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Create and execute continuing, cooperative and comprehensive regional long-range planning efforts that pro-actively drive transportation decisions to improve safety, connectivity, economic development and quality of life in the Wilmington region.

**Wilmington Urban Area Metropolitan Planning Organization
Board
Meeting Agenda**

TO: Wilmington Urban Area MPO Board Members
FROM: Mike Kozlosky, Executive Director
DATE: June 18, 2020
SUBJECT: June 24th meeting

A meeting of the Wilmington Urban Area MPO Board will be held on Wednesday, June 24, 2020 at 3 pm. The meeting will be held at the Wilmington Convention Center located at 10 Convention Center Drive in downtown Wilmington. Due to COVID-19, the meeting is being conducted remotely. **PLEASE NOTE:** This will be a remote meeting conducted pursuant to Section 4.31 of S.L. 2020-3, SB 704.

The remote meeting will be simultaneously streamed live online so that simultaneous live audio, and video, if any, of the meeting is available to the public at the following
URL: <https://us02web.zoom.us/j/88618749094>

The public may also dial in and listen to the simultaneous live audio of the remote meeting at the following dial in number: 1 646 558 8656 when prompted, enter meeting ID# 886 1874 9094

Please join the meeting from your computer, tablet or smartphone.

The following is the agenda for the meeting:

1. Call to Order
2. Conflict of Interest Statement
3. Approval of Board Member Excused Absences
4. Approval of the Agenda
5. Public Comment Period

Persons wishing to submit public comments to be shared during the MPO Board meeting may do so by 5 pm on June 23, 2020 by calling (910) 341-3258 to leave a message or by e-mailing comments to wmpo@wilmingtonnc.gov. The public voicemails will be played aloud and the public comment e-mails will be read aloud by a staff member during the meeting. Per the adopted Public Participation Plan, public comments shall be limited to 3 minutes.

6. Presentations
 - a. NCDOT Project Updates- Chad Kimes, NCDOT
7. Consent Agenda
 - a. Approval of Board Meeting Minutes from May 27, 2020 (p. 4-8)

Wilmington Urban Area Metropolitan Planning Organization

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- b. Resolution supporting the Rail Re-alignment Project for the Benefits of Environmental Sustainability, Improve Commuting Times, Public Safety, Quality of Life, Enhanced Freight Movement and Economic Development (p. 9-10)
 - c. Resolution approving the Prioritization 6.0 Aviation Project Submittals (p. 11-14)
 - d. Resolution approving the Prioritization 6.0 Bicycle and Pedestrian Project Submittals (p. 15-18)
 - e. Resolution approving the Prioritization 6.0 Public Transportation Project Submittals (p. 19-25)
 - f. Resolution approving the Prioritization 6.0 Roadway Project Submittals (p. 26-29)
 - g. Resolution approving the Prioritization 6.0 Rail Project Submittals (p. 30-33)
 - h. Resolution supporting the Wilmington Urban Area Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee's Electric Bicycle Model Ordinance (p. 34-37)
 - i. Resolution approving 2018-2027 and 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modifications #20-3 and #20-4 (p. 38-45)
 - j. Opening of the 45 day public comment period for the Public Participation Plan (p. 46-62)
 - k. Opening of the 30-day public comment period 2020-2029 STIP/MPO Transportation Improvement Program Amendment #20-3 (p. 63-64)
 - l. Resolution supporting the Gullah Geechee Heritage Corridor Multi-use Greenway/Blueway Trail (p. 65-67)
 - m. Resolution amending award of Section 5310 Community Grant Project Funds (p. 68-69)
 8. Old Business
 - a. Resolution authorizing the Executive Director to enter into an Inter-local Software Usage Agreement for the Rideshare Matching, Commute Calendar & Incentive Software Contract (p. 70-104)
 9. Discussion
 - a. Proposed revisions and summary of public comments for Cape Fear Moving Forward 2045 (p. 105-118)
 - b. NC House Bill 77 (p. 119-143)
 - c. Identification of MPO Priorities (p. 144-146)
 10. Updates
 - a. Wilmington Urban Area MPO (p. 147-155)
 - b. Cape Fear Public Transportation Authority (p. 156)
 - c. NCDOT Division (p. 157-159)
 - d. NCDOT Transportation Planning Division (p. 160-161)
 11. Next meeting – July 29, 2020

Attachments

- MPO Board Meeting Minutes- May 27, 2020
- Resolution supporting the Rail Re-alignment Project for the Benefits of Environmental Sustainability, Improve Commuting Times, Public Safety, Quality of Life, Enhanced Freight Movement and Economic Development
- Prioritization 6.0 Aviation Project Submittals Memorandum
- Resolution approving the Prioritization 6.0 Aviation Project Submittals
- Prioritization 6.0 Bicycle and Pedestrian Project Submittals Memorandum
- Resolution approving the Prioritization 6.0 Bicycle and Pedestrian Project Submittals
- Prioritization 6.0 Public Transportation Project Submittals Memorandum
- Resolution approving the Prioritization 6.0 Public Transportation Project Submittals
- Prioritization 6.0 Roadway Project Submittals Memorandum
- Resolution approving the Prioritization 6.0 Roadway Project Submittals
- Prioritization 6.0 Rail Project Submittals Memorandum
- Resolution approving the Prioritization 6.0 Rail Project Submittals

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- Proposed Wilmington Urban Area Metropolitan Planning Organization Bicycle and Pedestrian Committee's Electric Bicycle Model Ordinance
 - Resolution supporting the Wilmington Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee's Electric Bicycle Model Ordinance
 - Proposed 2018-2027 and 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modifications #20-3 and #20-4
 - Resolution approving 2018-2027 and 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modifications #20-3 and #20-4
 - Draft Public Participation Plan
 - Proposed 2020-2029 STIP/MPO Transportation Improvement Program Amendment #20-3
 - Proposed Gullah Geechee Heritage Corridor multi-use greenway/blueway corridor map
 - Resolution supporting the Gullah Geechee Heritage Corridor Multi-use Greenway/Blueway Trail
 - Resolution amending award of Section 5310 Community Grant Project Funds
 - Letter from Matt Nichols regarding Proposed Inter-local Software Usage Agreement for the Rideshare Matching, Commute Calendar & Incentive Software Contract
 - Proposed Inter-local Software Usage Agreement for the Rideshare Matching, Commute Calendar & Incentive Software Contract
 - Resolution authorizing the Executive Director to enter into an Inter-local Software Usage Agreement for the Rideshare Matching, Commute Calendar & Incentive Software Contract
 - Recommended Changes and Summary of Public Comments for Cape Fear Moving Forward 2045 Plan
 - NC House Bill 77 Summary
 - NC House Bill 77- Senate Committee Substitute
 - Letter to North Carolina General Assembly
 - Memorandum Summarizing MPO Board Members Priorities for NCDOT Projects
 - Wilmington Urban Area MPO Project Update (June)
 - Cape Fear Public Transportation Authority Update (June)
 - NCDOT Division Project Update (June)
 - NCDOT Transportation Planning Division Project Update (June)

MPO Board Remote Meeting Minutes
Wilmington Convention Center, 10 Convention Center Drive, Wilmington, N.C.
Wednesday, May 27, 2020

Members Present

David Piepmeyer, Pender County
Pat Batleman, Town of Leland
Charlie Rivenbark, City of Wilmington
Mike Allen, Town of Belville
LeAnn Pierce, Town of Carolina Beach
John Ellen, Town of Kure Beach
Hank Miller, Town of Wrightsville Beach

Rob Zapple, New Hanover County
Frank Williams, Brunswick County
Eulis Willis, Town of Navassa
Landon Zimmer, NC Board of Transportation

Others Present

Mike Kozlosky, Executive Director, WMPO

1) Call to Order

Chairman Piepmeyer called the remote meeting to order at 3:00 p.m.

Mr. Kozlosky called the roll call at the opening of the meeting, as follows:

Present: David Piepmeyer, Pat Batleman, Charlie Rivenbark, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, Frank Williams, Eulis Willis, and Landon Zimmer. **Absent:** Neil Anderson, and Woody White.

Chairman Piepmeyer stated that he has been working from home for the past 12 weeks. He commented that remote meetings have some challenges and expressed appreciation to the board members for their perseverance.

2) Conflict of Interest Statement

Chairman Piepmeyer read the conflict of interest statement and asked if any members had a conflict with any of the items on the meeting agenda. No members reported having a conflict.

3) Approval of Board Members' Excused Absences

Mr. Kozlosky stated that no requests for excused absences were received.

4) Approval of the Agenda

Mr. Rivenbark made a motion to approve the agenda as presented. Mr. Williams seconded the motion and it carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Charlie Rivenbark, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, Frank Williams, Eulis Willis, and Landon Zimmer. **Nays:** None.

Absent: Neil Anderson, and Woody White.

5) Public Comment Period

No written or audio public comments were submitted in advance of the MPO Board meeting.

6) Consent Agenda

- a. Approval of Board Meeting Minutes from February 26, 2020
- b. Resolution approving 2018-2027 and 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modification #20-2
- c. Opening of the 30-day public comment period for 2018-2027 and 2020-2029 STIP/MPO Transportation Improvement Program Amendments #20-1 and 20-2
- d. Resolution approving Amendments to the FY 20 Unified Planning Work Program
- e. Resolution dissolving the Wilmington Urban Area Metropolitan Planning Organization's Citizen Advisory Committee and to recreate the committee and/or task force with the development of the next Metropolitan Transportation Plan
- f. Resolution approving the Wilmington Urban Area MPO's 2020 Legislative Agenda
- g. Resolution supporting the Allocation of Additional Surface Transportation Block Grant-Direct Attributable Funding to the Town of Wrightsville Beach for the Coral Drive Sidewalk (U-5534S) Project
- h. Resolution supporting the Town of Navassa's 2020 NCDOT Bicycle/Pedestrian Planning Grant Submittal
- i. Resolution approving a reduction in scope for the Middle Sound Loop Trail- Ogden Connection (EB-6027)
- j. Resolution supporting the North Carolina Department of Transportation Ferry Division's request for the Marine Highway Project designation
- k. Resolution supporting an amendment to the Wilmington Urban Area MPO Meeting Schedule for the November 2020 TCC meeting

Mr. Zapple requested to pull Item 6i for further discussion, and made a motion to approve the Consent Agenda, Items 6a through 6k, excluding Item 6i. Mr. Rivenbark seconded the motion, and it carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Charlie Rivenbark, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, Frank Williams, Eulis Willis, and Landon Zimmer. **Nays:** None.

Absent: Neil Anderson, and Woody White.

- i. Resolution approving a reduction in scope for the Middle Sound Loop Trail- Ogden Connection (EB-6027)

Mr. Zapple stated that although the northern portion is being eliminated from the scope of the Middle Sound Loop Trail- Ogden Connection project, it will be included with the Military Cutoff Extension, and the trail will be built in its entirety. He made a motion to approve the reduction in scope for the Middle Sound Loop Trail-Ogden Connection. Mr. Rivenbark seconded the motion and it carried unanimously by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Charlie Rivenbark, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, Frank Williams, Eulis Willis, and Landon Zimmer. **Nays:** None.

Absent: Neil Anderson, and Woody White.

7) Discussion

a. 2018-2027 and 2020-2029 STIP/MPO Transportation Improvement Program Administrative Modification #20-4

Mr. Kozlosky stated that the proposed administrative modifications are mainly transit items and delays to projects associated with NCDOT's cash flow challenges. He noted that this item is for information purposes only and will return for consideration at the next meeting.

b. Identification of MPO Priorities

Chairman Piepmeyer stated that Vice-Chair Batleman requested that this item be included in the agenda for discussion.

Vice-Chair Batleman noted that the state has a surplus of more than \$2 billion. She pointed out that the Division has some important projects, and it would be useful to communicate some of them to the General Assembly for the diversion of surplus funds. She commented that legislators should be encouraged to take action to stimulate the economy and to address long-overdue infrastructure needs, while creating potential employment opportunities. She requested that a letter be sent to the General Assembly from the MPO emphasizing the importance to the region of transportation priority projects.

In view of recent revenue challenges, Mr. Zapple requested the latest projections from NCDOT regarding current funding.

Mr. Kozlosky responded that the Secretary told the NC FIRST Commission and the legislature that a \$300 million shortfall is expected in the current fiscal year, and a \$370 million shortfall for the next fiscal year. He noted that significant cuts have been made and NCDOT has been seeking to rise above its cash floor. He noted that the Secretary and the Chairman of the Board have met and had a conversation with the Senate Transportation Oversight Committee. Based on the latest information, NCDOT cannot enter into any new contracts or agreements, which limits its ability to advance projects. NCDOT is also in arrears in some of its existing projects, which adds an amount owed to the cash spreadsheet sent to board members each month.

Mr. Kozlosky stated that Chad Kimes from NCDOT will be present at the Board's June meeting to address concerns regarding projects impacted by its cash flow challenges. He noted that staff is working with NCDOT regarding several Locally Administered Projects (LAPs). Although these LAPs use federal funds, the local municipalities front the money, and seek reimbursement from NCDOT, which in turn seeks reimbursement from the federal government. Because NCDOT is the middle party and currently below its cash floor, LAPs cannot move forward. He noted that staff has had conversations with the COO at NCDOT in an attempt to move some projects forward. For instance, the Town of Leland purchased temporary easements, which will expire at the end of this year.

Mr. Kozlosky suggested focusing on a statewide perspective. He commented that since transportation is one of the major components of state government, working collaboratively with the state to find solutions is important.

Mr. Zapple inquired about the CARES Act. Mr. Kozlosky responded that the NC House Bill that passed would put \$300 million into a general maintenance reserve fund; although the Senate Bill did not specify where the funds will go. He noted that NCDOT is undecided about the use of the funds, which may be limited by language in federal law about how they can be used.

Vice-Chair Batleman pointed out that no harm would come from expressing concerns to the General Assembly regarding priority projects, such as the Hampstead Bypass. She commented that silence would accomplish nothing.

Chairman Piepmeyer expressed appreciation to Vice-Chair Batleman for acknowledging the importance of the Hampstead Bypass project. He stated that it would be helpful to include a status update with percent complete and associated funds to completion for prioritization of projects for the region in time for the next board meeting.

Mr. Williams expressed concerns that June 24th might be too late given the legislature's schedule. He noted that although a \$2 billion surplus is projected, a \$5 billion shortfall is also projected. He suggested focusing on a top priority list of projects and that it be completed quickly.

Chairman Piepmeyer concurred that there are many competing interests for the funds such as from the education and health sectors and the Department of Social Services (DSS). He added that Pender County's budgetary process has been complicated by numerous unknowns.

Mr. Kozlosky stated that staff would need to work with NCDOT on the status and cost to completion for each project. He noted that staff will work to return something in a week.

Chairman Piepmeyer expressed a desire to circulate the data to the board for feedback.

Mr. Williams requested a deadline for board members to respond, so that comments would not delay the process.

Mr. Rivenbark commented that the communication needs to be sent for consideration as soon as possible. Chairman Piepmeyer and Vice-Chair Batleman concurred.

Chairman Piepmeyer stated that a letter of preface would be drafted to legislators, while staff compiles the data for a quick follow-up to the letter.

In response to an inquiry by Mr. Zapple, Chairman Piepmeyer stated that copies of the letter will go to the local delegation including Senator Rabon and Representative Carson Smith, etc.

8) Updates

- a. Wilmington Urban Area MPO
- b. Cape Fear Public Transportation Authority
- c. NCDOT Division
- d. NCDOT Transportation Planning Division

Mr. Kozlosky stated that the updates are included in the agenda packet.

9) Announcements

- a. Bike/Pedestrian Committee Meeting - June 9th
- b. Next MPO Board meeting - June 24th

Mr. Kozlosky stated that the location of the June MPO Board meeting will depend on the Governor's Orders.

Mr. Rivenbark expressed concerns regarding planning for events such as pandemics and hurricanes.

Vice Chair Batleman pointed out that hurricane season is approaching.

10) **Adjournment**

With no further items, Mr. Rivenbark made a motion to adjourn. Mr. Ellen seconded the motion and the meeting was adjourned unanimously at 3:34 p.m. by roll-call as follows:

Ayes: David Piepmeyer, Pat Batleman, Charlie Rivenbark, Mike Allen, LeAnn Pierce, John Ellen, Hank Miller, Rob Zapple, Frank Williams, Eulis Willis, and Landon Zimmer. **Nays:** None.

Absent: Neil Anderson, and Woody White.

Respectfully submitted,

Mike Kozlosky
Executive Director
Wilmington Urban Area Metropolitan Planning Organization

THE ABOVE MEETING MINUTES ARE NOT A VERBATIM RECORD OF THE PROCEEDINGS.

**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION SUPPORTING THE WILMINGTON RAIL REALIGNMENT PROJECT FOR
THE BENEFITS OF ENVIRONMENTAL SUSTAINABILITY, IMPROVED COMMUTING
TIMES, PUBLIC SAFETY, QUALITY OF LIFE, ENHANCED FREIGHT MOVEMENT, AND
ECONOMIC DEVELOPMENT**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the City of Wilmington has worked with local, regional, state, federal, and private partners in the conceptualization of the Wilmington Rail Realignment Project; and

WHEREAS, on June 17, 2017 the Wilmington City Council accepted the Wilmington Rail Realignment and Right of Way Use Alternatives Feasibility Study which found no fatal flaws to the project, and supported continued development of the project; and

WHEREAS, on June 12, 2019 the Wilmington Rail Realignment Project was announced as a recipient of up to \$2 million in grant funds under the Federal Railroad Administration's Consolidated Rail Infrastructure and Safety Improvements grant program; and

WHEREAS, the North Carolina Department of Transportation's Board of Transportation approved during their October 2019 meeting \$250,000 in matching funds, with an additional \$250,000 in matching funding expected in the subsequent fiscal year; and

WHEREAS, the City of Wilmington has commenced work pursuant to the National Environmental Policy Act in the first half of 2020; and

WHEREAS, the development of the Wilmington Rail Realignment Project promotes environmental sustainability in nearby communities along the corridor; and

WHEREAS, the Wilmington Rail Realignment project would provide new options for the movement of goods while also enhancing mobility and public safety for the region; and

WHEREAS, the improvements associated with the Wilmington Rail Realignment Project will stimulate regional investment and economic development opportunities.

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby supports the furtherance of the Wilmington Rail Realignment Project to provide the region of southeast North Carolina with a solid foundation for transportation on which growth and future prosperity can be built.

NOW THEREFORE, also be it resolved that the Wilmington Urban Area Metropolitan Planning Organization will explore the potential for future collaboration and partnership with the City of Wilmington on the Rail Realignment Project.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary



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MEMORANDUM

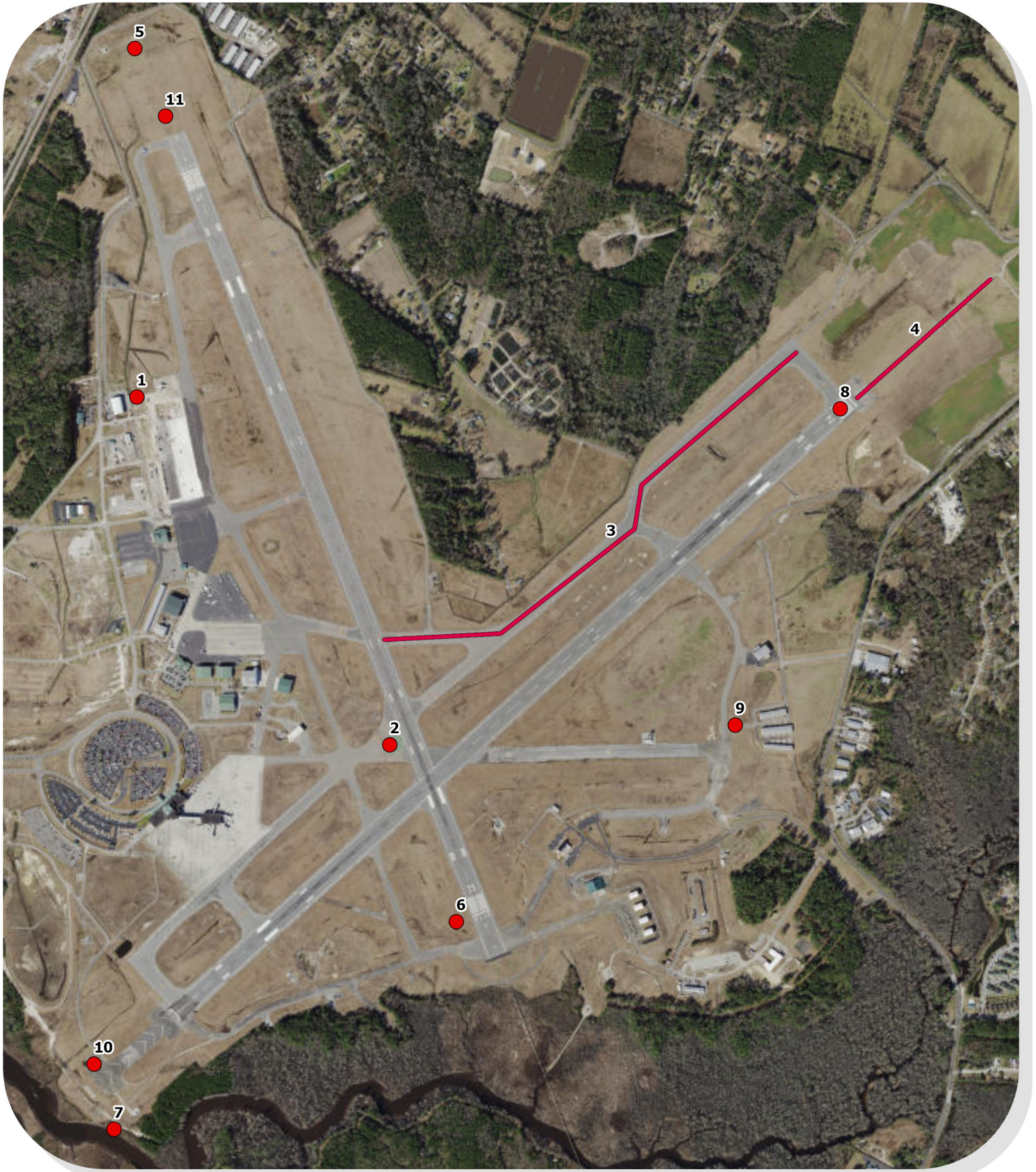
To: WMPO Board Members
From: Abby Lorenzo, Senior Transportation Planner
Date: June 15, 2020
Subject: *Draft* WMPO Potential Prioritization 6.0 Aviation Submittals

The North Carolina Department of Transportation (NCDOT) Strategic Prioritization Office of Transportation (SPOT) released a schedule outlining the Prioritization 6.0 (P6.0) process. The P6.0 process includes a submittal window of October 2019 through July 2020 to allow MPOs, RPOs, and Division Engineers to submit projects for evaluation. The WMPO Board may submit up to 19 projects for each mode of transportation.

Below please find the recommendation for submittal to NCDOT for P6.0 Aviation projects.

1. 1st General Aviation (GA) Hangar Taxi Lane
2. Midfield Taxiway Improvements
3. Perimeter Road Improvements
4. Runway 24/Taxiway Extension
5. Runway Protection Zone (RPZ)
6. Runway 35 Wind Cone/PAPI Replacement
7. Emergency Boat Ramp Access Launch
8. Runway 6-24 Blast Pad
9. 1st Paved Aircraft Taxi Lane
10. Runway 6 MALSR Catwalk
11. Runway 17/35 Blast Pads

WMPO Prioritization 6.0 Potential Submittals: Aviation Projects



— / ● Aviation Projects

0 0.1 0.2 Miles



**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION APPROVING THE SUBMISSION OF AVIATION PROJECTS FOR
CONSIDERATION BY NCDOT IN PRIORITIZATION 6.0**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Strategic Transportation Investment Bill (HB 817), was signed into law on June 26, 2013; and

WHEREAS, the North Carolina Department of Transportation Strategic Prioritization Office of Transportation is updating the Prioritization Process and has created Prioritization 6.0; and

WHEREAS, the Strategic Prioritization Office of Transportation's prioritization process will evaluate projects based on a quantitative and qualitative analysis and developed a selection process that is transparent and data driven; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization can submit up to 19 new aviation projects through Prioritization 6.0; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization has developed a list of aviation projects to submit to the North Carolina Department of Transportation for Prioritization 6.0 evaluation as follows:

- 1st General Aviation (GA) Hangar Taxilane
- Midfield Taxiway Improvements
- Perimeter Road Improvements
- Runway 24/Taxiway Extension
- Runway Protection Zone (RPZ)
- Runway 35 Wind Cone/PAPI Replacement
- Emergency Boat Ramp Access Launch
- Runway 6-24 Blast Pad
- 1st Paved Aircraft Taxi Lane
- Runway 6 MALSR Catwalk
- Runway 17/35 Blast Pads

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby approves the submission of Aviation projects for consideration by NCDOT in Prioritization 6.0.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary



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MEMORANDUM

To: WMPO Board Members

From: Abby Lorenzo, Senior Transportation Planner

Date: June 15, 2020

Subject: *Draft* WMPO Potential Prioritization 6.0 Bicycle and Pedestrian Submittals

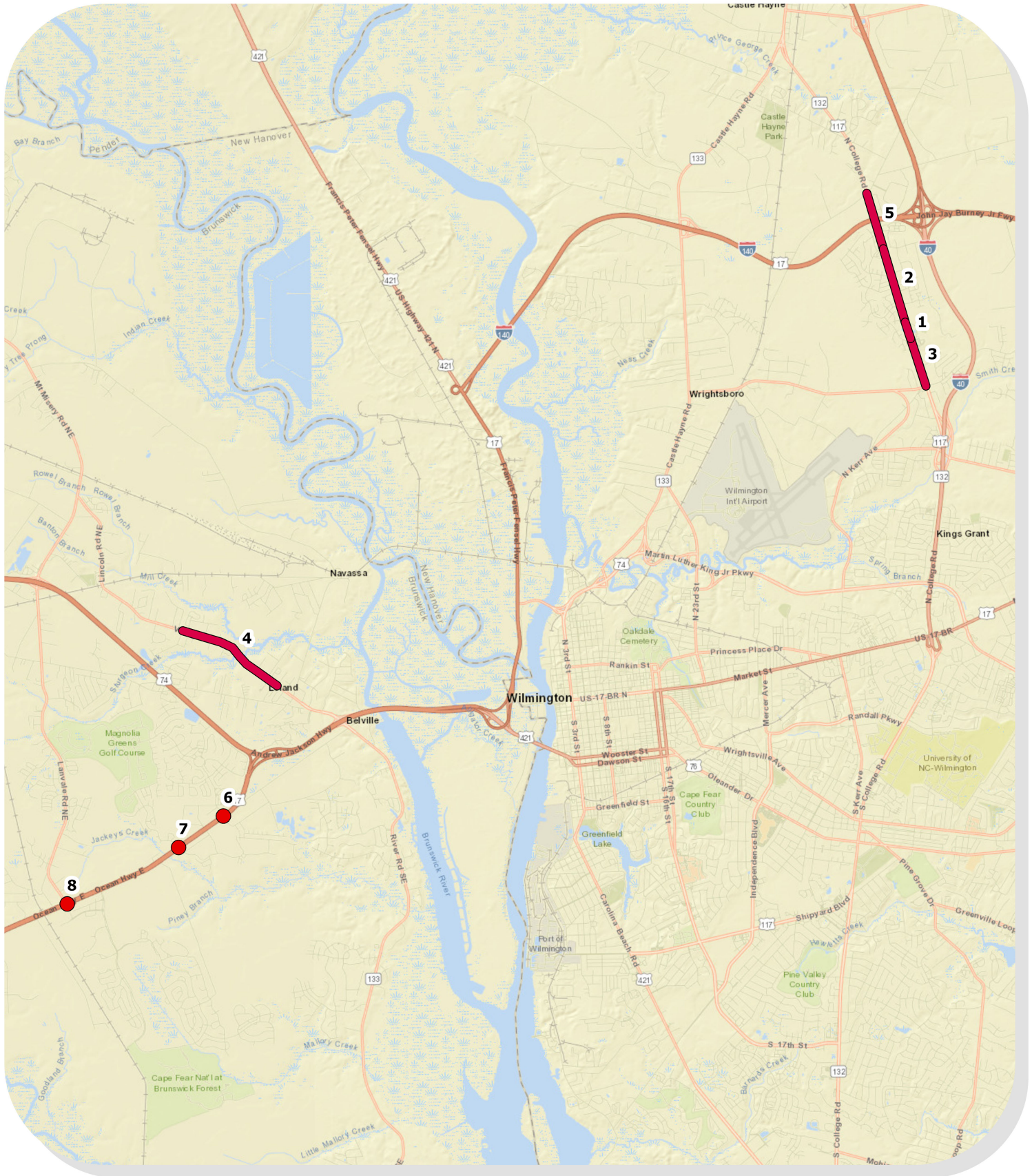
The North Carolina Department of Transportation (NCDOT) Strategic Prioritization Office of Transportation (SPOT) released a schedule outlining the Prioritization 6.0 (P6.0) process. The P6.0 process will include a submittal window in October 2019 through July 2020 to allow MPOs, RPOs, and Division Engineers to submit projects for evaluation. The WMPO Board may submit up to 19 projects for each mode of transportation. The following list of projects are derived from Cape Fear Transportation 2040 Bicycle and Pedestrian project list, and in coordination with the WMPO's member jurisdictions.

1. BP-3 N. College Road MUP/Crossing (New Town Road to Danny Pence Drive)
2. BP-15 N. College Road MUP (NE Northchase Pkwy to New Village Way)
3. BP-27 N. College Road MUP (New Village Way to Bavarian Lane)
4. BP-37 Village Road MUP (Lossen Lane to Wayne Street)
5. BP-42 N. College Road MUP (Blue Clay Road to Northchase Pkwy)
6. BP-47 US 17 & Old Waterford Way/Ploof Rd Intersection
7. BP-59 US 17 & W Gate Drive/Grandiflora Drive Intersection
8. BP-61 US 17 & Provision Parkway Intersection

Wilmington Urban Area Metropolitan Planning Organization

City of Wilmington • Town of Carolina Beach • Town of Kure Beach • Town of Wrightsville Beach
County of New Hanover • Town of Belville • Town of Leland • Town of Navassa • County of Brunswick
County of Pender • Cape Fear Public Transportation Authority • North Carolina Department of Transportation

WMPO Prioritization 6.0 Potential Submittals: Bicycle and Pedestrian Projects



— / ● Bike/Ped Projects

0 0.95 1.9 Miles



WMPO

Wilmington Urban
Area Metropolitan
Planning Organization
www.wmpos.org

**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION APPROVING THE SUBMISSION OF BICYCLE AND PEDESTRIAN
PROJECTS FOR CONSIDERATION BY NCDOT IN PRIORITIZATION 6.0**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Strategic Transportation Investment Bill (HB 817), was signed into law on June 26, 2013; and

WHEREAS, the North Carolina Department of Transportation Strategic Prioritization Office of Transportation is updating the Prioritization Process and has created Prioritization 6.0; and

WHEREAS, the Strategic Prioritization Office of Transportation's prioritization process will evaluate projects based on a quantitative and qualitative analysis and developed a selection process that is transparent and data driven; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization can submit up to 19 new bicycle and pedestrian projects through Prioritization 6.0; and

WHEREAS, bicycle and pedestrian projects funded within NCDOT's Strategic Transportation Improvement Plan, which is determined from the results of Prioritization, require a local 20% match; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization requested of its members to consider its future bicycle and pedestrian plans and funding, and to submit projects from the fiscally constrained project list contained within the currently adopted Cape Fear Transportation 2040 Metropolitan Transportation Plan for which a 20% match would be provided; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization has developed a list of bicycle and pedestrian projects to submit to the North Carolina Department of Transportation for Prioritization 6.0 evaluation as follows:

- BP-3 N. College Road MUP/Crossing (New Town Road to Danny Pence Drive)
- BP-15 N. College Road MUP (NE Northchase Pkwy to New Village Way)
- BP-27 N. College Road MUP (New Village Way to Bavarian Lane)
- BP-37 Village Road Sidewalk (Lossen Lane to Wayne Street)
- BP-42 N. College Road MUP (Blue Clay Road to Northchase Pkwy)
- BP-47 US 17 & Old Waterford Way/Ploof Rd Intersection
- BP-59 US 17 & W Gate Drive/Grandiflora Drive Intersection
- BP-61 US 17 & Provision Parkway Intersection

NOW THEREFORE, be it resolved that the Board of Wilmington Urban Area Metropolitan Planning Organization hereby approves the submission of bicycle and pedestrian projects for consideration by NCDOT in Prioritization 6.0.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary



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MEMORANDUM

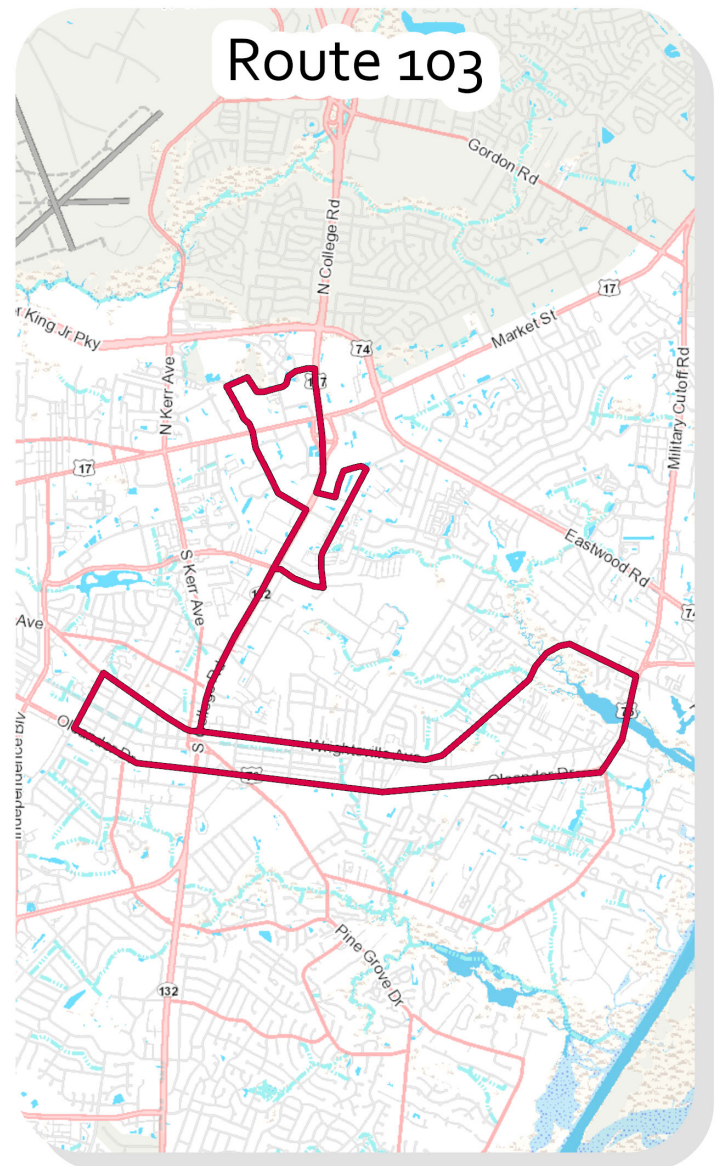
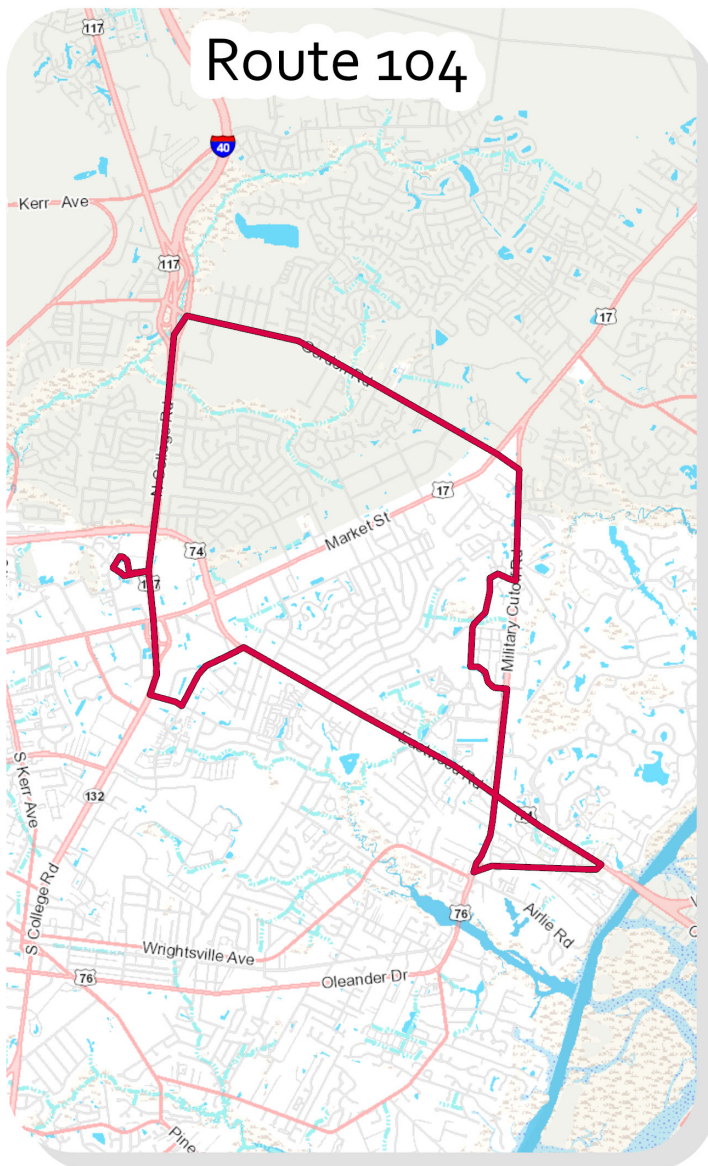
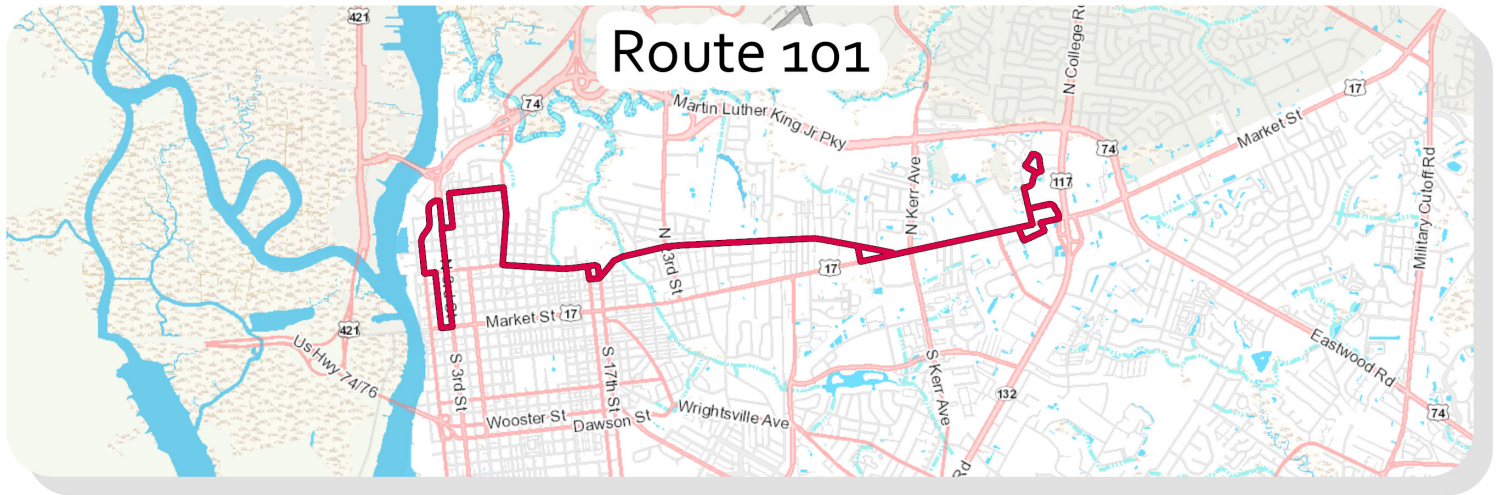
To: WMPO Board Members
From: Abby Lorenzo, Senior Transportation Planner
Date: June 15, 2020
Subject: *Draft* WMPO Potential Prioritization 6.0 Public Transportation Submittals

The North Carolina Department of Transportation (NCDOT) Strategic Prioritization Office of Transportation (SPOT) released a schedule outlining the Prioritization 6.0 (P6.0) process. The P6.0 process includes a submittal window of October 2019 through July 2020 to allow MPOs, RPOs, and Division Engineers to submit projects for evaluation. The WMPO Board may submit up to 19 projects for each mode of transportation.

