



M E C K L E N B U R G - U N I O N
METROPOLITAN PLANNING ORGANIZATION

600 East Fourth Street
Charlotte, North Carolina 28202-2853
704-336-2205
www.mumpo.org

CHARLOTTE
CORNELIUS
DAVIDSON
HUNTERSVILLE
INDIAN TRAIL
MATTHEWS
MECKLENBURG
COUNTY
MINT HILL
MONROE
NCDOT
PINEVILLE
STALLINGS
UNION
COUNTY
WAXHAW
WEDDINGTON
WESLEY CHAPEL
WINGATE

TO: Mecklenburg-Union MPO
FROM: Robert W. Cook, AICP
MUMPO Secretary
DATE: January 15, 2010
SUBJECT: **January 2010 MPO Meeting**
Wednesday, January 20, 2010

The January 2010 meeting of the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) is scheduled for **Wednesday, January 20, 2010 at 7:00 PM**. The meeting will be held in Room 267 (2nd floor) of the Charlotte-Mecklenburg Government Center, located at 600 E. Fourth St. in Charlotte.

The MPO agenda and related material are attached to this memorandum. Please contact me at 704-336-8643 if you have any questions.

HOW TO ACCESS THE MEETING LOCATION:

The Charlotte-Mecklenburg Government Center is located at 600 E. Fourth St. (corner of Fourth and Davidson streets) in uptown Charlotte. Parking is available in the Government Center parking deck located on Davidson St. between Third and Fourth streets; on-street parking is also available.

Enter the Government Center on the Davidson St. side through the ground-level door located to the right of the large staircase. (This is a handicapped accessible entrance.) Use the call box located next to the door to contact security staff. Inform them you are attending the MUMPO meeting. Once inside the building, security staff will assist you to Room 267.

AGENDA

Mecklenburg-Union Metropolitan Planning Organization

7:00 PM – January 20, 2010

1. Call to Order

2. Election of Officers

ACTION REQUESTED: Elect Chairman and Vice-Chairman.

BACKGROUND: The MPO's bylaws require that the Chairman and Vice-Chairman be elected annually at the first regularly scheduled meeting of the calendar year. The bylaws also require that the Chairman must have served as an MPO member (delegate or alternate) for one year immediately prior to the election.

ATTACHMENT: Chairman eligibility list.

3. Approval of Minutes

Chair

ACTION REQUESTED: Approve November meeting minutes as presented.

4. Citizen Comment Period

5. Federal Funds Rescission

Calvin Leggett

ACTION REQUESTED: FYI

BACKGROUND: The Federal Highway Administration presented information on the rescission of federal funds at the MPO's November meeting. It was noted at that time that, had federal funds been obligated, the funds would not have been rescinded. The MPO requested additional information regarding why North Carolina had not obligated all of its federal funds. Mr. Leggett is the manager of NCDOT's Program Development Branch which is responsible for the development of the Transportation Improvement Program (TIP).

6. Lake Norman Bike Route

Bjorn Hansen

ACTION REQUESTED: Endorse the project's MUMPO components.

BACKGROUND: At its January 7, 2010 meeting, the Technical Coordinating Committee (TCC) unanimously recommended that the MPO endorse the project's MUMPO components. See attachments for detailed information on this project.

ATTACHMENTS: Memorandum; draft resolution.

- 7. Long-Range Transportation Plan Update** Robert Cook
ACTION REQUESTED: Change the date of the March meeting from March 17 to March 24.
- BACKGROUND: The timing of the release of the complete draft LRTP and draft air quality conformity report will require the MPO to meet one week later than usual.*
- The standard update on the LRTP's status will be provided.*
- 8. Monroe Parkway Project Status Update** Reid Simons
ACTION REQUESTED: FYI
- BACKGROUND: Update on the progress of the Monroe Parkway.*
- 9. Comprehensive Transportation Plan (CTP)** Anil Panicker
ACTION REQUESTED: FYI
- BACKGROUND: The components of a CTP were discussed at the January 13 orientation. This presentation will focus on the process to be used to complete MUMPO's CTP.*
- 10. Regional Transportation Planning Initiatives** Robert Cook
ACTION REQUESTED: FYI
- BACKGROUND: There are three regional transportation planning initiatives underway or being planned:*
- 1. The Centralina COG is studying methods to improve regional transportation planning, including the possible consolidation of the region's four MPOs.*
 - 2. The Charlotte Regional Partnership has begun a study examining the possibility of MPO consolidation. This study is being undertaken in the context of SB 910 that proposes the creation of regional transportation funding agencies. The bill's language would restrict the establishment of such agencies to regions with a single MPO.*
 - 3. The Lake Norman Transportation Commission will be hosting a ULI panel to examine transportation and land use issues in northern Mecklenburg County and southern Iredell County.*
- ATTACHMENTS: COG study background; SB 910.*
- 11. Orientation Follow-Up** Nicholas Polimeni
ACTION REQUESTED: FYI
- BACKGROUND: Feedback received via the evaluation survey, questions raised during the table group activity, etc. will be discussed.*
- 12. Adjourn**

MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION
Charlotte-Mecklenburg Government Center Conference Room 267
November 18, 2009 Meeting
Summary Minutes

Members Attending:

Anthony Foxx (Charlotte), Jim Bensman (Cornelius), Brian Jenest (Davidson), Brian Sisson (Huntersville), Jeffrey Goodall - alt. for John Quinn (Indian Trail), Lee Myers (Matthews), Ted Biggers (Mint Hill), Bob Smith (Monroe), Jim Eschert (Pineville), Lynda Paxton (Stallings), Daune Gardner (Waxhaw), Nancy Anderson (Weddington), Brad Horvath (Wesley Chapel), Bill Braswell (Wingate) **Non-Voting Members:** Greg Phipps (Char-Meck Planning Commission)

1. Call to Order

Chairman Myers called the November 2009 MUMPO meeting to order at 7:00 PM.

2. Approval of Minutes

Summary:

Chairman Myers asked if everyone had an opportunity to review the September 2009 minutes and called for a motion.

Motion:

Bob Smith made a motion to approve the September 2009 minutes as presented. Ted Biggers seconded the motion. The September 2009 minutes were approved unanimously.

3. Citizen Comment Period

Summary:

Three people addressed the MPO:

1. Reese Untz discussed several issues: a road relocation issue involving the MPO that took place several years ago; completing the final segment of I-485; the inability to fund the region's road needs.
2. Phil Conrad, executive director of the Cabarrus-Rowan MPO, voiced support for MUMPO's "no new revenue" LRTP funding scenario and requested that the travel demand model development report be made available.
3. Martin Zimmerman, representing the Charlotte Area Bicycle Alliance (CABA), discussed the rescission of federal funds and stated that he was seeking more information on that topic.

4. Monroe Parkway Project Status Update

Presenter:

Reid Simons

Summary:

Ms. Simons updated the MPO on the following topics:

- The name "Monroe Parkway" is a working title and suggestions and comments on the name were requested
- An announcement on the NC Turnpike Authority's preferred alternative would be made quite soon
- Work on the final environmental impact statement (FEIS) is proceeding
- Work continues on the design/aesthetics of the project

5. Bicycle & Pedestrian Planning Grant Endorsements

Presenter:

Robert Cook

Summary:

Mr. Cook stated that five communities in MUMPO's planning area planned to submit applications for the planning grants, and that the application requirements mandate that the affected MPO endorse the application. He noted that at its November meeting, the Technical Coordinating Committee (TCC) unanimously recommended

that the MPO endorse four of the five proposals. The fifth proposal, submitted by the Town of Wingate, was not submitted in time for the TCC's consideration; however, the TCC chairman and vice-chairman were contacted and approved the project being presented to the MPO without a recommendation. The projects from the following municipalities were then briefly reviewed by Mr. Cook, with Bill Braswell of Wingate providing the overview of his community's proposal:

- *Town of Cornelius-pedestrian plan*
- *Town of Huntersville-pedestrian plan*
- *Village of Marvin-bicycle plan*
- *Town of Waxhaw-pedestrian plan*
- *Town of Wingate-pedestrian plan*

Motion:

Brian Sisson made a motion to endorse all five proposals. Ted Biggers seconded the motion. Upon being put to a vote, the motion passed unanimously.

6. **Draft LRTP Recommendation**

Presenter:

Norm Steinman, CDOT

Summary:

Mr. Steinman presented information to the MPO via a Power Point presentation, the contents of which are incorporated into the minutes. The purpose of the presentation was to obtain the MPO's endorsement/approval of the following:

- Endorse the "No New Revenue" scenario and accompanying project list*
- Approve the release of a draft LRTP for public review*
- Approve the release of a draft air quality conformity report for public review*
- Approve the release of a draft model development report for public review*

Mr. Cook noted that the 2015 horizon year project list includes three I-485 projects, reflecting NCDOT's recent announcement concerning accelerating I-485. At the conclusion of the presentation, Mr. Steinman noted that at its November meeting, the TCC unanimously recommended to the MPO that it endorse/approve the four items listed above, but that it had also committed to working on the next LRTP as soon as the document was approved.

Mr. Sisson asked about the impact of removing the NC 115 Two-Way Pair (index #3193) project from the list. Mr. Steinman replied that since the project was not regionally significant, it would not have an impact. Lynda Paxton asked about keeping the Stallings Road and the Indian Trail Road projects on the project list when Stallings and Indian Trail were both working with NCDOT to shift the funds to the Chestnut Connector project. Barry Moose stated that at this time it would be best to keep the list in its present form as details associated with the Chestnut Connector are worked out.

