



**JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE**  
**October 4, 2013**  
**Room 1228/1327 of the Legislative Building**

The Joint Legislative Transportation Oversight Committee met on Friday, October 4, 2013 at 3:00 PM. The meeting was held in Room 1228/1327 of the Legislative Building. Members present were: Senator Warren Daniel, Senator Malcolm Graham, Senator Rick Gunn, Senator Kathy Harrington, Senator Ralph Hise, Senator Neal Hunt, Senator Brent Jackson, Senator Wesley Meredith, Senator Dan Soucek, Representative William Brawley, Representative Rayne Brown, Representative Dana Bumgardner, Representative Becky Carney, Representative Nelson Dollar, Representative Frank Iler, Representative Chuck McGrady, Representative Phil Shepard, Representative Paul Tine, and Representative John Torbett.

Representative John Torbett presided. The first part of the meeting was covering the six items that were discussed at the last meeting and since then the work group has had an opportunity to work through with the intent to arrive at some type of consensus report back. They have reported back. Attached and on committee website is the departmental follow-up. The legislative quarterly report is now on the website of this committee along with the reports that were due on October 1. Senator Harrington thanked the work group for bringing the information back. Representative Iler thanked the staff for answering all our questions.

Alpesh Patel, Senior Transportation Engineer, Prioritization Office, North Carolina Department of Transportation, gave a presentation on Departmental Review Process (please see attached and on committee website).

Paul Worley, Director of Rail Division, North Carolina Department of Transportation gave a presentation on Rail: Accessibility (please see attached and on committee website). Representative Frank Iler asked if we were applying the unemployment statistics to passenger rail or just any impact at all on any kind of freight. Paul Worley answered we are applying this to any kind of project that is in STI.

Alpesh Patel, Senior Transportation Engineer, Prioritization Office, North Carolina Department of Transportation, gave a presentation on Alternate Investment Strategy for Highway Projects (Divisions 1 & 4/Divisions 2 & 3) (please see attached and on committee website). Senator Hise reemphasized that this was going to be the department's decision, that's the authority they were given. This is something we need to quickly reconsider in the short session. When it comes back, it was never our intent. I believe that certain regions would have different criteria and would operate differently across the state. I don't think we envisioned the policy that things would be different in the East than they are done in the rest of the state. I still strongly



emphasize that I think because state wide projects are dropped down and then considered at the original and local levels and to qualify at those, that there is an impact that moves us away from doing a state wide project which, I would guess was the intent of most people here, that we could put an equal prioritization across the state. Representative Dollar noted that he would share the concern about the way impact may be there with respect to state wide projects and the concerns need to be clarified. Beyond that, this could be good use of the flexibility that is there, in as much as there is tremendous unemployment down East. They do have a different set of problems than we do here in the Triangle or the Piedmont to the extent that we can empower the local governments and local people to be able to address what they believe are their highest priorities in transportation to help them move forward with their local economies and jobs. Representative Iler noted that just so somebody from the East that lives near the water can weigh in on this, there are not ports in the West, and/or ferries, and/or the tourism is there, but is more concentrated in some areas, and military installations. There are problems and opportunities to maximize what the state has, has a little bit different weight in the East.

David Wasserman, Senior Transportation Engineer, Prioritization Office North Carolina Department of Transportation, gave a presentation on Highways: Accessibility/Connectivity (please see attached and on committee website). Senator Hise questioned how much have we looked at each of the regions and saw what differences there are between the tier designations within a region and how many tier I counties do we have and tier II and tier III? Alpesh Patel answered tier I-40, tier II-20, and tier III-20. Representative Tine questioned that these formulas on page 19 are the overall for highway projects? Alpesh Patel answered yes. As a rural person, I'm just going to state that I have a concern with this, with congestion being at 30% in the statewide and 25% in the regional bucket. It certainly seems that it is going to be very difficult for any roadway that is not right next to the population center to be competitive in those two buckets with such heavy weighting towards congestion in both. Representative Dollar suggested that the concern might be somewhat offset by the flexibility that you have for regions A and B, as it stands today? Alpesh Patel answered yes. Representative Tine clarified that that is accurate in those two regions, however, the statewide buckets than that I've repeatedly expressed concerns about, that does not take into account for the statewide bucket and that concern is still valid.