Below please find the recommendation for submittal to NCDOT for P6.0 Transit projects.

1. Route 101 Amenity Upgrades (Princess Place)
2. Route 103 Amenity Upgrades (Oleander East)
3. Route 104 Amenity Upgrades (Northeast)
4. Route 106 Amenity Upgrades (Shipyard Boulevard)
5. Route 201 Amenity Upgrades (Carolina Beach Road)
6. Route 202 Amenity Upgrades (Oleander West)
7. Route 203 Amenity Upgrades (Trolley Route)
8. Route 205 Amenity Upgrades (Long Leaf Park)
9. Route 210 Amenity Upgrades (South 17th Street)

WMPO Prioritization 6.0 Potential Submittals: Public Transportation Projects (1 of 4)



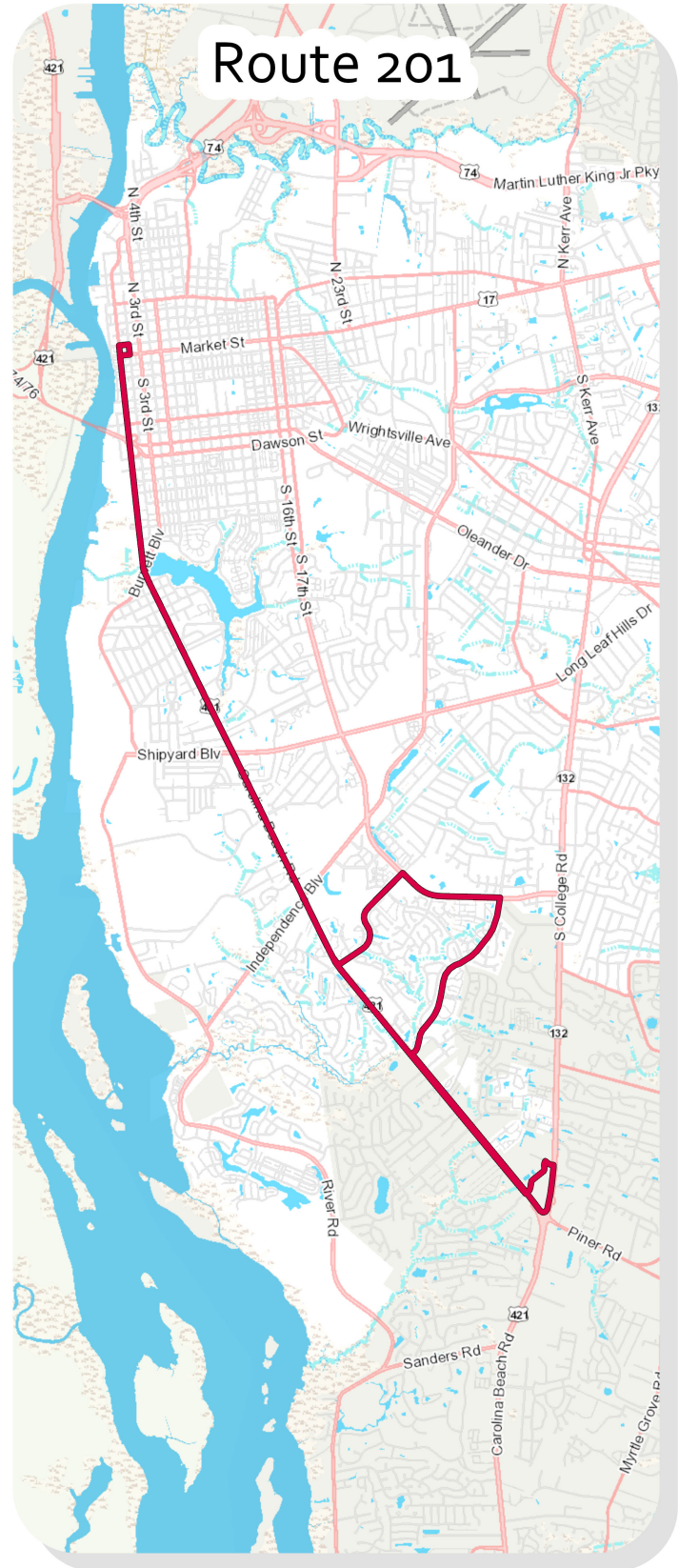
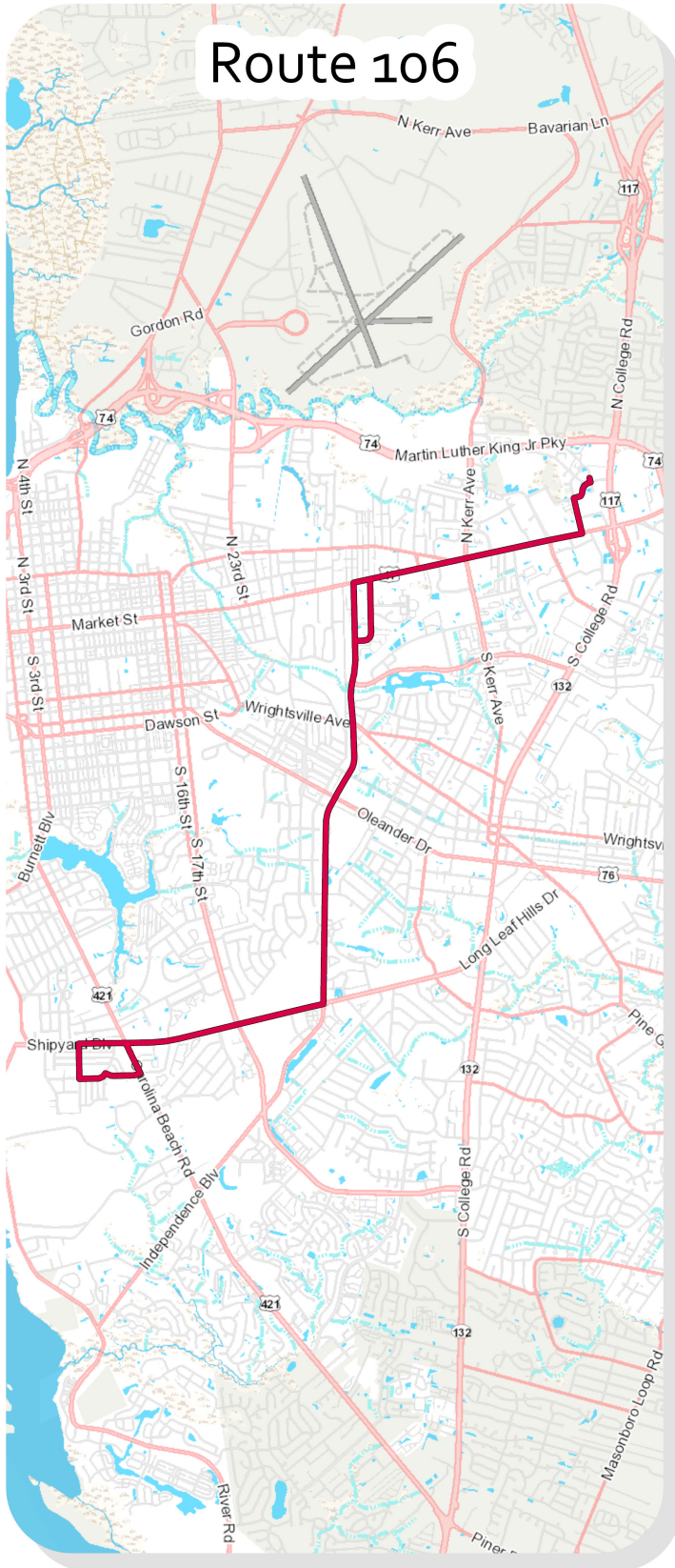
— Public Transportation Project

0 0.75 1.5 Miles



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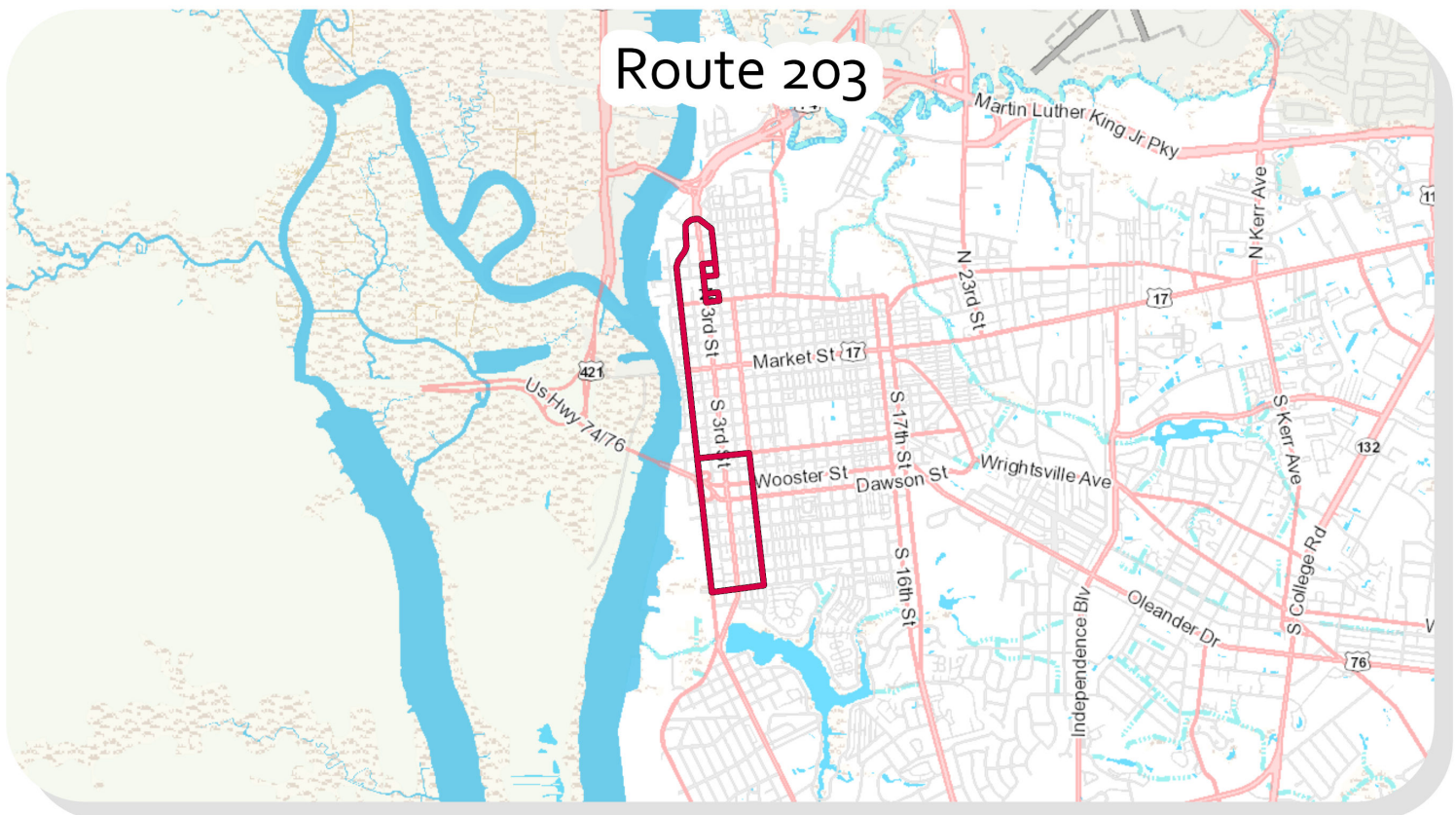
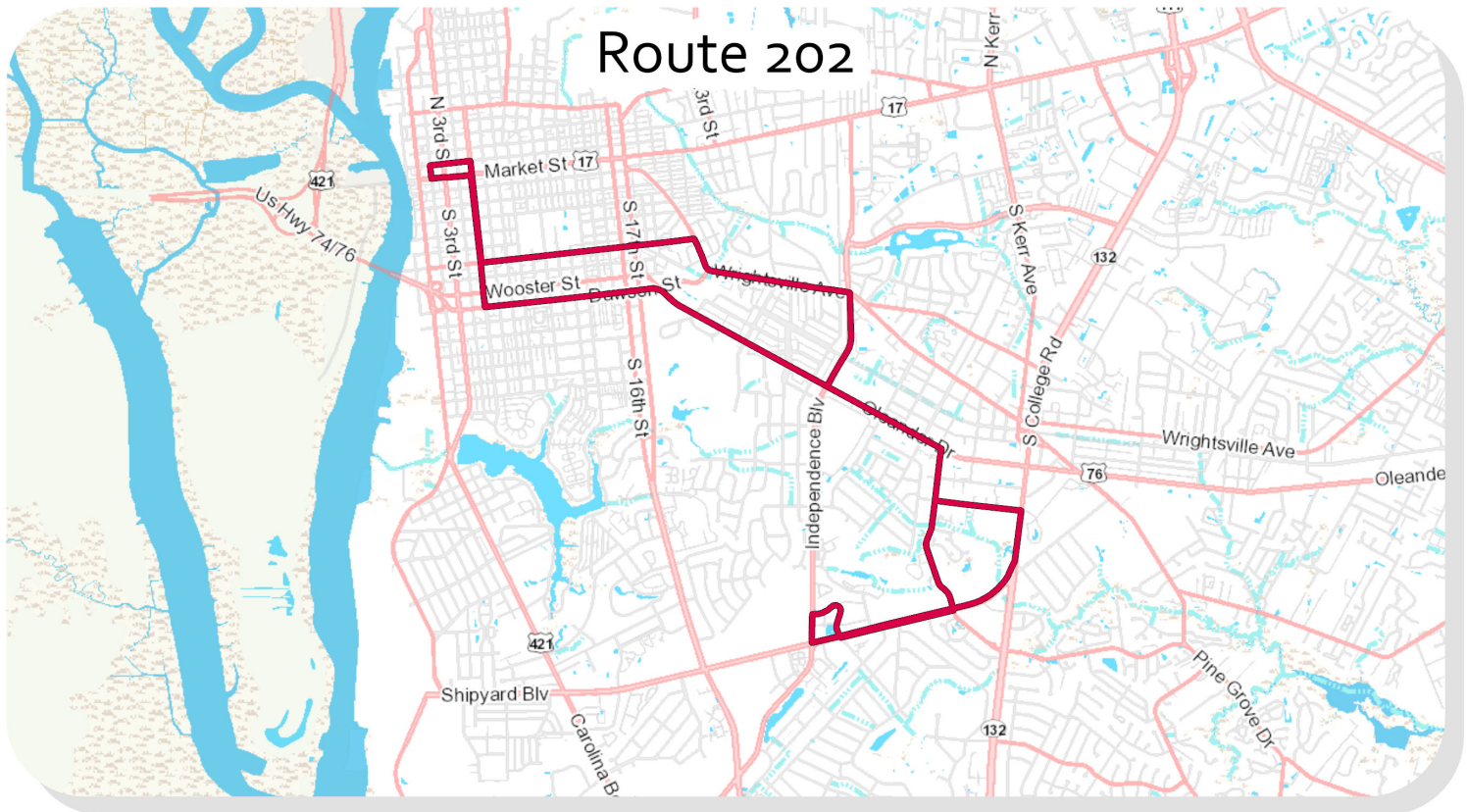
WMPO Prioritization 6.0 Potential Submittals: Public Transportation Projects (2 of 4)



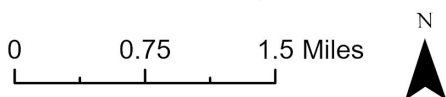
Public Transportation Project

0 0.75 1.5 Miles

WMPO Prioritization 6.0 Potential Submittals: Public Transportation Projects (3 of 4)



— Public Transportation Project

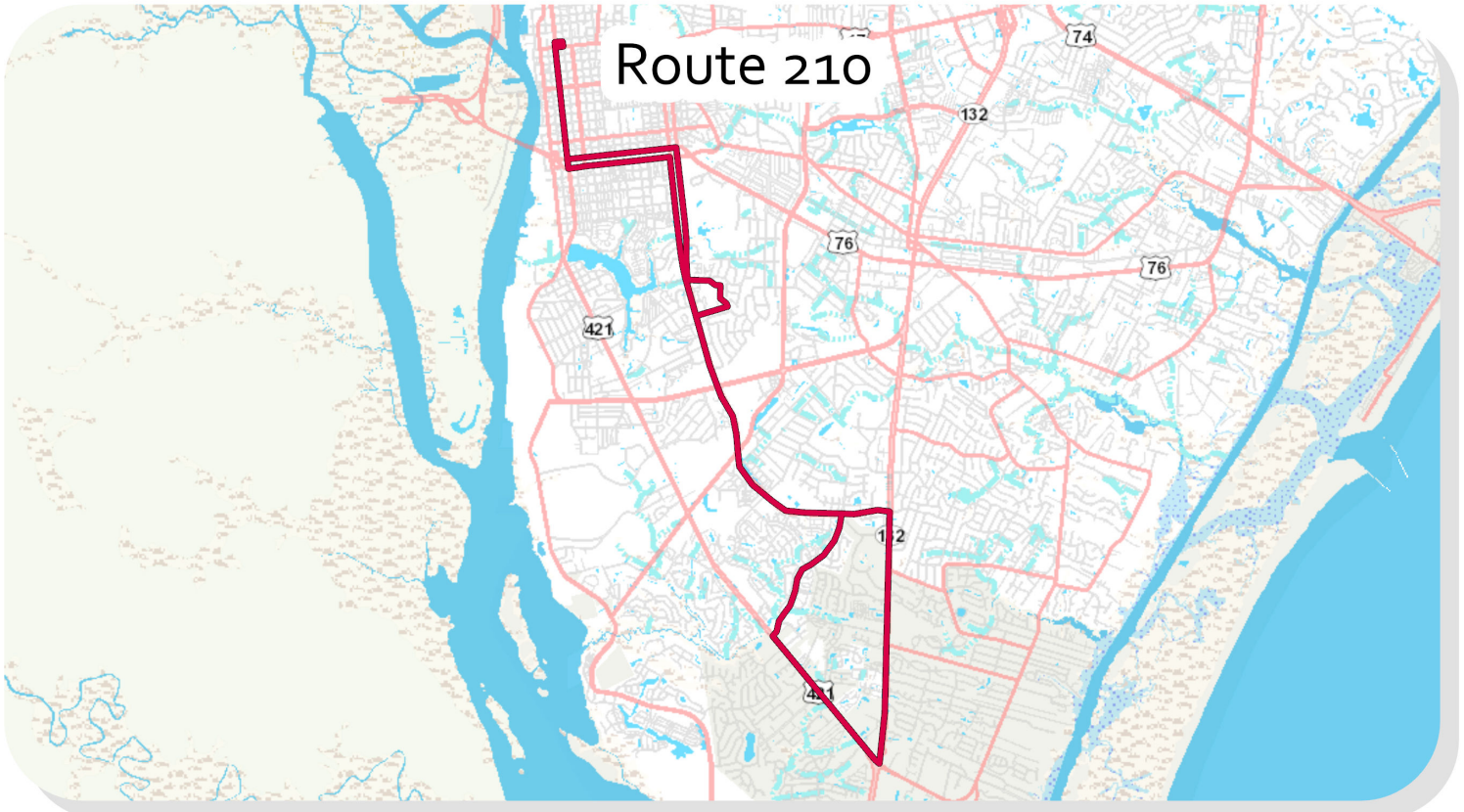


WMPO Prioritization 6.0 Potential Submittals: Public Transportation Projects (4 of 4)

Route 205



Route 210



— Public Transportation Project

0 1 2 Miles



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**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION APPROVING THE SUBMISSION OF PUBLIC TRANSPORTATION
PROJECTS FOR CONSIDERATION BY NCDOT IN PRIORITIZATION 6.0**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Strategic Transportation Investment Bill (HB 817), was signed into law on June 26, 2013; and

WHEREAS, the North Carolina Department of Transportation Strategic Prioritization Office of Transportation is updating the Prioritization Process and has created Prioritization 6.0; and

WHEREAS, the Strategic Prioritization Office of Transportation's prioritization process will evaluate projects based on a quantitative and qualitative analysis and developed a selection process that is transparent and data driven; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization can submit up to 19 new public transportation projects through Prioritization 6.0; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization has developed a list of public transportation projects to submit to the North Carolina Department of Transportation for Prioritization 6.0 evaluation as follows:

- Route 101 Amenity Upgrades (Princess Place)
- Route 103 Amenity Upgrades (Oleander East)
- Route 104 Amenity Upgrades (Northeast)
- Route 106 Amenity Upgrades (Shipyard Boulevard)
- Route 201 Amenity Upgrades (Carolina Beach Road)
- Route 202 Amenity Upgrades (Oleander West)
- Route 203 Amenity Upgrades (Trolley Route)
- Route 205 Amenity Upgrades (Long Leaf Park)
- Route 210 Amenity Upgrades (South 17th Street)

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby approves the submission of public transportation projects for consideration by NCDOT in Prioritization 6.0.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary



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MEMORANDUM

To: WMPO Board Members
From: Abby Lorenzo, Senior Transportation Planner
Date: June 15, 2020
Subject: *Draft* WMPO Potential Prioritization 6.0 Roadway Submittals

The North Carolina Department of Transportation (NCDOT) Strategic Prioritization Office of Transportation (SPOT) released a schedule outlining the Prioritization 6.0 (P6.0) process. The P6.0 process includes a submittal window of October 2019 through July 2020 to allow MPOs, RPOs, and Division Engineers to submit projects for evaluation. The WMPO Board may submit up to 19 projects for each mode of transportation.

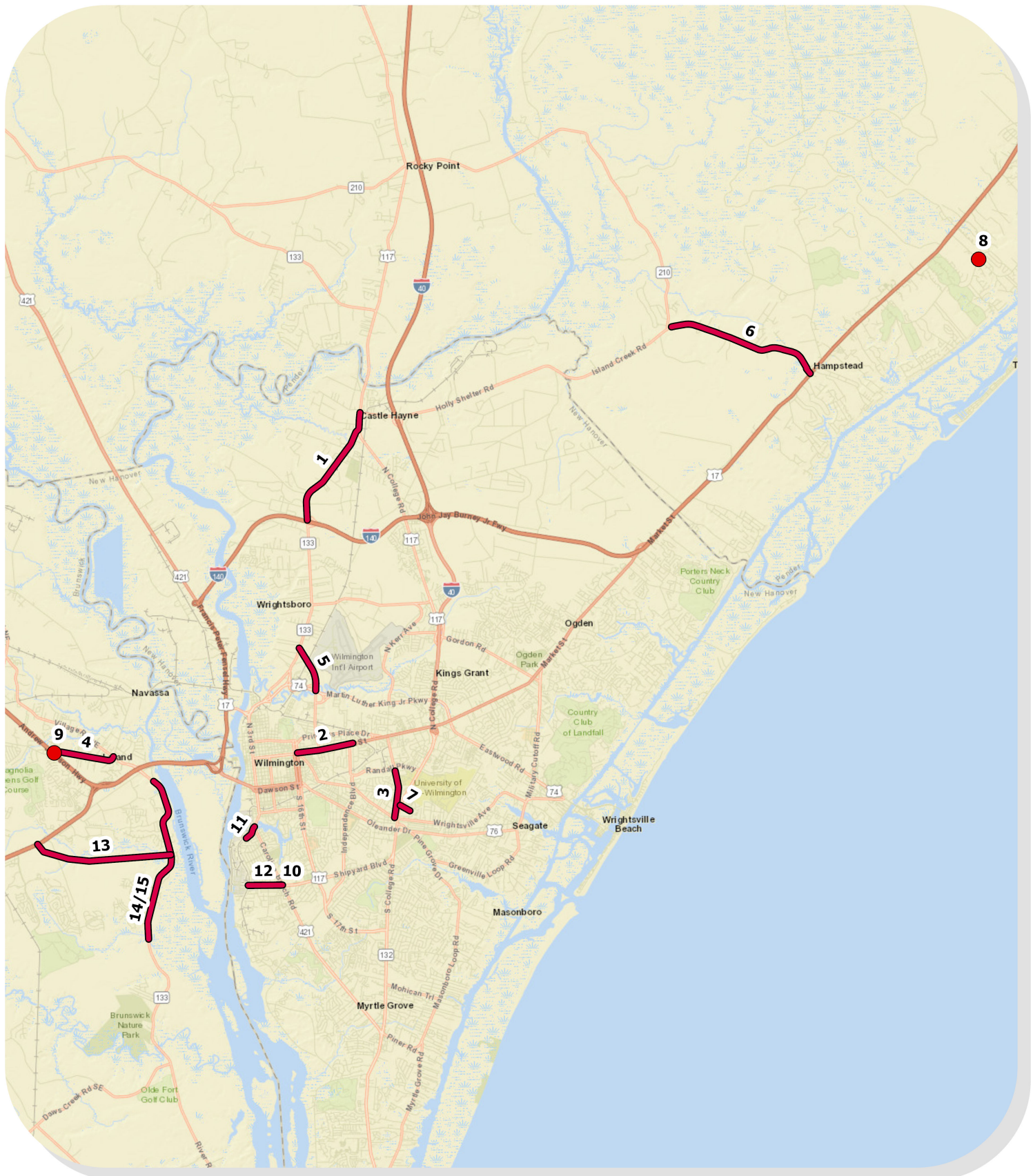
Below please find the recommendation for submittal to NCDOT for P6.0 Roadway projects.

New Submittals:

1. R-4 Castle Hayne Road Widening (US74/MLK Jr. Parkway to Holly Shelter Road) – 3 lane cross-section
2. R-9 US 17 BUS/Market Street Road Diet (17th Street to Covil Avenue)
3. R-33 Kerr Avenue Widening (Patrick Avenue to Wrightsville Avenue)
4. R-34 Old Fayetteville Road Modernization (Village Road to US74/76/Andrew Jackson Highway)
5. R-35 N 23rd Street Widening (NC 133/Castle Hayne Road to US 74/MLK Jr Parkway)
6. R-36 NC210 Improvements (NC210/Island Creek Road to US17)
7. R-37 Wilshire Boulevard Extension (US 117/132/College Road to MacMillan Avenue)
8. R-39 Country Club/Doral Drive and Sloop Point Loop Road
9. R-44 Old Fayetteville Road Interchange
10. R-47 US 117/Shipyard Boulevard Access Management (US 421/Carolina Beach Road to Rutledge Drive)
11. R-50 Burnett Boulevard Widening
12. R-51 US 117/Shipyard Boulevard Speed Sensors and Warning Activation at NC Port of Wilmington (from US 421/Carolina Beach Road to River Road)
13. R-52 US17 to NC133 Connection (US17 to NC133)
14. R-53 NC133 River Road Widening (US17/74/76 to SR 1599/Jackey's Creek Lane)
15. R-53 NC133 River Road Widening (SR 1599/Jackey's Creek Lane to Rabon Way SE)

Wilmington Urban Area Metropolitan Planning Organization

WMPO Prioritization 6.0 Potential Submittals: Roadway Projects



— / ● Roadway Projects

0 1.5 3 Miles



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**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION APPROVING THE SUBMISSION OF ROADWAY PROJECTS FOR
CONSIDERATION BY NCDOT IN PRIORITIZATION 6.0**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Strategic Transportation Investment Bill (HB 817), was signed into law on June 26, 2013; and

WHEREAS, the North Carolina Department of Transportation Strategic Prioritization Office of Transportation is updating the Prioritization Process and has created Prioritization 6.0; and

WHEREAS, the Strategic Prioritization Office of Transportation's prioritization process will evaluate projects based on a quantitative and qualitative analysis and developed a selection process that is transparent and data driven; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization can submit up to 19 new roadway projects through Prioritization 6.0; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization has developed a list of roadway projects to submit to the North Carolina Department of Transportation for Prioritization 6.0 evaluation as follows:

- R-4 Castle Hayne Road Widening (US74/MLK Jr. Parkway to Holly Shelter Road) – 3 lane cross-section
- R-9 US 17 BUS/Market Street Road Diet (17th Street to Covil Avenue)
- R-33 Kerr Avenue Widening (Patrick Avenue to Wrightsville Avenue)
- R-34 Old Fayetteville Road Modernization (Village Road to US74/76/Andrew Jackson Highway)
- R-35 N 23rd Street Widening (NC 133/Castle Hayne Road to US 74/MLK Jr Parkway)
- R-36 NC210 Improvements (NC210/Island Creek Road to US17)
- R-37 Wilshire Boulevard Extension (US 117/132/College Road to MacMillan Avenue)
- R-39 Country Club/Doral Drive and Sloop Point Loop Road
- R-44 Old Fayetteville Road Interchange
- R-47 US 117/Shipyard Boulevard Access Management (US 421/Carolina Beach Road to Rutledge Drive)
- R-50 Burnett Boulevard Widening
- R-51 US 117/Shipyard Boulevard Speed Sensors and Warning Activation at NC Port of Wilmington (from US 421/Carolina Beach Road to River Road)
- R-52 US17 to NC133 Connection (US17 to NC133)
- R-53 NC133 River Road Widening (US17/74/76 to Jackey's Creek Lane)
- R-53 NC133 River Road Widening (Jackey's Creek Lane to Rabon Way SE)

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby approves the submission of Roadway projects for consideration by NCDOT in Prioritization 6.0.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary



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MEMORANDUM

To: WMPO Board Members
From: Abby Lorenzo, Senior Transportation Planner
Date: June 15, 2020
Subject: *DRAFT* WMPO Potential Prioritization 6.0 Rail Submittals

The North Carolina Department of Transportation (NCDOT) Strategic Prioritization Office of Transportation (SPOT) released a schedule outlining the Prioritization 6.0 (P6.0) process. The P6.0 process includes a submittal window of October 2019 through July 2020 to allow MPOs, RPOs, and Division Engineers to submit projects for evaluation. The WMPO Board may submit up to 19 projects for each mode of transportation.

Below please find the recommendation for submittal to NCDOT for P6.0 Rail projects.

1. FR-5: US 421 Railroad crossing safety improvements south of I-140/Dan Cameron Bridge
2. FR-6: US 421 railroad extension from Invista to Pender Commerce Park
3. FR-7: At-grade rail crossing conflicts on NCDOT & CSX lines; Install FRA approved supplementary safety measure at King Street
4. FR-7: At-grade rail crossing conflicts on NCDOT & CSX lines; Install FRA approved supplementary safety measure at Wrightsville Ave
5. FR-7: At-grade rail crossing conflicts on NCDOT & CSX lines; Install FRA approved supplementary safety measure at Covil Ave
6. FR-16: Freight rail connection from Castle Hayne to Wallace
7. FR-17: Construct rail across the Cape Fear River between NC Port of Wilmington and Davis Yard; construction of rail improvements as part of multi-modal Cape Fear Memorial Bridge Replacement
8. FR-17: Construct rail across the Cape Fear River between NC Port of Wilmington and Davis Yard; new railroad line to connect Cape Fear Memorial Bridge to CSX's SE line and the WTRY (Port) north end trackage
9. FR-17: Construct rail across the Cape Fear River between NC Port of Wilmington and Davis Yard; new railroad line between CSX SE Line east of Davis Yard in Navassa to WTRY north end trackage generally located over and across Eagle Island
10. FR-24: Wilmington Multimodal Transportation Center

Wilmington Urban Area Metropolitan Planning Organization

WMPO Prioritization 6.0 Potential Submittals: Freight Rail Projects



— / ● Freight Rail Projects

0 1.5 3 Miles



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**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION SUPPORTING THE SUBMISSION OF RAIL PROJECTS FOR
CONSIDERATION BY NCDOT IN PRIORITIZATION 6.0**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Strategic Transportation Investment Bill (HB 817), was signed into law on June 26, 2013; and

WHEREAS, the North Carolina Department of Transportation Strategic Prioritization Office of Transportation is updating the Prioritization Process and has created Prioritization 6.0; and

WHEREAS, the Strategic Prioritization Office of Transportation's prioritization process will evaluate projects based on a quantitative and qualitative analysis and developed a selection process that is transparent and data driven; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization can submit up to 19 new rail projects through Prioritization 6.0; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization has developed a list of rail projects to submit to the North Carolina Department of Transportation for Prioritization 6.0 evaluation as follows:

- FR-5: US 421 Railroad crossing safety improvements south of I-140/Dan Cameron Bridge
- FR-6: US 421 railroad extension from Invista to Pender Commerce Park
- FR-7: At-grade rail crossing conflicts on NCDOT & CSX lines; Install FRA approved supplementary safety measure at King Street
- FR-7: At-grade rail crossing conflicts on NCDOT & CSX lines; Install FRA approved supplementary safety measure at Wrightsville Ave
- FR-7: At-grade rail crossing conflicts on NCDOT & CSX lines; Install FRA approved supplementary safety measure at Covil Ave
- FR-16: Freight rail connection from Castle Hayne to Wallace
- FR-17: Construct rail across the Cape Fear River between NC Port of Wilmington and Davis Yard; construction of rail improvements as part of multi-modal Cape Fear Memorial Bridge Replacement
- FR-17: Construct rail across the Cape Fear River between NC Port of Wilmington and Davis Yard; new railroad line to connect Cape Fear Memorial Bridge to CSX's SE line and the WTRY (Port) north end trackage
- FR-17: Construct rail across the Cape Fear River between NC Port of Wilmington and Davis Yard; new railroad line between CSX SE Line east of Davis Yard in Navassa to WTRY north end trackage generally located over and across Eagle Island

- FR-24: Wilmington Multimodal Transportation Center

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby endorses the submission of Rail projects for consideration by NCDOT in Prioritization 6.0.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary

WMPO Bicycle and Pedestrian Advisory Committee Model Electric Bicycle Ordinance

The purpose of this model ordinance is to provide clarity on how electric bicycles may be regulated in any of the WMPO Member Jurisdictions. This document provides guidelines on how e-bikes must be equipped and operated in order to protect the safety of e-bike operators, the riders of traditional bicycles, and pedestrians.