Motion:

Mr. Sisson made a motion to:

- endorse the "no new revenue" scenario and the project list with the provision that the NC 115 Two-Way Pair (index #3193) project is removed from the project list; and
- approve the release the draft LRTP, draft air quality conformity report and the draft model development report for public review.

Daune Gardner seconded the motion. Upon being put to a vote, the motion passed unanimously.

7. **TIP Amendment: I-485 & I-85 Projects**

Presenter:

Robert Cook

Summary:

Mr. Cook explained that the request was to authorize the start of a public involvement effort. Formal action was not requested because the TIP cannot be amended until an air quality-conforming LRTP is adopted. The public

involvement effort would run concurrent with similar efforts for the LRTP. The following projects are the subject of the proposed amendments:

- R-2248E: I-485 construction from NC 115 to I-85
- R-2123CE: I-485/I-85 interchange construction
- I-3803B: I-85 widening from I-485 to NC 73

The TIP needed to be amended for the I-485 projects due to NCDOT's announcement that construction would begin ahead of schedule. The proposed schedule would result in the two projects (R-2248E and R-2123CE) being moved in the first four years of the TIP. In the case of I-85, the TIP amendment was necessary due to the project scope changing by the addition of a northbound lane from Mallard Creek Church Road to Poplar Tent Road.

Motion:

Anthony Foxx made a motion to authorize the start of a public involvement effort. Mr. Sisson seconded the motion. Upon being put to a vote, the motion passed unanimously.

8. Un-obligated Funds Rescission

Presenter:

Unwanna Dabney, Federal Highway Administration

Summary:

Ms. Dabney presented information to the MPO via a Power Point presentation, the contents of which are incorporated into the minutes. The reason for the rescission was to meet federal budgeting parameters and was a part of the current federal funding legislation (SAFETEA-LU) when it was approved in 2005. The rescinded funds were those not obligated by state DOTs.

Mayor Paxton asked if obligating all the funds was an option. Mr. Dabney replied that it was, and that Nevada had done so. Brian Jenest asked if it was known which projects were affected and if MUMPO would have to reprioritize projects. Mr. Cook responded that specific project impacts were not known, but that reprioritization might be necessary. Jim Bensman stated that the MPO should get a report from NCDOT on why North Carolina did not obligate all of its funds. Mr. Moose volunteered to get someone to attend the next meeting to explain why the funds were not obligated. Bob Smith asked if any major projects were affected. Mr. Moose replied that the Independence Boulevard project had STP-DA funds, but that any losses could be covered. He added that the projects to be concerned about are those fully-funded with STP-DA funds.

9. Small Project Ranking Methodology

Presenter:

Robert Cook

Summary:

Mr. Cook reminded the MPO that at its September meeting, it requested the TCC to work on a small project ranking methodology. He stated that the matter was raised at the TCC's November meeting and the result was that the TCC unanimously agreed to work on such a project following completion of work on the LRTP.

10. MPO Orientation

Presenter:

Robert Cook

Summary:

Mr. Cook directed the MPO members to a draft orientation agenda included in their agenda packets. He stated that the orientation, scheduled for Wednesday, January 13 at 4:00 PM was designed to be a high-level overview of the MPO process, with the goal of providing a better understanding of the "what and why" of MPOs in general and MUMPO specifically and to ensure continued positive relationships between MPO and TCC representatives.

11. Other Business

Summary:

Chairman Myers stated that two long-serving MPO members, Bob Smith of Monroe and Brian Sisson of Huntersville, would not be serving in elected capacity in 2010 and therefore this meeting would be their last. He presented them with plaques acknowledging their service and thanked them for their hard work.

TCC Vice-Chairman Bill Coxe requested the MPO's attention. He stated that this meeting would be Lee Myers' final meeting after 20 years of service, including many as chairman. He presented Chairman Myers with a plaque acknowledging his service and thanked him for his dedication to transportation issues in the community. Chairman Myers thanked everyone for their support over the years, and encouraged MPO members returning in 2010 to work as a team.

12. Adjourn

The meeting adjourned at 8:45 PM.

Agenda Item #1-Election of Officers

The MPO's bylaws require that the Chairman must have served as an MPO member (delegate or alternate) for one year immediately prior to the election. Based upon last year's membership, the following MPO delegates are eligible to serve as Chairman in 2010:

Nancy Anderson
John B. Ashcraft, Jr.
James Bensman
Ted H. Biggers, Jr.
Joyce J. Blythe
Bill Braswell
Susan Burgess
Dumont Clarke
Harold Cogdell, Jr
John Collett
Carl M. Ellington
Jim Eschert

George Fowler
Daune Gardner
Robert Gilmartin
Brad Horvath
Brian Jenest
Tracy L. Kuehler
Sarah McAulay
Lynda Paxton
John Quinn
Kim Rogers
James P. Taylor
John Woods

The bylaws' Chairman eligibility requirements do apply to the Vice-Chairman position.