Alpesh Patel, Senior Transportation Engineer, Prioritization Office North Carolina Department of Transportation, gave a presentation on Normalization: Cross-modal Criteria (please see attached and on committee website).

Alpesh Patel, Senior Transportation Engineer, Prioritization Office North Carolina Department of Transportation, gave a presentation on Normalization: Programming Minimums (please see attached and on committee website). Senator Hise requested in the MPO/RPO process, what is the requirement for public comment? Patrick Flanagan, Down East RPO and president of NCARPO answered the policy does vary, but the majority of RPO's do have a policy that these lists need to go out to public comment. The time period that they go to public comment does vary as well, but the majority of them do have that policy in place. Senator Hise asked would it be fair to say that your process would more arbitrary than the division engineers and maybe what project individuals in the organization would like to see versus the data driven? Patrick Flanagan answered he could not accurately answer that, because I don't know how the division engineers assign their points. Paul Black, French Broad River MPO, answered; actually



Mars Hill is in the MPO. We are required by federal law to have public comment for our prioritization process.

Senator Hise commented, we've always said historically, this is an even distribution that was coming between those two as we move into this. I have a belief that this is, particularly, when you are on the edge of regions or divisions and you are trying to make a connectivity, that there is more support for putting things in the center because of the way the distribution has gone amount the MPO's and RPO's, and think that there is some historical presence to show that that was coming across. I think we have a better policy the more we've got this broken down with the divisions than we do with the MPO's/RPO's. I was very supportive of the original recommendation that continued the policy of even distribution and I think the more we step away from that the more we're moving towards what to individuals who happen to be in these seats and in these positions want to see happen and away from the process that looks at what we're placing for our needs across the state. Chairman Harrington stated she would tend to agree with Senator Hise in that the department is recommending an even split between division engineers and MPO's/RPO's. The division engineer is the avenue to where citizen comments come in, where there's a record, it's available, and it's open to the public and the General Assembly for reviewing at a later date. Is there anyone from DOT that would like to speak to their side of this? Jim Trogon, Chief Deputy Secretary of Operations, North Carolina Department of Transportation commented I think the department felt good with the original recommendation. I understand certainly the concerns with the MPO's wanting more voice. I think everyone wants more voice in this process. I have a hundred percent confidence personally with all of our organizations, with our division engineers and public engagement with the MPO's and RPO's, we work closely with each one of them, but our recommendation was that at that regional level, because of the complexities in the region, we didn't want to recommend something too drastically or move too drastically to something that we weren't sure what would happen. That's why we said let's leave it at the equal and let's be equal partnership in the regional level and then as we move through the process, if we see it's not necessary, we'd be willing to consider that change at a later date. Certainly a five percent change one way or another is relatively small. Representative Dollar gave an editorial comment; it struck me a little funny on page 32, that division engineers were willing to accept sounded a little bit presumptuous. My concern is that there is more to making sure that the MPO's and RPO's have the voice. In my view having the regional impact of division engineer at 20 and MPO's/RPO's at 30, as I believe the work group had recommended would be the way to go and the reason why I say that is that the MPO's and RPO's are very close to the people. Those individuals have either been elected or appointed by people who are elected in the local community and in the local areas and my observation has been, not that the division engineers are not sensitive to that, I'm not saying that, but I am certainly saying that the MPO and RPO folks are far more sensitive to the taxpayer who are actually paying for these projects and what the local people feel is the most important in their area, so that is the concern that I have is that the MPO and RPO does not have the appropriate weight in the process. Representative Bumgardner commented that he wanted to agree with what Senator Hise said, I think they need to be equal and I think that the resident engineers do have a lot of, they live in these areas and they work in them and they are professionals that it is their job to do that and that is not always true with the MPO, they are not professional transportation people. Representative Shepard questioned that the division engineer doesn't always live in that county. It doesn't mean that they contact daily with the people in the local municipalities and counties. Representative Iler commented that along the same lines as Representative Shepard, the RPO's and MPO's have not been up in arms in my district. We have one MPO that crosses over into Myrtle Beach and I don't know how that's going to be handled. MPO's and RPO's live in the communities and I have thirteen towns in my district. They are officials of those towns or rural area and they know the needs, road by road and street by street. I think they do need more weight. I was in favor of giving them all the weight. I can see some input with division engineers, but they do have input in the MPO and RPO already and the state, in this case, is going to end up with