A. Applicability

- i. The provisions of this section shall apply to all public land and right of way.
- ii. It is at the discretion of the member jurisdiction to review and determine what public parks and gardens shall permit Classes 1 and 2 Electric Bicycles to be ridden on paths and trails.

B. Definitions

- i. *Electric bicycle or electric-assist bicycle*: a bicycle that uses an electric component to augment human power. The Consumer Product Safety Act (H.R. 727) defines a “low speed electric bicycle “ as “a two or three wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.” The styles of e-bikes vary and can be classified in three ways.
- ii. *Class 1 Electric Bicycle*: a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour or greater.
- iii. *Class 2 Electric Bicycle*: a bicycle that is equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches speeds of 20 miles per hour or greater.
- iv. *Class 3 Electric Bicycle*: a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour or greater, and is equipped with a speedometer.

For all classes, the maximum power output is 750 watts. Manufacturers and distributors of electric bicycles are required to apply a class identification label to each electric bicycle.

C. Regulations pertaining to riding electric bicycles on public facilities

- i. The top priority of these regulations is safety. Class 1 and 2 bicycles are permitted to travel anywhere traditional bikes are permitted, as maximum assisted speeds of these vehicles is similar to the speeds traveled by traditional bicycles. Class 3 electric bicycles may be

ridden on streets and roadways where traditional bicycles are permitted, including bicycle lanes, but are restricted from slower speed areas such as multiuse paths and sidewalks.

- ii. Electric bicycles that are in class 1 and 2 are permitted to be ridden on designated off-road bicycle routes, designated park trails, multiuse paths and greenways, as well as the public roadway.
- iii. Electric bicycles in class 3 are not permitted on any off-road facility including unpaved park trails, sidewalks and multiuse paths. Class 3 electric bicycles are only permitted to be ridden on the public roadway, excluding fully controlled access highways.
- iv. Because of an electric bicycle's ability to reach speeds of 20 miles per hour with little to no pedal effort, every person operating any form of electric bicycle shall wear a helmet or hard-shell head cover secured to the head by a strap or retention device that complies with Federal Motor Vehicle Safety Standard 2018. The failure to wear a helmet shall be considered an infraction and is subject to a penalty of twenty-five dollars and fifty cents (\$25.50) plus the following court costs. This figure is derived from Chapter 20-140.4 of the North Carolina General Statutes pertaining to the operation of mopeds.
- v. Every person operating any form of electric bicycle on the public right of way must follow all bicycling traffic laws provided in Chapter 20 of the North Carolina General Statutes.

**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION APPROVING THE WILMINGTON URBAN AREA METROPOLITAN
PLANNING ORGANIZATION BICYCLE AND PEDESTRIAN ADVISORY
COMMITTEE'S MODEL ELECTRIC BICYCLE ORDINANCE**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization's Bicycle and Pedestrian Advisory Committee is tasked with providing recommendations on policies; and

WHEREAS, through this role the Bicycle and Pedestrian Advisory Committee shall encourage projects, plans, programs, and ideas that will promote a safer environment for bicycling and walking in the Wilmington Urban Area Metropolitan Planning Organization's planning area; and

WHEREAS, in recent years, electric bicycles have grown in popularity throughout the United States; and

WHEREAS, electric bicycles, using an electric motor to augment human power, may travel at greater speeds with less effort on the part of the operator than a traditional bicycle; and

WHEREAS, the Bicycle and Pedestrian Advisory Committee recognized the importance and need to develop guidelines to regulate the use of electric bicycles; and

WHEREAS, the Bicycle and Pedestrian Advisory Committee, in coordination with Wilmington Urban Area Metropolitan Planning Organization staff and representatives from the Technical Coordinating Committee, developed these standards and language as a model ordinance to be used as a resource for our member jurisdictions; and

WHEREAS, the proposed ordinance is a recommendation and would require approval by the member jurisdiction before the proposed ordinance would be enforced in that jurisdiction; and

WHEREAS, the Bicycle and Pedestrian Advisory Committee voted to recommend the Electric Bicycle Model Ordinance on February 11, 2020.

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby supports the Bicycle and Pedestrian Advisory Committee's Model Electric Bicycle Ordinance.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary

Proposed Revisions to 2018-2027 and 2020-2029 STIP/MPO TIP Programs

STIP/MPO TIP Modification # 20-3 (March 2020)

TA-6665 STATEWIDE PROJ.CATEGORY	5311 CAPITAL FUNDS FOR FTA GRANTS <u>MODIFYING THE FEDERAL FUNDS</u> <u>RECEIVED FROM FTA ADMINISTERED BY PTD</u> <u>BASED ON SFY21 GRANTS</u>	CAPITAL	FY 2021 - \$4,749,000 (5311) \$4,749,000
* TA-6666 STATEWIDE PROJ.CATEGORY	STATEWIDE, 5339 BUS AND BUS FACILITIES <u>MODIFYING THE FEDERAL FUNDS</u> <u>RECEIVED FROM FTA ADMINISTERED BY PTD</u> <u>BASED ON SFY21 GRANTS</u>	CAPITAL	FY 2021 - \$6,750,000 (5339) \$6,750,000
* TC-5004 STATEWIDE PROJ.CATEGORY	5311 ADTAP CAPITAL FUNDS FOR FTA GRANTS <u>MODIFYING THE FEDERAL FUNDS</u> <u>RECEIVED FROM FTA ADMINISTERED BY PTD</u> <u>BASED ON SFY21 GRANTS</u>	CAPITAL	FY 2021 - \$3,392,000 (ADTAP) \$3,392,000
* TI-6109 STATEWIDE PROJ.CATEGORY	5311(F) INTERCITY BUS FUNDS FOR FTA GRANTS <u>MODIFYING THE FEDERAL FUNDS</u> <u>RECEIVED FROM FTA ADMINISTERED BY PTD</u> <u>BASED ON SFY21 GRANTS</u>	OPERATIONS	FY 2021 - \$4,620,000 (5311) \$4,620,000
* TK-4900Z STATEWIDE PROJ.CATEGORY	5311 STATE ADMINISTRATIVE FUNDS FOR FTA GRANTS <u>MODIFYING THE FEDERAL FUNDS RECEIVED</u> <u>FROM FTA ADMINISTERED BY PTD BASED ON</u> <u>SFY21 GRANTS</u>	OTHER	FY 2021 - \$3,080,000 (5311) \$3,080,000

* TK-4902 STATEWIDE PROJ.CATEGORY	5311 ADTAP STATE ADMINISTRATIVE FUNDS <u>MODIFYING THE FEDERAL FUNDS RECEIVED</u> <u>FROM FTA ADMINISTERED BY PTD BASED ON</u> <u>SFY21 GRANTS</u>	OTHER	Y 2021 - \$235,000 (ADTAP) \$235,000
* TK-6181 STATEWIDE PROJ.CATEGORY	5311 ADMINISTRATIVE FUNDS FOR FTA GRANTS <u>MODIFYING THE FEDERAL FUNDS RECEIVED</u> <u>FROM FTA ADMINISTERED BY PTD BASED ON</u> <u>SFY21 GRANTS</u>	OTHER	FY 2021 - <u>-\$15,025,000</u> (5311) \$15,025,000
* TO-6135 STATEWIDE PROJ.CATEGORY	5311 OPERATING FUNDS FOR FTA GRANTS <u>MODIFYING THE FEDERAL FUNDS</u> <u>RECEIVED FROM FTA ADMINISTERED BY PTD</u> <u>BASED ON SFY21 GRANTS</u>	OPERATIONS	FY 2021 - <u>-\$947,000</u> (5311) \$947,000
* TQ-6954 STATEWIDE PROJ.CATEGORY	5310 OPERATING PROJECTS <u>MODIFYING THE FEDERAL FUNDS RECEIVED</u> <u>FROM FTA ADMINISTERED BY PTD BASED ON</u> <u>SFY21 GRANTS</u>	OPERATIONS	FY 2021 - <u>-\$1,960,000</u> (5310) \$1,960,000
* TQ-9038 STATEWIDE PROJ.CATEGORY	5310 CAPITAL PROJECTS FOR RURAL <u>MODIFYING THE FEDERAL FUNDS</u> <u>RECEIVED FROM FTA ADMINISTERED BY PTD</u> <u>BASED ON SFY21 GRANTS</u>	CAPITAL	FY 2021 - <u>-\$2,850,000</u> (5310) \$2,850,000

* TS-4900Z	RTAP STATEWIDE FUNDS FOR FTA	OTHER	FY 2021 - <u>\$480,000</u> (RTAP)
STATEWIDE	GRANTS <u>MODIFYING THE FEDERAL FUNDS</u>		\$480,000
PROJ.CATEGORY	<u>RECEIVED FROM FTA ADMINISTERED BY PTD</u>		
	<u>BASED ON SFY21 GRANTS</u>		
* TV-4903	5310 STATE ADMINISTRATIVE	OTHER	FY 2021 - <u>\$450,000</u> (5310)
STATEWIDE	FUNDS <u>MODIFYING THE FEDERAL FUNDS</u>		\$450,000
PROJ.CATEGORY	<u>RECEIVED FROM FTA ADMINISTERED BY PTD</u>		
	<u>BASED ON SFY21 GRANTS</u>		

Proposed Revisions to 2018-2027 and 2020-2029 STIP/MPO TIP Programs

HIGHWAY PROGRAM

STIP/MPO TIP Modification # 20-4 (April/May 2020)

B-4590 NEW HANOVER PROJ.CATEGORY REGIONAL	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	NC 133, REPLACE BRIDGE 640029 OVER SMITH CREEK.	CONSTRUCTION	FY 2022 - \$4,100,000 (NHPB)
		TO ASSIST IN BALANCING FUNDS. DELAY CONSTRUCTION FROM FY 21 TO FY 22.		\$4,100,000
I-6036 BRUNSWICK PROJ.CATEGORY STATEWIDE	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	I-140, US 17 TO NORTH OF US 74. PAVEMENT REHABILITATION.	CONSTRUCTION	FY 2023 - \$4,301,000 (NHPM)
		TO ASSIST IN BALANCING FUNDS. DELAY CONSTRUCTION FROM FY 22 TO FY 23.		\$4,301,000
U-5710A NEW HANOVER PROJ.CATEGORY STATEWIDE	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	NEW LOCATION, FROM SR 1409 (MILITARY CUTOFF ROAD) AT DRYSDALE DRIVE TO US 74 (EASTWOOD ROAD), ROADWAY ON NEW LOCATION.	RIGHT-OF-WAY CONSTRUCTION	FY 2020 - \$1,870,000 (T)
		TO ASSIST IN BALANCING FUNDS. DELAY CONSTRUCTION FROM FY 20 TO FY 21.		\$4,800,000 (BGANY)
U-5914 BRUNSWICK PROJ.CATEGORY DIVISION	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	NC 133, US 17/US 74/US 76 TO SR 1554 (OLD RIVER ROAD), MODERNIZE ROADWAY.	CONSTRUCTION	FY 2022 - \$900,000 (T)
		TO ASSIST IN BALANCING FUNDS. DELAY CONSTRUCTION FROM FY 21 TO FY 22.		\$900,000 (T)
				\$1,800,000

Proposed Revisions to 2018-2027 and 2020-2029 STIP/MPO TIP Programs

HIGHWAY PROGRAM

STIP/MPO TIP Modification # 20-4 (April/May 2020)

B-4590 NEW HANOVER PROJ.CATEGORY REGIONAL	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	NC 133, REPLACE BRIDGE 640029 OVER SMITH CREEK. <u>TO ASSIST IN BALANCING FUNDS, DELAY CONSTRUCTION FROM FY 20 TO FY 21.</u>	CONSTRUCTION	FY 2022 - \$4,100,000 (NHPB) \$4,100,000
EB-6027 NEW HANOVER PROJ.CATEGORY DIVISION	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	SR 1403 (MIDDLE SOUND LOOP), SR 2862 (LENDIRE ROAD), OGDEN BUSINESS LANE, CONSTRUCT MULTI-USE PATH ALONG MIDDLE SOUND LOOP, LENDIRE ROAD, AND OGDEN BUSINESS LANE. <u>TO MATCH SCHEDULE PROVIDED BY COUNTY, DELAY CONSTRUCTION FROM FY 20 TO FY 21.</u>	CONSTRUCTION	FY 2021 - \$1,000,000 (L) \$1,000,000
I-6036 BRUNSWICK PROJ.CATEGORY STATEWIDE	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	I-140, US 17 TO NORTH OF US 74, PAVEMENT REHABILITATION. <u>COST INCREASE EXCEEDING \$2 MILLION AND 25% THRESHOLDS, TO ASSIST IN BALANCING FUNDS, DELAY CONSTRUCTION FROM FY 21 TO FY 22.</u>	CONSTRUCTION	FY 2023 - \$4,301,000 (NHPM) \$4,301,000

Proposed Revisions to 2018-2027 and 2020-2029 STIP/MPO TIP Programs HIGHWAY PROGRAM

STIP/MPO TIP Modification # 20-4 (April/May 2020)

* R-3300B PENDER PROJ.CATEGORY REGIONAL	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	US 17, NC 210 TO US 17 NORTH OF HAMPS TEAD. <u>COST INCREASE EXCEEDING \$2 MILLION AND 25% THRESHOLDS.</u>	ENGINEERING	FY 2021 - \$172,000 (T) FY 2022 - \$172,000 (T) FY 2023 - \$172,000 (T) FY 2024 - \$172,000 (T) FY 2025 - \$172,000 (T) FY 2026 - \$172,000 (T) FY 2027 - \$172,000 (T) FY 2028 - \$172,000 (T) FY 2029 - \$172,000 (T) POST YR- \$1,032,000 (T) FY 2021 - \$3,707,000 (T) FY 2022 - \$3,707,000 (T) FY 2023 - \$3,707,000 (T) FY 2024 - \$3,707,000 (T) FY 2025 - \$3,707,000 (T) FY 2026 - \$3,707,000 (T) FY 2027 - \$3,707,000 (T) FY 2028 - \$3,707,000 (T) FY 2029 - \$3,707,000 (T) POST YR- \$22,242,000 (T)
			BUILD NC CON	
			CONSTRUCTION	FY 2021 - \$18,375,000 (T) FY 2022 - \$18,375,000 (T) FY 2023 - \$18,375,000 (T) FY 2024 - \$18,375,000 (T) \$131,685,000
* U-4434 NEW HANOVER PROJ.CATEGORY DIVISION	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	SR 1209 (INDEPENDENCE BOULEVARD EXTENSION), RANDALL PARKWAY TO US 74 (MLK, JR. PARKWAY) IN WILMINGTON. MULTI-LANES ON NEW LOCATION. <u>COST INCREASE EXCEEDING \$2 MILLION AND 25% THRESHOLDS.</u>	RIGHT-OF-WAY	FY 2022 - \$22,364,000 (BGANY) FY 2023 - \$22,364,000 (BGANY) FY 2024 - \$22,364,000 (BGANY) FY 2022 - \$600,000 (BGANY) FY 2025 - \$35,600,000 (BGANY) FY 2026 - \$35,600,000 (BGANY) FY 2027 - \$35,600,000 (BGANY) FY 2028 - \$35,600,000 (BGANY) \$210,092,000
			UTILITIES	
			CONSTRUCTION	

Proposed Revisions to 2018-2027 and 2020-2029 STIP/MPO TIP Programs

HIGHWAY PROGRAM

STIP/MPO TIP Modification # 20-4 (April/May 2020)

U-5710 NEW HANOVER PROJ.CATEGORY STATEWIDE	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	US 74 (EASTWOOD ROAD), SR 1409 (MILITARY CUTOFF ROAD) INTERSECTION IN WILMINGTON. CONVERT AT-GRADE INTERSECTION TO AN INTERCHANGE. <u>CONSTRUCTION CHANGED FROM FY 23 TO FY 22 DUE TO SWITCH FROM STATE FUNDING TO FEDERAL FUNDING.</u>	RIGHT-OF-WAY CONSTRUCTION	FY 2020 - \$5,436,000 (T) FY 2021 - \$5,436,000 (T) FY 2022 - \$7,900,000 (NHP) FY 2023 - \$7,900,000 (NHP) FY 2024 - \$7,900,000 (NHP) FY 2025 - <u>\$7,900,000</u> \$42,472,000
U-5914 BRUNSWICK PROJ.CATEGORY DIVISION	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	NC 133, US 17/US 74/US 76 TO SR 1554 (OLD RIVER ROAD), MODERNIZE ROADWAY. <u>TO ASSIST IN BALANCING FUNDS, DELAY CONSTRUCTION FROM FY 20 TO FY 21.</u>	CONSTRUCTION	FY 2021 - \$900,000 (T) FY 2022 - <u>\$900,000</u> \$1,800,000
* W-5803A NEW HANOVER PROJ.CATEGORY STATEWIDE	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION	US 74, US 74 (EASTWOOD ROAD) AT US 17 (MILITARY CUTOFF ROAD), AND US 74 (EASTWOOD ROAD) AT CAVALIER DRIVE IN WILMINGTON. UPGRADE PEDESTRIAN SIGNALS. <u>ADD NEW PROJECT BREAK AT REQUEST OF TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>	CONSTRUCTION	FY 2022 - \$42,000 (HSIP) \$42,000
* W-5803B ON SLOW PENDER PROJ.CATEGORY REGIONAL	- WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION - JACKSONVILLE URBAN AREA METROPOLITAN PLANNING ORGANIZATION - CAPE FEAR RURAL PLANNING ORGANIZATION - DOWN EAST RURAL PLANNING ORGANIZATION	US 17, US 17 BETWEEN NEW HANOVER / PENDER COUNTY LINE AND MILE POST 19.3 IN ONSLOW COUNTY. INSTALL SHOULDER RUMBLE STRIPS. <u>ADD NEW PROJECT BREAK AT REQUEST OF</u>	CONSTRUCTION	FY 2022 - <u>\$425,000</u> (HSIP) \$425,000

**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION APPROVING ADMINISTRATIVE MODIFICATIONS #20-3 AND #20-4
TO THE
2018-2027 AND 2020-2029 STATE /MPO TRANSPORTATION IMPROVEMENT
PROGRAMS**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Board has found that the Wilmington Urban Area Metropolitan Planning Organization is conducting transportation planning in a continuous, cooperative, and comprehensive manner; and

WHEREAS, the North Carolina Board of Transportation adopted the 2018-2027 State Transportation Improvement Program on August 3, 2017 and the Wilmington Urban Area Metropolitan Planning Organization Board adopted the Statewide/MPO Transportation Improvement Programs on August 30, 2017; and

WHEREAS, the North Carolina Board of Transportation adopted the 2020-2029 State Transportation Improvement Program on September 5, 2019 and the Wilmington Urban Area Metropolitan Planning Organization Board adopted the Statewide/MPO Transportation Improvement Programs on October 30, 2019; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization desires to modify the adopted 2018-2027 and 2020-2029 State/MPO Transportation Improvement Programs for Administrative Modifications #20-3 and 20-4.

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby approves modifying the 2018-2027 and 2020-2029 State/MPO Transportation Improvement Programs for Administrative Modifications #20-3 and #20-4.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary

Wilmington Urban Area
Metropolitan Planning Organization
Public Participation Plan



DRAFT

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1 Introduction

1.1 Overview

The Wilmington Urban Area Metropolitan Planning Organization's (WMPO) Public Participation Plan is an umbrella policy, encompassing the plans and programs of the greater Wilmington Urban Area's transportation planning process. Public participation is an integral part of the WMPO's planning efforts. The Public Participation Plan is comprised of the public involvement programs for all the major planning activities, including the Metropolitan Transportation Plan (MTP), Metropolitan Transportation Improvement Program (MTIP), the Unified Planning Work Program (UPWP) and federal requirements (FAST Act, Civil Rights Act, Environmental Justice, Limited English Proficiency and Americans with Disabilities Act).

The WMPO is an intergovernmental transportation planning agency created by an agreement among the City of Wilmington, Town of Belville, Town of Carolina Beach, Town of Kure Beach, Town of Leland, Town of Navassa, Town of Wrightsville Beach, Brunswick County, New Hanover County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation. Federal and state laws require the formation of Metropolitan Planning Organizations (MPO) in urbanized areas with populations of greater than 50,000 in order for surface transportation projects to be eligible for federal transportation funding.

The Wilmington Urban Area population has exceeded 200,000 and in July 2012 the Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) designated the Wilmington Urban Area as a Transportation Management Area (TMA). This new designation provides for additional requirements including a Congestion Management Process, official FHWA/FTA Certification Review, additional federal reporting requirements and the administration of the Direct Attributable Programs.

The WMPO is responsible for conducting a continuing, cooperative, and comprehensive transportation planning process for all of the members within the WMPO urbanized area. The WMPO must plan for the movement of both people and goods within the WMPO boundaries by all modes of travel, including highways, public transportation, bicycles, and pedestrians. It also plans for the connections (such as airports, seaports, buses, railroads, and pipeline terminals) linking these modes and connecting the greater Wilmington area to the rest of the State, country, and world.

1.2 The WMPO Mission Statement

Create and execute continuing, cooperative and comprehensive regional long-range planning efforts that proactively drive transportation decisions to improve safety, connectivity, economic development and quality of life in the Wilmington region.

1.3 The WMPO Board

The Board is the policy and decision-making body for the WMPO. The Board is comprised of elected and appointed officials from the City of Wilmington, Town of Belville, Town of Carolina Beach, Town of Kure Beach, Town of Leland, Town of Navassa, Town of Wrightsville Beach, Brunswick County, New Hanover County, Pender County, Cape Fear Public Transportation Authority, and the North Carolina Board of

Transportation. The Board is ultimately responsible for providing opportunities for citizen participation in the transportation planning process.

WMPO Voting Members:

Brunswick County: One elected official

New Hanover County: One elected official

Pender County: One elected official

City of Wilmington: Two elected officials

Town of Belville: One elected official

Town of Carolina Beach: One elected official

Town of Kure Beach: One elected official

Town of Leland: One elected official

Town of Navassa: One elected official

Town of Wrightsville Beach: One elected official

Cape Fear Public Transportation Authority: One elected official (appointed by the New Hanover County Board of Commissioners to the Authority Board)

North Carolina Board of Transportation: One appointed official

WMPO Non-Voting Members:

Federal Highway Administration

Cape Fear Council of Governments

North Carolina State Ports Authority

Wilmington Airport Authority

North Carolina Turnpike Authority

1.3.1 Board Meetings

Regular schedules will be adopted by the Board at the last meeting of the calendar year for the upcoming year. These meetings will typically be held eleven (11) times per calendar year unless otherwise approved. Notice of these meetings will be published in the Star News and Wilmington Journal at least five (5) days prior to the day of the meeting and also posted in accordance to the State Open Meetings Laws. These meetings and agendas will also be published on the WMPO's website. These meetings are open to members of the public and upon request anyone can be placed on the Board mailing list. At the beginning of each regular meeting, a sign-in sheet will be available before each meeting for those who wish to speak. Each speaker is limited to three (3) minutes and the entire public comment period shall not exceed fifteen (15) minutes. If necessary, the Chairman can extend the public comment period by a vote of the Board.

1.4 Technical Coordinating Committee (TCC)

The Technical Coordinating Committee (TCC) is made of planners, engineers, and other staff from each of the member agencies to facilitate coordination of the WMPO's planning activities and transportation planning and related activities occurring within each member agency's jurisdiction. The TCC makes recommendations to the Board.

1.5 Bicycle and Pedestrian Advisory Committee

The Bicycle and Pedestrian Advisory Committee is composed of members appointed by the Board, the Chancellor of the University of North Carolina at Wilmington, and the Chairman of the Bicycle and Pedestrian Advisory Committee. The Bicycle and Pedestrian Advisory Committee promotes the safe use of bicycling and walking for transportation, fitness, and recreation; provides recommendations on policies and plans that affect the development of bicycle and pedestrian facilities; and contributes to the development of the MTP.

1.6 Electronic Meetings

The Wilmington Urban Area Metropolitan Planning Organization may choose to hold electronic meetings solely online or electronically. In these cases, a telephone number will also be provided for individuals without internet access to call in.

When Feasible:

- Meetings will be streamed live on an online platform that allows visual and audio capabilities to the general public.
- Meeting agendas and materials will be posted online in advance of the meeting.
- If a public comment period is undertaken during the meeting and public cannot be made in person, a means to provide comments by phone, email and/or video will be provided.

2 Purpose

The purpose of the WMPO Public Participation Plan is to create an open decision-making process whereby citizens have the opportunity to be involved in all stages of the transportation planning process. This policy is designed to ensure that transportation decisions will reflect public priorities.

2.1 Goals

The goals of the WMPO's Public Participation Plan are:

- A. The WMPO will actively seek and consider public input and incorporate or otherwise respond to the views of its stakeholders in making its decisions.
- B. The public will be informed in a timely manner about and empowered to participate in the WMPO's decision-making processes, which are open, understandable, and consistently followed. Access points for public input will be clearly defined from the earliest stages of a decision process and provide adequate time for stakeholders to participate.
- C. Credible, effective public participation processes will be consistently incorporated into the WMPO's program operations, planning activities, and decision-making processes, at headquarters and in the field. Every employee within the WMPO will share responsibility to promote, practice, and improve public participation.

2.2 Objectives

- Bring a broad cross-section of the public into the public policy and transportation planning decision-making process.
- Maintain public involvement from the early stages of the planning process through detailed project development.
- Use different combinations of public involvement techniques to meet the diverse needs of the general public.
- Determine the public's knowledge of the metropolitan transportation system and the public's values and attitudes concerning transportation.
- Educate citizens and elected officials in order to increase general understanding of transportation issues.
- Make technical and other information available to the public.
- Establish a channel for an effective feedback process. Evaluate the public involvement process and procedures to assess their success at meeting requirements specified in the FAST Act (or most current regulation), NEPA, and FTA/FHWA Guidance on Public Participation.

3 Federal Requirements

The federal laws and processes covering public participation in the transportation planning process include the following:

- *Fixing America's Surface Transportation Act (FAST Act)*, (or most current regulation);
- *Title VI of the Civil Rights Act of 1964*;
- *Executive Order 13161, Improving Access to Services for Persons with Limited English Proficiency (2000)*;
- *The Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (Section 504)*, and *Rehabilitation Act Amendments of 1998 (Section 508)*; and
- *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)*, *USDOT Order 5610.2(a)*, and *FHWA Order 6640.23A*.

In order to be in compliances with the federal requirements for Environmental Justice (EJ) and Limited English proficiency (LEP), the WMPO may develop strategies that encourage EJ and LEP populations to participate in the transportation planning process.

3.1 Federal Regulation

As mandated under the 23 U.S. Code § 134 and directed by the FAST Act, or other, current supporting federal regulations, MPOs must establish, periodically review and update public participation processes. These processes should assure early and continued public awareness of and access to the transportation decision-making process.

The planning regulations contain a number of performance standards for public involvement, including:

- Providing timely notice and reasonable access to information about transportation issues and processes;
- Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the MTIP;
- Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the MTIP;
- Employing visualization techniques to describe metropolitan transportation plans and MTIPs; and
- Making public information (technical information and meeting notices) available in electronically accessible formats and means.

3.2 Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 states that “no person in the United States shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

3.3 The Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (Section 504), and the Rehabilitation Act Amendments of 1998 (Section 508)

The *Americans with Disabilities Act of 1990* mandates that public facilities be made accessible to people with disabilities and has been the basis for requiring that transit buses and street curbs be retrofitted or reconstructed with appropriate equipment and design details.

The *Rehabilitation Act of 1973* (Section 504) states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that receives federal financial assistance.

The *Rehabilitation Act Amendments of 1998* (Section 508) states that federal agencies must ensure that electronic and information technology is accessible to employees and members of the public with disabilities to the extent it does not pose an “undue burden.”

All notices for planning activities of the **WMPO** will include an announcement that states that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (e.g., having available large print documents, audio material, someone proficient in sign language, a translator or other provisions requested). Public meetings will be held in locations accessible to persons with disabilities and will be located near or on a transit route if possible. TTY users may dial 711 to contact the WMPO.

3.4 Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (2000)

The basis of *Executive Order 13166* lies in *Title VI of the Civil Rights Act of 1964*. It requires that federal agencies work to ensure that recipients of federal financial assistance provide “meaningful access” to their limited English proficiency applicants and beneficiaries.

3.5 Executive Order 12898, USDOT Order 5610.2(a), and FHWA Order 6640.23A.

3.5.1 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)

The basis of *Executive Order 12898* lies in *Title VI of the Civil Rights Act of 1964*. The Executive Order directs that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

3.5.2 Department of Transportation Update Environmental Justice Order 5610.2(a)

The *USDOT Order 5610.2(a)* sets forth the U.S. Department of Transportation (USDOT) policy to consider environmental justice principles in all USDOT programs, policies, and activities. The three fundamental environmental justice principles include:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;

- To ensure full and fair participation by all potentially affected communities in transportation decision-making; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

3.5.3 Federal Highway Administration Order 6640.23A Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

The *FHWA Order 6640.23A* is the directive that establishes policies and procedures for the FHWA to use in complying with *Executive Order 12898*. In addition, it defines the following terms:

Low-Income – A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed program, policy, or activity.

Minority – A person who is:

- Black: a person having origins in any of the black racial groups of Africa;
- Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent;
- American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
- Native Hawaiian and Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed program, policy, or activity.

3.6 Environmental Justice and Limited English Proficiency Outreach Strategies

The WMPO places great emphasis on reaching people and groups that have not traditionally been participants in the transportation planning process. These traditional non-participants include low-income, minority, elderly and disabled; do not have vehicles; and low literate or have limited English proficiency. The WMPO will develop strategies to address participation barriers that may include the following listed below. In addition, staff may modify the techniques listed in the next section, Outreach Efforts, to ensure traditionally non-participating populations are involved in the transportation planning process.

3.6.1 Develop and Implement a Plan to Reach Non-Participating Minority and Low Income Populations

WMPO staff should identify and meet with organizations and community leaders who represent traditional non-participant populations. The purpose of these meetings will be to build relationships with the groups and leaders as well as identify strategies to bring traditional non-participants into the planning process. The identified strategies will be implemented in cooperation with the organizations and community leaders. Detailed plans may outline the meetings with group leaders and implementing strategies.

3.6.2 Develop Outreach and Education Programs

The WMPO should develop outreach and education program designed to educate the public about the regional transportation planning process and its relevancy to all stakeholders. English and Spanish materials may be produced as part of this program and may include such tools as pamphlets and brochures which can be used in various presentations and for distribution.

Special considerations and arrangements will be made to design a program that is tailored for traditional non-participants. These considerations may include developing materials specifically targeted to those communities. It will be necessary to periodically review and update the program and materials.

4 Outreach Efforts

The WMPO will seek public input through a menu of techniques, including public notices, comment periods, workshops, charrettes, public hearings, newsletters, surveys, media relations, periodic transportation summits, and the Citizen's Advisory Committee (CAC). The techniques employed will vary, depending on the specific planning task and a menu of options are outlined in this section. The WMPO will hold a forty-five (45) day public comment period for amendments to the Public Participation Plan and will seek input and feedback on the WMPO's public involvement efforts.

4.1 Stakeholder Interviews

A stakeholder is defined as any person or group that is affected by a transportation plan, program or project, including those who are not aware they will be affected. In accordance with the FAST Act, stakeholders will include "individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties."

Individuals will include the general public; environmental, health, neighborhood, citizen and civic organizations; and, traditionally underserved communities such as people with disabilities, and/or low-income, minority, and elderly.

The WMPO will create a database holding contact information for individual stakeholders and representative stakeholder groups. The WMPO will continually work to identify new stakeholders interested in and or affected by the transportation planning process. With their consent, these names, addresses, phone numbers and e-mail addresses will be included in the stakeholder, contact database.

Ongoing meetings with stakeholders will be conducted to share information and for the WMPO to receive feedback on transportation issues throughout the community and region.

4.2 Publicize WMPO Activities

Media coverage will be actively cultivated to ensure that mainstream and ethnic radio, television and newspaper outlets understand the importance of providing information on transportation planning activities. In addition, articles, new releases and/or media releases will be used to disseminate information to announce public review and comment periods and public meetings. In order to accomplish this task, a current list of media outlets such as mainstream and ethnic television and radio stations and newspapers, including small community-based publications, will be established and maintained.

4.3 Establish a Speaker Bureau

The Speaker's Bureau will consist of WMPO members and staff who can speak to civic organizations, professional organizations, neighborhood associations and other groups about the

regional transportation planning process. Members of the Speaker's Bureau will present information in order to educate the public regarding the WMPO planning process and on-going transportation projects within the region. A goal of holding a Speaker's Bureau will be that WMPO staff will gain further insight on the public's issues/concerns and transportation needs within the region.

4.4 Maintain a Website

The WMPO's website (www.wmpo.org) provides information about WMPO meetings and activities, including listing all upcoming meetings. This website includes a calendar, agendas and minutes; plans and documents and updates on current transportation projects. This website should provide the public with an opportunity to provide input and formal comments on an ongoing basis through the e-mail links.

4.5 Develop and Distribute Brochures

The WMPO may produce a brochure in English and Spanish dedicated to explaining the WMPO and its roles and responsibilities. If requested, this brochure will be provided in large print format. The brochure should be available on-line and made available to identified stakeholders, libraries, government buildings, WMPO offices and other locations. Specialized brochures may be required to be provided to targeted groups.

4.6 Conduct Public Informational Workshops, Charrettes and Public Open Houses

Public Informational Workshops, Charrettes and Public Open Houses may be conducted on topics associated with the transportation planning process. Such workshops, charrettes and/or open houses will be designed based on the intent of the meeting. These can be used to educate the participants on specific topics, e.g. transportation projects, the transportation model, planning efforts, etc. Public Informational Workshops, Charrettes and Public Open Houses provide a means for allowing the public to express their ideas and concerns in an informal setting. The workshops, charrettes and open houses may be conducted on an as-needed basis.

4.7 Conduct Surveys

Surveys may be used to gather information from peoples' perceptions, preferences and practices. In areas where low literacy exists; surveys should be conducted in person. In limited English proficient communities, these surveys should be published in Spanish. In areas where the public is literate, surveys may be mailed, e-mailed or posted on the WMPO's website.

4.8 Create Newsletters

The WMPO may produce a quarterly newsletter in both English and Spanish dedicated to transportation planning activities in the Wilmington region. If requested, this newsletter should be provided in a large print format. This newsletter should include information regarding technical issues written in layman's terms for the general public. In addition, the newsletter should provide the public with periodic updates of WMPO activities. The newsletter should be available on-line and distributed to all identified stakeholders, made available to libraries, government buildings, WMPO offices and other locations. Additionally, a specialized newsletter may be needed to provide timely information on targeted projects/topics.

4.9 Periodic Transportation Summits

Periodic Transportation Summits may be conducted by the WMPO to educate local elected officials, business, transportation, and community leaders on topics in the transportation industry. These summits will be focused on federal, state and local transportation issues and serves as an avenue to bring these leaders together to discuss transportation concerns and needs. The WMPO may utilize Transportation Summits for State and local leaders to discuss local and regional transportation issues.

4.10 Citizen Advisory Committee (CAC)

The WMPO Board may establish a Citizen Advisory Committee (CAC). The CAC is a volunteer group consisting of representatives from community organizations, professional associations, neighborhood associations, civic and community organizations and the private sector. The CAC will assist in developing public participation programs and collecting public input for the decision making process. Comments received from the CAC members and non-members are treated equally. The CAC will establish a meeting schedule approved at the last meeting of the calendar year for the upcoming year. These meetings are open to the public and provide an opportunity for interested parties to hear and discuss transportation matters to guide developing the MTP and other studies.

4.11 Social Media

The WMPO may use social media outlets to provide an additional avenue to effectively communicate information and encourage citizen participation. Adjusting practices to involve innovative technologies ensures that the WMPO is capitalizing on cost-effective resources that citizens use when obtaining and sharing information. Posts and comments directed to the WMPO through social media outlets will not be considered to be public comments for planning activities or projects.

4.12 Annual Report

The WMPO may publish an Annual Report that highlights annual agency accomplishments and provides a review of the services provided to the community.

4.13 Visualization Techniques

The WMPO may use visualization techniques for communicating information to the public, elected and appointed officials, and other stakeholders. Visualization techniques should deliver information in a clear and concise manner, promoting a better understanding of existing or proposed transportation planning activities.

Depending on the planning activity, visualization techniques may include, but not limited to: GIS maps; web-based surveys; videos; brochures or flyers; PowerPoint presentations; or photographic renderings. The WMPO should evaluate the effectiveness of visualization techniques and seek guidance from other partnering agencies, including, but not limited to FHWA's "Visualization in Planning" website.

5 Plan Specific Guidelines

The WMPO's Public Participation Plan is consist of a number of procedures and all planning programs and activities are required to go through the Board's public participation process. In addition, the WMPO has initiated specific public participation techniques for the MTP, the MTIP, the UPWP complying federal requirements – FAST Act, Civil Rights Act, Environmental Justice, Limited English Proficiency and Americans with Disabilities Act.