TO: Mecklenburg-Union MPO and Interested Persons
FROM: Bjorn E. Hansen, Transportation Program Coordinator
DATE: January 14, 2010
RE: Lake Norman Regional Bicycle Plan Recommended Route and Plan

The MUMPO is being asked for comments regarding the route, recommended improvements, and project prioritization for the Lake Norman Regional Bicycle Plan at its January 20, 2010 meeting. This information was presented to the TCC on January 7 and the recommended it to the MUMPO. I am the manager for this project, which was initiated in 2008 by the NCDOT's Division of Bicycle and Pedestrian Transportation. The NCDOT chose Lake Norman to be the location for the first regional bicycle route in North Carolina because of previous planning efforts, history of coordination, and the attractive natural and built environment surrounding the lake. Centralina began work on this project approximately one year ago, and worked closely with area planning staff to identify existing bicycle and recreation plans for the area in order to build upon prior work.

Enclosed are the following materials for your review in advance of the meeting:

- Executive Summary
- Description of Route in Mecklenburg County
- Power Point with plan background and maps

Schedule of Adoption

The NCDOT Board of Transportation will review the Plan in March 2010, and will likely approve it in April 2010. The NCDOT has asked that all participating municipalities, counties, and transportation planning organizations review the Plan and consider endorsing it, but not approving it, since the Plan is technically created for the NCDOT. The NCDOT understands that the Plan cannot be implemented without the support and assistance of the affected local governments and transportation planning organizations. The MUMPO will be asked to consider endorsing this Plan and Route at its January 20, 2010 meeting.

Effects of Endorsing Plan

One implication of endorsing the Plan is that the resolution makes reference to a "Task Force" that will be created after the Plan is approved by the NCDOT. The Task Force will be made up of staff from all participating municipalities, counties, and transportation planning organizations. It will function as a review board for any future updates to the Route, coordination of grant applications for implementing segments, and serve as the sanctioning body for use of the approved logo for organized bicycle events along the Route. This Task Force will be staffed by the Centralina Council of Governments. There will not be an annual fee to participate in the Task Force.

The second impact of approving the Plan is the installation of route signage. Upon approval, the NCDOT intends to install Bicycle Route signage along the Initial Route shown in the attached map. The NCDOT would provide signage and materials and would ask the municipalities to install signage on the affected municipally-maintained roads or greenways.

I appreciate your time and attention on this important project. Please feel free to contact me at (704) 688-6501 if you have any questions.

A RESOLUTION FOR ENDORSEMENT OF THE LAKE NORMAN REGIONAL BICYCLE PLAN

WHEREAS, the Lake Norman Regional Bicycle Plan is the first plan of its kind in North Carolina, and was initiated by the NCDOT; and

WHEREAS, the North Carolina Department of Transportation chose the Lake Norman area for its first regional bicycle plan due to its history of coordination and collaboration on land use, transportation, and economic development issues; and

WHEREAS, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) recognizes a need to promote alternative modes of travel to reduce congestion, improve air quality, increase tourism, promote recreation, improve health, and increase safety for existing bicyclists and motorists; and

WHEREAS, the Lake Norman Regional Bicycle Plan and its supporting text were developed with input from a wide range of constituents and public input to reflect local conditions and preferences; and

WHEREAS, MUMPO will consider implementation of the Lake Norman Regional Bicycle Plan through the recommended implementation strategies as listed in the plan; and

WHEREAS, MUMPO will participate in the Lake Norman Regional Bicycle Route Task Force upon Plan approval by the NCDOT Board of Transportation. The Task Force was identified as the enduring organization to ensure visibility and implementation of the Route.

NOW THEREFORE BE IT RESOLVED by the Mecklenburg-Union Metropolitan Planning Organization that it endorses the Lake Norman Regional Bicycle Plan on this the 20th day of January, 2010.

I, _____, Chairman of the Mecklenburg-Union Metropolitan Planning Organization, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Mecklenburg-Union Metropolitan Planning Organization, duly held on January 20, 2010.

Chairman

Robert W. Cook, Secretary



November 19, 2009

Mr. Bob Cook, Coordinator
MUMPO
600 East Fourth Street , 8th Floor
Charlotte, NC 28202

Re: Invitation to Join Regional Transportation Planning Study Advisory Committee

Dear Mr. Cook,

On behalf of Centralina Council of Governments, I invite you to participate in the Study Advisory Committee for the upcoming Regional Transportation Planning Study. This study process will be open and inclusive. Participation on the Study Advisory Committee will ensure that all stakeholders' views are represented and considered.

