900 linear foot greenway project is part of a larger system of sidewalks and bicycle lanes that connects residential areas to Frank Morgan Elementary School and a Novant Health clinic.
- The total cost of the project was estimated at \$850,000 (\$680,000 in STP-DA funds and \$170,000 in a local match from the Village of Clemmons).
- In the course of bidding the project, the Village of Clemmons discovered that the cost of constructing the boardwalk section of the greenway was projected to exceed initial estimates.
- Contractors involved in the initial bid process lacked experience with boardwalk construction, so the bids were thought to be artificially high.
- In April, 2014, the Village of Clemmons re-bid the project in hopes of attracting lower bids.
- The bids from the second bid process, while lower than those from the first round, still exceed the original allocation of funds.
- The Village of Clemmons, therefore, would like to program additional STP-DA funds towards the project.
- The revised cost estimate for the project is now at \$1,135,000 (\$908,000 in STP-DA funds and \$227,000 in local match).
- The Village is requesting an additional \$228,000 of STP-DA funds and will provide the additional \$57,000 in local match.
- The total project cost increase is estimated at \$285,000.

A discussion ensued regarding the Village's wish to proceed with the project as soon as possible to avoid missing another construction season.

A discussion ensued regarding available STP-DA funds.

MOTION: Bill Whiteheart moved approval.

SECOND: Ken Rethmeier

VOTE:

FOR: Unanimous

AGAINST: None

Information Items

6. Review of Modifications and Amendments to the Fiscal Year 2012-2018 MTIP and STIP

a. Discussion of the Upcoming Public Review Documents

Presented by Wendy Miller.

- The NCDOT regularly updates the Fiscal Year 2012-2018 STIP to include new projects and modify existing projects.
- Any STIP amendment for new statewide projects or projects within the Winston-Salem Urban Area MPO triggers the amendment of the Fiscal Year 2012-2018 MTIP.
- STIP amendments for regionally significant projects that have significant project revisions, cross the FHWA 4-year funding period or modeling horizon years require an Air Quality Conformity Determination Report (AQCDR).
- Modifications to the STIP do not require adoption but are provided for information.

7. Review of the NCDOT Strategic Transportation Investment (STI) Evaluation of Candidate Projects from the Winston-Salem Urban Area MPO

Presented by Fred Haith.

- Fred distributed six handouts related to the WSUAMPO prioritization 3.0 evaluation criteria and point assignment process.
- The process has been developed by the WSUAMPO for the purpose of determining priorities for transportation funding, as carried out through the State of North Carolina's Strategic Transportation Investments (STI) law and the associated "SPOT" Prioritization Process.
- WSDOT staff will evaluate all Regional and Division Projects (Bicycle & Pedestrian/Highway/Public Transit/Aviation) according to TAC approved Qualitative and Quantitative criteria.
- Regional Impact and Division Needs Qualitative and Quantitative Criteria for Aviation, Highway, and Public Transit Projects:
 - Safety Objective
 - Congestion Objective
 - Freight Objective
 - Environmental Justice Objective
 - Economic Development Objective
 - Accessibility Objective
 - MPO Qualitative Objective: Each Transportation Advisory Committee (TAC) voting member will have the opportunity of assigning 40 points to a single project in both the Regional and Division level.
- Division Needs Bicycle & Pedestrian Qualitative and Quantitative Criteria
 - Access Objective
 - Safety Objective
 - Connectivity Objective
 - Constructability Objective
 - MPO Qualitative Objective: Same as above.
- Local Points Assignment
 - Regional level projects have a pool of 1800 points and Division level projects have a pool of 1800 points.

- The maximum number of points that can be applied to a project at each level is 100.
 - The MPO intends to assign the maximum allowed points (100) to 18 Regional projects and 18 Division projects.
 - Local Input Point Assignment Procedures
 - WSDOT staff will evaluate all Regional and Division Projects (Bicycle & Pedestrian/Highway/Public Transit/Aviation) according to the TAC approved Qualitative and Quantitative criteria.
 - MPO Qualitative Objective: Each TAC voting member will have the opportunity of assigning 40 points to a single project in both the Regional and Division level.
 - The Qualitative Objective identifies top priorities, provides a point boost to select projects, and aids in the point assignment process. The Qualitative Objective does not ensure that a project will receive a local point assignment.
 - The highest ranked Regional and Division project in each mode (Aviation/Bicycle & Pedestrian/Highway/Public Transit) will receive the maximum allowance of Local Input Points (100 points).
 - The WSUAMPO and the NCDOT Division 9 Office will coordinate and strategically assign the remaining local input points to projects. This coordination will be fully documented and provided for review and comment to the public prior to the approval by the TAC.
 - All projects, rankings, and local point assignments will be published on the MPO's STI webpage: <http://www.cityofws.org/departments/transportation/planning/sti-spot-prioritization>.
 - June 2 – 6 is the WSUAMPO qualitative point assignment period.
 - June 10 is the NCDOT Division local point assignment coordination meeting.
 - June 12 – July 11 is the local point assignment public review period.
- 8. Review of the Second Strategic Highway Research Program (SHRP2), Freight Demand Modeling and Data Improvement, Implementation Assistance Program**

Presented by Fred Haith.