5.1 Public Comment for MTP, UPWP, and MTIP

The WMPO will provide an opportunity for meaningful public involvement in the development and update of the MTP; final draft of the MTIP; and in the development of the UPWP. The public comment period will be a minimum thirty (30) day period, effective from the date of the public notice publication. Written comments will be received during the comment period and will be directed to the WMPO. The WMPO's contact person, phone number and e-mail address will be included in the public notice. The Board shall hold at least one public hearing prior to the adoption of the MTIP every two years. A public comment period is not required for administrative modifications to the MTIP.

The WMPO will assemble all comments and forward summary of comments to the TCC and the Board. The Board typically acknowledges public comments for the MTP, UPWP, and MTIP in one of the following two ways: the Board may incorporate a summary of public comments and the WMPO's response, as an appendix, into the specific planning document, or, depending on the number of comments, the Board may instruct the planning staff to respond directly by letter. Acknowledging public comments is a way to let the public know that its comments are being addressed and is part of the public involvement feedback process.

5.2 Metropolitan Transportation Plan (MTP)

The MTP is developed for the Metropolitan Planning Area (MPA) and covers at least a 20-year planning horizon. The MTP encompasses transportation strategies to maintain the existing transportation infrastructure while meeting the future needs of all federally funded transportation modes in the MPA, including highways, public transportation, bicycle and pedestrian, freight and rail, ferry, and aviation.

5.2.1 Objectives

- Proactive participation techniques may be employed to involve citizens and provide fuller access to information and technical data on the Transportation Plan. The technique may include, but not be limited to, public meetings/hearings, surveys, focus groups, newsletters, public service announcements, charrettes, transportation advisory group, mass media, etc.
- Public meetings may be held to formulate a vision for the MTP development, provide the public background information on the metropolitan transportation system and other issues as well as the proposed framework of the MTP update process, and to receive citizen input.

- Public meetings (forums) designed to solicit public comment may be held at various locations around the metropolitan area to encourage the greatest public participation.
- Efforts will be made to hold public meetings at a locations which are accessible to persons with disabilities and preferably located along a transit route.

Notifications will inform the public of the availability of the draft MTP for review and comment, where to send written comments, and addresses and phone numbers of contact persons. The notices also will include an announcement that states that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (e.g. having available large print documents, audio material, someone proficient in sign language, a translator, or other provisions as requested). Additionally, the notice will inform the public where copies of the draft MTP will be on file for public review. A copy will also be available in a PDF format for downloading on the WMPO website.

5.3 Metropolitan Transportation Improvement Program (MTIP)

The federally required Metropolitan Transportation Improvement Program, or MTIP, is a comprehensive listing of all the WMPOs transportation projects that receive federal funds. The MTIP sets forth the Board's priorities, funding and scheduling of transportation improvement projects (highway, bicycle, pedestrian, transit capital and operating assistance, and other transportation improvements in the WMPO) using State and federal funds. The MTIP serves as the project selection document for transportation projects and, therefore, is the implementation mechanism by which the objectives of the MTP are reached.

The MTIP and the State Transportation Improvement Program (STIP) must match exactly in projects, schedule, and scope, for projects to move forward with federal funding. It is therefore critical that close coordination be held with the State to assure that both parties are in agreement with the program and thus allow projects and programs (including transit elements) to move forward.

The Board adopts the MTIP and STIP every two years. By law, the MTIP and STIP must cover at least a three-year period and contain a priority list of projects grouped by year. Further, the MTIP and STIP must be financially constrained by year (meaning that the amount of dollars programmed must not exceed the amount of dollars estimated to be available). Federal regulations also require an opportunity for public comment prior to MTIP approval.

5.3.1 Annual Listing of Obligated Projects

The WMPO publishes the annual listing of obligated projects which displays projects and strategies that were authorized and committed using federal funds in the previous year. The annual listing will be published on the WMPO website at www.wmpo.org within ninety (90) days following the end of the program year. Hard copies are available upon request by contacting the WMPO.

5.4 Unified Planning Work Program (UPWP)

The FAST Act requires each MPO, as a condition to the receipt of federal highway and transit capital or operating assistance, to conduct a documented comprehensive transportation planning

process. A Unified Planning Work Program (UPWP), which includes planning and project development activities that address transportation issues in the area, is required by this process. Annual certification that the planning process is being carried on in conformance with stated requirements is necessary for the receipt of funding for surface transportation programs, air quality, national highway system, Interstate maintenance, state bridge replacement, and transit capital and operating funds.

The purpose of the UPWP is to administer the MPO planning program and carry out the planning activities necessary to implement the MTP. It also serves to document the proposed expenditures of federal, state and local transportation planning funds, and provides a management tool for the WMPO and the funding agencies in scheduling major transportation planning activities and projects.

The major elements of the Unified Planning Work Program include:

- Surveillance of Change
- Metropolitan Transportation Plan
- Planning Work Program
- Transportation Improvement Plan
- Civil Rights/Other Regulatory Requirements
- Incidental Planning/Project Development
- Management and Operations

The UPWP must identify the MPO's planning tasks to be undertaken with the use of federal transportation funds, including highway and transit funds. The purpose of public involvement in the UPWP process is to keep the public apprised of and to receive input on the planning activities to be undertaken by the MPO.

5.5 Plan Specific Chart

	Public Comment Period	Public Hearing	Draft Document Availability	Responding to Public Comment	Final Plan Availability
MTP	Minimum 30 days	Not required	WMPO offices and website, WMPO member planning department offices, and at area libraries	When significant written/oral comments are received on the draft, a summary, analysis, and report on the disposition of comments shall be made as part of the final MTP	WMPO offices and website, WMPO member planning department offices, and at area libraries
MTIP	Minimum 30 days	Yes, prior to the MTIP adoption every 2 years	WMPO offices and website	When significant written/oral comments are received shall be presented to the Board	WMPO offices and website
UPWP	Minimum 30 days	Not required	WMPO offices and website	When significant written/oral comments are received shall be presented to the Board	WMPO offices and website
PPP	Minimum 45 days	Not required	WMPO offices and website	When significant written/oral comments are received shall be presented to the Board	WMPO offices and website

Proposed Amendments to 2020-2029 STIP/MPO TIP Programs

**STIP/MPO TIP Amendment #20-3
(June 2020)**

* HS-2003	VARIOUS, SAFETY IMPROVEMENTS AT VARIOUS
BRUNSWICK	LOCATIONS IN DIVISION 3.
DUPLIN	<u>PROJECT ADDED AT REQUEST OF TRANSPORTATION</u>
NEW HANOVER	<u>MOBILITY AND SAFETY; INDIVIDUAL PROJECTS AND</u>
ONSLow	<u>FUNDING TO BE REQUESTED IN THE FUTURE AS</u>
PENDER	<u>NEEDED.</u>
SAMPSON	
PROJECT CATEGORY	
STATEWIDE	
REGIONAL	
DIVISION	

* RC-2003	VARIOUS, TRAFFIC SEPARATION STUDY
BRUNSWICK	IMPLEMENTATION AND CLOSURES IN DIVISION 3.
DUPLIN	<u>PROJECT ADDED AT REQUEST OF RAIL DIVISION;</u>
NEW HANOVER	<u>INDIVIDUAL PROJECTS AND FUNDING TO BE</u>
ONSLow	<u>REQUESTED IN THE FUTURE AS NEEDED.</u>
PENDER	
SAMPSON	
PROJ.CATEGORY	
DIVISION	

* RX-2003	VARIOUS, HIGHWAY-RAIL GRADE CROSSING SAFETY
BRUNSWICK	IMPROVEMENTS IN DIVISION 3.
DUPLIN	<u>PROJECT ADDED AT REQUEST OF RAIL DIVISION;</u>
NEW HANOVER	<u>INDIVIDUAL PROJECTS AND FUNDING TO BE</u>
ONSLow	<u>REQUESTED IN THE FUTURE AS NEEDED.</u>
PENDER	
SAMPSON	
PROJ.CATEGORY	
DIVISION	



Historic Locations of
Cape Fear River Rice
Growing Plantations shown
by this symbol



Orton Plantation

Proposed Gullah Geechee Trail

Existing East Coast Greenway

Proposed Trail Connections

Future East Coast Greenway Extension

**“DRAFT” PROPOSED
GULLAH GEECHEE CULTURAL HERITAGE CORRIDOR
MULTI-USE GREENWAY/BLUEWAY TRAIL**
Connecting to the East Coast Greenway at Wilmington
and Southport via I-140 loop / State Routes 133, 17, 421
and Local streets in Navassa Leland and Southport

**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION SUPPORTING THE GULLAH GEECHEE CULTURAL HERITAGE
CORRIDOR MULTI-USE GREENWAY/BUEWAY TRAIL**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Gullah Geechee Cultural Heritage Corridor is a National Heritage Area and it was established by the U.S. Congress to recognize the unique culture of the Gullah Geechee people who have traditionally resided in the coastal areas and the sea islands of North Carolina, South Carolina, Georgia and Florida — from Pender County, North Carolina, to St. John’s County, Florida; and

WHEREAS, with the estimated growth and development in the southeastern United States during the next 30 years projected to occur along the coastal plain, many traditional southern communities have encourage the preservation of historical and cultural identity while enhancing environmental qualities that create opportunities for active, healthy lifestyles and a sense of place; and

WHEREAS, the proposed concept of a Gullah Geechee Cultural Heritage Corridor Multi-Use Greenway/Blueway Trail would provide for improved bicycle and pedestrian infrastructure, promote physical health, provide greater bike/pedestrian/waterway connectivity as the bike/pedestrian/blueway trail system melds into the greater regional network of greenways, blueways and trails; and

WHEREAS, this greenway/blueway concept will highlight regional environmental and historic assets, environmental restoration and create economic growth; and

WHEREAS, the ongoing efforts to support and recognize the Reaves Chapel Church Restoration project and the Rosenwald Schools, The Cedar Hill Cemetery, the North Carolina Rice Festival and the African-American History projects currently underway; and

WHEREAS, there are efforts to establish the first cultural heritage center in the State of North Carolina dedicated to preserving the stories of those slaves who worked the rice plantations along river banks in southeastern North Carolina; and

WHEREAS, the proposed Moze Heritage Center and Nature Park is within an 82-acre plot identified as the eastern uplands portion of the former Kerr-McGee Chemical Corp. site would be situated directly adjacent to the proposed Gullah Geechee Heritage Bike and Greenway Trail; and

WHEREAS, the Town of Navassa working with the Brunswick County Branch of the NAACP, have received initial verbal concept support from the National Park Service, the Gullah Geechee Cultural Heritage Corridor Foundation, the NC Department of Natural and Historic Resources, and are currently working towards soliciting support from Brunswick County communities, local economic development agencies, the East Coast Greenway Organization, the African American

Heritage Museum of Southeastern North Carolina and others; and

WHEREAS, this unique approach to celebrating the cultural and historic values of this community and our region by integrating functional use, scenic and economic value, historical and environmental interpretation; and

WHEREAS, this greenway concept will establish a major regional greenway/blueway link to celebrate the significant historical and cultural projects.

NOW THEREFORE, the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby supports the proposed concept of a Gullah Geechee Cultural Heritage Corridor Multi-Use Greenway/Blueway Trail.

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary

**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION AUTHORIZING AWARD OF SECTION 5310
COMMUNITY GRANT PROJECT FUNDS**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the FTA's Enhanced Mobility of Seniors & People with Disabilities program (49 U.S.C. Chapter 53, Section 5310) makes federal resources available to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options; and

WHEREAS, on June 27, 2014 the North Carolina Secretary of Transportation designated the Cape Fear Public Transportation Authority as the designated recipient of the Persons with Disabilities Funding Program (Section 5310); and

WHEREAS, the allocation of Section 5310 funds require a Federal Transit Administration approved Program Management Plan which was adopted by the Cape Fear Public Transportation Authority Board on April 23, 2015 and the Wilmington Metropolitan Planning Organization Board on June 24, 2015; and

WHEREAS, eligible applicants for Section 5310 funding are non-profit organizations, state or local governmental agencies, and private operators of public transportation services; and

WHEREAS, eligible applicants provide required local matching funds (80/20 capital or 50/50 operating); and

WHEREAS, the total funding level available for the FY 2020 is \$65,058; and

WHEREAS, on February 26, 2020 the Board of the Wilmington Urban Area Metropolitan Planning Organization supported the WAVE Connect Advisory Committee's recommendation to provide the Section 5310 funding to the New Hanover County (NHC) Senior Resource Center, Brunswick Senior Resources, Inc. (BSRI) Brunswick Center at Leland, and Elderhaus; and

WHEREAS, on April 23, 2020 the Authority Board approved FY 2020 §5310 funding to the New Hanover County Senior Resource Center in the amount of \$44,000; Elderhaus in the amount of \$12,635; and Brunswick Senior Resources in the amount of \$8,423; and

WHEREAS, Brunswick Senior Resources has reconsidered its application and declined the award of \$8,423; and

WHEREAS; New Hanover County Senior Resource Center and Elderhaus have agreed to provide the required local matching funds for an increased award; and

WHEREAS, the Cape Fear Public Transportation Authority Board approved the amended

funding levels at their meeting on May 28, 2020.

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby authorizes FY 2020 Section 5310 funding as follows:

New Hanover County (NHC) Senior Resource Center	\$48,717
Elderhaus	\$16,341

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization's Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary

**LAW OFFICE OF
MATTHEW A. NICHOLS**

3205 Randall Parkway, Suite 104
Wilmington, NC 28403

Ph: (910) 508-7476
Email: matt@mattnicholslaw.com

**ATTORNEY-CLIENT COMMUNICATION
PRIVILEGED AND CONFIDENTIAL**

June 15, 2020

Via e-mail: mike.kozlosky@wilmingtonnc.gov

Mike Kozlosky, Executive Director
Wilmington Urban Area Metropolitan Planning Organization
305 Chestnut Street, 4th Floor
Wilmington, North Carolina 28401

Re: Contract for Rideshare Matching, Commute Calendar & Incentive Software
(Contract 19-019); and Interlocal Software Usage Agreement

Dear Mike:

I have reviewed the Contract for Rideshare Matching, Commute Calendar & Incentive Software (Contract 19-019) dated July 1, 2019, between Research Triangle Regional Public Transportation Authority, d/b/a GoTriangle ("GoTriangle") and RideShark Corporation (hereinafter the "Rideshare Matching Contract"), and the Interlocal Software Usage Agreement dated November 1, 2019, between GoTriangle and numerous Stakeholders. It is my understanding that the WMPO is considering joining the Interlocal Software Usage Agreement as a Stakeholder and a question has arisen regarding the potential liability of WMPO to third parties using the rideshare matching services and system set forth more particularly in the Rideshare Matching Contract.

I could find no general statutory or regulatory framework for rideshare programs or services under North Carolina law. In March of this year, I spoke about this issue with GoTriangle Interim General Counsel Thomas Henry, who has been with GoTriangle for approximately four years, and I also spoke with GoTriangle Associate General Counsel Karen Porter, who has been with GoTriangle for approximately eleven years. Mr. Henry and Ms. Porter were not aware of any third-party liability claims that have been brought against GoTriangle in a rideshare situation.

I would note that of the thirteen GoTriangle Stakeholders and five Statewide Stakeholders listed in the Interlocal Software Usage Agreement, the WMPO appears to be the only Metropolitan Planning Organization listed. Other than the WMPO, the Stakeholders listed consist of non-MPO entities, including a regional public transportation authority, a regional transportation authority, cities, a town, a county, universities, a community college, a transit system and the NCDOT. These other non-MPO entities may have specific statutory frameworks or provisions, including possible defenses or limitations on liability, under the North Carolina General Statutes that result in a different third-party liability exposure and risk analysis.

In sum, there is at least some risk of a third-party liability claim or claims being brought against the WMPO related to the WMPO's participation in the Interlocal Software Usage Agreement and ridesharing program. However, it is difficult to quantify the likelihood of such a claim or claims, or the WMPO's risk of liability exposure in the event that such a claim or claims are brought against the WMPO. If the WMPO decides to move forward with joining the Interlocal Software Usage Agreement and participating in the rideshare program, I would recommend that the WMPO obtain insurance coverage to provide for the defense and indemnification of the WMPO in this context.

Please let me know if you have any questions or concerns regarding the foregoing.

Sincerely,



Matthew A. Nichols

MN/nc

Interlocal Software Usage Agreement

This INTERLOCAL SOFTWARE USAGE AGREEMENT (the “**Agreement**”) is entered into as of the 1st day of November, 2019 (the “**Effective Date**”), (the “**Effective Date**”), by and among the Research Triangle Regional Public Transportation Authority, a regional public transportation authority established pursuant to Article 26 of Chapter 160A of the North Carolina General Statutes, d/b/a GoTriangle (“**GoTriangle**”), and each entity designated as a Stakeholder as set forth on the signature pages annexed hereto (each, a “**Stakeholder**,” and collectively, the “**Stakeholders**”). GoTriangle and/or the Stakeholders may sometimes be referred to in this Agreement each individually as a “**Party**,” and collectively as the “**Parties**.”

RECITALS

WHEREAS, RideShark Corporation (“**RideShark**”), and GoTriangle have entered into a Rideshare Matching, Commute Calendar & Incentive Software Contract (GoTriangle # 19-019) annexed as Exhibit A hereto (the “**Contract**”), which Contract shall enable GoTriangle and the Stakeholders to utilize certain software provided by RideShark for ride matching, bicycle/walk/transit buddy, one time trip matching, Emergency Ride Home, vanpool administration, trip tracking and loyalty and incentive programming (the “**Software**”); and

WHEREAS, GoTriangle and the Stakeholders desire to allocate certain rights granted by and obligations arising under the Contract among themselves, including but not limited to, the use of the Software; and

WHEREAS, GoTriangle and the Stakeholders desire to admit the Parties listed on Schedule 1 attached hereto as Stakeholders to this Agreement; and

WHEREAS, the North Carolina Department of Transportation (“**NCDOT**”), as required by Section 8 of this Agreement, agrees with GoTriangle to admit the Parties listed on Schedule 1 as Stakeholders to this Agreement.

NOW THEREFORE, in consideration of the premises and the mutual promises herein made, the representations, warranties, and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Authorized End Users. Upon execution of this Agreement by a Stakeholder, that Stakeholder shall become an authorized end user of the Software and shall be subject to the terms and conditions of the Contract.

2. Representations and Warranties. Each Stakeholder represents and warrants to each and every other Stakeholder that it has the requisite authority to execute and deliver this Agreement, that the execution and delivery of this Agreement does not conflict with its organizational documents or bylaws, and that this Agreement constitutes a valid and enforceable contract against such Stakeholder.

3. Covenants. Each Stakeholder agrees to comply with the following covenants:

(a) A covenant not to reverse compile, disassemble, or otherwise reverse engineer all or any part of the Software;

(b) A covenant not to copy, reproduce, modify, adapt, translate or add new features to the Software without the express written consent of GoTriangle;

(c) A covenant not to permit disclosure of, access to, or use of the Software by any third party unless authorized in writing by GoTriangle;

(d) A covenant that the Proprietary Information (as defined in the Contract) is owned by GoTriangle or GoTriangle has the applicable rights of use and such Stakeholder will maintain the Proprietary Information in strict confidence and not disclose the Proprietary Information to any third party without GoTriangle's prior written consent;

(e) A covenant to not disclose or permit disclosure of the personal information of the public that accesses the sites supported by the Software including, but not limited to, email addresses of the public. Stakeholders shall only communicate with the accessing public through the Software unless authorized in writing by GoTriangle.

4. Limitation of Liability. GoTriangle does not give any warranty with respect to the Software, or the maintenance or support services to be provided by RideShark with respect thereto, including no warranty concerning whether such Software or services will be operational or functional. GoTriangle shall not be liable for any deficiencies in, or failure of, the Software or services. The sole remedy of any Stakeholder with respect to deficiencies in (i) the operation and/or function of the Software or (ii) the maintenance or services provided by RideShark, shall be to cause GoTriangle to use reasonable efforts to pursue remediation and/or claims with respect to the Software and/or services against RideShark under the terms of the Contract . Without limiting the above, GOTRIANGLE SHALL NOT BE LIABLE TO ANY STAKEHOLDER ON ACCOUNT OF ANY EXPRESS OR IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WITH RESPECT TO ANY OF THE SOFTWARE OR SERVICES RENDERED BY RIDESHARK.

5. Indemnification. Each Party ("Indemnifying Party") hereby agrees in the manner and to the extent provided by NCGS 143-291 et seq., to defend each other Party (the "Indemnified Party") against, for, and hold each Indemnified Party harmless from, all losses, damages, liabilities, costs, and expenses from any third party claims, including reasonable attorney's fees, arising out of injury to or the death of any person or the damage to any property, resulting from the negligence, wrongful act, error or omission by an Indemnifying Party from the Indemnifying Party's breach of this Agreement. Each Stakeholder specifically, and without limitation, agrees to indemnify and hold harmless GoTriangle from any and all claims brought by RideShark and/or third parties for a Stakeholder breach of Section 3 "Covenants."

6. Term. The initial term of this Agreement shall be for one year, unless terminated earlier by the written agreement of all Stakeholders. This Agreement shall automatically renew for additional periods of one (1) year until GoTriangle and RideShark terminate the Contract; provided that any Stakeholder may terminate its respective interest in this Agreement by giving written notice of its intent to opt out of this Agreement at least sixty (60) days prior to an automatic renewal date.

7. Liaison. Each Party shall designate a liaison who will be responsible for coordinating the use of the Software and the provision of the services described by this Agreement and the Contract. The initial liaison for each Party is set forth in Schedule 1 annexed hereto. Any Party may change its liaison at any time upon written notice given to the other Parties in compliance with Section 8.

8. Amendments; Additional Parties. This Agreement shall not be modified or amended except in writing signed by the Parties hereto and specifically referring to this Agreement. Any amendment effected in accordance with this section shall be binding upon each of the Parties hereto. Notwithstanding the above, at any time during the term of this Agreement, GoTriangle and NCDOT may together agree in writing to admit new Stakeholders to this Agreement and revise Schedule 1 to reflect admittance of such new Stakeholders without requiring the signature of all Parties. Additionally, any change in a Party liaison or address requires notice of such to all Parties, but not the signatures of all Parties.

9. Governing Law. This Agreement shall be construed and interpreted in accordance with the laws applicable to contracts made and to be performed wholly within the State of North Carolina, without regard to conflicts of laws or choice of laws principles.

10. Notices. Any notices which any Party hereto is required or desire to give the other hereunder shall be deemed to have been properly given for all purposes if (a) delivered against a written receipt of delivery, (b) mailed by registered or certified mail of the United States Postal Service, return receipt requested, postage prepaid, or (c) delivered to a nationally recognized overnight courier service for next business day delivery, to its addressee at such Party's address as set forth below, or (d) delivered via email to GoTriangle's liaison or facsimile transmission to the facsimile number listed below, provided, however, that if such communication is given via email or facsimile transmission, an original counterpart of such communication shall concurrently be sent in either the manner specified in the clause (b) or (c) above. Each such notice, demand or request, shall be deemed to have been given upon the earlier of (a) actual receipt or refusal by the addressee or (b) three business days after deposit thereof in the exclusive custody of the United States Postal Service if sent in accordance with section (b) above and one business day after the deposit thereof with a courier if sent pursuant to section (c) above.

To GoTriangle: GoTriangle
Michelle Epps Parker
Sustainable Travel Services Manager
PO Box 13787
Research Triangle Park, NC 27709
Fax Number: (919) 485-7441

With a Copy To: GoTriangle
Office of General Counsel
PO Box 13787
Research Triangle Park, NC 27709
Fax Number: (919) 485-7417

To Stakeholder: According to signature sheets with addition of *Wilmington Urban Area Metropolitan Planning Organization (WMPO)*.

Notices may be given on behalf of any Party by its legal counsel. Any Party may, from time to time, by notice as herein provided, designate a different address to which notice to it shall be sent.

11. Miscellaneous. This Agreement shall be binding on and shall inure to the benefit of the Parties hereto, and their respective heirs, administrators, successors, and assigns. No waiver by any Party hereto of any default shall be deemed as a waiver of any prior or subsequent default of the same or other provisions of this Agreement. This Agreement (including the Schedule and Exhibit attached hereto) constitutes the entire understanding of the Parties hereto, revokes and supersedes all prior agreements between the Parties hereto (whether written or oral) and is intended as a final expression of their mutual understanding.

Signature pages immediately follow.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date first written above.

GoTriangle:

**RESEARCH TRIANGLE REGIONAL PUBLIC
TRANSPORTATION AUTHORITY (“GoTriangle”)**

By:_____

Name: Shelley Blake Curran

Title: Interim President & CEO

REVIEWED AND APPROVED AS TO LEGAL FORM:

By:_____

Name: Thomas Henry

Title: Interim General Counsel

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By:_____

Name: Sandra Freeman

Title: Chief Financial Officer

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date first written above.

STAKEHOLDER:

**Wilmington Urban Area Metropolitan Planning
Organization (WMPO)**

By:_____

Name: Mike Kozlosky

Title: Executive Director

Physical Address:

Mailing Address (if different from above):

Email:_____

Phone:_____

Fax:_____

SCHEDULE 1

STATEWIDE STAKEHOLDERS

Stakeholder	Liaison
Charlotte Area Transit System (CATS)	Courtney Schultz Senior Marketing Representative, CATS courtney.schultz@ci.charlotte.nc.us, (704) 336-6999
Land of Sky Regional Council	Tristan Winkler French Broad River MPO Director Land of Sky Regional Council tristan@landofsky.org, (828) 251-6622
North Carolina Department of Transportation (NCDOT)	Hanna Cockburn Bicycle & Pedestrian Division Director, NCDOT jicockburn@ncdot.gov, (919) 707-2601
Piedmont Authority for Regional Transportation (PART)	Sabrina Glenn Director of Commuter Operations, PART sabinag@partnc.org, (336) 291-4321
Wilmington Urban Area Metropolitan Planning Organization (WMPO)	Mike Kozlosky Executive Director, WMPO mike.kozlosky@wilmingtonnc.gov, (910) 341-3258

GOTRIANGLE STAKEHOLDERS

Stakeholder	Liaison
GoTriangle	Paul J. Straw Sustainable Travel Services Supervisor pstraw@gotriangle.org, (919) 485-7484
Triangle J Council of Governments (TJCOG)	Andrea Eilers Program Manager ailers@tjcog.org, (919) 558-2705
City of Durham	Tom Devlin Transportation Planner tom.devlin@durhamnc.gov, (919) 560-4157 x36507
City of Raleigh	Anne Galamb TDM Coordinator anne.galamb@raleighnc.gov, (919) 996-4139
Duke University	Tyler Dewey, J.D. Alternative Transportation Lead tyler.dewey@duke.edu
North Carolina Central University (NCCU)	Cha'ssem Anderson Transportation Director cander21@nccu.edu, (919) 530-7338
North Carolina State University (NCSU)	Sarah Williams TDM Program Manager sawilli6@ncsu.edu, (919) 515-1613
Orange County	Brennan Bouma Sustainability Coordinator bbouma@orangecountync.gov, (919) 245-2626
Research Triangle Park (RTP)	Kimberly Williams Senior Director of Construction and Planning williams@rtp.org, (919) 654-1707
Town of Chapel Hill	Len Cone Go Chapel Hill TDM Outreach Coordinator lccone@townofchapelhill.org, (919) 969-5065
University of North Carolina at Chapel Hill (UNC)	Amanda Simmons TDM Coordinator ahsimmons@unc.edu, (919) 843-4414

Wake County Local Service Provider, GoTriangle	Kim Johnson Wake County Outreach Coordinator kjohnson@gotriangle.org, (919) 485-7477
Wake Technical Community College	John Majernik Director of Energy, Sustainability and Transportation jlmajernik@waketech.edu, (919) 866-5697

EXHIBIT A

**RIDESHARE MATCHING, COMMUTE CALENDAR & INCENTIVE SOFTWARE
CONTRACT #19-019**



Contract Number 19-019

between

RIDESHARK CORPORATION

and

GoTriangle

for

RIDESHARE MATCHING, COMMUTE CALENDAR & INCENTIVE SOFTWARE

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**CONTRACT FOR
RIDESHARE MATCHING, COMMUTE CALENDAR & INCENTIVE SOFTWARE**

This agreement (herein referred to as "Contract") is made and entered into this the 1st day of July 2019, by and between the Research Triangle Regional Public Transportation Authority, d/b/a GoTriangle (hereafter referred to as "GoTriangle"), a regional public transportation authority, located at 4600 Emperor Blvd., Suite 100, Durham, North Carolina 27703, and RideShark Corporation, a Canadian corporation (hereafter referred to as "Vendor") located at 2031 Merivale Road Ottawa, Ontario, Canada K2G 1G7. GoTriangle and Vendor may be individually referred to as "Party" and jointly referred to herein as "Parties".

In consideration of the covenants and agreements hereinafter provided for, GoTriangle and Vendor mutually agree as follows:

1) ARTICLE 1 - DEFINITIONS

For the purposes of the Contract, the following terms, when written with an initial capital letter, shall have the meanings set forth below:

- 1.1 Acceptance - GoTriangle's determination that (1) Vendor has satisfactorily completed Services, as set forth in Exhibit A, (2) Vendor has provided GoTriangle all Deliverables and all other items required by the Contract, and (3) the Project is complete.
- 1.2 Contract Costs - Cost for satisfactory performance of the Services, set forth in Exhibit B of the Contract as may be adjusted by Change Order(s).
- 1.3 Contract Term - The time period established in Article 3 hereof for completion of Services.
- 1.4 Change Order - A written order signed by GoTriangle and issued to Vendor authorizing a change in Services and adjustments to Contract Costs and/or Contract Term.
- 1.5 Contract - Contract means Articles 1 through 32 of this document and its Exhibits A through E.
- 1.6 Costs - Unit Price per Task as set forth in Exhibit B.
- 1.7 Deliverables - All items and modifications thereto including, but not limited to, all finished or unfinished documents, data, surveys, studies, drawings, maps, models, photographs, plans, schedules, cost estimates, computer generated documents, documentation and all other deliverables and other items in whatever form (and including all copies) developed or prepared, or any software developed as part of the Services for the Project, by Vendor in performance of the Services.
- 1.8 Project - The object of the Services.
- 1.9 Services - All things required by GoTriangle of Vendor for the successful completion of the Project, as described in Exhibit A. All Services are to be provided in accordance with the Contract.

2) ARTICLE 2 - PERFORMANCE OF SERVICES

- 2.1 Vendor agrees to perform all Services with due diligence and in good and workmanlike manner and in accordance with the Contract.
- 2.2 Vendor shall furnish all personnel, equipment, materials, and all other items necessary for the execution of Services in accordance with the Contract.

- 2.3 Under no circumstances shall Vendor be the agent of GoTriangle, unless GoTriangle expressly designates Vendor in writing as its agent. In the event of such designation, Vendor's authority as an agent shall be limited to the extent of the authority set forth in such designation.

3) ARTICLE 3 - CONTRACT TERM

- 3.1 Vendor shall commence the Services on the date first set forth above and agrees that completion of the Services and Acceptance by GoTriangle shall occur on or before August 31, 2019. Time is of the essence in performing the Services.
- 3.2 Period of performance begins July 1, 2019 and ends June 30, 2024.
- 3.3 The term "day", as used in the Contract shall mean calendar day unless otherwise specifically designated.
- 3.4 Within ten (10) days of the effective date hereof, Vendor shall submit for GoTriangle's approval a detailed critical path schedule with a list of Deliverables for the performance of the Services. The schedule, when approved by GoTriangle, shall be subject to adjustment only by Change Order(s).

4) ARTICLE 4 - GOTRIANGLE'S GENERAL RIGHTS AND OBLIGATIONS

In addition to other rights and obligations under the Contract, GOTRIANGLE shall have the following rights and obligations:

- 4.1 GoTriangle shall have the right to approve, or to withdraw approval, of Vendor's and its Vendors' personnel assigned to the Services.
- 4.2 GoTriangle shall have the right to take possession of and use for any purpose any partially completed Deliverables or other items produced as a result of the Services.
- 4.3 No action or failure to act by GoTriangle shall constitute a waiver of any right or benefit afforded GoTriangle under the Contract or at law, or relieve Vendor of any of its obligations to perform the Services in accordance with the requirements thereof.

5) ARTICLE 5 - VENDOR'S GENERAL OBLIGATIONS

In addition to other obligations under the Contract, Vendor shall comply with the following obligations in performing the Services:

- 5.1 Vendor shall provide only fully competent, experienced, and properly qualified persons.
- 5.2 Photographs, advertisements, or publicity in any form regarding any part, aspect, or representation of the Services, Project or GoTriangle shall not be permitted without the express prior written approval of GoTriangle. Vendor shall cause other companies/persons performing Services to comply with this requirement.
- 5.3 While on GoTriangle's premises, Vendor shall be subject to GoTriangle's rules, including but not limited to those rules regarding security, safety, and smoking on GoTriangle's premises.
- 5.4 Vendor's project manager shall represent Vendor on all matters related to the Contract. All directions given to Vendor's project manager by GoTriangle shall be as binding as if given to Vendor.

6) ARTICLE 6 - CHANGES

- 6.1 GoTriangle shall have the right, without additional consent from Vendor and without invalidating the Contract, to add, delete or change the Services.
- 6.2 Change Orders
- 6.2.1 GoTriangle shall issue a Change Order to make additions, deletions or changes to Services.
- 6.2.2 To initiate a Change Order, GoTriangle shall send Vendor a request for change. Upon receipt, Vendor shall prepare an estimate of the effects of the change on the Contract Costs and/or Contract Term. Upon agreement between Vendor and GoTriangle on the effects of the change, GoTriangle will issue a Change Order specifying any change to Contract Costs or Contract Term.
- 6.3 The Contract Costs, and/or Contract Term shall be subject to adjustment only by Change Order(s).

7) ARTICLE 7 - INVOICING AND PAYMENT

- 7.1 GoTriangle will pay Vendor, as full and complete compensation for accomplishing the Services and assuming all duties, responsibilities, and obligations under the Contract, Costs in accordance with the completion of tasks in Exhibit B of this Contract.
- 7.2 Provided GoTriangle has not rejected any Service pursuant to Article 10 or taken action pursuant to Articles 12 or 13, GoTriangle will pay Vendor, as full and complete compensation for accomplishing the Services and assuming all duties, responsibilities, and obligations under the Contract, the Costs in accordance with the completion of Tasks as scheduled and set forth in Exhibit B of this Contract. Within thirty (30) days of completion of each "Activity" as set forth in Exhibit B, Vendor shall submit a correct and audit worthy invoice to GoTriangle listing the Activity(ies) and Service(s) performed. Each invoice shall include a title identifying the Activity or Service performed, a listing of tasks satisfactorily completed that are being submitted for payment and any other information that GoTriangle reasonably requires.
- 7.3 Payment terms are thirty (30) days following receipt of a complete and audit worthy invoice.
- 7.4 Vendor shall maintain books and records supporting all amounts invoiced to GoTriangle including, but not limited to, any reimbursable expenses incurred during the performance of Services. Vendor shall preserve such books and records for the duration of this Contract and for three (3) years thereafter, during which time GoTriangle and its representatives shall have access to such books and records and shall have the right to make any copies thereof for the purpose of auditing or verifying invoices or for any other reasonable business purpose.
- 7.5 Each invoice shall be in a form satisfactory to GoTriangle and shall reference this **Contract Number 19-019**. Invoices shall be submitted to GoTriangle's Representative at the following address:
- Original Invoice to:
- GoTriangle
P.O. Box 13787
Research Triangle Park, North Carolina 27709
Attn: **Accounts Payable**
- 7.6 Vendor warrants and represents that all books and records specified above shall be complete and accurate and that GoTriangle may rely on such records and books for any purposes. If Vendor becomes aware that such records are inaccurate or incomplete, Vendor will promptly notify GoTriangle in writing.

7.7 GoTriangle may withhold all or part of any amounts due Vendor to protect GoTriangle from a loss, including but not limited to, losses caused by the following:

7.7.1 Failure of Vendor to make proper payments to its subcontractors or suppliers.

7.7.2 Failure of Vendor to complete the Services in accordance with the Contract and to the satisfaction of GoTriangle.

7.7.3 Vendor's breach of warranties.

7.7.4 Vendor's failure to indemnify GoTriangle under Article 15.

8) ARTICLE 8 - SUBCONTRACTS AND VENDORS

8.1 Vendor shall perform all Services with its own personnel except for subcontracts for Vendors which have been approved in advance in writing by GoTriangle. Regardless of any approval by GoTriangle, no subcontract entered into by Vendor with any Vendor shall relieve Vendor of any of its liabilities or obligations under Contract and Vendor shall be fully responsible for the acts and omissions of its Vendors and of persons either directly or indirectly employed by them in the performance of the Services. Vendor shall subcontract Services only in accordance with this Article and all such subcontracts shall be assigned to GoTriangle upon GoTriangle request.

8.2 Each subcontract awarded by Vendor related to the performance of the Services shall include, but not be limited to, the following provisions:

8.2.1 Each Vendor contractually shall agree to assume and be bound by all the obligations, prohibitions, duties, and responsibilities which Vendor owes GoTriangle under the Contract for the portions of the Services to be performed by the Vendor.

8.2.2 Each Vendor contractually shall agree to accept the assignment to GoTriangle, at GoTriangle's option, of any and all rights of Vendor in and to the subcontract without prior consent of the Vendor to such assignment.

8.3 GoTriangle shall, at its option, review and approve all subcontracts and subcontract documents, including all provisions, terms, and conditions contained therein, prior to Vendor entering into a subcontract with any Vendor for the Project.