The purpose of the Study is to consider how the Greater Charlotte Region may better plan together to meet its transportation needs, to position itself to manage the requirements and opportunities of upcoming Federal transportation reauthorization, and to make its voice better heard on matters of regional transportation policy and projects of regional significance. The Study itself will be conducted by an independent consultant, and will include benchmarking of this region vis-à-vis other growing metropolitan regions in the nation. The Study will provide sound, objective data for regional decision-makers as we all consider how best to tackle the challenges of tremendous needs considering the severe funding limitations.

We anticipate that the Study will begin in January 2010 and will conclude by the end of the fiscal year, in June. The Study Advisory Committee will meet 4-5 times during the process to define the scope, recommend a consultant group, provide initial guidance, and review interim and final reports. We will also ask that each member of the Study Advisory Committee agree to an individual interview with the consultant to provide direct input based on his/her experience.

The first meeting of the Transportation Study Advisory Committee is proposed for Thursday, January 7, 2010 from 10:00 a.m. to 12:00 p.m. in the Centralina COG Conference Room with optional lunch following the meeting. A map to the office is attached. An agenda will be mailed in early December with background information. Please RSVP to Barbie Blackwell at 704-348-2728 or by email at bblackwell@centralina.org to confirm your attendance.

Mr. Bob Cook
November 19, 2009
Page 2

Please feel free to contact me or Rebecca Yarbrough at 704-372-2416, if you have any questions regarding the study.

Thank you for your participation in this project, staff and I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'AR', with a stylized flourish extending from the end.

A. R. Sharp
Executive Director

cc: Bob Misenheimer, Chairman, Centralina Board
Martha Sue Hall, Vice Chairman, Centralina Board
Rebecca R. Yarbrough, Assistant Director

Attachments: Map
Transportation Study Framework



Transportation Study Framework for the Greater Charlotte Region:

The Greater Charlotte Region has struggled with transportation system planning and funding for years. The region has not had the unified regional transportation policy that identifies and promotes those projects that are critical for regional growth and development and that are the hallmark of other major metropolitan areas. Lacking such policy, it has been difficult for the region to actively promote those major projects that are critical to virtually all jurisdictions. At the same time, there is no system that reliably meets the needs of local communities with smaller projects. Moreover, regional travel-demand forecasting has become complicated by multiple meetings for coordination, and there is fragmented and inconsistent linkage of land use with transportation, making it difficult to focus on long-term solutions. Furthermore, Federal and State legislative may result in changes in the roles and capacities of transportation planning organizations and potentially increase scope of responsibilities.

For a number of reasons, it is time to examine how the Greater Charlotte region manages the business of creating a sound, multi-modal transportation system that would effectively move people and goods, to support the economy and to sustain livability and environmental quality in all our communities.

Proposal:

Centralina proposes to undertake with its regional members and collaborating partners, a comprehensive study focused on the best ways to provide such for transportation system, considering the changes that are being proposed in Federal and State legislation, changes that WILL occur as the result of the 2010 census, and potential governance structures and funding mechanisms that may emerge from a discussion of changing needs and demands.

The study will:

- Consider the needs of ALL transportation stakeholders: government, business, the public at large, advocates for roads and transit, advocates for clean air and water, economic development, town-center interests throughout the region, state DOTs, existing MPOs, etc.
- Be goal-oriented: What is the best way to get the job done, now and in the future?
- Assess and evaluate:
 - What would be required to create an effective voice for the region in promoting an effective transportation program for funding;
 - The impact of proposed Federal and State legislation, particularly the SAFETEA-LU reauthorization and North Carolina Senate Bill 910;

- The probable impact of the 2010 census on MPO/RPO boundaries and urbanized areas; and
 - The very real costs of transportation planning in a major metro region, adequately capturing the costs that are now being incurred, as well as any redundant costs or activities.
- Look at national best practices and benchmarking for serving major metro transportation needs, with consideration given to the planning criteria included in the proposed SAFETEA-LU reauthorization legislation.
 - Consider the potential for increasing the competitiveness of major infrastructure projects and funding requests at the State and Federal levels
 - Insofar as MPO consolidation is investigated as one option, address:
 - Issues of structure, matching funds, voting, and results
 - Adequate recognition and support for the needs of every community, and how the voice of each community can be heard appropriately
 - Appropriate methods to ensure that both large-scale regional and smaller-scale sub-regional and local projects receive sufficient and appropriate attention
 - Any economies of scale or effort, as well as any policy benefits
 - Likely intended and unintended consequences
 - Issues that consolidation, in and of itself, does not accomplish

Such a study would be transparent, conducted by an independent consultant, and draw heavily on stakeholder and public input.

Centralina COG was formed as the “lead regional organization” to address issues of cross-jurisdictional impact; transportation certainly is one. The issues identified above, and the timing of legislative initiatives that could impact the way transportation planning is done, make this an appropriate time to undertake a study of how best to meet the region’s transportation needs, from planning, service delivery, structure and accountability standpoints. Inherent in that discussion is a review of the region’s ability to generate match or obtain the funding needed to implement a truly region-wide transportation program.