between eighty to eighty-five percent of the input at the division and regional level. I guess the decision is, is that good or bad. It is my concern that the state overall has overwhelming input, which they are already going to have a big majority, regardless of what we do on these percentages. They are going to have tremendous overpowering influence on what happens. Individuals on the MPO's and RPO are going to feel like they are not getting a fair share. Senator Hunt commented that he has many conversations with the division engineer and I can tell you that they know what's going on in their district. They are professionals and I think we need to leave as much power in their hands as we can. They have lots of public input in their job and they are professional and I would like to leave that power there. Representative Torbett made the comment that the status of the district engineer has changed as he recalls? Bryce Ball answered yes, that status has changed to policy exempt. Policy exempt means employ at will. Patrick Flanagan pointed out that the RPO state wide did support the idea of having more weight at local input points than the division engineers and also, the division engineers are members of the RPO's and MPO's. Having a little more weight toward the RPO/MPO local input points, might help influence those division engineers to participate a little more in the RPO's and MPO's and be a little more forthcoming with their ideas for the projects that are important for their area. Paul Black commented that the NCAMPO also supports the idea of having a heavier weight for the MPO's and RPO's. There are almost forty MPO's and RPO's, and there are only fourteen divisions, so each one of our points actually counts as a smaller piece of the pie. So right off the bat we start from a disadvantage. The division engineers sit on our advisory boards and DOT board members sit on our elected body that makes our governing decisions. In our area, Division 14 sits on 4 different MPO and RPO boards, Division 13 is in 6. They already have a tremendous amount of influence at the MPO/RPO level. So if you split it half and half, it's really not even half and half, division engineers have more influence much further beyond that. We also think that we are closer to the people, we're representatives from local governments and we also have appointed officials from the board that sit on our advisory bodies and our governing bodies. Chris Nida from League of Municipalities echoed what the MPO/RPO folks said. We would lean more toward the local MPO/RPO would reflect the local input. Joanna Reece, North Carolina Association of County Commissioners supports the consensus position of the work group.

David Wasserman, Senior Transportation Engineer, Prioritization Office North Carolina Department of Transportation, gave a presentation on Local Input Point Distribution (please see attached and on committee website).

Jim Trogon, Chief Deputy Secretary of Operations North Carolina Department of Transportation, gave a presentation on Litigation Impacts: Bonner Bridge and Monroe Bypass Projects (please see attached and on committee website).

Roger Rochelle, Transportation Program Management Director North Carolina Department of Transportation, gave a presentation on Standards for Public-Private Partnership Agreements (S.L. 2013-183, Sec. 5.2) (please see attached and on committee website).

Paul Worley, Director of Rail Division, North Carolina Department of Transportation gave clarification on Representative Frank Iler had asked if we were applying the unemployment statistics to passenger rail or just any impact at all on any kind of freight. It applies to freight only because it is the freight projects that attract construction projects that are on state wide.

There being no further business, the meeting adjourned at 5:00 p.m.



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Representative John Torbett  
Presiding

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Viddia Torbett, Committee Clerk