9) ARTICLE 9 – PROPERTY OF GOTRIANGLE

Vendor agrees that all finished or unfinished Deliverables shall be GoTriangle's sole property. Upon completion of the Services, Vendor shall deliver all such Deliverables to GoTriangle and shall certify that all such Deliverables have been so delivered. Deliverables shall be submitted in hard copy formats and in GoTriangle compatible electronic formats.

10) ARTICLE 10 - DEFICIENT SERVICES

10.1 GoTriangle may reject any Services which do not meet the requirements of the Contract.

10.2 If GoTriangle determines that any Services do not meet the requirements of the Contract (hereinafter "Deficient Services"), Vendor shall promptly correct such Deficient Services upon request of GoTriangle.

10.3 Correction of deficient Services by Vendor shall be at Vendor's sole cost and expense.

- 10.4 This Article does not affect or constitute a limitation on liability or an exclusive remedy with respect to deficient Services.

11) ARTICLE 11 - PROPRIETARY INFORMATION, DISCOVERIES, ASSIGNMENT OF RIGHTS

- 11.1 Vendor understands and agrees that in the course of performing this Contract it may have access to confidential and proprietary business and technical information of GoTriangle including, but not limited to, data, reports, documents, drawings, and specifications relating to GoTriangle's business ("Proprietary Information"). Vendor agrees to keep all such Proprietary Information confidential and further agrees not to use or disclose to any third party any such Proprietary Information, except as required for Vendor to perform Services.
- 11.2 All Deliverables or other information developed by Vendor for GoTriangle pursuant to this Contract shall be the sole property of GoTriangle and shall not be used or disclosed to any third person by Vendor, except as required to perform this Contract. Vendor shall disclose to GoTriangle, promptly and fully, without limitation, any and all useful ideas, concepts, methods, procedures, processes, improvements, inventions, and discoveries ("Discoveries") of any nature made, conceived, or first reduced to practice or use by Vendor as a result of its performance of this Contract.
- 11.3 Vendor shall assign to GoTriangle all of its rights, title, and interest in any and all Discoveries and other copyrightable works including, but not limited to, drawings and specifications, developed by Vendor in the course of the performance of this Contract. Vendor shall execute any and all documents and assist GoTriangle in every reasonable way to acquire and maintain GoTriangle's rights to any such Discoveries and copyrightable works, including assistance in obtaining patents, copyrights, or any other proprietary rights in such Discoveries or copyrightable works.
- 11.4 Vendor agrees to enter into written agreements, acceptable to GoTriangle, with any person provided by Vendor to perform this Contract in which they agree to be bound by the same obligations as Vendor is bound to under this Article prior to commencing their services under this Contract.
- 11.5 Vendor shall defend indemnify and hold harmless GoTriangle against suits, claims, losses, liabilities, expenses (including reasonable attorneys' fees) or damages for alleged or actual infringement, misappropriation, or unauthorized use of any patent right, copyright, trade secrets, or any other proprietary rights arising out of Vendor's use of software, hardware, apparatus, articles, processes, compositions, documents, data, products, or information in connection with the Services.
- 11.6 Upon the termination of this Contract, Vendor will furnish or return to GoTriangle all materials referred to in this Article.

12) ARTICLE 12 - SUSPENSION

- 12.1 GoTriangle shall have the right to suspend all or part of the Services by giving two (2) days prior written notice to Vendor. Vendor shall obtain GoTriangle's approval prior to reassigning any key Project team members and shall immediately confer with GoTriangle concerning all matters related to said suspension.
- 12.2 Reimbursement to Vendor for any additional Costs arising as a result of any suspension shall be limited to items approved in advance and in writing by GoTriangle for the period of suspension. Said Costs shall be subject to audit by GoTriangle pursuant to Paragraph 7.4 of the Contract.
- 12.3 Vendor will promptly resume Services upon receipt of GoTriangle's notice to resume Services. If appropriate, a Change Order will be issued.

13) ARTICLE 13 – TERMINATION

13.1 GoTriangle may terminate the Contract as follows:

13.1.1 GoTriangle may terminate the Contract for the convenience of GoTriangle by giving Vendor ten (10) calendar days prior written notice of such termination

13.1.2 GoTriangle may terminate the Contract for cause upon immediate written notification to Vendor. Upon receiving a notice of termination, Vendor shall cease performing any remaining obligations arising under the Contract, subject to direction received from GoTriangle.

13.1.3 GoTriangle may terminate the Contract immediately, by written notice to Vendor, by reason of bankruptcy or insolvency of Vendor, or the filing of any bankruptcy, insolvency, receivership, or similar action or proceeding by or against Vendor, or any assignment by Vendor for the benefit of its creditors, or any other acts or omission by Vendor reflecting or manifesting bankruptcy or financial insolvency.

13.2 Upon receipt of a written notice of termination for any of the above conditions Vendor shall (i) immediately discontinue all Services affected (unless the notice directs otherwise), and (ii) deliver to the GoTriangle Contracting Officer all software, data, drawings, specifications, reports, estimates, and summaries, and other such information and materials as may have been accumulated by Vendor in performing the Services under this Contract, whether completed or in process.

13.3 Notwithstanding any other provisions to the contrary, including without limitation the provisions of the Contract relating to compensation, this paragraph shall control with respect to payments upon termination, in lieu of any other provisions set forth. Upon termination of the Contract for convenience, GoTriangle shall pay for Services performed according to those amounts listed in the provisions of the Contract relating to compensation, based upon the Services performed by Vendor and Activities completed through the date of termination. Provided however, in the event of a breach by Vendor under the Contract, and without limiting GoTriangle's rights and remedies in any way, the amount payable pursuant to this Article shall be reduced by any damages, costs and expenses (including any sums paid to Vendor for work not completed under the Contract), if any, incurred by GoTriangle as a result of or arising out of Vendor's acts or omissions.

14) ARTICLE 14 - PERFORMANCE STANDARDS

14.1 Vendor represents that its employees and Vendors performing the Services including, but not limited to, the project manager and the key personnel named herein, shall be fully competent, experienced and properly qualified to perform the Services and that the Services shall be performed consistent with the level of performance of other fully competent, experienced and qualified consulting firms performing services on projects of similar sophistication.

14.2 Vendor further represents that, effective upon the date of Acceptance, its performance meets the requirements of the Contract.

15) ARTICLE 15 - INDEMNIFICATION AND HOLD HARMLESS

15.1 Vendor hereby assumes the risk of and covenants to indemnify GoTriangle, its directors, officers, employees, affiliates, and agents (hereinafter referred to as "Indemnitees") against, and hold them harmless from all losses, damages, liabilities, costs, and expenses, including without limitation, reasonable attorneys' fees, arising out of injury to or death of any person, damage to any property, or any economic loss resulting from the negligence or wrongful act or any error or omission by Vendor, its subcontractors, its agents or persons performing Services, or breach by Vendor, its subcontractors, its agents or persons performing Services, of any provision of the Contract, in the performance of the Services thereunder.

15.2 In addition to the indemnity provisions set forth elsewhere in this Contract and not in limitation thereof, Vendor agrees to indemnify and hold the Indemnitees harmless from any and all claims,

losses, judgments, and causes of action by Vendor's employees or their representatives for personal injury or death arising out of, during, or from performance of the Services caused by any act or omission of Vendor. This provision is entered into pursuant to North Carolina General Statute 97-10.2(e).

- 15.3 In performing its duties under this requirement, Vendor shall, at its sole expense, defend Go Triangle with legal counsel reasonably acceptable to GoTriangle. GoTriangle shall nevertheless have the right at its expense to participate in the defense of such charges. Notwithstanding the foregoing, however, under no circumstances shall Vendor compromise or settle any such charges without the prior written consent and approval of GoTriangle, after full disclosure by Vendor.

16) ARTICLE 16 – INSURANCE

Vendor shall carry insurance as specified in Exhibit C.

17) ARTICLE 17 – CONFLICT OF INTEREST

GoTriangle has adopted a Code of Ethics that establishes standards of conduct for GoTriangle officials and employees. No director, officer or employee of GoTriangle shall have, during their tenure or for one (1) year thereafter, any interest, direct or indirect, in Vendor, its subcontractors, this Contract or the proceeds thereof. Vendor shall not, directly or indirectly, offer to the aforementioned individuals, nor shall such individuals accept from Vendor, gifts, gratuities, favors, or anything of monetary value.

18) ARTICLE 18 – PERMITS

Vendor will obtain and pay for all permits, licenses and government fees necessary for the performance of the Services to be provided under the terms and conditions of this Contract unless otherwise instructed in writing by GoTriangle. Vendor will obtain all required inspections, authorizations and approvals required for the performance of Services.

19) ARTICLE 19 – CHOICE OF LAW / FORUM

This Contract shall be deemed made in and shall be construed in accordance with the laws of the State of North Carolina. All litigation arising out of the Contract shall be commenced in courts sitting in Durham County, North Carolina. If an action is instituted in federal court, such action shall be brought in the United States District Court of the Middle District of North Carolina.

20) ARTICLE 20 – INDEPENDENT CONTRACTOR

- 20.1 The Parties acknowledge that Vendor is an independent contractor to GoTriangle. This Contract is not to be construed as creating or constituting a joint venture, partnership, or agent/principal relationship between GoTriangle and Vendor. Vendor represents that it has, or will secure, at its own expense, all personnel required in performing the Services under this Contract. Such personnel shall not be employees of, shall not be considered servants or agents or, nor have any contractual relationship with GoTriangle. Vendor, consistent with its status as an independent contractor, further agrees that its personnel will not hold themselves out as, nor claim to be, officers or employees of GoTriangle by reason of this Contract. Vendor shall be responsible for all withholding and employer taxes with respect to such personnel to the complete exclusion of GoTriangle.
- 20.2 Vendor agrees to pay, and hereby accepts full and exclusive liability for the payment of, any and all contributions and taxes for Unemployment Compensation or Disability Insurance or Old Age Pension or Annuities now or hereafter imposed by any federal or state governmental authority which are imposed with respect to or measured by wages, salaries, or other compensation paid by

Vendor to persons employed by Vendor; and Vendor further agrees to indemnify and save GoTriangle harmless against any and all such liability or claims therefore.

21) ARTICLE 21 – ACCURACY OF FINANCIAL STATEMENTS

Vendor agrees that all financial reports, settlements and billings to GoTriangle will properly reflect the facts about all activities and transactions handled for the account of GoTriangle, which data may be relied upon as being complete and accurate in any further recording and reporting made by GoTriangle for whatever purpose.

22) ARTICLE 22 – COVENANT AGAINST CONTINGENT FEES

Vendor warrants that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by Vendor for the purpose of securing business. In the event of a breach or violation of this warranty, GoTriangle shall have the right to annul this Contract without liability or, in its discretion, to deduct from the compensation set forth in this Contract, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

23) ARTICLE 23 – DELEGATION AND ASSIGNMENT

Vendor may not delegate the performance of any obligation to a third party unless mutually agreed in writing by Vendor and the third party. This Contract and the obligations hereunder cannot be assigned, subcontracted, or delegated by Vendor without the written consent of GoTriangle.

24) ARTICLE 24 - NONWAIVER

No failure or waiver or successive failures or waivers on the part of either Party, its successors or permitted assigns, in the enforcement of any condition, covenants, or article of this Contract shall operate as a discharge of any such condition, covenant or article nor render the same invalid, nor impair the right of either Party hereto, their successors or permitted assigns, to enforce the same in the event of any subsequent breaches by the other Party hereto, its successors or permitted assigns.

25) ARTICLE 25 - MERGER

This Contract constitutes the entire agreement of the Parties, all prior discussions, representations and agreements being merged herein. The Contract may not be amended, nor any provision thereof waived, except by a written amendment executed by duly authorized representatives of the respective Parties. The captions in this Contract are for convenience only and shall not affect the substantive meaning of any provision herein.

26) ARTICLE 26 – REGULATORY COMPLIANCE

The work to be performed as the Services under this Contract may be financed, in part, by grants provided under programs of the Federal Transit Act, as amended, and as such is subject to the Terms and Conditions set forth in the grant agreements. Vendor understands that federal laws, regulations, policies, and related administrative practices applicable to the Contract may be modified from time to time. Vendor acknowledges that the most recent of such federal requirements will govern the Contract at any particular time, unless the Federal Government determines otherwise. Likewise, new federal laws, regulations, policies and administrative practices may be established after the Contract is executed and may apply to the Contract. The laws and regulations detailed in Exhibit D (Compliance with Laws) to this Contract include, but are not limited to, those that will be applicable to the Contract. To the extent applicable, Vendor shall comply with the federal, state, local, and GoTriangle imposed requirements contained in Exhibit D (Compliance with Laws), which requirements are attached hereto and incorporated herein by reference.

27) ARTICLE 27 - NOTICES

- 27.1 All official notices and communications under this Contract shall be in writing and shall be deemed to have been duly given (i) on the date of delivery, if delivered personally to the Party to whom notice is given, or (ii) at the date of actual receipt if mailed by United States mail, postage prepaid, return receipt requested. Notices and other communications shall be directed to the Parties at the addresses listed below:

If to Vendor:
RideShark Corporation
Attn: Sharon Lewinson, President
2031 Merivale Road
Ottawa, Ontario K2G 1G7
Canada

If to : GoTriangle

Attn: Shelly Blake Curran, Interim President
and CEO

P.O. Box 13787 (mail)
Research Triangle Park, NC 27709
4600 Emperor Blvd, Suite 100 (delivery)
Durham, NC 27703

With copy to:

GoTriangle

Attn: Thomas Henry, Interim General
Counsel
and

Paul Straw, STS Supervisor
P.O. Box 13787 (mail)
Research Triangle Park, NC 27709
4600 Emperor Blvd, Suite 100 (delivery)
Durham, NC 27703

- 27.2 Telephonic and electronic mail communications and facsimile to GoTriangle may be used to expedite communications, but neither shall be considered official communications under this Contract unless and until confirmed in writing in accordance with the requirements set forth in this Article 27.

28) ARTICLE 28 – NO THIRD PARTY RIGHTS

Except as expressly set forth herein, the representations, warranties, terms and provisions of this Contract are for the exclusive benefit of the Parties hereto and no other person or entity shall have any right or claim against either party by reason of any of these terms and provisions or be entitled to enforce any of these terms and provisions against either Party.

29) ARTICLE 29 - SEVERABILITY

If any part, term or provision of this Contract is judicially determined to be illegal or in conflict with any applicable law, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this Contract did not contain the particular part, term or provision held to be invalid or illegal.

30) ARTICLE 30 - SURVIVORSHIP

Any and all provisions, promises and warranties contained herein which by their nature or effect are required or intended to be observed, kept or performed after termination of this Contract will survive the termination of this Contract and remain binding upon and for the benefit of the Parties hereto.

31) ARTICLE 31- EXHIBITS AND ATTACHMENTS

Any attachment or exhibit to this Contract will be incorporated into and made a part of this Contract. In the event of a conflict between the provisions contained in the body of this Contract and any attachment or exhibit, the terms in the body of this Contract will control.

32) ARTICLE 32 - SEPARATE COUNTERPARTS

This Contract may be executed in one or more counterparts, each of which, when so executed, shall be deemed to be an original. Such counterparts shall together constitute and be one of the same instrument.

IN WITNESS WHEREOF, the Parties have caused their duly authorized representatives to execute and deliver the Contract in two (2) equal counterparts as of the date first written above.

GoTriangle

RIDESHARK CORPORATION

By: Shelly Blake Curran

By: Sharon Lewinson

Shelly Blake Curran
Interim President and CEO

Sharon Lewinson
President

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.	Reviewed and approved as to legal form.
<u>Sandra Freeman</u>	<u>Thomas Henry</u>
Sandra Freeman, Chief Financial Officer	Thomas Henry, Interim General Counsel

EXHIBIT A

PROJECT DESCRIPTION / SCOPE OF SERVICES

Vendor shall furnish all personnel, equipment, materials, and all other items necessary for its provision of Services for the Share The Ride NC program outlined in RFP 19-019.

1 SCOPE OF WORK

1.1 Objectives

RideShark shall be required to meet the following general requirements:

1. Vendor must provide descriptions of existing software, capabilities, add-ons and/or integration options.
2. Data migration shall be provided by Vendor. GoTriangle will make data available in MS Excel or CSV format.
3. Vendor should include a calendar of events detailing data migration, Deliverables, debugging/testing, training and launch of each service or feature.
4. Security features should be in place to protect users' privacy online while still allowing users to contact each other to make ridesharing arrangements.
5. Integrity of registrants' data must be maintained during migration to the new Vendor's software.
6. Administrative logins that allow for multiple administrators to simultaneously access the system.
7. Have varying levels of administrative permissions (Global, TMA region, Hotspot Territory, Employer / University Contact).
8. Data ownership: GoTriangle retains sole ownership of all data should the Contract be cancelled or subscription lapse. Data should be exportable to Microsoft Excel or as a CSV file at no additional cost.
9. Administrators can add comments to commuter records, block and delete users, create profiles and create user names and logins.
10. The database must work on multiple browsers (e.g Chrome, Internet Explorer, etc.) and several generations of each.
11. Deploy mobile applications, available on multiple mobile platforms (Android and iOS) to deliver services and information when and where users need it with opt-in, push technology. Mobile applications will provide users with access to all features, tools and services detailed in the Scope of Services, with the exception of administrator access to the administration portal.
 - a. Mobile applications will utilize Single Sign-On systems.
 - b. Enhancements or changes to the RideShark or ShareTheRideNC system will be designed to accommodate mobile platforms.
12. Branding: GoTriangle and system subsite/network administrators have access to customizable main page branding, customized URL and customizable content.

1.2 Registration

1. A registration form that collects all pertinent information related to rideshare matching (addresses, contact information, rider and driver designations, schedule, etc.).
2. Privacy controls should be in place to determine how personal information is shared.
3. Users should be able to opt out of rideshare matching services (i.e. bus riders who need to register for the Emergency Ride Home Program).
4. Automatic Global Administrator, State TMA Partners, and Triangle Hotspot association via destination address.
5. Automatic territory or employer association via URL, email address, destination address or a keyword search for territory or employer name.
6. Shorter registration options should be available for registrants looking only for Emergency Ride

Home (ERH) programming:

7. Administrator should be able to block user's access to ERH while allowing access to other modules like ridesharing.
8. Administrator should be able to block user's access to incentive program while allowing access to other modules like ridesharing.

1.3 Reporting/Data Management

1. Software requirements. All data fields can be exported through CSV or Microsoft Excel and should not require a software tool from a third party vendor.
2. Data upload should be included in pricing.
3. Generate reports on trips, miles, VMT reductions, cost savings, air pollution emissions reduction, or other user commute data information, with ability to filter reports by user, employer, mode, and all administrator levels.
4. Track contact made through the software between users.
5. Track matches and the use of travel options (ensuring privacy and confidentiality)
6. Track mode shift behavior, including shifts away from drive alone behavior and shifts between alternative modes.
7. Report and track vanpool activity for NTD reporting purposes.

1.4 Rideshare Matching System

Users access rideshare matching services through Share the Ride NC (www.sharetheridenc.org, www.sharetheridenc.com, www.strnc.org and www.strnc.com). The Share the Ride NC statewide database is being utilized by five State TMA Partners – Charlotte Area Transit System (CATS), Land of Sky COG, Piedmont Authority for Regional Transportation (PART), GoTriangle and Wilmington MPO.

1.4.1 Rideshare Matching

- a. Match users along their route to their destination. The user should be able to edit this route on a map.
- b. The user should have the ability to receive automatic notifications when they get a new match.
- c. The user should have the option of matching to any single mode or multiple modes, such as carpool, vanpool, transit or bike.
- d. More than one commute can be saved for non-traditional schedules, like students or employees with staggered work hours.
- e. Ability to filter users based on personal preferences: match to employer, smoking preferences, and gender.
- f. One-time / Single trip / Real-time matching. Users should be able to enter in details for special trips or events and use the program to see if other users are seeking commute partners. This should include destinations with no limitations or bounding box restrictions to accommodate university students or other user trips across or out of state.
 - a. Mobile app clients should have the option to populate origin address using phone GPS.
- g. Cluster Matching (Administrators): Ability for STRNC System Administrators to restrict matching to specific clusters of users. This includes subsites, subgroups or networks defined by STRNC System Administrators. Cluster matching should include a closed network of universities to allow for student-to-student matching between the defined universities.
- h. Cluster Matching (User): Ability for STRNC Users to restrict or filter matching to specific clusters of users, as defined by STRNC System Administrators.

- i. Single Sign-On (SSO) capability. Ability to restrict access to specific employers or universities based on SSO access.
- j. Hidden employer/university. Ability to remove visibility of an employer or university from public display or dropdown list, which prevents non-authorized users from joining the employer or university.
- k. Event Matching: Ability for users to post or search for ridematching opportunities to events. This would allow for users to find commute partnerships to sporting events, music events, work related events and any customized situation where commuters would benefit by a shared commute.

1.4.2 Points of Interest

- a. Park-and-Ride lots or Points of Interest. Park-and-Ride lots or Points of Interest should show on a map and allow a user to quickly decide which location best aids with their commute. This should allow for the addition of new Park-and-Ride lots or Points of Interest and changes to existing system.
- b. (Optional) Points of Interest and Park and Ride lots indicate transit route service.

1.4.3 Commute Matching- non-rideshare

- a. Bike matching. For those not looking for a carpool partner, the system should match people who ride their bikes. Users should not have to be active for carpool matching in order to remain active for bike matches.
 - a. Bike routes should be provided along with bike matching.
- b. Transit matching. For those not looking for a carpool partner, the system should match people who ride transit. Users should not have to be active for carpool matching in order to remain active for transit matches.
 - a. Transit routes and transit options should be provided along with transit matching.
- c. More than one commute can be saved for non-traditional schedules, like students or employees with staggered work hours.
- d. Ability to filter users based on personal preferences: match to employer, smoking preferences, and gender.

1.4.4 Emergency Ride Home (ERH)

- a. Users should be able to use a short-form registration when registering only for Emergency Ride Home.
- b. Administrators should be able to hide or remove ERH module from specific TMA sites or employer/university subsites/networks.
- c. Emergency Ride Home use and registration is limited to users employed by registered work sites.
- d. Participants must enter their employer and sustainable commute mode (bike, bus, carpool, vanpool, walk, etc.) before registering.
- e. Before guiding a user through ERH services, users must be logged in and have a user profile. Users must have a confirmed email address to access ERH services.
- f. Currently, only GoTriangle provides ERH services through software, but the system should allow customizable versions of ERH. This includes a voucher based system or a text page that provides instructions to users.

1.4.5 Vanpool Module

- a. Administrators can manage member information and vanpool data: manage rosters, type of vehicle, designate drivers and back-up drivers, set departure/arrival times, edit

- routes, and adjust contact information.
- b. Administrators should be able to hide or remove vanpool module from specific TMA sites or employer/university networks.
- c. Ridership reports should provide data to meet National Transit Database (NTD) form specifications. If a new registrant matches to an existing vanpool, they should be able to contact the vanpool driver and/or an admin for follow-up.
- d. GoTriangle, CATS and PART use the vanpool management module, and other State TMA Partners may use in future.
- e. (Optional) Vanpool drivers are able to manage their rosters and enter ridership numbers through the site.

1.5 Trip Tracking & Incentive and Loyalty Programs with Commuting Calendar

In order to show commuters impact of each trip, GoTriangle provides a trip tracking calendar to commuters. The calendar will allow the registered user to track their commute mode(s) and distance for each day, and information will be provided to the user and STRNC System Administrators on VMT reduction, the environmental impact, including cumulative emissions savings, fuel savings, cost savings and calories burned.

1.5.1 Commute Calendar

1. Simple interface where users can join programs and log details of their commute in a trip diary/calendar format. The interface should capture the commuters' existing commute habits – driving alone, carpooling, vanpooling, taking transit, biking, walking, compressed work week, or telecommuting. The Calendar/Diary should track measurements of:
 - a. Commutes registered
 - b. Reduction of Vehicle Miles Traveled (VMT) and Single-Occupancy Vehicles (SOVs)
 - c. Financial and emissions savings
 - d. Calories burned for bike/walk
2. Reporting should be available to system administrators and subsite/network administrators for:
 - a. Commute modes
 - b. Dates
 - c. TMA Region/Hotspot/Employer/Individual User
3. Trip log should include commute modes, including options to select telecommuting, drive alone, carpool, vanpool, bike, walk/jog, scooter and compressed work week. User should be able to select more than one mode for each one-way trip. (Example: biking to a Park-and-Ride lot to catch the bus.)
4. Have a widget/code/automated function to display system-wide total of financial and emissions savings on other website(s).
5. Automated trip tracked through third party software or through software provider's mobile technology that auto-populate a user's commute in the Share the Ride NC Commute Calendar.. This includes current RideShark integration with Strava and Under Armour for bike or walk trips.
 - a. Automated trip tracking through third party software that tracks transit trips through mobile application or mobile fare technology that auto-populate a user's commute in the Share the Ride NC Commute Calendar.

1.6 Incentive, Loyalty Programs & Campaigns

To recruit new commuters and retain existing commuters, GoTriangle provides an Incentive Program where users can track their daily commutes, and determine if users are eligible for

a. Support requests will meet the following guidelines:

Severity Level	# Users Affected	Description	Support Hours	Target Response Time	Target Restore Times
Level 1 – Urgent/Critical	All Users	<ul style="list-style-type: none"> • System down • Users can't access the system • Administrators can't access Admin Portal 	24 hours/day, 7 days/week	< 2 hours	< 8 hours
Level 2 - High	All Users	<ul style="list-style-type: none"> • High impact on a User's ability to use system • High impact on an Administrators ability to use the Admin Portal 	24 hours/day, 7 days/week	< 4 hours	< 1 day
Level 3 – Medium	Many Users	<ul style="list-style-type: none"> • Medium impact to users on core functionality • Medium impact to Adminstrators on Admin Portal usage • Does not affect core ability to use the system 	24 hours/day, 7 days/week	< 8 hours	< 2 days
Level 4 - Low	One or Few Users	<ul style="list-style-type: none"> • Low priority issue affect only one or a few users • No system impact • Routine request for branding updates • Core system functionality for users unaffected 	8am to 5pm Monday to Friday, local time	< 1 day	< 1 week

b. A response to support request will be provided within less than one business day.

2. Use of sandbox or beta site to test changes prior to migrating to production site. Testing and 'debugging' should be included in software development, as well as before and during upgrading applications. Approval of changes will be required from the Global Administrator prior to migrating changes to production site.
3. Upgrades. 24 hours advance notification should be provided before upgrades and installations with preview of changes. Upgrades must include accommodations to continue use on multiple browsers and mobile devices, uninterrupted service with any existing integrated program relationships.
4. Disaster recovery response should match 1.9.1.a table. The database from the previous nightly backup should be made accessible to Global and System administrators upon request.

1.10 Hosting, Security and Design

The Scope of Services includes website/application support, maintenance, and data backup. Database hosting server should meet these requirements:

1. Vendor should provide website hosting and URL integration with www.sharetheridenc.org, www.sharetheridenc.com, www.strnc.org and www.strnc.com. GoTriangle maintains ownership of name and URL's.
2. Database is hosted and maintained by vendor on secure server.
3. Data is backed up on a daily basis with limited to no downtime.
4. All site content and transactions must be protected from catastrophic events using backup.
5. Development site for updates of site design with migration to live site.
6. Web site security and protection must be maintained using appropriate firewall, intrusion detection and encryption technology for all website, and all administrative and end user password, registration and database information.
7. Integration with google analytics web site traffic analytics.

8. Development of a hosting migration plan.
9. Service Level Agreement that guarantees 99.9% availability of website.
10. Free of advertising not authorized by GoTriangle.
11. Secure, reliable connection to the internet.
12. Website must be available 24/7.
13. Website shall have backup power systems.

1.11 Social Media Module

1. Integrate social media modules including but not limited to Facebook, Twitter, Instagram, Youtube and RSS feeds. This includes:
 - a. Account creation through social media API
 - i. First name, Last name, email address and password are linked from social media platform to ShareTheRideNC
 - b. Account login through social media API

1.12 Administrative Experience

Ability for staff to be able to effectively manage updates and changes including:

1. images, graphics and branding;
2. user registration information;
3. vanpool participation and routes;
4. incentives/campaigns/loyalty programs.

1.13 Database Host Specifications

1. Database is hosted and maintained by Vendor on secure server.
2. User-friendly, web interface that is cloud based, and does not require any hosting on GoTriangle servers.

1.14 Project Timeline and Schedule Launch

Schedule should accommodate a launch date of the new site by July 1, 2019, and a project timeline should include the following:

1. Submission of networks and configuration
2. Allowance for revisions
3. Data transition
4. Testing
5. Training
6. Final Approval
7. Launch

EXHIBIT B COMPENSATION

Date	Activity	First Year Amount	Annual Amount
July 1, 2019	Base System: Reporting, Data Management, Tech Support, Training, Upgrades, Web Hosting	\$25,800	\$25,800
	Mobile Application	\$11,000	\$6,000
	Module 1: Ridematching, Trip Tracking Calendar, Social Media Integration, One-Time Trip / Event Matching	Included in Base System Cost	Included in Base System Cost
	ERH	\$3,000	\$3,000
	Vanpool Module	\$6,000	\$6,000
	Incentives Program (Year-Round)	\$6,000	\$6,000
	Incentives Program (Campaign Module w/ 4 Challenges Included and option to add campaign at \$1,500 per campaign)	\$5,000	\$5,000
Aug 31, 2019	Modules 2: Real-time Matching through Mobile App, Non-commute Trip Matching, Batch Email	Included in Base System Cost	Included in Base System Cost
	Carpool Registration for Matching	\$2,500	\$3,000
July 1, 2019	Total Launch Cost	\$59,300	
July 1, 2020	Annual Fee		\$54,800
July 1, 2021	Annual Fee		\$54,800
July 1, 2022	Annual Fee		\$54,800
July 1, 2023	Annual Fee		\$54,800
July 1, 2024	Annual Fee		\$54,800

EXHIBIT C MINIMUM INSURANCE REQUIREMENTS

VENDOR, from the time of commencement of Services until completion of Services, shall provide, pay for and maintain in effect the following types of insurance in at least the following amounts.

1.0 Commercial General Liability Insurance

Occurrence form including premises and operations coverage, products and completed operations coverage, coverage for independent contractors, personal injury coverage and blanket contractual liability.

Limits of Liability

General Aggregate	\$2,000,000
Products and Completed Ops. Aggregate	\$2,000,000
Personal & Adv. Injury Aggregate	\$1,000,000
Each Occurrence Limit	\$1,000,000

Coverage must include:

- 1.1 Policy to be endorsed to provide policy limits "per project" and "per location".
- 1.2 Policy must name GOTRIANGLE as an additional insured as its interests may appear.
- 1.3 Policy must be endorsed to provide a 60-day notice of cancellation or substantial change to GOTRIANGLE.

2.0 Worker's Compensation

Limits of Liability

Worker's Compensation	statutory
Employer's Liability	
Each Accident	\$500,000
Policy Limit - Disease	\$500,000
Each Employee - Disease	\$500,000

Coverage must include

- 2.1 Coverage for all states in which operations are conducted.
- 2.2 Policy must be endorsed to provide a 60-day notice of cancellation or substantial change to GOTRIANGLE.

3.0 Business Automobile Liability

Limits of Liability

Combined Single Limit (BI & PD)	\$1,000,000 per accident
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Coverage must include:

- 3.1 Policy must be endorsed to provide a 60-day notice of cancellation or substantial change to GOTRIANGLE.
- 3.2 Policy must name GOTRIANGLE as an additional insured as its interests may appear.

4.0 Umbrella Insurance

Limits of Liability

Annual aggregate	\$2,000,000
Per Occurrence Limit	\$2,000,000

Coverage must include:

- 4.1 Policy must be endorsed to provide a 60-day notice of cancellation or substantial change to GOTRIANGLE.
- 4.2 Policy must name GOTRIANGLE as an additional insured. as its interests may appear.

5.0 Waiver of Subrogation:

Vendor shall obtain from its insurers a waiver of subrogation against GOTRIANGLE and its agents and employees for all insurance coverage except Worker's Compensation.

6.0 Vendors and Subcontractors

Vendor shall require all of its Vendors and/or subcontractors to provide the aforementioned coverage that the Vendors and/or subcontractors may consider necessary and any deficiency in the coverage or policy limits of the Vendors and/or subcontractors will be the sole responsibility of Vendor.

7.0 The insurance provisions set out above in no way affect the liability of Vendor as stated elsewhere in this Contract.

8.0 All deductibles and self-insured retention amounts must be acceptable to GOTRIANGLE, in GOTRIANGLE's sole discretion.

9.0 Certificates of Insurance:

Before commencing performance of the Services, Vendor and its Vendors and/or subcontractors must furnish certificates(s) of insurance evidencing:

- 9.1 Insurance coverage acceptable to GOTRIANGLE.
- 9.2 Effective expiration dates of policies.
- 9.3 GOTRIANGLE must be given sixty (60) days written notice of all cancellation, non-renewable, or material changes in policy.
- 9.4 A waiver of subrogation endorsement has been attached to all policies.
- 9.5 Any deductible and/or self-insured retention.
- 9.6 Any exclusions to the policy which are not part of the standard form.
- 9.7 Certificate of Insurance title block format is as follows:

**GoTriangle
P.O. Box 13787
Research Triangle Park, NC 27709**

– END OF EXHIBIT –

rewards based on the sustainable commutes tracked in the Commute Calendar. State TMA Partners hold short-term campaigns with rewards. Creation of incentives should be customizable, allowing for incentives to be eligible to commuters based on specific commute modes and date ranges, like monthly or quarterly incentives offerings. Incentive selection and delivery should be automated.

1.6.1 Incentive Programs

1. Maintain and administer commuter challenge campaigns on regional, local, and employer-only levels. This should be able to occur concurrently with ongoing incentive programming for an entire region with a Hotspot or employer subsite able to offer incentives only to users within their administration level.
2. Administrators should be able to hide or remove incentives module from specific TMA sites or employer/university networks.
3. Partner agencies and employers can offer additional and separate Incentive Programs/Campaigns only available to their network and can run concurrently with regional programming.
4. Incentive Program should have systems in place to prevent abuse, and administrative ability should include blocking program abusers.
5. Program should allow addition of locally purchased incentives that support local small businesses and local tax base.
6. Program should allow addition of local donations.
7. Reporting should be available to admin for:
 - a. Program participation
 - b. Reward Amounts
 - c. Commuter data based on incentive selection
8. Commuter data listed in commute calendar impacts
9. Leader board and real-time information display for commuter challenge campaigns

1.7 Staff Training and Support

1. Provide initial training and guides for Global, State TMA, Hotspot and Subsite administration prior to launch. Training should be included with program with training agenda and time frames.
2. Provide training to Global Administrator on all changes, improvements, additions and innovations prior to launch.
3. Upgrades must include documentation, guides or training prior to production deployment. An email notification to the Global Administrators with timeline of changes to the RideShark platform and/or the ShareTheRideNC system will be provided before the launch of the system changes. A schedule will be provided to allow for beta testing, feedback and training before changes are made to the production system.
4. Responsive and knowledgeable technical support included.

1.8 Testing and Innovation

1. Provide schedule of innovation pipeline via email to Global Administrator for future improvements, new modules or expected upgrades to existing system. Note any features, models or improvements that are not currently live.
2. Describe testing of any changes, improvements or additions to database, software or design.
3. Provide information on communicating changes on all improvements and innovations to administrators prior to launch and the role of administrators in testing.

1.9 Service Recovery, Upgrades & Maintenance

1. Technical Support/Customer Service and Maintenance:

**WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION
BOARD**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN
INTERLOCAL SOFTWARE USAGE AGREEMENT WITH GO TRIANGLE FOR RIDE
MATCHING, COMMUTE CALENDAR AND THE INCENTIVE SOFTWARE CONTRACT**

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization’s Cape Fear Transportation 2040 Plan includes a Transportation Demand Management Element and the MPO created the position of a full-time Transportation Demand Management Coordinator in 2016 of which position oversees the Go Coast program; and

WHEREAS, since the creation of “Go Coast”, the Wilmington Urban Area Metropolitan Planning Organization has been in partnership with the Research Triangle Regional Public Transportation Authority (“GoTriangle”) to use a rideshare matching software “Share The Ride NC” to promote to residents in the region; and

WHEREAS, RideShark Corporation (“**RideShark**”), and GoTriangle have entered into a Rideshare Matching, Commute Calendar & Incentive Software Contract which shall enable GoTriangle and the Stakeholders to utilize certain software provided by RideShark for ride matching, bicycle/walk/transit buddy, one-time trip matching, Emergency Ride Home, vanpool administration, trip tracking, and loyalty and incentive programming; and

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization is a Stakeholder of “GoTriangle;” and

WHEREAS, GoTriangle shall hold the Wilmington Urban Area Metropolitan Planning Organization as a stakeholder to the terms and conditions of its contract with RideShark so “Go Coast” may be an authorized user of the software.

NOW THEREFORE, be it resolved that the Board of the Wilmington Urban Area Metropolitan Planning Organization hereby authorizing the Executive Director to enter into an inter-local software usage agreement with Go Triangle for ride matching, commute calendar and the incentive software contract

ADOPTED at a regular meeting of the Wilmington Urban Area Metropolitan Planning Organization’s Board on June 24, 2020.