Such a study is clearly needed, because this region has major traffic dysfunctions that impact our economic development potential. Among these are I-85 in Cabarrus County, the I-85 Yadkin River Bridge, I-77 from South Carolina into Mecklenburg County and north of the I-485 interchange, and the I-40 and I-77 interchange at Statesville. We have other projects that have languished for a generation, such as the Shelby Bypass and the Monroe Bypass (which only now has gained momentum).

Additionally, the region has much-needed sub-regional projects, such as NC 73 and US 52, which have little hope of being funded under current funding structures. Lack of these projects contributes to congestion and increased on-road idling. At the same time, we struggle for funding to add HOV/HOT lanes and to expand transit, both of which would help to reduce congestion. We know now that none of these projects can succeed in meeting their full functionality, unless land use practices ensure: 1) that inter-city routes are not clogged with local traffic; 2) that new alignments do not support large-lot

sprawl; and 3) that development along transit corridors supports transit use. In short, we know much more now than we did when MPOs were first created some 40+ years ago.

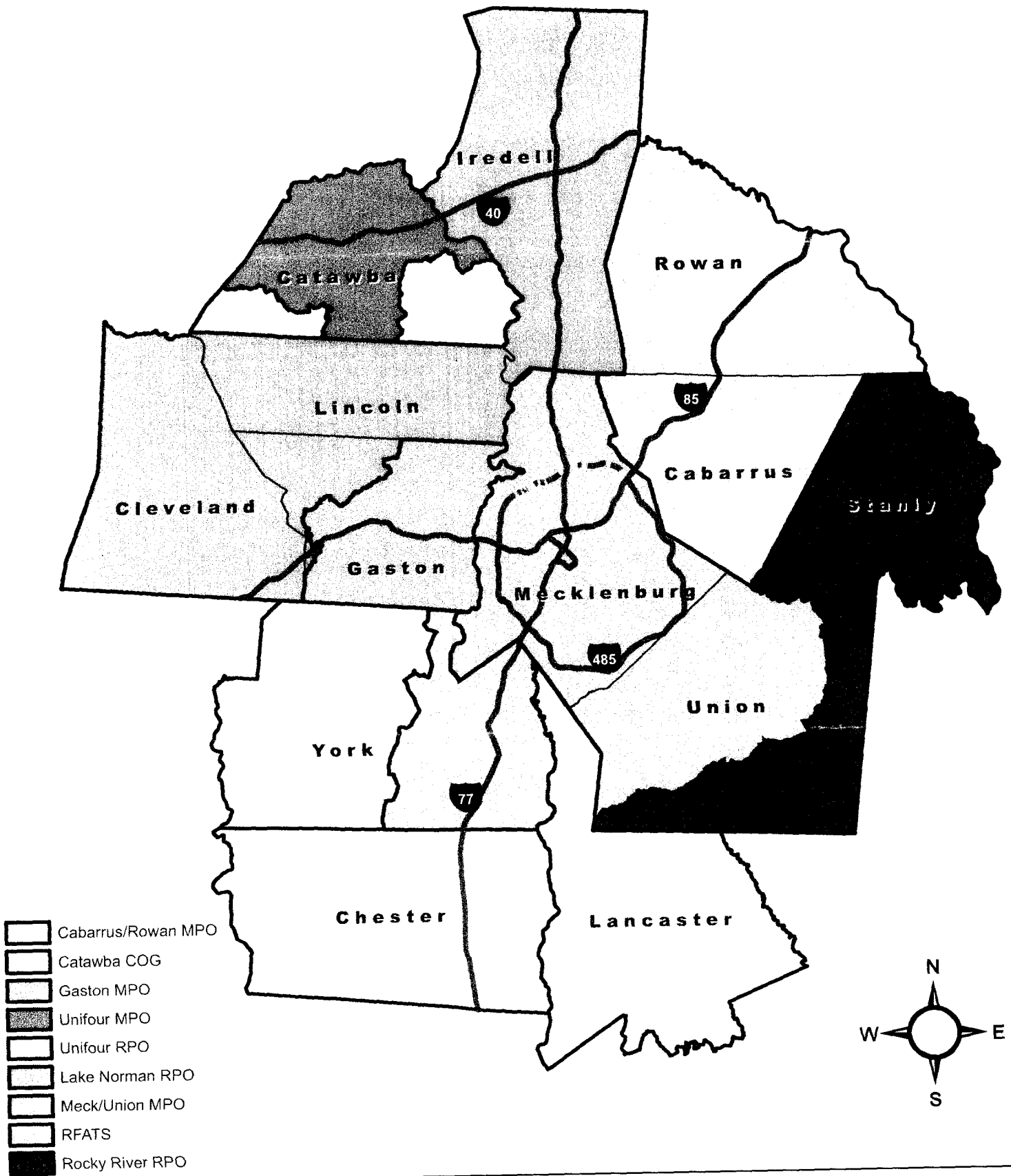
In a growing metro area, fragmentation can result in greater complexity in coordination, some duplication of effort, and lack of a common voice to advocate for projects that benefit everyone. This is true not only in advocacy for projects, but also in development of regional plans and projects such as transportation conformity for air quality, and most importantly, in building consensus around a shared regional transportation policy.