- The second Strategic Highway Research Program (SHRP2) has undertaken more than 100 research projects designed to address critical state and local challenges, such as aging infrastructure, congestion and safety.
- The research results are now being made available in a series of effective solutions that will improve the way transportation professionals plan, operate, maintain, and ensure safety on America's roadways.
- WSUAMPO applied for and received an Implementation Assistance Program award of \$150,000 to gather innovative local freight data to support Winston Salem MPO's freight plans, projects and programs.
- The WSUAMPO, a member of the Piedmont Triad Regional Model Team, along with Burlington-Graham, Greensboro, and High Point MPOs, and NCDOT, has developed a plan of action to enhance the freight component of the Piedmont Triad Travel Demand Model.
- The plan contains three phases of work, which include:
 - Phase I: Identify freight nodes and conduct establishment interviews to support development of an advanced freight model;
 - Phase II: Develop an advanced freight sub-model in the Piedmont Triad Regional Model; and

- Phase III: Conduct travel diary surveys to update the freight sub-model developed in the previous phase.

9. Review of a Resolution Authorizing the City of Winston-Salem to be Designated by the Governor of North Carolina as the Official Recipient of Federal Transit Administration (FTA) Urbanized Area Formula (Section 5307) Program Funds

Presented by Kaori Fujisawa.

- The City of Winston-Salem has been the designated recipient of FTA Section 5307 funds since the program was established by the Surface Transportation Act of 1982 and became the primary transit assistance program in 1984.
- The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires that urbanized MPOs officially be a designated recipient of Section 5307 funds in order to receive FTA Section 5339 federal funds for capital expenditures to replace, rehabilitate and purchase buses and related equipment, and to construct bus-related facilities.
- Under MAP-21, FTA has also provided the Job Access Reverse Commute (JARC) human service transportation program under the Urbanized Area Formula (Section 5307) Program Funds.
- With the FTA Section 5307, the City of Winston-Salem must be officially designated once again by the Governor of North Carolina to be the recipient of FTA Section 5307 funds for the Winston-Salem Urbanized Area MPO. Once this is completed, the Winston-Salem Urban Area MPO will have access to FTA Section 5339 funds.
- The draft letter to Governor is included your agenda book. A resolution authorizing the Chairman to sign the letter will be provided for consideration at the July meeting.

A discussion ensued related to the letter and the possibility of authorizing the Chairman to sign the letter now, rather than wait until the July meeting to handle the item again.

By consensus, information item 9 was made an action item.

MOTION: Allen Joines moved approval of the Chairman signing the letter to the Governor requesting designation of City of Winston-Salem as the recipient of FTA Section 5307 Program funds.

SECOND: Bill Whiteheart

VOTE:

FOR: Unanimous

AGAINST: None

10. Discussion of State Ethics Compliance Requirements for TAC Members and Alternates

Presented by Al Andrews, City Attorney's Office.

- Al distributed an Ethics Requirements for Transportation Advisory Committee Members handout.
- The statutory reference regarding ethics requirements is N.C.G.S. 136-500.2(g)-(k).
- Conflict of interest provisions:

- Members must refrain from participating in any action as a MPO TAC member if the action would result in a reasonably foreseeable financial benefit to the member, the member's extended family or any business with which the member is associated.
- A TAC member may participate in an action of the MPO if the action is ministerial only and does not require the exercise of discretion.
- When the committee records in its minutes that it cannot obtain a quorum because the TAC member is disqualified, the TAC member may be counted for purposes of a quorum but shall abstain from taking any further action.
- Duty to disclose conflicts of interest:
 - Members must promptly disclose in writing any actual or potential conflicts of interest (abstention form).
 - These disclosures are a public record.
 - These disclosures must be attached to the minutes of the meeting in which any discussion or vote was taken by the MPO related to that conflicts disclosure.
- Duty to disclose economic interests:
 - Members must file a Statement of Economic Interest (SEI) as required under Article 3 of Chapter 138A.
 - The SEI must be filed and evaluated by the State Ethics Commission before the member can take his or her position on the MPO TAC to which he or she is appointed.
 - The penalty for failure to timely file a SEI can result in a \$250 fine.
- Duty to disclose real estate interests:
 - Members must include with the SEI a separate list of all real estate owned wholly or in part by the member, the member's extended family or a business with which the member is associated.
 - This requirement applies to real estate located within the jurisdiction of the MPO on which the member serves.
- Confidential information: TAC members shall not use or disclose any nonpublic information gained as a member in a way that would affect a personal financial interest of the member, the member's extended family or a business with which the member is associated.
- Penalties:
 - Violating the conflict of interest provision is a Class 1 misdemeanor.
 - Knowingly concealing or failing to disclose information required to be disclosed on SEI or Real Estate Disclosure form is a Class 1 misdemeanor.
 - Knowingly providing false information on the SEI or Real Estate Disclosure form is a Class H felony.
 - While no specific penalty is provided for misusing nonpublic information, this prohibition is essentially the same as the under G.S. 14-234.1, which is punishable as a Class 1 misdemeanor.
 - All local officials must still comply with other conflicts of interest laws, including the prohibitions against self-benefitting under public contracts (G.S. 14-234), misusing confidential information (G.S. 14-234.1) and accepting gifts or favors from vendors and contractors (G.S. 133-32), regardless of whether they serve on a TAC.
- The new ethics statutes specifically define three terms that are directly related to the prohibitions against conflicts of interest and misusing confidential information as well as the real estate disclosure requirement.

11. MPO Staff Reports

a. NCDOT Division 9 Transportation Projects Update

No questions for staff.

b. Forsyth County OEAP Air Quality Update

No questions for staff.

c. Bicycle and Pedestrian Facilities Projects Update

No questions for staff.

d. Winston-Salem Transit Authority (WSTA) Update

No questions for staff.

e. Piedmont Authority for Regional Transportation (PART) Update

No questions for staff.

f. Title VI Compliance Update

No questions for staff.

12. Review of the 2014 MPO Calendar of Activities

Presented by Greg Errett.

- Next meeting Thursday July 17, 2014

13. Other Business/Adjourn Meeting

ADJOURNMENT 5:29 pm.