David Piepmeyer, Chair

Mike Kozlosky, Secretary



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MEMORANDUM

To: MPO Board Members
From: Abby Lorenzo, Senior Transportation Planner
Date: June 12, 2020
Subject: Summary of Public Comments and Recommended Changes to Cape Fear Moving Forward 2045

A public comment period was held for the draft Cape Fear Moving Forward 2045 Metropolitan Transportation Plan beginning February 26th and ending May 15th. A press release announcing the comment period, as well as social media posts and updates on the WMPO's website were used to inform the public. Hardcopies of the plan were made available at the WMPO's 10 member jurisdictions' planning departments, as well as at all area libraries. An electronic copy of the plan was also available on the WMPO's website.

During this two and a half month period, staff solicited comments from the public about the draft plan through the following means, per the WMPO's adopted Public Participation Plan:

- Written comments submitted through mail or electronically through email.
- Regional open houses. These were also announced through a press release and on the WMPO's website and social media accounts. The first was held March 4th, 2020 from 5-7pm at the Hampstead Annex in Hampstead. The second was held March 10th, 2020 from 5-7pm at Leland Town Hall. Three additional open houses were planned to be held at the NHC Senior Center, the Town of Carolina Beach, and Wilmington City Hall during the month of March but were subsequently canceled due to regulations put in place because of COVID-19.

The WMPO received a total of 67 comments from citizens and outside agencies/organizations. Additionally, WMPO staff reviewed the draft plan in great detail to identify typos, formatting, and other administrative errors. All comments were catalogued in a spreadsheet and responses were determined by staff. Based on the response, recommendations were made by staff on whether changes were necessary within the draft plan. The majority of recommended changes were clerical, such as wording, map colors and symbology, and typos. There were three comments that resulted in recommendations to amend projects within the Bicycle and Pedestrian and Roadway fiscally constrained project lists. These comments and staff recommended changes are summarized in the following table:

Wilmington Urban Area Metropolitan Planning Organization

Comment	Recommended Changes to Project List
<p>“This must be a mistake for the Old Fayetteville Road project. \$35 million for widening 2 existing lanes for 1.5 miles. The Town’s project will install the multi-use path and widen one side of the road with 2 feet of asphalt and 2 feet of curb and gutter for about a mile of the road. The cost is currently projected at \$2.2 million. A similar project on page 317 that is twice as long, to widen and install a bike lane on Blue Clay Road, is \$1.4 million.”</p>	<p>Utilizing NCDOT’s Prioritization cost estimation tool, the project cost was estimated to be \$2,260,000 in 2020. With the application of a 3% annual inflation rate, project year cost estimate is \$3,521,006.</p> <p>This cost amendment resulted in additional funding available to fiscally constrain additional projects. Per the initial project rankings and the additional funds, the following projects can be added to the fiscally constrained roadway project list: RW-222 Independence Blvd Widening; RW-42 US 17 Access Management Improvements; RW-175 NC 210 and Island Creek Road Intersection Improvements.</p>
<p>“On the Fiscally-Constrained Bicycle and Pedestrian Project List, it appears that several projects (BP-581 (Carolina Beach Road & College Road), BP-646 (College Road and Oleander Drive), BP-584 (College Road & Monkey Junction Shopping Center Entrance), BP-577 (Bayshore Drive & Market Street), BP-627 (Piner Road & Myrtle Grove Road)) are already included in the design or recommended cross sections for roadway projects anticipated for funding prior to the anticipated funding year of the bike/ped projects. If there is not a need for this redundancy, approximately \$113,800 (not considering inflation) could be freed-up, which could allow projects such as BP-147a (Central Blvd/Morningside Dr. Bike Lanes), the Front Street sharrows (BP-471 and 370), etc. to be funded.”</p>	<p>Staff reviewed the fiscally constrained bicycle and pedestrian list and recommends removal of standalone bicycle and pedestrian projects that are committed for funding as part of a roadway project or are complete. These are: BP-16, BP-574, BP-647, BP-788, BP-722, BP-581, BP-646, BP-648, and BP-577. Based on the remaining ranked projects and the revenue freed up by the removal of the previously listed 5 projects, the following are recommended for inclusion in the fiscally constrained list: BP-147A, BP-406, BP-442, BP-239, BP-471, BP-370, BP-441, and BP-561.</p>
<p>“There is a mistake in the cost estimate for RW-123, Burnett Boulevard Widening. \$123,830,000 seems much too high.”</p>	<p>Utilizing NCDOT’s Prioritization cost estimation tool, the project cost was estimated to be \$4,202,000 in 2020. With the application of a 3% annual inflation rate, project year cost estimate is \$8,798,055.</p>

	The change in cost estimate allowed for an additional project, RW-57 Plantation Road Extension and RW-136 NC210 & NC133 Intersection Improvements, to be added to the fiscally constrained project list.
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WMPO Staff also recommends the addition of the following content information:

Plan Chapter/Appendix	Content Added
Appendix D: Public Involvement Element	<ul style="list-style-type: none"> Information about Public Outreach Phase II All received public comments and staff responses and recommendations
Appendix F: Aviation Element	<ul style="list-style-type: none"> Proposed scopes for the fiscally constrained projects
Appendix G: Bicycle and Pedestrian Element	<ul style="list-style-type: none"> Proposed cross sections for the fiscally constrained projects
Appendix H: Ferry and Water Transportation Element	<ul style="list-style-type: none"> Proposed scopes for the fiscally constrained projects
Appendix I: Freight and Freight Rail Element	<ul style="list-style-type: none"> Proposed scopes for the fiscally constrained projects The following language to assist the Port of Wilmington's efforts in securing federal grants: <u>"In 2018, NC Ports undertook a Container Terminal Yard Improvement Planning Study with the key objective of expanding the current terminal throughput capacity to accommodate a minimum 750,000 (TEUs) annually by 2025. Recent investments in infrastructure improvement projects including the procurement of new neo-Panamax cranes, berth renovations and vessel navigation improvements has increased the container berth's capacity to well over 1,000,000 TEUs annually. However, to achieve the forecasted annual throughput volume, it has been identified that existing key port infrastructure directly behind the berth, such as the main terminal gate</u>

	<u>complex, the container storage yard and paving, and intermodal yard improvements are required so that the capacity of the rest of the terminal can match or exceed the targeted annual throughput. In total, the five-year infrastructure investment plan requires \$250 million in support of the expansion plan at NC Ports.”</u>
Appendix J: Public Transportation Element	<ul style="list-style-type: none"> Proposed scopes for the fiscally constrained projects
Appendix K: Roadway Element	<ul style="list-style-type: none"> Proposed cross sections for the NCDOT STIP projects
Appendix N: Environmental Justice and Critical Resources	<ul style="list-style-type: none"> Expand Degree of Impact (DOI) Analysis to include the fiscally constrained bicycle and pedestrian and public transportation projects Utilize proposed project costs to estimate the distribution of impacts in the four levels of the assessment Provide a table of potential benefits, burdens, and mitigation strategies for project impacts

The final steps of the development of Cape Fear Moving Forward 2045 are as follows:

- Approval by the Board in July of the final Cape Fear Moving Forward 2045 plan with any recommended changes.
- Presentation of the final plan to the WMPO member jurisdictions in August and September.
- Final adoption of the plan by the Board in October 2020.

Topic	Source	Organization	Comment	WMPO Staff Recommendation/Response	Resolution
Roadway Appendix Cutsheet	David Hollis	Town Manager, Leland / CAC Member	This must be a mistake for the Old Fayetteville Road project. \$35 million for widening 2 existing lanes for 1.5 miles. The Town's project will install the multi-use path and widen one side of the road with 2 feet of asphalt and 2 feet of curb and gutter for about a mile of the road. The cost is currently projected at \$2.2 million. A similar project on page 317 that is twice as long, to widen and install a bike lane on Blue Clay Road, is \$1.4 million.	Utilizing NCDOT's Prioritization cost estimation tool, the project cost was estimated to be \$2,260,000 in 2020. With the application of a 3% annual inflation rate, project year cost estimate is \$3,521,006. This cost amendment resulted in an additional funding available to fiscally constrain additional projects. Per the initial project rankings and the additional funds, the following projects can be added to the fiscally constrained roadway project list: RW-222 Independence Blvd Widening; RW-42 US 17 Access Management Improvements; RW-175 NC 210 and Island Creek Road Intersection Improvements.	Update revised cost estimate in tables and cutsheets. Recommend addition of RW-222, RW-42, and RW-175 to fiscally constrained roadway project list.
Roadway Appendix Cutsheet	David Hollis	Town Manager, Leland / CAC Member	The path for the NC 133 to Hwy 17 Connector project will not likely run through the existing Jackies Creek neighborhood. It would be better to show the line through the vacant Cameron tract to the south to keep from getting people upset and give a more reasonable proposed location.	Project to be shown south of established neighborhoods.	Revise maps as recommended.
BikePed Fiscally Constrained Projects	Al Schroetei	Cape Fear Cyclists / WMPO BPAC	looking at the top Bike/Ped projects in the Fiscally Constrained tables (pages 35 to 37) it does seem that the Northeastern portion of the WMPO region is underrepresented. However, that is the section that has the greatest projected growth (Page 31).	Several bicycle and pedestrian facilities are committed for funding, in design, and/or under construction in the northeast portion of the WMPO Region. Some of these facilities include: the Military Cutoff Extension MUP which includes a portion on Market Street from Station Road to Middle Sound Loop Road (project is under construction); a Market Street MUP from Middle Sound Loop Road to Marsh Oaks Drive, part of the U-4902D Access Management Improvements (project is under construction); a MUP connection from Ogden Business Lane to the Military Cutoff Extension MUP; bicycle and pedestrian crossings at Market and Gordon as well as Military Cutoff and Gordon; the U-5732 (US 17 Corridor Improvements) in Hampstead includes by/cycle and pedestrian facilities. Additionally, all proposed roadway projects in the 2045 MTP include bicycle and pedestrian facilities in their cross sections which make them eligible to be included in the roadway design per NCDOT's 2019 update to its Complete Streets policy.	No changes are recommended.
	Al Schroetei	Cape Fear Cyclists / WMPO BPAC	In a separate e-mail to Caitlin Marks (cc to you) I have asked about the status of a MUP along the Military Cutoff Extension. I do not think this was included in any of the 2045 Plan BP priorities...but maybe that is an NCDOT project?	The design includes a 9' MUP from Ogden Park Dr to approx. Plantation Rd. design plans are available. This project is included in the New Hanover County Greenway Plan.	Included in NCDOT design for current STIP project (U-4902), no changes recommended.
BikePed Fiscally Constrained Projects	Al Schroetei	Cape Fear Cyclists / WMPO BPAC	Also in the Fiscally Constrained projects in the 2045 plan is the absence of any Bike/Ped Facilities on Sidbury Road. Again, this may be a NCDOT project and I have identified this requirement to Caitlin in a separate e-mail.	This project was considered for inclusion as a fiscally constrained bicycle and pedestrian improvement project. Of the approximate 170 regionally significant projects, this stand alone project ranked at 123 and 137 (was split into two sections) based on its assessed score. Based on the scoring criteria developed by the bicycle and pedestrian modal subcommittee and Citizen Advisory Committee (CAC), the project received low scores in the following areas: lack of connections to existing trails; no connections to destination points like parks, libraries, hospitals, shopping, etc; and project is not located in a low income or minority community. Sidbury Road improvements (RW-23) is a fiscally constrained roadway project that includedes bike lanes and sidewalks in the cross section which would fulfill NCDOT complete streets policy requirements to be covered cost free to New Hanover and Pender Counties when roadway improvements are to be made to Sidbury Road.	Change Sidbury Road Improvements cross section from bike lanes and sidewalks to a multi-use path to be consistent with Wilmington/New Hanover County Greenway Plan cross section.

Topic	Source	Organization	Comment	WMPO Staff Recommendation/Response	Resolution
BikePed Plan Element	Wayne Marquino	Citizen	I'd like to understand the table at bottom of the first page of " Bicycle and Pedestrian " (pg 35) better. Maybe the plan can elaborate. It indicates a number of ped/bike infrastructure improvement which NC DOT will fund if they are "In Plan". In plan/Whose plan? How to we move Side paths and On-road bicycle facilities from out of plan to "In Plan"? our MUP seems to have a very low fraction of On road bike facilities (I assume these are bike lanes) and Pedestrian facilities (I assume these are cross walks).	The text above the NCDOT Complete Streets Cost Share chart on page 50 explains that alternative transportation projects which are identified in a region's CTP and/or MTP can be included in NCDOT roadway projects and will be fully funded by NCDOT. NCDOT will consider other locally adopted plans on two conditions: 1) the planned facility addresses an identified transportation need; and 2) the planned facility meets the design guidance standards in the NCDOT Complete Streets Implementation Guide. On-road bicycle facilities include bicycle lanes (protected or striped) as well as paved shoulders. Pedestrian facilities include sidewalks, marked crosswalks, and pedestrian signals. Cape Fear Moving Forward 2045 includes 82 fiscally-constrained bicycle and pedestrian projects. Refer to the Fiscally-Constrained Bicycle and Pedestrian Project List and Maps on pages 66-73. Additionally, the fiscally constrained roadway projects include bicycle and pedestrian facilities, such as MUPs, sidewalks, and bike lanes. Please refer to the proposed project cross-sections found in Appendix J, Roadway Element.	Add underlined text to plan, along with a couple of examples of the Cost Share Formula (in graphic format). We are adding project cross-sections to better explain exactly what type of facilities are included with each bicycle and pedestrian project.
Roadway Plan Element	Wayne Marquino	Citizen	pg 45 - something seems wrong with the graphic or legend - Aren't the black roads county? There are no county roads in the legend, on NCDOT	Counties actually do not own and maintain roads, so those that are outside of the incorporated areas are all NCDOT owned and managed.	No changes are recommended.
TSMO	Wayne Marquino	Citizen	pg 50 - "Cape Fear Moving Forward 2045 recommends the implementation of the following TSMO strategies in the Wilmington region...." None of these recommendations improve ped/bike safety or access. The TDM strategies are segregated (on pg 52). This process is how we get new major roadways built like MLK or or improved like 17 in Hampstead with no bike lanes.	Several of the TSMO strategies listed on page 50 improve bicycle and pedestrian safety. Access management techniques can reduce conflict points and crossing distances for pedestrians and bicyclists. This is critical because, according to the FHWA, driveways are the primary cause of crashes involving pedestrians walking on the sidewalk. Intersection modifications include restricting or eliminating turning maneuvers, such as eliminating right turn on red, which can reduce crashes involving pedestrians. Pavement markings are used to delineate bike lanes and crosswalks, in addition to travel lanes. Streetscape improvements include sidewalks, bike lanes, median islands, bulb-outs (extended curbs), narrower travel lanes, and others, all of which can contribute to the creation of a "Complete Street." See Appendix L, Transportation Systems Management and Operations Element, for more information on these strategies.	No changes are recommended.
Roadway/BikePed Fiscally Constrained Projects	Wayne Marquino	Citizen	Fig 7-1 Map of Fiscally Constrained Projects - There are few/no green lines parallel to red lines (bike / roadway) projects. Obtaining right of way is a major cost. If the right of way synergy between road and bike routes is not used, we'll continue to have no-go areas for bikes, like eagle island and 17 in Hampstead. If I bicycle across Eagle Island on 74 am I going to get a ticket? Can we add a green line there parallel to the red one? If the CF Memorial bridge is replaced will it provide bicycle and ped access to Leland?	The fiscally constrained roadway projects include bicycle and pedestrian facilities, such as MUPs, sidewalks, and bike lanes. Please refer to the proposed project cross-sections found in Appendix J, Roadway Element. Both the Isabel Holmes Bridge (US74) and the Cape Fear Memorial Bridge (US76) are fully controlled access highways and bicycling is prohibited. The US76/Cape Fear Memorial Bridge Replacement (RW-127) does include a proposed 10' MUP.	No changes are recommended.
Public Transportation Fiscally Constrained Projects	Wayne Marquino	Citizen	What is " PT-100 I-40 at Cape Fear Community College North Campus Park and Ride 2040 \$9,581 " - I-40 does not have any on/off ramps to CFCC N.campus so how is Park & Ride at CFCC related to I-40? \$9,581. is not going to buy a new interchange.	PT-100 is a proposed park and ride at Cape Fear Community College North Campus which is in the vicinity of I-40 but does not have direct access to I-40.	Change PT-100 description to "Cape Fear Community College North Campus Park and Ride"

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Roadway Fiscally Constrained Projects	Wayne Marquino	Citizen	" Fiscally-Constrained Roadway Project List " - Why are the Oleander/College and Oleander/Military Cutoff/Eastwood projects both in the 2025 planning period? Is the intention to bring traffic on Oleander to a halt while those are in progress?	The financial forecasts for Cape Fear Moving Forward 2045 were provided in five-year increments. Fiscally-constrained projects were assigned an anticipated planning year, also in five-year increments, based upon the financial forecasts. Two projects having the same identified planning year does not necessarily mean the projects will be under construction at the same time. Both of these projects are programmed in the State Transportation Improvement Program (STIP). This means that NCDOT is going to fund both projects, but has programmed them to begin when the necessary funds become available. For the US76 (Oleander Dr) & NC132 (College Rd) Interchange (U-5704), right-of-way (ROW) acquisition and utility work is anticipated to begin in FY 2023; construction is anticipated to begin in FY 2026. For US74/Eastwood Rd & Military Cutoff Rd (U-5710), a portion of this project is currently in ROW acquisition, with construction on that portion anticipated to begin in FY 2020. ROW acquisition for the remainder of the project is anticipated for FY 2020 and FY 2021, with construction anticipated to begin in FY 2023.	No changes are recommended.
Roadway Fiscally Constrained Projects	Wayne Marquino	Citizen	Why not move the "Wilmington Citywide Signal System" to start tomorrow? It's cost is low compared all the other roadway projects and it has more potential to reduce drive time.	In a sense, this project has already started. It has been identified as a need in the region - it was submitted by NCDOT Division 3 for NCDOT's prioritization process and scored high enough to be programmed in the State Transportation Improvement Program (STIP). This means that NCDOT will fund the project, but has programmed it to begin construction in FY 2027 when the necessary funds become available.	No changes are recommended.
BikePed Appendix	Wayne Marquino	Citizen	Appendix pg 168, Objective 1: " Increase pedestrian facilities that fall within 1 mile of school campuses. " Pedestrian deaths are outstripping deaths inside automobiles, this goal is already being met. Revise the plan to provide more crosswalks, and bike paths, to reduce facilities at the locations with this highest fatalities, e.g. Dawson & Wooster streets - The rule that all new X-walks have a signal, and the NCDOT and City of Wilmington criteria that a walk signal is required to add cross walks is delaying installing cross-walks.	When creating goals and objectives to score proposed projects, the Bicycle and Pedestrian Multimodal Subcommittee chose "safety" as the criteria that carried the most weight for the scoring of projects. This objective allowed proposed projects within one mile of schools to receive a higher score.	No changes are recommended.
Public Comment Period	Susanne Hartman	Citizen	News releases need to be printed on Facebook and local papers: Hampstead News & Alerts; Sneads Ferry Village News; Topsail Area News & Alerts; Hampstead/TI Area Alerts	Per the WMPO's adopted Public Participation Plan, a press release advertising the 30-day comment period and the planned regional open houses, was sent out to media outlets, planning partners, and members. Additionally, the WMPO utilized its Facebook, Instagram, and Twitter accounts to advertise the comment period and open houses. For future public events, the WMPO will work closely with its members to disseminate this information to local community social media pages.	No changes are recommended.
BikePed Fiscally Constrained Projects	Stephen Whitney	WMPO BPAC / Citizen	Rescore BP-238 and BP-239 Brunswick Nature Park Connector. Improvements can be required by developers as done w/ Mallory Creek to Brunswick Forest Section from Mallory Creek north by developer; Improvements allowed along power easement. No costs for property acquisition; Can be implemented in phases. Reduce cost to reflect staging; This is a major regional development project. Connects Brunswick Forest/Mallory Creek and others to Brunswick County Nature Park.	These projects are two of 175 regionally significant projects that were scored based of criteria created by the WMPO bicycle and Pedestrian Multimodal Subcommittee and the Citizens Advisory Committee. Of the 175 projects, 82 were able to be fiscally constrained. BP-239 FINAL RANK = 127 BP-238 FINAL RANK = 133 Given the proposed removal of committed bicycle and pedestrian projects that are part of a roadway project, additional monies are available to include BP-239 in the fiscally constrained bicycle and pedestrian project list. These projects are also in the Leland Pedestrian Plan and dcan be pursued by both Leland and Brunswick County.	Recommend the inclusion of BP-239 into the fiscally constrained bicycle and pedestrian project list.
BikePed Fiscally Constrained Projects	Stephen Whitney	WMPO BPAC / Citizen	Show BikePed facilities from Brunswick Forest to Hewett Burton Road. This would be required by Town of Leland and paid by developer. The connection would lik to Hazel Branch Road and provide safe B/P parallel to Rt 17.	A portion of this project was identified in the original 800+ regional projects but was not considered in the 175 fiscally constrained projects. It is currently included in Leland's adopted Pedestrian plan. The Town and Brunswick County still have the ability to pursue this project.	No changes are recommended.

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BikePed Fiscally Constrained Projects	Stephen Whitney	WMPO BPAC / Citizen	Consider BikePed bridge across Greenfield Lake at Stadium Drive. Connect neighborhoods to hospital.	This project was not submitted during the public outreach phase of the plan development.	No changes are recommended.
BikePed Fiscally Constrained Projects	Stephen Whitney	WMPO BPAC / Citizen	Provide BikePed bridge across Burnt Mill Creek at Mercer Street. Provides safe connection along Mercer Street. Connects River to Sea to Market Street.	With the Independence extension (Bike/Ped project BP 16 and roadway project U-4434) there will be a multiuse path at grade along Independence Blvd from Wrightsville Avenue to Market Street.	No changes are recommended.
BikePed Fiscally Constrained Projects	Stephen Whitney	WMPO BPAC / Citizen	Glad to see traffic signals along Rt 17 at Ploof/Waterford, West Gate/Grandiflora, and Lanvale. These should be high priority projects,		No changes are recommended.
Bike /Ped Fiscally Constrained Projects	Rebekah Roth / NHC Planning Staff	New Hanover County	On the Fiscally-Constrained Bicycle and Pedestrian Project List, it appears that several projects (BP-581 (Carolina Beach Road & College Road), BP-646 (College Road and Oleander Drive), BP-584 (College Road & Monkey Junction Shopping Center Entrance), BP-577 (Bayshore Drive & Market Street), BP-627 (Piner Road & Myrtle Grove Road) are already included in the design or recommended cross sections for roadway projects anticipated for funding prior to the anticipated funding year of the bike/ped projects. If there is not a need for this redundancy, approximately \$113,800 (not considering inflation) could be freed-up, which could allow projects such as BP-147a (Central Blvd/Morningside Dr. Bike Lanes), the Front Street sharrows (BP-471 and 370), etc. to be funded.	Staff reviewed the fiscally constrained bicycle and pedestrian list and recommends removal of stand alone bicycle and pedestrian projects that are committed for funding as part of a roadway project or are complete. These are: BP-16 Independence Blvd Extension MUP, BP-574 Drysdale Dr & Military Cutoff, BP-647 Market St & Gordon Rd, BP-788 3rd St & Brunswick St, BP-722 3rd St N & Red Cross St, BP-581 Carolina Beach Rd & College Rd, BP-646 College Rd & Oleander Dr, BP-648 Military Cutoff Rd & Eastwood Rd, and BP-577 Bayshore Dr & Market St. Based on the remaining ranked projects and the revenue freed up by the removal of the previously listed 5 projects, the following are recommended for inclusion in the fiscally constrained list: BP-147A Central Blvd/Morningside Dr Bike Lanes, BP-406 Princess St Sharrows, BP-442 Lumina Ave Sharrows, BP-239 Brunswick Nature Park Connector 1, BP-471 Front St. Sharrow, BP-370 Front St. Sharrow, BP-441 Causeway Dr Sharrows, and BP-561 Carolina Beach Rd & Myrtle Grove Rd.	Recommend removal of BP-16, BP-574, BP-647, BP-788, BP-722, BP-581, BP-646, BP-648, BP-577 and addition of BP-147A, BP-406, BP-442, BP-239, BP-471, BP-370, BP-441, and BP-561 to bicycle and pedestrian fiscally constrained project list.
Administrative	Rebekah Roth / NHC Planning Staff	New Hanover County	p. iii: Pat Batteman's name is misspelled.	Ms. Batleman's name is spelled correctly per Town of Leland.	No changes are recommended.
Administrative	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 10: Is there a reason why you reference the average household income rather than the median household income? The information in the map for this section shows median household income.	It has been confirmed that both the household income number for the WMPO region as a whole was the median value, not the average. The map was also created using median household income data.	Update text on page 10 and map title on page 14 to say "median household income".
Administrative	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 12-17 (and Appendix A): Could the colors displayed on the maps be intensified? It is difficult/impossible to tell the difference between the lowest and next lowest categories in this map series.		Change map colors on pages 12-17.
Regional Demographics	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 16: Mapping the number of households without vehicles (if possible—could it be estimated?) would be more useful than the percent given the varying populations in each TAZ.		After review, this map will be replaced to show the number of households without vehicles per square mile. This normalizes the data since census tracts vary in both size and population.
Environmental Justice Analysis	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 30: Could you label each category based on the Level of Concentration rather than the ES score—I'm not that familiar with the score on its own and had to keep flipping back and forth between the map and the table on the previous page to understand what was being shown on the map. Changing the label would be helpful for any readers of the document and would help the map be more useful if taken out for a presentation.		Change legend to show levels of concentration as suggested, include EJ score in parentheses. Add note about definitions on previous page.
Regional Demographics	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 31: In the inset map, the Wilmington label appears to cover up the TAZs where an increase in population is expected in the downtown area, which may lead to questions given recent articles/presentations about how much the downtown population is expected to grow.		Clean up jurisdictional labeling.
BikePed Element (Plan)	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 35: Based on my understanding, the cost share information in the table is only for roadway projects. Standalone bike/ped projects still require the 20% match even if in a plan, correct?	Stand alone bicycle and pedestrian projects, whether funded through the STIP or DA funding, require a local 20% match.	Add text to clarify the difference between NCDOT Complete Streets Cost Share and the 20% local match required for standalone bike/ped projects.
TSMO	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 54: The table for the CMP report is too small to read but big enough to make it feel like it should be legible. Could this be enlarged? If layout is an issue, it would likely be possible to move the CMP network map to p.53 in place of the report cover and move a smaller report cover, which does not provide useful information, to p.54.		Format this table in InDesign at a larger size.
Administrative	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 57: The acronym LRT is used in the Project Cost Estimates for Needs by Node table. There is nothing in this section that explains what that means, so it would be helpful to have it spelled out (I'm assuming it stands for Light Rapid Transit but that took me a while).	On page 57, LRT refers to Light Rail Transit	Change first occurrence to "Light Rail Transit (LRT)" and add to List of Acronyms in the front end of the Technical Appendices.
Regional Demographics	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 63-91 (and Appendix A): The full-scale maps in these areas have labels showing municipalities in Brunswick County which sometimes conflict with the title. Could either the title have a solid background or those labels be removed since those jurisdictions aren't in the WMPO?		Remove labels for municipalities located outside of the WMPO boundary.
Administrative	Rebekah Roth / NHC Planning Staff	New Hanover County	p. 72 & 73: These maps are zoomed in closer than the other views of these portions of NHC, making the titles inaccurate (i.e. NE NHC on p. 72 only includes projects within eastern Wilmington and not any in what we generally view as NE NHC, p. 73 only shows Pleasure Island and none of the projects between Monkey Junction and Snows Cut). It looks like the full scale is shown on the maps on p. 93 and 94.		Review and revise map titles once all edits have been completed. It was not possible to print every map at the exact same scale. The scales had to be adjusted depending on the area and mode shown for legibility.
Administrative	Rebekah Roth / NHC Planning Staff	New Hanover County	p. N-407: An "e" needs to be added so the public outreach community reads "Royal Palms Mobile Home Park."		Revise text as suggested in comment.
Environmental Justice and Critical Resources	Mason Herndon	NCDOT Division 3 (Environmental Program)	Class II should be EA's and Class III CE's as stated in the paragraph at the top of the page. (Page 403)		Revise text as suggested in comment.

Topic	Source	Organization	Comment	WMPO Staff Recommendation/Response	Resolution
Environmental Justice and Critical Resources	Mason Herndon	NC DOT Division 3 (Environmental Program)	In this section I would emphasis that the WMPO first commitment is to avoid or minimize impacts to the natural and built environment. Mitigation for unavoidable impacts would be the second step. (Page 404)		Revise text as suggested in comment.
Environmental Justice and Critical Resources	Mason Herndon	NC DOT Division 3 (Environmental Program)	Depressed roads and tunnels are not viable options in the coastal plain. (Page 405)		Remove these two mitigation measures from chart.
Public Transportation Fiscally Constrained Projects	Vanessa Lacer	Wave / Citizen Advisory Committee	I have reviewed the Draft MTP and found discrepancies in the project list for Public Transportation. On pages 78-82 over 10 of the project types are incorrect. I had begun to list them (I stopped at 10), but I thought it more effective to alert you to the significant number as they will likely all need confirmation. If the data were mixed up during sorting, the project cost amounts may also be incorrect (I have not compared those numbers). Additionally, as one of the scoring criteria for Public Transportation is "Park and Ride" it may be possible that those projects mislabeled as Park and Ride have also been scored incorrectly.		Review and update project types in fiscally constrained public transportation table.
Roadway Fiscally Constrained Projects	Eric Canup	Citizen (Wilmington)	I live in the River's Edge neighborhood, which is located on the southeast side of Independence Boulevard, just prior to its intersection with River Road. In the past two years, we have seen the following development taking place within a one-mile radius of our house: 1) River Lights--2300 homes, mixed use restaurants/retail. This project is ongoing and has already created a noticeable increase in traffic turning from River Road onto Independence Blvd. 2) Indy West--High density apartment homes along the northwest side of Independence Blvd. between River Road and Carolina Beach Road. 3) The Woodlands at Echo Farms--High density town homes along the southeast side of Independence Blvd. extension--30-40 single-family homes on the northwest side of Independence Blvd. between River Road and Carolina Beach Rd. The traffic along this section of road has already become significantly more challenging during rush hour periods, and two of these projects (River Lights and The Woodlands) are not remotely near completion, which would indicate that thousands more residents and their cars have yet to inhabit this area. It has become commonplace for it to take me 3-4 light cycles to get through Carolina Beach Rd. in the morning rush hour. It has also taken me 3-5 minutes to leave my neighborhood in the other direction and make a right or left turn onto River Road, as making this turn is inhibited by the traffic travelling in both directions along River Road. After looking over the 2045 MTP, it also appears that the long-term plan is to bring the Cape Fear Crossing from Brunswick County directly into this section of Independence Blvd. Granted, this project is 25 years out, but the MTP does not suggest any plans to make any other accommodations for the increase in traffic along this section of road during the same time period. My suggestions are these: 1) Widen Independence Blvd. to four lanes from River Road to Carolina Beach Road. 2) Build a traffic circle at the intersection of River Road and Independence Boulevard. I appreciate your consideration of these suggestions and the work you do in planning for the future of Wilmington and New Hanover County.	The widening of Independence Blvd between River Road and US 421/Carolina Beach Road is recommended for inclusion in the draft roadway fiscally constrained project list. Project funding will still need to be identified for these projects.	No changes are recommended.
	Brad Shaver	USACE	Page 404 (11 of 20) at the bottom of the page the author refers to "known environmental communities and hydrologic resources". Using mapping from NCDEQ, FEMA, and others you can make this claim for some of the resources but you can't regarding wetlands. There is no one wetland map that identifies all wetlands. There are multiple maps that predict where wetlands exist such as National Wetland Inventory (NWI) mapping and NC Crews mapping hosted by the Division of Coastal Management but these both are simply using remote sensing tools to predict where wetlands will exist. I would stay away from using terms such as "known" when it comes to wetlands. Wetlands are identified on a case by case basis that involves a wetland delineation and verification by the appropriate regulatory agency. I certainly understand your intent but Regulatory agencies such as ours get nervous when something is listed as known when that is not necessarily true. Maybe the easiest solution would be footnoting the tables and charts with where the wetland information comes from and that it is not meant to be absolute but estimated		Revise text as suggested in comment. Review entire section to ensure all instances of this wording are revised.
Environmental Justice and Critical Resources			Under the wetlands table describing mitigation measures you have listed wetland creation. I would advise removing this and replacing with on-site wetland restoration and or preservation of wetlands in threat of being impacted. Based on a 2008 EPA guidance document for mitigation wetland creation is not a preferred option and our office has not seen this as a option for over a decade.	We believe this table originated from a collaboration between the Piedmont Triad MPOs and FHWA's North Carolina Division circa 2008. We have been working to update it.	Revise text as suggested in comment.
Environmental Justice and Critical Resources	Brad Shaver	USACE	I would define where the wetland layer on pg 408 comes from as a footnote, again explaining it is based off a predictive model not known locations of wetlands.		Confirm source of layer with GIS Analyst, add suggested footnote to text.
Environmental Justice and Critical Resources	Brad Shaver	USACE	Correct minor formatting errors in CAC Foreword (double spaces between sentences); CAC heading in Acknowledgements should read "Citizens Advisory Committee"		Make suggested changes.
Plan Document, Chapter 1	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Plan Document, Chapter 2	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Plan Document, Chapter 3	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Plan Document, Chapter 4	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Plan Document, Chapter 5	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Plan Document, Chapter 6	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.

Topic	Source	Organization	Comment	WMPO Staff Recommendation/Response	Resolution
Roadway Fiscally Constrained Projects	Ken Sahi	Citizen (Wilmington)	I live in the Del Web Riverlights neighborhood, which is located on River Road between Independence Boulevard and Lorraine Drive. In the past two years, we have seen the following development taking place within a one-mile radius of our house: 1) River Lights--2300 homes, mixed use restaurants/retail. This project is ongoing and has already created a noticeable increase in traffic turning from River Road onto Independence Blvd. 2) Indy West--High density apartment homes along the northwest side of Independence Blvd. between River Road and Carolina Beach Road. 3) The Woodlands at Echo Farms--High density town homes along the southeast side of Independence Blvd. between River Road and Carolina Beach Rd. within the confines of the old Echo Farms golf course. This project is ongoing. 4) Echo Farms Blvd. extension--30-40 single-family homes on the northwest side of Independence Blvd. between River Road and Carolina Beach Rd. The traffic along this section of road has already become significantly more challenging during rush hour periods, and two of these projects (River Lights and The Woodlands) are not remotely near completion, which would indicate that thousands more residents and their cars have yet to inhabit this area. It has become commonplace for it to take me 3-4 light cycles to get through Carolina Beach Rd. in the morning rush hour. It has also taken me 3-5 minutes to leave my neighborhood in the other direction and make a right or left turn onto River Road, as making this turn is inhibited by the traffic travelling in both directions along River Road. After looking over the 2045 MTP, it also appears that the long-term plan is to bring the Cape Fear Crossing from Brunswick County directly into this section of Independence Blvd. Granted, this project is 25 years out, but the MTP does not suggest any plans to make any other accommodations for the increase in traffic along this section of road during the same time period. My suggestions are these: 1) Widen Independence Boulevard. I do four lanes from River Road to Carolina Beach Road. 2) Build a traffic circle at the intersection of River Road and Independence Boulevard. I appreciate your consideration of these suggestions and the work you do in planning for the future of Wilmington and New Hanover County.	The widening of Independence Blvd between River Road and US 421/Carolina Beach Road is recommended for inclusion in the draft roadway fiscally constrained project list. Project funding will still need to be identified for these projects.	No changes are recommended.
Overall Plan Content	Andy McGlinn	Citizen (Wilmington)	Good morning. I appreciate the opportunity to make comments on this plan. I have a few and while they are not specific to a single project, they are connected and relevant. Congestion is an outcome of our increased car reliance and our built environment. New roadways or wider roadways will not fix this. The only thing that will fix it is less cars on the road. I do think the public transit system can be made more attractive to riders. Some fixes like fare collection can go a long way. Express bus lanes would be another. I also believe the MPO, along with the city and counties should advocate for dedicated funding for public transit. A major factor that is given little attention is that we have built ourselves into this situation. Sprawl is given little attention, yet is a main driver. I believe this report and platform can be used to advocate for how we build our area. A more dense concentration along existing transit routes can drive riders to the public transit option. Building community nodes along a safe walkable route can also ease congestion by incentivizing people to leave their car at home. This can clearly help break the cycle of a car centered planning process. I do appreciate the breadth and depth of this report. Transportation will continue to be a major concern for people for a long time. But, the MPO should take a lead role in advocating for how we build for the future.	We address these concerns throughout the plan. The plan acknowledges the need for a dedicated funding source for Wave Transit and recommends the implementation of Bus Rapid Transit (BRT) elements, such as dedicated bus lanes, and technology improvements including expanded fare payment options in order to attract choice riders. Refer to pages 41-42 of the plan document as well as Appendix J, Public Transportation Element. The plan also discusses the need to coordinate transportation and land use planning, including Transit-Oriented Development (TOD). Refer to pages 375-376 of Appendix L, where it is recommended that WMPO member jurisdictions encourage TOD where appropriate through their land use and zoning regulations. The plan also provides information on NCDOT's and the WMPO Board's "Complete Streets" policies, which require the consideration and implementation of multimodal facilities in transportation projects. Refer to page 35 of the plan document and pages 372-373 of Appendix L.	No changes are recommended.
Bicycle and Pedestrian Fiscally Constrained Projects	Terry Benjey Bicycle Foundation	Bicyclist Advocacy Group	MUP Availability and Connections: There is no safe access from the current Military Cutoff MUP to the MUP that is planned from the Ogden Park area, running north along the Military Cutoff Extension. This situation can be somewhat eased in the following way: 1. Beginning with the newly completed extension of the Military Cutoff MUP around the new access road from Military Cutoff to Market Street, connect the MUP that is planned for Market Street extending to Middle Sound / Ledire Road intersection. Our understanding is there is to be a cross walk on Market Street at that intersection as shown on sheet 29 of the Military Cutoff Extension project and also a map provided by Caitlin Marks (copy attached) 2. Add a MUP going from that intersection to the Ogden Business Lane (near the Ice House) and from there to Ogden Park Road, where the Military Cutoff Extension Proposed MUP begins. This would make it possible to go from the current Military Cutoff MUP to the proposed MUP beside the Military Cutoff Road extension. It is an indirect and rather circuitous route, but it is our best attempt to provide pedestrian and bicycle access considering the previously approved plans for the Military Cutoff extension. Crosswalk Availability: There is no safe way for bicyclists and pedestrians to cross Military Cutoff or Market Street at Gordon Road. This serious safety issue can be lessened by: 1. Add a ped/bicycle crosswalk on Market Street at Gordon road to facilitate non-vehicular traffic between the Ogden Elementary school and two shopping centers 2. Add a cross walk on Military Cutoff at the intersection with Gordon road between the SE corner and the SE W corners. The location of these crosswalks is shown on the attached PowerPoint chart. Please confirm that these crosswalks are included in the NCDOT project plans. They would serve pedestrians and cyclists who are attempting to cross both roads and facilitate non-vehicular travel between shopping centers, health facilities, residential areas and a school. We also hope that NC DOT planners are taking into consideration that this area is part of the planned interstate East Coast Greenway (Complementary Historic Coastal Route) alignment. Underlaying this is a concern that the traffic modifications along Gordon Road including both intersections at Military Cutoff and at Market Street are not including "Complete Street" guidelines. This is an area that features a Food Lion, Planet Fitness, Walgreens, CVS, McDonalds, and a number of other restaurants and businesses. The Military Cutoff MUP serves "active modes of transportation" (pedestrians and cyclists) and connections to an extensive range of residential areas, this proposal connects it to Ogden Park and beyond.	NCDOT, in coordination with New Hanover County and the WMPO, has programmed funding for the proposed improvements outlined in this comment. The only facility not included within the programmed improvements is a pedestrian crossing at Military Cutoff Road and Gordon Road. The project was originally considered for inclusion within the bikeped fiscally constrained project list, but was not carried forward by the Bikeped modal subcommittee or CAC for project cross section development, scoring, and ranking.	No changes are recommended.