Action to Date:

On September 9, 2009, Centralina's Executive Board unanimously voted to authorize staff to proceed with such a study as part of Centralina's work plan this fiscal year. CCOG is prepared to work with all its members and regional stakeholders to gain even broader consensus for such a study, to seek funding for it, and to collaboratively address this critical regional need. While the focus of the study is those counties in the Centralina region served by one of the transportation planning entities in the region, South Carolina and Catawba organizations also will be invited to participate.

Centralina is currently inviting broad participation in a Study Advisory Committee, seeking technical input regarding the scope of the study, and aligning funding support. Preliminary benchmarking work has already been completed, and a draft RFP is being prepared. The Study Advisory Committee will hold its first meeting on January 7, 2010.

MPOs and RPOs in the Region



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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1

SENATE BILL 910

Short Title: Regional Transportation Authorities. (Public)

Sponsors: Senator Clodfelter.

Referred to: Commerce.

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REORGANIZE THE STATUTES RELATING TO REGIONAL PUBLIC
3 TRANSPORTATION AND TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO
4 CREATE REGIONAL TRANSPORTATION FUNDING AGREEMENTS AND TO
5 PROVIDE FOR FINANCING.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. The General Statutes are amended by adding a new Chapter to read:

8 **"Chapter 136A.**

9 **"Regional Transportation Authorities.**

10 **"Article 1.**

11 **"Regional Transportation Funding Agreements.**

12 **"§ 136A-101. Joint agency.**

13 (a) In accordance with Article 20 of Chapter 160A of the General Statutes, two or more
14 eligible units of local government may constitute a joint agency for the financing, construction,
15 and operation of regional transportation projects pursuant to a Regional Transportation Funding
16 Agreement (RTFA). Such joint agency is not a body politic and corporate, and the separate
17 existences and powers of the participating local governments are not affected by the agreement,
18 but powers may be delegated among the members pursuant to the interlocal agreement.

19 (b) Local governments are eligible to enter into an RTFA provided each of the
20 following conditions is satisfied as of the date of execution of the agreement:

21 (1) All local government that are parties to the RTFA must be located within the
22 boundaries of a single EPA boundary designation under the Clean Air Act
23 for the eight-hour ozone standard for North Carolina (an "ozone attainment
24 area").

25 (2) Within the applicable ozone attainment area there is not more than one
26 Metropolitan Planning Organization (MPO) under G.S. 136-200, et seq.,
27 operating within that ozone attainment area. Multiple MPOs within the
28 ozone attainment area disqualify all local governments within that ozone
29 attainment area from being parties to an RTFA.

30 (3) The minimum number of parties to an RTFA are as follows: (i) all counties
31 that are included within the boundaries of the ozone attainment area, plus (ii)
32 all municipalities that are included within the boundaries of the ozone
33 attainment area having a population of over 5,000 persons as of the most
34 recent decennial federal census.

35 (4) No local government whose territory is included within the boundaries of an
36 authority created under Article 25, Article 26, or Article 27 of Chapter 160A
37 of the General Statutes may participate in an RTFA.



1 This Article shall be known as the Regional Transportation Funding Agreement Sales Tax
2 Act.

3 **"§ 105-540.2. Applicability.**

4 This Article applies only to a county that is a party to a Regional Transportation Funding
5 Agreement (hereinafter "RTFA") under Article 1 of Chapter 136A of the General Statutes.

6 **"§ 105-540.3. Purpose and intent.**

7 It is the purpose of this Article to afford the counties that are parties to a Regional
8 Transportation Funding Agreement with the opportunity to obtain an added source of revenue
9 with which to meet their transportation needs by providing those counties authority to levy a
10 one-half percent (1/2%) sales and use tax as hereinafter provided.

11 **"§ 105-540.4. Levy of tax.**

12 (a) A county board of commissioners may after not less than 10 days' public notice and
13 after a public hearing held pursuant thereto, by resolution, impose and levy the local sales and
14 use tax, but the tax is not effective unless it is levied by all counties who are members of the
15 RTFA, or it may be levied by none.

16 (b) Collection of the tax, and liability therefor, must begin and continue only on and
17 after the first day of the month of either January or July, as set by order of the joint agency
18 administering an RTFA after receiving notices that all counties that are party to an RTFA have
19 passed resolutions levying the tax. In no event may the tax be imposed earlier than the first day
20 of the second succeeding calendar month after the date of the adoption of the resolution. The
21 joint agency must give the Secretary at least 90 days' advance notice of a new tax levy. The
22 applicability of a new tax to purchases from printed catalogs becomes effective on the first day
23 of a calendar quarter after a minimum of 120 days from the date the Secretary notifies the seller
24 that receives orders by means of a catalog or similar publication of the new tax.