Topic	Source	Organization	Comment	WMPO Staff Recommendation/Response	Resolution
Bicycle and Pedestrian Fiscally Constrained Projects	Terry Benjey Bicycle Foundation	Bicyclist Advocacy Group	Safe cycling via Market Street to Porters Neck, Scotts Hill, and through Hampstead	NCDOT, in coordination with New Hanover County and the WMPO, has programmed funding for the proposed improvements outlined in this comment. The only facility not included within the programmed improvements is a pedestrian crossing at Military Cutoff Road and Gordon Road. The project was originally considered for inclusion within the bikedped fiscally constrained project list, but was not carried forward by the Bikedped modal subcommittee or CAC for project cross section development, scoring, and ranking. The Hampstead Superstreet project, funded in the 2020-2029 STIP includes 5' sidewalks and shoulders.	No changes are recommended.
	Stephanie Ayers	NC Port of Wilmington/TCC Member	Would request in the appendix, we add this language somewhere. This would really help us with federal grant applications. "In 2018, NC Ports undertook a Container Terminal Yard Improvement Planning Study with the key objective of expanding the current terminal throughput capacity to accommodate a minimum 750,000 (TEUs) annually by 2025. Recent investments in infrastructure improvement projects including the procurement of new neo-Panamax cranes, berth renovations and vessel navigation improvements has increased the container berth's capacity to well over 1,000,000 TEUs annually. However, to achieve the forecasted annual throughput volume, it has been identified that existing key port infrastructure directly behind the berth, such as the main terminal gate complex, the container storage yard and paving, and intermodal yard improvements are required so that the capacity of the rest of the terminal can match or exceed the targeted annual throughput. In total, the five-year infrastructure investment plan requires \$250 million in support of the expansion plan at NC Ports."		Add requested language
Freight Rail Appendix	Stephanie Ayers	NC Port of Wilmington/TCC Member	Replacement of some of the Port related pictures with provided new pictures.		Make suggested changes.
Freight Rail Appendix	Stephanie Ayers	NC Port of Wilmington/TCC Member	This should be changed to reflect correct volumes as identified in the 2018 Economic Contribution Report. 322,291 TEUs		Make suggested changes.
Freight Rail Appendix	Stephanie Ayers	NC Port of Wilmington/TCC Member	Replace text with: North Carolina Ports is working with its federal partners on necessary navigational harbor enhancements that will enable the Port of Wilmington to better accommodate deep-draft container vessels. Efforts to widen the existing turning basin from 1,400 feet to 1,524 feet were completed in spring 2020 and enable the port to accommodate ultra-large container vessels which can carry 14,000 TEUs		Make suggested changes.
Bicycle and Pedestrian Fiscally Constrained Projects	Debra Willis	Citizen (Leland)	US 17 cuts northern Brunswick County in half. There is no safe way for bicycles or pedestrians to cross. I addition, there is no public transportation alternative to cross the very busy highway	There are three bicycle and pedestrian crossing projects within the fiscally constrained project list. These are BP-838 US 17 & Old Waterford Way/Plow Rd Crosswalk Improvements, BP-839 US17 & W Gate Dr/Grandiflora Dr Crosswalk Improvements, BP-842 US17 & Lanvale Rd/Provision Pkwy Crosswalk Improvements	No changes are recommended.
Roadway Fiscally Constrained Projects	Debra Willis	Citizen (Leland)	There needs to be a connector street from Old Fayetteville Rd to Village Rd (RW-77). With two schools on Old Fayetteville Rd, more access is needed to be able to get off of Old Fayetteville in case of an accident.	RW-77, Basin Street Extension, is a proposed new road on new location that would connect Old Fayetteville Road to Village Road NE. Please refer to page 322 in Appendix J, where this fiscally-constrained roadway project is detailed and mapped.	No changes are recommended.
Roadway Fiscally Constrained Projects	Debra Willis		Old Fayetteville Rd is in Horrible shape! There are no sidewalks near the schools. The road has no shoulder on either side. It is heavily traveled with the middle school and high school, as well as town hall. The road also has mail delivery, garbage pickup. It is not safe for bicycles or pedestrians. The bridge across the creek is falling and becomes more of a safety hazard every day.	There is a roadway modernization for Old Fayetteville Road included in the fiscally-constrained project list (RW-78). Please refer to page 360 in Appendix J, where this project, which includes a 10' MUP, is detailed and mapped. An NCDOT project is planned to replace the bridge over Sturgeon Creek on Old Fayetteville Road (Bridge 181). The anticipated let date is April 14, 2022. Please note that this schedule is subject to change until further notice.	No changes are recommended.
Roadway Fiscally Constrained Projects	Debra Willis	Citizen (Leland)	The intersection of Old Fayetteville Rd and Lanvale Rd is very dangerous. There needs to be a traffic signal and the intersection needs to be improved to allow for safe turning radius in all directions, proper shoulders in all directions.	NCDOT Division 3 is moving forward with the installation of a traffic signal at this location utilizing monies from the high impact, low cost funding source.	No changes are recommended.
Roadway Fiscally Constrained Projects	Debra Willis	Citizen (Leland)	Lanvale Rd is unsafe. There are no shoulders and there are huge ruts where vehicles have run off the road. It is unsafe for bicycles or pedestrians and also unsafe for our garbage collectors and mail delivery personnel.	RW-7, Lanvale Road NE Widening, includes two additional travel lanes and a 10' MUP. Please refer to page 337 in Appendix J, where this fiscally-constrained roadway project is detailed and mapped.	No changes are recommended.
Roadway Fiscally Constrained Projects	Debra Willis	Citizen (Leland)	The intersection of Lanvale Rd and Village Rd is unsafe, especially with traffic from US 74.	This intersection was not identified by the CAC as a regionally significant project.	No changes are recommended.
Roadway Fiscally Constrained Projects	Debra Willis	Citizen (Leland)	NC 133 is unsafe with traffic from all of the residential areas and school. It is not bicycle or pedestrian friendly.	RW-51, NC133/River Road SE Widening, includes two additional travel lanes, a median, and a 10' MUP. Please refer to page 343 in Appendix J, where this fiscally-constrained roadway project is detailed and mapped.	No changes are recommended.

Topic	Source	Organization	Comment	WMPO Staff Recommendation/Response	Resolution
Background & Demographics Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Federal Regulations Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Future Technologies Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Public Involvement Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Financial Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Aviation Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Bicycle and Pedestrian Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Ferry Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Freight Rail Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Public Transportation Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Roadway Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
TSMO Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
TDM Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Environmental Justice and Critical Resources Appendix	Rachel McIntyre	WMPO	Correct minor formatting, typographical, and grammatical errors. Ensure consistency with acronym use (define once per chapter/appendix, then use acronym)		Make suggested changes.
Environmental Justice and Critical Resources Appendix	Joanne Steenhuis	NCDEQ	I think the region has a very low amount of open area/parks/state owned land that could be used for parks. I would think that getting more open area etc. would help with many of the issues we are seeing now (flooding and nowhere for water to go) and I think this issue would be exacerbated as the area becomes even more developed. There is not a lot of large open parcels left and if there are most of it is probably wet or in forestry. I know that is not a road issue, although they are additional impervious surfaces.	This comment is covered under TSMO land use discussion, and briefly in roadway where discussing resiliency.	Ensure that this comment is adequately addressed in TSMO land use discussion and/or resiliency sections. Add wording if necessary.
Environmental Justice and Critical Resources Appendix	Joanne Steenhuis	NCDEQ	On page 401 you have misspelled beach on U-5790.	This typo came from the original project list and wasn't caught – it needs to be corrected everywhere.	Fix typo on page 401, also fix in Fiscally-Constrained Roadway Project List (Chapter 7 and Appendix K) and search original project list.
Environmental Justice and Critical Resources Appendix	Joanne Steenhuis	NCDEQ	<i>In response to revised Mitigation Measures chart:</i> I like the revision (as I know DWR and the USACE thinks wetland creation usually fails). I wonder if you might want to add wetland preservation to help control flooding. I think the statements [“Wetland restoration possible through NCDEQ’s Division of Mitigation Services (DMS)” and “On-site wetland restoration.”] should be separate.		Add “Wetland preservation to help control flooding” to Mitigation Measures chart.
Freight Rail Appendix	Stephanie Ayers	NC Port of Wilmington/TCC Member	The primary truck routes on page 222, should probably include Burnett Boulevard (entrance to North Gate) and Shipyard Boulevard (entrance to South Gate).		Make suggested changes.
Roadway Fiscally Constrained Projects	Theresa B Landrigan	Citizen (Wilmington)	Can you quickly remedy the traffic at this hazardous intersection? 1. Widen Independence from two to four lanes, from Carolina Beach Road to River Road 2. Install a rotary traffic circle at the intersection of Independence and River Road. It's bad now and will only increase in the near future, because 1. River Road repair near the State Ports will end 2. Building escalates along River Road	The widening of Independence Blvd between River Road and US 421/Carolina Beach Road is recommended for inclusion in the draft roadway fiscally constrained project list. Project funding will still need to be identified for these projects.	No changes are recommended.
Roadway Fiscally Constrained Projects	Valerie Baxter	Citizen (Wilmington)	Dear Mayor Safto, City Council and City Planners - I live in the River's Edge neighborhood, which is located on Independence, just prior to its intersection with River Road. In the past two years, we have seen significant development taking place within a one-mile radius of our homes which is saturating the 2-lane Independence. I know there is a requirement to conduct a traffic impact study for construction of 90+ residence before allowing a builder to build. It doesn't seem like this requirement is being met for this area. We are dealing with a tremendous increase of traffic volume on Independence, especially during rush hour periods. During morning rush hour, it is taking 8-10 minutes for me to get through the light at Carolina Beach - it use to take me 2-3 minutes. There have been times when it has taken me 3-5 minutes just to leave my neighborhood as we only have one (1) entrance/exit which is another significant issue. We have 260 homes in River's Edge and The Marshes have 244 condos with another 244 approved to be developed. Where is the traffic impact study for this additional impact on our one entrance/exit? If we needed EMT during rush hour, this could be a disaster. After reviewing the city plans, I was surprised to see there isn't a plan to widen Independence or to relieve congestion at Independence and River Rd with a traffic circle or a light. We really need some relief here. Please conduct a traffic impact study quickly and help us to be able to get in and out of our neighborhood safely. I appreciate your consideration of these suggestions and the work you do in planning for the future of Wilmington and New Hanover County.	The widening of Independence Blvd between River Road and US 421/Carolina Beach Road is recommended for inclusion in the draft roadway fiscally constrained project list. Project funding will still need to be identified for these projects.	No changes are recommended.

Topic	Source	Organization	Comment	WMPO Staff Recommendation/Response	Resolution
Bicycle and Pedestrian Fiscally Constrained Projects	Terry Benjey Bicycle Foundation	Bicyclist Advocacy Group	A safe bike/ped crossing of the Cape Fear River in or near Wilmington	A Wilmington - Leland bicycle and pedestrian crossing was the number one ranking bicycle and pedestrian project (BP-268). Given the significant cost of the project, the CAC determined that the project would likely require an alternative funding source or to be part of a roadway project. Both the replacement of the Cape Fear Memorial Bridge and the Causeway Improvements Ph. 2 fiscally constrained roadway projects include a separated multi-use path within their cross sections for this connection.	No changes are recommended.
Bicycle and Pedestrian Fiscally Constrained Projects	Terry Benjey Bicycle Foundation	Bicyclist Advocacy Group	A separate bike lane or MUP across Eagle Island and the Brunswick River roughly parallel to US 17/74/76	A Wilmington - Leland bicycle and pedestrian crossing was the number one ranking bicycle and pedestrian project (BP-268). Given the significant cost of the project, the CAC determined that the project would likely require an alternative funding source or to be part of a roadway project. Both the replacement of the Cape Fear Memorial Bridge and the Causeway Improvements Ph. 2 fiscally constrained roadway projects include a separated multi-use path within their cross sections for this connection.	No changes are recommended.
Bicycle and Pedestrian Fiscally Constrained Projects	Terry Benjey Bicycle Foundation	Bicyclist Advocacy Group	Extend the existing Independence Blvd bike path from the CAM to River Road.	The Independence Blvd MUP Ph. 2 (between US 421 and S. 17th Street) is included within the BikePed fiscally constrained project list with a rank of 39. The Independence Blvd MUP Ph. 1 (between River Rd and US 421) was selected for cross section identification, scoring, and final ranking by the CAC. Of 175 projects, the final ranking of the project was 130 and it was unable to be included in the fiscally constrained project list. The cross sections for the roadway fiscally constrained projects of Independence Blvd Access Management (RW-223) and Independence Blvd Widening (RW-222) include a 10' multi-use path as part of their identified cross sections.	No changes are recommended.
Bicycle and Pedestrian Fiscally Constrained Projects	Terry Benjey Bicycle Foundation	Bicyclist Advocacy Group	A bike friendly "North - South" facility on the western side of the Cape Fear River	A multi-use path adjacent to NC 133/River Road (BP-180) was considered for the fiscally constrained BikePed project list. Based on its score, it ranked 144 out of 175 and was unable to be fiscally constrained. Similarly, the Brunswick Nature Park Connectors (BP-239 and BP-238) were also considered and scored, ranking 127 and 133, respectively, and were also unable to be fiscally constrained. The cross section for the roadway fiscally constrained project NC133/River Road Widening (RW-51) includes a 10' multi-use path.	No changes are recommended.
Roadway Fiscally Constrained Projects	Abby Lorenzo	WMPO	Roadway fiscally constrained projects ranked 57 and 58 are still identified as RWT-#. Need to be changed to just RW-#.		Make suggested changes.
			Dear Mayor Saffo, City Council and City Planners - I live in the River's Edge neighborhood, which is located on Independence, just prior to its intersection with River Road. In the past two years, we have seen significant development taking place within a one-mile radius of our homes which is saturating the 2-lane Independence. I know there is a requirement to conduct a traffic impact study for construction of 90+ residence before allowing a builder to build. It doesn't seem like this requirement is being met for this area. We are dealing with a tremendous increase of traffic volume on Independence, especially during rush hour periods. During morning rush hour, it is taking 8-10 minutes for me to get through the light at Carolina Beach - it use to take me 2-3 minutes. There have been times when it has taken me 3-5 minutes just to leave my neighborhood as we only have one (1) entrance/exit which is another significant issue. We have 260 homes in River's Edge and The Marshes have 244 condos with another 244 approved to be developed. Where is the traffic impact study for this additional impact on our one entrance/exit? If we needed EMT during rush hour, this could be a disaster. After reviewing the city plans, I was surprised to see there isn't a plan to widen Independence or to relieve congestion at Independence and River Rd with a traffic circle or a light in the next 25 year plan. We really need some relief here. Please conduct a traffic impact study quickly and help us to be able to get in and out of our neighborhood safely. I appreciate your consideration of these suggestions and the work you do in planning for the future of Wilmington and New Hanover County.	The widening of Independence Blvd between River Road and US 421/Carolina Beach Road is recommended for inclusion in the draft roadway fiscally constrained project list. Project funding will still need to be identified for these projects.	No changes are recommended.
Roadway Fiscally Constrained Projects					

Topic	Source	Organization	Comment	WMPO Staff Recommendation/Response	Resolution
Roadway Fiscally Constrained Projects			Good afternoon, My name is Jeffrey Miller and I'm a resident of the River's Edge neighborhood near the intersection of Independence Blvd and River Rd. With the construction of River Lights, Indy West, and others, traffic has increased along Independence Blvd between River Road and Carolina Beach Road. This has caused long lines getting in and out of neighborhoods and increased the time it takes to cross or turn onto River Road and Carolina Beach Road. With part of River Road closed for the last 6 months, these problems have only compounded. As River Lights grows, these temporary traffic issues will likely become the norm and turn this section of Independence Blvd into a permanent bottleneck. I ask that you consider expanding Independence Blvd between Carolina Beach Road and River Road, a section of road approximately only one mile long. Widening to four lanes would be optimal, but if this isn't possible, creating a central turn lane would be very beneficial. The comprehensive plan from summer 2017 references welcome ideas such as creating shorter trips to access businesses, increasing the ability for foot/bike travel, and forming 'complete streets.' Keeping this in mind, walking along Independence Blvd isn't safe yet people still do it, and the narrow bike lane often forces cyclists into traffic lanes, risking their safety and further impeding the flow of traffic. Creating a wider and more 'complete' road will also help the local economy by giving many people access to The Pointe at Barclay via a short bike ride or walk. I believe Independence Blvd will need to become a major thoroughfare in the near future. As the River Lights area continues to expand, commuters will likely start looking to bypass traffic during rush hour, creating unnecessary use and wear to residential streets and risking the safety of children playing and heading to school. A traffic light at the intersection of Independence Blvd and River Road is also necessary, but in conjunction with the expansion of Independence Blvd. I say this because currently the eastbound lane of Independence Blvd expands to two lanes so shortly before the light at Carolina Beach Road, very few cars make it through each greenlight during rush hour. A traffic circle may be a better option if expansion is limited to only adding a turn lane. Thank you very much for taking the time to read this and for considering these suggestions. Expanding this one mile of Independence Blvd and creating safer options for walking and biking will benefit traffic flow, support local businesses, and allow the safer and faster deployment of emergency services, all while fitting right in with the already proposed comprehensive plans for improving Wilmington's infrastructure. Thank you again for your time and consideration.	The widening of Independence Blvd between River Road and US 421/Carolina Beach Road is recommended for inclusion in the draft roadway fiscally constrained project list. Project funding will still need to be identified for these projects.	No changes are recommended.
	Abby Lorenzo	WMPO	There is a mistake in the cost estimate for RW-123, Burnett Boulevard Widening. \$123,830,000 seems much too high.	Utilizing NCDOT's Prioritization cost estimation tool, the project cost was estimated to be \$4,202,000 in 2020. With the application of a 3% annual inflation rate, project year cost estimate is \$8,798,055. The change in cost estimate allowed for an additional project, RW-57 Plantation Road Extension, to be added to the fiscally constrained project list.	Update revised cost estimate in tables and cutsheets
	Abby Lorenzo	WMPO	Expand the EJ DOI Analysis to include Bicycle and Pedestrian and Public Transportation Fiscally Constrained Projects		Recommend additional analysis and results be included in Appendix N
	Abby Lorenzo	WMPO	Add examples of potential benefits and burdens by project type and provide mitigation options.		Recommend additional information be included in Appendix N
Environmental Justice and Critical Resources Appendix	Abby Lorenzo	WMPO	Quantify distribution of fiscally constrained project spending by EJ DOI analysis group.		Recommend additional analysis and results be included in Appendix N



HOUSE BILL 77: DOT 2020-21 FY Budget/Governance.

2019-2020 General Assembly

Committee:	Senate Appropriations/Base Budget.	If Date:	June 17, 2020
	favorable, re-refer to Transportation. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Reps. Torbett, Presnell, Iler, Shepard	Prepared by:	Joshua Freeman
Analysis of:	PCS to Second Edition		Howard Marsilio
	H77-CSMWxfra-4		Staff Attorneys

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 77 would adjust the Department of Transportation's FY 2020/21 Certified Budget, and implement various financial governance provisions, including the restructuring of the Board of Transportation.*

CURRENT LAW/BILL ANALYSIS:

Part 1

Part 1 appropriates funds to the Department of Transportation (DOT) for the 2020-2021 fiscal year, as adjusted by the General Assembly.

Part 2

Part 2 contains the current operations and availability schedules for the Highway Fund and Highway Trust Fund, as adjusted by this act for the 2020-2021 fiscal year.

Part 3

Part 3 contains the adjustments to the programs and fund codes of the Department for the 2020-2021 fiscal year.

Part 4

Part 4 contains the following: (4.1) four year schedule of anticipated revenue for the Highway Fund and Highway Trust Fund; (4.2) motor fuel excise tax rate adjustment for the 2021-2022 calendar year; (4.3) authorization for the State Treasurer to issue \$700 million in Build NC Bonds for Department use on currently existing projects; (4.4) directs the Department to use any unexpended Build NC Series 2019A Bond proceeds on currently existing projects; (4.5) increases the maximum annual debt service on GARVEE bonds from 15% to 20% and requires the Department to maintain a reserve with the funds necessary to make the next GARVEE debt service payment; (4.6) revises the motor fuels tax distribution formula between Highway Fund and Highway Trust Fund; (4.7) requires the Secretary of Transportation to notify the Governor when anticipated costs from major disasters will exceed funds in the Emergency Reserve and urges the Governor to convene a special session to appropriate additional funds to the Department for disaster costs; (4.8) clarifies that if funds allocated for snow, ice, and other emergencies are depleted, Department must reduce the budget of listed categories by the same percentage; (4.9) extension of the period the CARES Act funds are allocated to Department, in case federal government revises guidelines on use of these funds; (4.10) revises Department's Cash Watch Weekly Report and

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

House PCS 77

Page 2

Balance Sheet Report; (4.11) repeal of prior fiscal year limited expansion of Powell Bill funds and revises calculation for 2020-2021 fiscal year funds; (4.12) repeals 2020-2021 fiscal year allocation of funds for Capital, Repairs, and Renovations; (4.13) authorizes \$1.5 million dollars for DMV information technology upgrades related to headquarters move; (4.14) allocates Commercial Airport Funds and extends period funds allocated to airports in the 2019-2021 biennium may be used before reversion; (4.15) requires the Rail Division to develop and submit a management plan for rolling stock and dispose of idle and specified assets; (4.16) authorizes lease of Hatteras/Ocracoke Ferry for 2020 summer season; and (4.17) requires the Department to allocate funds to the NC Ports Authority on a quarterly basis.

Part 5

Section 5.1 would amend current law as it relates to the membership, powers and duties, and requirements of the Board of Transportation. The section would terminate the current membership of the Board July 30, 2020, and reconstitute and increase the membership of the Board to 20 voting members beginning July 31, 2020. The Governor would appoint 14 Highway Division members, with at least three of another political party, and the President Pro Tem and Speaker would appoint three at-large members each. The Secretary of Transportation and a person elected by the Executive Committee of the Local Government Commission would be ex officio non-voting members. This section would also make various changes to the Board's duties and powers that relate to transportation finance and provide that the Board's primary duty is to serve as fiduciaries and ensure the solvency of the Highway Fund and Highway Trust Fund.

Section 5.2 would modify the cash balance requirement of the Department to clarify its capability to enter into project contract commitments for transportation projects leading up to and when below the available cash balance requirement of 7.5% of the total appropriations for the current fiscal year from the Highway Fund and the Highway Trust Fund.

Section 5.3 would create a statutory monthly, and year end, Department reporting requirement to address various financial aspects of the Department and require that the Department update its Performance Dashboard to include certain information.

Section 5.4 would create a definition for a Spend Plan for the Department and procedures for submission and approval, or a report of objections, from the Board of Transportation, the Director of Transportation Budget at the Office of State Budget and Management (OSBM), and the State Budget Director for the Department's Spend Plan or for modifications to the Spend Plan.

Section 5.5 would require the Department to transfer one vacant FTE to the OSBM to reclassify as a Director of Transportation Budget within OSBM and specify that position's duties and involvement with monitoring and assisting the Department with cash management and required financial reporting.

Section 5.6 would require the Department to develop and establish a uniform financial management personnel structure for Highway Division offices for the purposes of financial management and require the Department to develop uniform procedures and training.

Section 5.7 would require the Department to transfer one vacant FTE to the Department of the State Treasurer to reclassify as a Financial Analyst position focused on reviewing and monitoring the Department's bond program, and activities which utilize bond proceeds, and assisting the Department of the State Treasurer in fulfilling various compliance duties.

Section 5.8 would require Department, in consultation with the Director of Transportation Budget at the OSBM, to create, develop, modify, and implement Department forecasting methodology, best practices, and accuracy standards for the forecasting of spending.

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Section 5.9 would require the Office of the State Auditor to conduct an annual performance audit of the Department and to include budget adherence, cash management, project delivery and other items deemed appropriate, and produce an annual report.

Section 5.10 would amend the law that relates to the Department's allocation formula for primary and secondary road maintenance to require biennial development of the formula, to consider reallocation of funds based on Highway Division expenditures, and to specify quarterly allotments to Division offices based on the Spend Plan.

Section 5.11 would require the Department to produce and submit a detailed report to the Joint Legislative Transportation Oversight Committee and the Office of the State Auditor on the Department's use of federal Advance Construction authorizations, and would require the State Auditor to conduct a performance audit of the Department's report.

Part 6

Part 6 contains boilerplate language governing enactment of the Department of Transportation budget and also authorization to Office of State Budget and Management (OSBM) to adjust the Department of Transportation General Maintenance Reserve to account for any change in employee benefit costs as a result of the enactment of certain pending legislation.

Part 7

EFFECTIVE DATE: Except as otherwise provided, this act becomes effective July 1, 2020.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

H

D

**HOUSE BILL 77
Committee Substitute Favorable 2/26/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H77-PCS40663-MWxfra-4**

Short Title: DOT 2020-2021 FY Budget/Governance.

(Public)

Sponsors:

Referred to:

February 14, 2019

A BILL TO BE ENTITLED
AN ACT TO ADJUST THE DEPARTMENT OF TRANSPORTATION CERTIFIED BUDGET
FOR THE 2020-2021 FISCAL YEAR AND TO IMPLEMENT GOVERNANCE
MEASURES AND OTHER MODIFICATIONS RELATED TO THE OPERATIONS OF
THE DEPARTMENT.

The General Assembly of North Carolina enacts:

PART I. BUDGET APPROPRIATIONS FOR THE 2020-2021 FISCAL YEAR

SECTION 1.1.(a) All budget codes listed in the DOT Certified Budget for the 2020-2021 fiscal year are appropriated up to the amounts specified, as adjusted by the General Assembly in this act. For purposes of this act, the term "DOT Certified Budget" means the Department of Transportation certified budget for the 2019-2021 biennium published by the Office of State Budget and Management and dated January 31, 2020.

SECTION 1.1.(b) If any provision of S.L. 2019-231 and this act conflict, this act shall control. Except as provided in this section and otherwise where expressly repealed or amended by this act, the provisions of any other legislation enacted during the 2019 Regular Session of the General Assembly expressly appropriating funds to an agency, a department, or an institution covered under this act shall remain in effect.

PART II. HIGHWAY FUND AND HIGHWAY TRUST FUND

CURRENT OPERATIONS/HIGHWAY FUND

SECTION 2.1. Appropriations from the State Highway Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated in Section 2.1 of S.L. 2019-231 are adjusted for the fiscal year ending June 30, 2021, according to the following schedule. Amounts set out in parentheses are reductions from Highway Fund Appropriations for the 2020-2021 fiscal year.

Current Operations – Highway Fund	FY 2020-2021
Department of Transportation	
Administration	\$0
Division of Highways	
Administration	\$0
Construction	\$(8,500,000)



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1	Maintenance	\$70,777,925
2	Governor's Highway Safety Program	\$0
3	OSHA Program	\$0
4		
5	State Aid to Municipalities	\$(17,795,301)
6		
7	Intermodal Divisions	
8	Ferry	\$0
9	Public Transportation, Bicycle, and Pedestrian	\$(76,192,980)
10	Aviation	\$(13,745,222)
11	Rail	\$(12,200,000)
12	Division of Motor Vehicles	\$(794,048)
13		
14	Compensation, Benefits,	
15	Reserves, Transfers, and Other	\$(3,542,874)
16		
17	Capital Improvements	\$(7,707,500)
18		
19	Total Highway Fund Appropriations	\$2,333,400,000

HIGHWAY FUND AVAILABILITY

SECTION 2.2. The Highway Fund availability set out in Section 2.2 of S.L. 2019-231 applies to the 2019-2020 fiscal year only. The Highway Fund availability used in developing the 2020-2021 fiscal year budget is shown below:

26	Highway Fund Availability	FY 2020-2021
27	Consensus Forecast	\$2,127,600,000
28	Motor Fuels Tax Rate Floor	\$16,200,000
29	Motor Fuels Tax Revenue Distribution	\$189,600,000
30		
31	Total Highway Fund Availability	\$2,333,400,000

CURRENT OPERATIONS/HIGHWAY TRUST FUND

SECTION 2.3. Appropriations from the State Highway Trust Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated in Section 2.4 of S.L. 2019-231 are adjusted for the fiscal year ending June 30, 2021, according to the following schedule. Amounts set out in parentheses are reductions from Highway Fund Appropriations for the 2020-2021 fiscal year.

40	Current Operations – Highway Trust Fund	FY 2020-2021
41	Program Administration	\$0
42	Bonds	\$0
43	Turnpike Authority	\$0
44	State Ports Authority	\$0
45	FHWA State Match	\$0
46	Strategic Prioritization Funding Plan for	
47	Transportation Investments	\$(425,900,000)
48	Transfer to Visitor Center	\$0
49		
50	Total Highway Trust Fund Appropriations	\$1,230,900,000

HIGHWAY TRUST FUND AVAILABILITY

SECTION 2.4. The Highway Trust Fund availability set out in Section 2.4 of S.L. 2019-231 applies to the 2019-2020 fiscal year only. The Highway Trust Fund availability used in developing the 2020-2021 fiscal year budget is shown below:

Highway Trust Fund Availability	FY 2020-2021
Consensus Forecast	\$1,419,000,000
Motor Fuels Tax Rate Floor	\$3,800,000
Motor Fuels Tax Revenue Distribution	\$(191,900,000)
Total Highway Trust Fund Availability	\$1,230,900,000

PART III. ADJUSTMENTS TO THE 2020-2021 DOT CERTIFIED BUDGET**USE OF HIGHWAY FUND APPROPRIATIONS**

SECTION 3.1. Of the funds appropriated in this act to the Department of Transportation from the Highway Fund, the sum of one hundred twelve million two hundred twenty-one thousand three dollars (\$112,221,003) for the 2020-2021 fiscal year shall be used as follows:

- (1) General Maintenance Reserve (Fund Code: 0934) – \$84,165,752 in nonrecurring funds. The revised net appropriation is \$517,382,234.
- (2) Contract Resurfacing (Fund Code: 7824) – \$28,055,251 in nonrecurring funds. The revised net appropriation is \$563,737,731.

HIGHWAY FUND REDUCTIONS

SECTION 3.2. Of the funds appropriated in this act to the Department of Transportation from the Highway Fund, the sum of one hundred eighty-one million nine hundred twenty-one thousand three dollars (\$181,921,003) for the 2020-2021 fiscal year shall be reduced as follows:

- (1) Mobility Modernization Program (Fund Code: 7844) – \$41,443,078 in nonrecurring funds. The revised net appropriation is \$0.
- (2) Powell Bill Program (Fund Code: 7836) – \$7,375,000 in recurring funds and \$10,420,301 in nonrecurring funds. The revised net appropriation is \$137,079,699.
- (3) State Secondary System (Fund Code: 7812) – \$8,500,000 in nonrecurring funds. The revised net appropriation is \$3,500,000.
- (4) Commercial Airport Funds (Fund Code: 7830) – \$8,878,022 in nonrecurring funds. The revised net appropriation for this grant program is \$66,121,978.
- (5) State Aid to General Aviation Airports (Fund Code: 7830) – \$4,867,200 in nonrecurring funds. The revised net appropriation for this grant program is \$45,832,800.
- (6) Amtrak Payment Cap (Fund Code: 7829) – \$1,200,000 in nonrecurring funds due to CARES Act cap on Amtrak payments for State-supported routes. The revised net appropriation for contract services in this fund code is \$9,897,200.
- (7) Freight Rail & Rail Crossing Safety Improvement (FRRCSI) Program (Fund Code: 7829) – \$11,000,000 in nonrecurring funds for the FRRCSI grant program. The revised net appropriation is \$10,800,000.
- (8) Public Transportation – Lynx Blue Line Extension (Fund Code: 7831) – \$25,000,000 in nonrecurring funds. Reimbursements to Charlotte Area Transit System (CATS) during the 2020-2021 fiscal year will come from unexpended appropriations.

- (9) Public Transportation – State Maintenance Assistance Program (SMAP) (Fund Code: 7831) – \$32,528,557 in nonrecurring funds. The revised net appropriation for this program is \$0.
- (10) Public Transportation – Rural Operating Assistance Program (ROAP) (Fund Code: 7831) – \$18,664,423 in nonrecurring funds. The revised net appropriation for this program is \$0.
- (11) DMV Headquarters Lease (Fund Code: 7050) – \$794,048 in nonrecurring funds based upon the lease agreement schedule. The revised net appropriation for the lease is \$1,705,952.
- (12) Capital Repairs (Fund Code: 7826) – \$7,707,500 in nonrecurring funds. The revised net appropriation is \$0.
- (13) Department Vacant Positions – \$3,542,874 in recurring funds. This reduction is for the elimination of the following vacant positions:

	Position Description	Position Number
a.	Marine Field Maintenance Superintendent	60029775
b.	Administrative Specialist I	60029763
c.	Engineer III	60029761
d.	Engineer III	60029758
e.	Engineer III	60027691
f.	Engineering Manager I	60027656
g.	Engineer I	60027541
h.	Administrative Officer I	60025145
i.	Engineer III	60025070
j.	HR Technician I	60023288
k.	Executive Assistant I	60023276
l.	Engineering Manager I	60022808
m.	Administrative Associate II	60022310
n.	Agency HR Consultant II	60022309
o.	Engineering Manager I	60021737
p.	Administrative Associate II	60021294
q.	Administrative Specialist I	60021100
r.	Executive Assistant I	60019741
s.	Administrative Associate II	60019631
t.	Administrative Associate II	60019010
u.	Executive Assistant I	60017554
v.	Administrative Associate II	60016967
w.	Administrative Associate II	60016696
x.	Administrative Specialist I	60016599
y.	Administrative Specialist I	60016460
z.	Engineer I	60016454
aa.	Administrative Associate II	60016453
bb.	Administrative Associate II	60016068
cc.	Administrative Specialist II	60015790
dd.	Aircraft Maintenance Supervisor	60015606
ee.	Maintenance/Construction Technician II	60015522
ff.	Auditor I	60015502
gg.	Maintenance/Construction Supervisor III	60015485
hh.	Administrative Specialist II	60015480
ii.	Auditor III	60015440
jj.	Auditor I	60015437
kk.	Auditor III	60015433

ll.	Auditor III	60015427
mm.	Auditor III	60015204
nn.	Agency HR Consultant III	60015079
oo.	Public Information Manager	60014954

HIGHWAY TRUST FUND REDUCTIONS

SECTION 3.3. Of the funds appropriated in this act to the Department of Transportation from the Highway Trust Fund, the sum of four hundred twenty-five million nine hundred thousand (\$425,900,000) for the 2020-2021 fiscal year shall be reduced as follows:

- (1) Strategic Transportation Initiative (Fund Code: 9075) – \$425,900,000 in nonrecurring funds. The revised net appropriation is \$1,039,408,940.