25 (d) Upon adoption of a resolution levying the tax, the board of county commissioners
26 shall immediately deliver a certified copy of the resolution to the Secretary of Revenue. Upon
27 approval of resolutions levying the tax by all counties that are party to the RTFA, the joint
28 agency shall deliver to the Secretary a certified copy of its order setting the effective date of the
29 tax. Upon receipt of these documents, the Secretary shall collect and administer the tax as
30 provided in this Article.

31 **"§ 105-540.5. Secretary to collect and administer local sales and use tax.**

32 (a) The Secretary shall collect and administer a tax levied by a county pursuant to this
33 Article.

34 (b) The Secretary shall require retailers who collect use tax on sales to North Carolina
35 residents to ascertain the county of residence of each buyer and provide that information to the
36 Secretary along with any other information necessary for the Secretary to allocate the use tax
37 proceeds to the correct taxing county.

38 **"§ 105-540.6. Disposition and distribution of taxes collected.**

39 The Secretary shall, on a monthly basis, allocate to each taxing county for which the
40 Secretary collects the tax the net proceeds of the tax collected in that county under this Article.
41 The funds shall be expended only in accordance with the RTFA. The RTFA may require the
42 funds to be paid over to the joint agency. For the purpose of this section, "net proceeds" means
43 the gross proceeds of the tax collected in each county under this Article less taxes refunded, the
44 cost to the State of collecting and administering the tax in the county as determined by the
45 Secretary, and other deductions that may be charged to the county. If the Secretary collects
46 local sales or use taxes in a month, and the taxes cannot be identified as being attributable to a
47 particular taxing county, the Secretary shall allocate the taxes among the taxing counties in
48 proportion to the amount of taxes collected in each county under this Article during that month
49 and shall include them in the monthly distribution. Amounts collected by electronic funds
50 transfer payments are included in the distribution for the month in which the return that applies
51 to the payment is received.

"§ 105-540.7. Expiration or repeal of levy.

(a) Any tax levied under such Article shall expire the next of the first day of January or July that occurs no earlier than the first day of the third month after dissolution of the RTFA or completion of the last project placed on any annual project list of the RTFA.

(b) In addition, all the counties that are parties to an RTFA may repeal the levy by resolution, to be effective on the next of the first day of January or July that occurs no earlier than the first day of the third month after the adoption of the final resolution or repeal. The repeal is not effective unless all counties that are parties to an RTFA have adopted such resolutions.

(c) The board of county commissioners, upon adoption of said resolution, shall cause a certified copy of the resolution to be delivered immediately to the Secretary of Revenue.

(d) No liability for any tax levied under this Article, which shall have attached prior to the effective date on which a levy is terminated, shall be discharged as a result of such termination, and no right to a refund of tax or otherwise, which shall have accrued prior to the effective date on which a levy is terminated shall be denied as a result of such termination.

"§ 105-540.8. Administration of taxes; exemption of food.

(a) Except as provided in this Article, the adoption, levy, collection, administration, and repeal of these additional taxes must be in accordance with Article 39 of this Chapter. G.S. 105-468.1 is an administrative provision that applies to this Article.

(b) 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.

"§ 105-540.9. Limitation on administrative expenses.

No part of tax proceeds under this Article may be used to fund costs of administration of the RTFA; all such costs are to be funded by members from other revenues available to them."

SECTION 3.(a) Article 25 of Chapter 160A of the General Statutes, entitled "Public Transportation Authorities," is recodified as Article 2 of Chapter 136A of the General Statutes.

SECTION 3.(b) The following sections of Article 25 of Chapter 160A of the General Statutes recodified by subsection (a) of this section shall have the designations under Article 2 of Chapter 136A of the General Statutes as follows, and the Revisor of Statutes shall change any cross references to those sections, or to Article 25, accordingly:

CURRENT	RECODIFIED
160A-575	136A-201
160A-576	136A-202
160A-577	136A-203
160A-578	136A-204
160A-579	136A-205
160A-580	136A-206
160A-581	136A-207
160A-582	136A-208
160A-583	136A-209
160A-584	136A-210
160A-585	136A-211
160A-586	136A-212
160A-587	136A-213
160A-588	136A-214

SECTION 4.(a) Article 26 of Chapter 160A of the General Statutes, entitled "Regional Public Transportation Authority," is recodified as Article 3 of Chapter 136A of the General Statutes.

SECTION 4.(b) The following sections of Article 26 of Chapter 160A of the General Statutes recodified by subsection (a) of this section shall have the designations under