PART IV. DEPARTMENT OF TRANSPORTATION

CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATIONS

SECTION 4.1.(a) Subsections (b) and (c) of Section 4.1 of S.L. 2019-231 are repealed.

SECTION 4.1.(b) The General Assembly authorizes and certifies anticipated revenues for the Highway Fund as follows:

For Fiscal Year 2021-2022	\$2,472.1 million
For Fiscal Year 2022-2023	\$2,452.8 million
For Fiscal Year 2023-2024	\$2,509.9 million
For Fiscal Year 2024-2025	\$2,587.8 million

SECTION 4.1.(c) The General Assembly authorizes and certifies anticipated revenues for the Highway Trust Fund as follows:

For Fiscal Year 2021-2022	\$1,390.6 million
For Fiscal Year 2022-2023	\$1,574.6 million
For Fiscal Year 2023-2024	\$1,621.9 million
For Fiscal Year 2024-2025	\$1,661.7 million

SECTION 4.1.(d) Beginning the 2021-2022 fiscal year, the Department of Transportation, in collaboration with the Office of State Budget and Management, shall develop a five-year revenue forecast. The five-year revenue forecast developed under this subsection shall be used (i) to develop the five-year cash flow estimates included in the biennial budgets, (ii) to develop the Strategic Transportation Improvement Program, and (iii) by the Department of the State Treasurer to compute transportation debt capacity.

MOTOR FUEL EXCISE TAX FLOOR

SECTION 4.2. Notwithstanding the rate calculated pursuant to G.S. 105-449.80(a), for the period that begins on January 1, 2021, and ends on December 31, 2021, the motor fuel excise tax rate shall be the greater of thirty-six and one-tenth cents (36.1¢) per gallon or the rate calculated pursuant to G.S. 105-449.80(a). For the period beginning January 1, 2022, the motor fuel tax rate shall be calculated pursuant to the formula set out in G.S. 105-449.80(a), using as the amount for the preceding calendar year, the 2021 calendar year tax rate as calculated under this section.

BUILD NC BOND ADDITIONAL ISSUE

SECTION 4.3.(a) Notwithstanding G.S. 142-97(2)c. and G.S. 142-97(4), for the 2020-2021 fiscal year, the Department of the State Treasurer is authorized to issue Build NC Bonds in the amount of seven hundred million dollars (\$700,000,000), if the issuance plan is in compliance with appropriate credit, control, and disclosure requirements.

1 **SECTION 4.3.(b)** Notwithstanding the project tier distribution requirements in
2 subdivision (2a) of G.S. 142-82 and Section 2 of S.L. 2018-16, the Department of Transportation
3 shall use the net proceeds of Build NC Bonds issued pursuant to subsection (a) of this section on
4 currently existing projects.

5 **SECTION 4.3.(c)** For purposes of this section, the term "currently existing project"
6 means a project that is, as of June 1, 2020, in the process of design or construction.

7 **SECTION 4.3.(d)** Nothing in this section shall be construed as modifying the Build
8 NC Bonds limit set forth in G.S. 142-97(3).

9 **SECTION 4.3.(e)** Section 1.1 of S.L. 2019-251 is repealed.

10 11 **UNEXPENDED BUILD NC BONDS**

12 **SECTION 4.4.** To the extent authorized by law and any applicable contract, the
13 Department of Transportation shall use any unexpended net proceeds from the Build NC Series
14 2019A Bonds on currently existing projects. The Department of State Treasurer and the
15 Department of Transportation shall take all steps necessary to implement this section. For
16 purposes of this section, the term "currently existing project" means a project that is, as of June
17 1, 2020, in the process of design or construction.

18 19 **INCREASE MAXIMUM GARVEE DEBT SERVICE/USE GARVEE RESERVE FUNDS**

20 **SECTION 4.5.(a)** G.S. 136-18(12b) reads as rewritten:

21 "(12b) To issue "GARVEE" bonds (Grant Anticipation Revenue Vehicles) or other
22 eligible debt-financing instruments to finance federal-aid highway projects
23 using federal funds to pay a portion of principal, interest, and related bond
24 issuance costs, as authorized by 23 U.S.C. § 122, as amended (the National
25 Highway System Designation Act of 1995, Pub. L. 104-59). These bonds shall
26 be issued by the State Treasurer on behalf of the Department and shall be
27 issued pursuant to an order adopted by the Council of State under G.S. 159-88.
28 The State Treasurer shall develop and adopt appropriate debt instruments,
29 consistent with the terms of the State and Local Government Revenue Bond
30 Act, Article 5 of Chapter 159 of the General Statutes, for use under this
31 subdivision. Prior to issuance of any "GARVEE" or other eligible debt
32 instrument using federal funds to pay a portion of principal, interest, and
33 related bond issuance costs, the State Treasurer shall determine (i) that the
34 total outstanding principal of the debt does not exceed the total amount of
35 federal transportation funds authorized to the State in the prior federal fiscal
36 year; or (ii) that the maximum annual principal and interest of the debt does
37 not exceed ~~fifteen percent (15%)~~ twenty percent (20%) of the expected
38 average annual federal revenue shown for the period in the most recently
39 adopted Transportation Improvement Program. Notes issued under the
40 provisions of this subdivision shall not be deemed to constitute a debt or
41 liability of the State or of any political subdivision thereof, or a pledge of the
42 full faith and credit of the State or of any political subdivision thereof, but
43 shall be payable solely from the funds and revenues pledged therefor. All the
44 notes shall contain on their face a statement to the effect that the State of North
45 Carolina is not obligated to pay the principal or the interest on the notes,
46 except from the federal transportation fund revenues as shall be provided by
47 the documents governing the revenue note issuance, and that neither the faith
48 and credit nor the taxing power of the State of North Carolina or of any of its
49 political subdivisions is pledged to the payment of the principal or interest on
50 the notes. The issuance of notes under this Part does not directly or indirectly
51 or contingently obligate the State or any of its political subdivisions to levy or

to pledge any form of taxation whatever or to make any appropriation for their payment."

SECTION 4.5.(b) The Department of Transportation shall maintain a GARVEE/Federal Repayment Reserve in the amount equivalent to the next debt service payment owed on all GARVEE bonds. To the extent authorized by law and any applicable contract, the Department shall use the remaining amount of unexpended GARVEE/Federal Repayment Reserve funds to pay for currently existing projects. For purposes of this section, the term "currently existing project" means a project that is, as of June 1, 2020, in the process of design or construction.

MODIFY FUEL TAX DISTRIBUTION

SECTION 4.6.(a) Effective July 1, 2020, and applicable to excise tax revenue collected by the Department on or after that date, G.S. 105-449.125(b) reads as rewritten:

"(b) Distribution of Remaining Revenue. – The Secretary shall allocate the remaining excise tax revenue collected under this Article, including any revenue that is allocated but not distributed under subsection (a) of this section, as follows:

- (1) ~~Seventy-one percent (71%)~~ Eighty-one percent (81%) to the Highway Fund.
- (2) ~~Twenty-nine percent (29%)~~ Nineteen percent (19%) to the Highway Trust Fund."

SECTION 4.6.(b) Effective July 1, 2021, and applicable to excise tax revenue collected by the Department on or after that date, G.S. 105-449.125(b), as amended by subsection (a) of this section, reads as rewritten:

"(b) Distribution of Remaining Revenue. – The Secretary shall allocate the remaining excise tax revenue collected under this Article, including any revenue that is allocated but not distributed under subsection (a) of this section, as follows:

- (1) ~~Eighty-one percent (81%)~~ Eighty percent (80%) to the Highway Fund.
- (2) ~~Nineteen percent (19%)~~ Twenty percent (20%) to the Highway Trust Fund."

SECTION 4.6.(c) Effective July 1, 2022, and applicable to excise tax revenue collected by the Department on or after that date, G.S. 105-449.125(b), as amended by subsection (b) of this section, reads as rewritten:

"(b) Distribution of Remaining Revenue. – The Secretary shall allocate the remaining excise tax revenue collected under this Article, including any revenue that is allocated but not distributed under subsection (a) of this section, as follows:

- (1) ~~Eighty percent (80%)~~ Seventy-five percent (75%) to the Highway Fund.
- (2) ~~Twenty percent (20%)~~ Twenty-five percent (25%) to the Highway Trust Fund."

TRANSPORTATION EMERGENCY RESERVE/EXTRA SESSION

SECTION 4.7.(a) G.S. 136-44.2E(c), as enacted by S.L. 2019-251, reads as rewritten:

"(c) Access to Funds. – The Department may only use funds in the Emergency Reserve after the President of the United States issues a declaration under the Stafford Act (42 U.S.C. §§ 5121 – 5207) that a major disaster exists in the State. The Secretary of Transportation shall ensure all funds in the Emergency Reserve are accessed and used pursuant to this section. The Secretary shall also ensure the funds in the Emergency Reserve are used in a manner that does not jeopardize federal reimbursements for disaster-related expenses."

SECTION 4.7.(b) G.S. 136-44.2E, as enacted by S.L. 2019-251, is amended by adding a new subsection to read:

"(f) Notification of Governor; Reimbursement. – The Secretary shall notify the Governor within 24 hours of determining that anticipated emergency expenses by the Department under this section will exceed the funds in the Emergency Reserve. Upon

notification, the Governor shall immediately proceed under G.S. 166A-19.20(e). Federal reimbursements for funds expended in relation to a major disaster, declared in accord with subsection (c) of this section, shall be used to reimburse expenditures from the following accounts in order of priority:

- (1) Emergency Reserve, subject to the limitation in subsection (d) of this section.
- (2) Reserve for General Maintenance in the Highway Fund.
- (3) Savings Reserve."

SECTION 4.7.(c) G.S. 166A-19.20 is amended by adding a new subsection to read:

"(e) Extra Session; Emergency Transportation Expenditures. – The General Assembly considers a determination by the Secretary of Transportation under G.S. 136-44.2E(f) that anticipated emergency expenses will exceed the funds in the Transportation Emergency Reserve within the meaning of the term "extraordinary occasions," and therefore the Governor is authorized to convene the General Assembly in Extra Session under Section 5(7) of Article III of the North Carolina Constitution. The General Assembly strongly urges the Governor to convene the General Assembly in Extra Session within 14 days of notice by the Secretary under G.S. 136-44.2E(f) for the purpose of appropriating funds from the Savings Reserve to the Emergency Reserve to address the transportation needs of the State necessitated by a major disaster."

CLARIFY BUDGET REDUCTION FOR UNANTICIPATED EXPENDITURES

SECTION 4.8. Subsection (d1) of G.S. 143C-6-11, as enacted by S.L. 2019-251, reads as rewritten:

"(d1) Unanticipated Expenditures; Adjustment of Budget. – In any fiscal year, when all funds allocated for snow and ice removal, and emergencies are depleted, the Department ~~may~~, shall, in coordination with the Office of State Budget and Management (OSBM), reduce by the same percentage the budget for every departmental division, grant-in-aid, and category of expenditures, excluding salaries, to pay for any unanticipated expenditures from snow and ice removal, and emergencies. Within 30 days of an adjustment made pursuant to this subsection, the Department shall submit a report to the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division."

EXTEND DEADLINE/FEDERAL GUIDANCE ON USE OF COVID-19 FUNDS

SECTION 4.9.(a) Subdivision (4) of Section 3.3 of S.L. 2020-4 reads as rewritten:

- "(4) \$300,000,000 to OSBM to allocate to the General Maintenance Reserve in the Highway Fund for the Department of Transportation; provided that OSBM shall not transfer these allocated funds to the Department for use until the guidelines in "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments," dated April 22, 2020, are revised by the United States Department of the Treasury to authorize the use of funds from the Coronavirus Relief Fund for the purpose of replacing lost revenue due to the COVID-19 emergency, or a subsequent act of Congress authorizes the use of funds from the Coronavirus Relief Fund for the purpose of replacing lost revenue due to the COVID-19 emergency. 30 days prior to the transfer of funds pursuant to this subsection, OSBM shall submit a report to the Joint Legislative Commission on Governmental Operations. On or before April 1, 2021, the Department shall submit a report on the status of utilizing these funds and a revenue update to the Joint Legislative Transportation Oversight Committee (JLTOC) and the Fiscal Research Division. The Governor may not use the funds described in this subdivision to make budget adjustments under G.S. 143C-6-4 or to make reallocations under G.S. 166A-19.40(c). Notwithstanding Section 3.2 of this act, if, ~~by June 15, 2020,~~ by September 1,

2020, the guidelines in "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments," dated April 22, 2020, are not revised by the United States Department of the Treasury to authorize the use of funds from the Coronavirus Relief Fund for the purpose of replacing lost revenue due to the COVID-19 emergency, or a subsequent act of Congress does not authorize the use of funds from the Coronavirus Relief Fund for the purpose of replacing lost revenue due to the COVID-19 emergency, the State Controller shall transfer the funds described in this subdivision to the Reserve and the funds shall remain unspent until appropriated by an act of the General Assembly."

SECTION 4.9.(b) This section becomes effective June 15, 2020.

CASH WATCH/BALANCE SHEET REPORT

SECTION 4.10.(a) Subsection (n) of G.S. 143C-6-11, as enacted by S.L. 2019-251, reads as rewritten:

"(n) Cash Watch Weekly Report. – The Department of Transportation shall publish for public review a weekly report of the Department's cash position, which shall be entitled "NCDOT Cash Watch Numbers." The report shall be issued as a press release to all interested parties, posted on the Department's Web site, and submitted to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division. In addition to any cash flow category the Department determines is beneficial to include, the report shall contain the following:

- (1) ~~Beginning Combined Cash Balance Total~~ Total Cash and Bond Proceeds
 - a. ~~Highway Fund Total~~
 - b. ~~Highway Trust Fund Total~~
- (2) ~~Less Disbursements~~ Add Receipts
 - a. ~~Payroll~~
 - b. ~~Debt Service~~
 - c. ~~STI Construction Costs~~
 - d. ~~General Operating Costs~~
 - e. ~~Map Act Claims/Settlements~~
 - f. ~~State Aid Payments~~
 - g. ~~Disaster Related Costs~~
 - h. ~~Other~~
- (3) ~~Ending Combined Cash Balance Total~~ Less Disbursements
 - a. ~~Highway Fund Total~~ Payroll
 - b. ~~Highway Trust Fund Total~~ Debt Service
 - c. ~~STI Construction Costs~~
 - d. ~~General Operating Costs~~
 - e. ~~Map Act Claims/Settlements~~
 - f. ~~State Aid Payments~~
 - g. ~~Disaster-Related Costs~~
 - h. ~~Other~~
- (4) Reserved Cash
 - a. ~~Statutory Cash Balance~~ GARVEE/Federal Repayment Reserve
 - b. ~~GARVEE/Federal Repayment Reserve~~ Transportation Emergency Reserve
 - c. ~~Transportation Emergency Reserve~~ Trustee Accounts – Build NC proceeds
 - d. ~~Other Reserves~~ Trustee Accounts – GARVEE
 - e. ~~Trustee Accounts – Build NC proceeds~~ Trustee Accounts – Other Bonds

- f. ~~Trustee Accounts—GARVEE~~
- g. ~~Trustee Accounts—Other Bonds~~
- (5) Unreserved Cash Balance Total
 - a. Highway Fund Total
 - b. Highway Trust Fund Total
 - c. Statutory Cash Requirement"

SECTION 4.10.(b) Subsection (o) of G.S. 143C-6-11, as enacted by S.L. 2019-251, reads as rewritten:

"(o) Balance Sheet Report. – By the ~~third~~ fifteenth day of each month, the Department of Transportation shall submit a balance sheet report of all assets, debits, liabilities, and fund balances with an explanation of significant changes from the prior month to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division."

POWELL BILL FUNDS

SECTION 4.11.(a) Section 5.4 of S.L. 2019-250 is repealed.

SECTION 4.11.(b) For the 2020-2021 fiscal year, municipalities with a population of 400,000 or more shall only receive two-thirds of the 2019-2020 fiscal year allocation of Powell Bill Program funds, as reported in the Department's "2019 North Carolina State Street Aid Allocations to Municipalities" dated January 2020. The remaining Powell Bill Program funds shall be allocated to municipalities with a population of less than 400,000 in accordance with the requirements of G.S. 136-41.1(a).

CAPITAL, REPAIRS, AND RENOVATIONS

SECTION 4.12. The 2020-2021 fiscal year allocation of funds for capital, repairs, and renovations in Section 4.2 of S.L. 2019-231 is repealed.

DMV/FUNDS FOR HEADQUARTERS INFORMATION TECHNOLOGY EXPENSES

SECTION 4.13. Of the funds appropriated in this act to the Department of Transportation, excluding funds appropriated to the Division of Motor Vehicles, up to one million five hundred thousand dollars (\$1,500,000) shall be used for information technology expenses related to the Division of Motor Vehicle's headquarters relocation.

AIRPORT FUNDS

SECTION 4.14.(a) Notwithstanding subsection (c) of G.S. 63-74, for the 2020-2021 fiscal year, the Commercial Airport Funds in subdivision (3) of Section 3.2 of this act shall be allocated as follows:

(1)	Albert J. Ellis	\$1,812,481
(2)	Asheville Regional	\$3,541,082
(3)	Charlotte/Douglas International	\$29,133,306
(4)	Concord-Padgett Regional	\$2,240,445
(5)	Fayetteville Regional/Grannis Field	\$2,685,707
(6)	Piedmont Triad International	\$8,805,486
(7)	Raleigh-Durham International	\$17,903,471

SECTION 4.14.(b) Notwithstanding the provisions of subsection (b) of Section 4.7 of S.L. 2019-231 and subsection (d) of G.S. 63-74, for the 2019-2021 fiscal biennium, the Department of Transportation shall disburse funds to a compliant airport on a quarterly schedule agreed to by the Department and the airport receiving funds, and an airport shall not have to return the funds to the Department unless the funds are in the possession or control of the airport and not expended or encumbered by August 31, 2021.

RAIL DIVISION EQUIPMENT MANAGEMENT PLAN

SECTION 4.15.(a) By November 1, 2020, the Department of Transportation, Rail Division, shall submit to the Joint Legislative Transportation Oversight Committee (JLTOC), the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division a fleet management plan for Rail Division equipment. The plan shall include the current inventory of rolling stock, a program for fleet acquisition, tracking, safety, maintenance, repair, disposal, and any anticipated changes in service to State-supported passenger rail programs over the next 10 years, along with the following information:

- (1) Division inventory of rolling stock: name or identifier, description, specifications, usage status of active or idle, age, date obtained, cost and source of funds to obtain, location, estimated remaining service life, annual cost, and future intended use.
- (2) Ten year acquisition plan for rolling stock: description, estimated cost, estimated future maintenance costs, intended funding sources, intended use or purpose, anticipated acquisition timeline, and if item is expansion (new service) or replacement for current inventory.
- (3) Intended use of federal grants awarded by September 1, 2020, on fleet management: description of grant, date awarded, decision to accept or reject award, intended use of federal funds, required State match amount, and source of State matching funds.

SECTION 4.15.(b) No later than December 31, 2020, the Rail Division shall offer for sale as surplus property idle equipment that will not be rehabilitated for future use or transferred to the Department of Natural and Cultural Resources. Notwithstanding Article 3A of Chapter 143 of the General Statutes and any other provision to the contrary, the net proceeds of the sale of property pursuant to this section shall be credited to the Rail Equipment Overhaul Fund (Fund Code: 7845).

SECTION 4.15.(c) No later than June 30, 2021, the Rail Division shall (i) relocate the caboose currently located on the P&N Corridor in the City of Gastonia and marked RNCX 400500 to the North Carolina Transportation Museum and (ii) transfer to the Department of Natural and Cultural Resources any ownership interest in the caboose and the Atlantic Coast Line #501 locomotive currently located at the North Carolina Transportation Museum.

HATTERAS/OCRACOCK FERRY LEASE

SECTION 4.16. Notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, G.S. 136-28.1, and any other provision of law to the contrary, and pending completion of a successful route verification, the Department of Transportation, Ferry Division, shall lease a passenger ferry vessel for operation between Hatteras and Ocracoke. The term of the lease shall end no later than September 10, 2020. Of the contingency funds appropriated in this act to the Department, the sum of up to one million one hundred forty-six thousand one hundred seventy-nine dollars (\$1,146,179) shall be used by the Division to lease and operate the ferry.

QUARTERLY DISTRIBUTION OF FUNDS TO PORTS AUTHORITY

SECTION 4.17. For the 2019-2021 fiscal biennium, the Department of Transportation shall distribute funds allocated to the NC Ports Authority on a quarterly basis.

PART V. GOVERNANCE

BOARD OF TRANSPORTATION RESTRUCTURE

SECTION 5.1.(a) G.S. 143B-350 reads as rewritten:

"§ 143B-350. Board of Transportation – organization; powers and duties, etc.

(a) Board of Transportation. – There is hereby created a Board of Transportation. The Board shall carry out its duties consistent with the needs of the State as a whole. The diversity and size of the State require that regional differences be considered by Board members as they develop transportation policy and projects for the benefit of the citizens of the State. The Board shall carry out its duties consistent with the fiduciary responsibility to ensure the solvency of the State Highway Fund and Highway Trust Fund.

(b) Membership of the Board. –

(1) Number, appointment. – The Board of Transportation shall have ~~19~~20 voting members. Voting members shall be appointed as provided in subdivisions (2) and (3) of this subsection for terms of office beginning July 31 of the year of initial appointment, and every four years thereafter. Fourteen of the members shall be division members appointed by the Governor. Five shall be at-large members appointed by the Governor. At least three division members of the Board shall be registered voters of a political party other than the political party of the Governor. Six members shall be at-large members, with three members appointed by the President Pro Tempore of the Senate and three members appointed by the Speaker of the House of Representatives. The Secretary of Transportation shall serve as an ex officio nonvoting member of the Board. No more than two members of the Board may reside in the same highway division. One person elected by the Executive Committee of the Local Government Commission shall serve as an ex officio nonvoting member of the Board.

(2) Division members. – One member shall be appointed from and be a resident of each of the 14 highway divisions. ~~The Governor, in selecting division members, shall consider for appointment persons suggested by the Transportation Advisory Committees located within each division. Division members shall direct their primary effort to developing transportation policy and addressing transportation problems in the region they represent. Division members shall regularly consult with and consider the views of local government units and Transportation Advisory Committees in the region they represent. The Governor shall appoint one member from each of the fourteen divisions as follows:~~

- a. Division 1, beginning in 2020.
- b. Division 2, beginning in 2022.
- c. Division 3, beginning in 2020.
- d. Division 4, beginning in 2022.
- e. Division 5, beginning in 2022.
- f. Division 6, beginning in 2020.
- g. Division 7, beginning in 2022.
- h. Division 8, beginning in 2022.
- i. Division 9, beginning in 2020.
- j. Division 10, beginning in 2022.
- k. Division 11, beginning in 2022.
- l. Division 12, beginning in 2020.
- m. Division 13, beginning in 2022.
- n. Division 14, beginning in 2020.

(3) At-large members. – ~~Five members shall be appointed by the Governor from the State at large. At large members appointed pursuant to this subdivision shall develop transportation policy and address transportation problems with a statewide perspective. At large members appointed under this subdivision shall possess the following qualifications:~~

- a. ~~One at large member shall be a person with expertise in environmental issues affecting the State;~~
- b. ~~One at large member shall be a person familiar with the State ports and aviation issues;~~
- c. ~~One at large member shall be a person residing in a rural area of the State with broad knowledge of and experience in transportation issues affecting rural areas;~~
- d. ~~One at large member shall be a person residing in an urban area with broad knowledge of and expertise in mass transit;~~
- e. ~~One at large member shall be a person with broad knowledge of and expertise in government-related finance and accounting.~~

Six at-large members shall be appointed as follows:

- a. Two members appointed by the President Pro Tempore of the Senate, beginning in 2020.
- b. One member appointed by the President Pro Tempore of the Senate, beginning in 2022.
- c. Two members appointed by the Speaker of the House of Representatives, beginning in 2020.
- d. One member appointed by the Speaker of the House of Representatives, beginning in 2022.

- (4) Local Government Commission member. – The Executive Committee of the Local Government Commission shall elect a person with broad knowledge of and expertise in government-related finance and accounting to be an ex officio, nonvoting member of the Board. This member shall serve on the Board of Transportation Audit Committee.
- (5) Criteria. – All Board members shall have professional backgrounds related to transportation, budgeting, accounting, or financing to properly and effectively oversee the financial actions and accountability of the Department of Transportation for its operations and the projects it manages.

(c) Staggered Terms. – The terms of all Board members serving on the Board prior to January 15, 2001, shall expire on January 14, 2001. July 31, 2020, shall expire on July 30, 2020. A new board of 19-20 voting members shall be appointed with terms beginning on January 15, 2001. The Board shall serve the following terms: division members representing divisions 1, 3, 5, 7, 9, 11, and 13 and the three at large members filling the positions designated in sub-subdivisions (b)(3)a., b., and e. of this section shall serve four year terms beginning on January 15, 2001, and four year terms thereafter; and division members representing divisions 2, 4, 6, 8, 10, 12, and 14 and the two at large members filling the positions designated in sub-subdivisions (b)(3)c. and d. of this section shall serve two year terms beginning January 15, 2001, and four year terms thereafter. July 31, 2020.

(d) Holdover Terms; Vacancies; Removal. – Members shall continue to serve until their successors are appointed. The Governor appointing authority may appoint a member to serve out the unexpired term of any Board member. The Governor appointing authority may remove any member of the Board appointed by that appointing authority for any cause the Governor appointing authority finds sufficient. The Governor appointing authority shall remove any member of the Board upon conviction of a felony, conviction of any offense involving a violation of the Board member's official duties, or for a violation of the provisions of subsections (i), (j), and (k) of this section or any other code of ethics applicable to members of the Board as determined by the Governor appointing authority or the Governor's appointing authority's designee.

(e) Organization and Meetings of the Board. – Within 60-30 days after January 15, 2001, and thereafter within 60 days following the beginning of the regular term of the Governor, July

31, 2020, the Governor or his designee shall call the Board into session. The Board shall select a chair and vice-chair from among its membership for two-year terms. The Board may select a chair or vice-chair for one additional two-year term. The Board of Transportation shall meet ~~once in each 60 days~~ at least once a month at such regular meeting times as the Board may by rule provide and at any place in the State as the Board may provide. The Board may hold special meetings at any time at the call of the ~~chairman~~ chair or any three members. The Board shall have the power to adopt and enforce rules and regulations for the government of its business and proceedings. The Board shall keep minutes of its meetings, which shall at all times be open to public inspection. The majority of the Board shall constitute a quorum for the transaction of business. Board members shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

(f) Duties and Powers of the Board. – The primary duty of the Board of Transportation shall be to serve as fiduciaries of the State Highway Fund and Highway Trust Fund and ensure the solvency of those funds when carrying out the Board's duties and powers. The Board of Transportation has the following duties and powers:

- (1) To formulate policies and ~~priorities for all modes of transportation under the Department of Transportation~~ priorities, accountability and performance metrics for all modes, divisions, and central office of the Department of Transportation, including personnel within those divisions, and to hold those modes, divisions, and personnel accountable to those metrics.
- (1a) To review and take action on each Spend Plan developed by the Department of Transportation as required by G.S. 143C-6-11.1. An approved Spend Plan must be fiscally responsible while accomplishing transportation goals across the State.
- (1b) To ensure that the Department of Transportation is operating within the approved Spend Plan.
- (1c) To review and approve the Department's use of bonds, including for federally funded projects.
- (2) To advise the Secretary on matters to ~~achieve the maximum public benefit in the performance of the functions assigned to the Department~~ increase the performance, efficiency, and effectiveness of the day-to-day operations of the Department of Transportation.
- (3) To ascertain the transportation needs and the alternative means to provide for these needs through an integrated system of ~~transportation taking into consideration the social, economic and environmental impacts of the various alternatives~~ transportation.
- (4) To approve a schedule of all major transportation improvement projects and their anticipated cost. This schedule is designated the Transportation Improvement Program. The Board shall publish the schedule in a format that is easily reproducible for distribution and make copies available for distribution in accordance with the process established for public records in Chapter 132 of the General Statutes.
- (4a) To approve a schedule of State highway maintenance projects and their anticipated cost. This schedule is designated the Highway Maintenance Improvement Program and is established in G.S. 136-44.3A. The Board shall publish the schedule on the Department's Web site by April 1 of each year. The document that contains the Highway Maintenance Improvement Program shall include the anticipated funding sources for the improvement projects included in the Highway Maintenance Improvement Program, a list of any changes made from the previous year's Highway Maintenance Improvement Program, and the reasons for the changes.

- 1 ~~(5) To consider and advise the Secretary of Transportation upon any other~~
2 ~~transportation matter that the Secretary may refer to it.~~
- 3 (6) To assist the Secretary of Transportation in the performance of his duties in
4 the development of programs and approve priorities for programs within the
5 Department.
- 6 (7) To allocate all highway construction and maintenance funds appropriated by
7 the General Assembly as well as federal-aid funds which may be available.
- 8 (8) To approve all highway construction programs.
- 9 (9) To approve all highway construction projects and construction plans for the
10 construction of projects.
- 11 (10) To review all statewide maintenance functions.
- 12 (11) To award all highway construction contracts.
- 13 (12) To authorize the acquisition of rights-of-way for highway improvement
14 projects, including the authorization for acquisition of property by eminent
15 domain.
- 16 (12a) To approve partnership agreements with the North Carolina Turnpike
17 Authority, private entities, and authorized political subdivisions to finance, by
18 tolls, contracts, and other financing methods authorized by law, the cost of
19 acquiring, constructing, equipping, maintaining, and operating transportation
20 infrastructure in this State, with priority given to highways, roads, streets, and
21 bridges.
- 22 (13) Repealed by Session Laws 2010-165, s. 13, effective August 2, 2010.
- 23 (f1) Local Government Participation. – The ability of a local government to pay in part or
24 whole for any transportation improvement project shall not be a factor considered by the Board
25 of Transportation in its development and approval of a schedule of major State highway system
26 improvement projects to be undertaken by the Department under G.S. 143B-350(f)(4).
- 27 (f2) Approval of aircraft and ferry purposes. – Before approving the purchase of an aircraft
28 from the Equipment Fund or a ferry in a Transportation Improvement Program, the Board of
29 Transportation shall prepare an estimate of the operational costs and capital costs associated with
30 the addition of the aircraft or ferry and shall report those additional costs to the General Assembly
31 pursuant to G.S. 136-12(b), and to the Joint Legislative Commission on Governmental
32 Operations.
- 33 (g) Delegation of Board Duties. – The Board of Transportation shall delegate to the
34 Secretary of Transportation the authority under subdivisions (1) and (2) of this subsection, and
35 may delegate the authority under subdivision (3) of this subsection:
- 36 (1) To approve all highway construction projects and construction plans for the
37 construction of projects;
- 38 (2) To award all highway construction contracts;
- 39 (3) To promulgate rules, regulations, and ordinances concerning all transportation
40 functions assigned to the Department.
- 41 The Secretary may, in turn, subdelegate these duties and powers.
- 42 (g1) Limitation on Board Duties. – The Board of Transportation shall not make decisions
43 on individual contracts, projects, or personnel matters.
- 44 ~~(h) Consultation of Board Members. – Each member of the Board of Transportation who~~
45 ~~is appointed to represent a transportation engineering division or who resides in a division shall~~
46 ~~be consulted before the Board makes a decision affecting that division.~~
- 47 (i) Disclosure of Contributions. – ~~Any person serving on the Board of Transportation or~~
48 ~~as Secretary of Transportation on December 1, 1998, shall disclose on that date any contributions~~
49 ~~the person or the person's immediate family made to the political campaign of the appointing~~
50 ~~Governor in the two years preceding December 1, 1998. A person appointed to the Board of~~
51 Transportation and a person appointed as Secretary of Transportation on or after December 1,

~~1998, July 31, 2020,~~ shall disclose at the time the appointment of the person is officially made public any contributions the person or the person's immediate family made to the political campaign of the appointing ~~Governor~~ authority in the two years preceding the date of appointment. The term "immediate family", as used in this subsection, means a person's spouse, children, parents, brothers, and sisters. Disclosure forms shall be filed with the State Ethics Commission as a supplemental filing to the Statement of Economic Interest filed under Article 3 of Chapter 138A of the General Statutes. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(j) Disclosure of Campaign Fund-Raising. – A person appointed to the Board of Transportation on or after January 1, 2001, and a person appointed as Secretary of Transportation on or after January 1, 2001, shall disclose at the time the appointment of the person is officially made public any contributions the person personally acquired in the two years prior to appointment for: any political campaign for a statewide or legislative elected office in North Carolina; any political party executive committee or political committee acting on behalf of a candidate for statewide or legislative office. Disclosure forms shall be filed with the State Ethics Commission as a supplemental filing to the Statement of Economic Interest filed under Article 3 of Chapter 138A of the General Statutes. Disclosure forms shall not be a public record under the provisions of Chapter 132 of the General Statutes until such time as the appointment of the person filing the statement is officially made public.

(k) Ethics Policy. – The Board shall adopt by December 1, 1998, a code of ethics applicable to members of the Board, including the Secretary. Any code of ethics adopted by the Board shall be supplemental to the provisions of Chapter 138A of the General Statutes. A code of ethics adopted pursuant to this subsection shall include a prohibition against a member taking action as a Board member when a conflict of interest, or the appearance of a conflict of interest, exists. The ethics policy adopted pursuant to this subsection shall specify that a conflict of interest exists when the use of the Board member's position, or any official action taken by the Board member, would result in financial benefit, direct or indirect, to the Board member, a member of the Board member's immediate family, or an individual with whom, or business with which, the Board member is associated. The ethics policy adopted pursuant to this subsection shall specify that an appearance of a conflict of interest exists when a reasonable person would conclude from the circumstances that the Board member's ability to protect the public interest, or perform public duties, would be compromised by personal interest, even in the absence of an actual conflict of interest. The performance of usual and customary duties associated with the public position or the advancement of public policy goals or constituent services, without compensation, shall not constitute the use of the Board member's position for financial benefit. The conflict of interest provision of the ethics policy adopted pursuant to this subsection shall not apply to financial or other benefits derived by a Board member that the Board member would enjoy to an extent no greater than that which other citizens of the State would or could enjoy.

(l) Additional Requirements for Disclosure Statements. – All disclosure statements required under subsections (i), (j), and (k) of this section must be sworn written statements.

(m) Ethics and Board Duties Education. – The Board shall institute by January 1, 1999, and conduct annually an education program on ethics and on the duties and responsibilities of Board members. The training session shall be comprehensive in nature, conducted in conjunction with the State Ethics Commission, and shall include input from the School of Government at the University of North Carolina at Chapel Hill, the Attorney General's Office, the University of North Carolina Highway Safety Research Center, and senior career employees of the various divisions of the Department. This program shall include an initial orientation for new members of the Board and continuing education programs for Board members at least once each year.

~~(n) Review of Appointments by the Joint Legislative Transportation Oversight Committee. The Governor shall submit the names of all proposed Board of Transportation~~

~~appointees, along with the disclosure statements required under subsections (i), (j), and (k) of this section, to the Joint Legislative Transportation Oversight Committee prior to Board members' taking office. The Committee shall have 30 days to review and submit comments to the Governor on the proposed appointees before they take office. The Governor shall consider the views expressed by the Committee concerning the appointees to the Board. If the Committee does not review or submit comments to the Governor on the proposed Board appointees within the 30 days, the Governor may proceed to appoint the proposed members to the Board.~~

(o) Additional Ethics Requirements. – Board members shall sign a sworn statement that they will abide by the disclosure, ethics, and education requirements of this section and of Chapter 138A of the General Statutes. Following the convening of each Board of Transportation meeting, and prior to the conduct of business, each Board member shall sign a sworn statement that the member has no financial, professional, or other interest in any project being considered on the meeting agenda. To the extent the Board member has such an interest, the chair and member shall take all appropriate steps to ensure that the interest is properly evaluated and addressed in accordance with law and that the member is not permitted to act on any matter in which the member has a disqualifying conflict of interest.

(p) Reports. – Notwithstanding any other provision of law, any report required to be submitted by the Board to the General Assembly or a committee thereof is due by the 15th day of the month that the report is due."

SECTION 5.1.(b) Notwithstanding the requirements of G.S. 143B-350(b)(1), as amended by this act, the following voting members shall be appointed to the Board of Transportation for a two-year term beginning July 31, 2020:

(1) Division members. – The Governor shall appoint one member from each of the following eight divisions:

- a. Division 2.
- b. Division 4.
- c. Division 5.
- d. Division 7.
- e. Division 8.
- f. Division 10.
- g. Division 11.
- h. Division 13.

(2) At-large members. – The President Pro Tempore of the Senate shall appoint one at-large member, and the Speaker of the House of Representatives shall appoint one at-large member.

All members appointed as provided in this subsection shall be subject to all other provisions of G.S. 143B-350, as amended by this act.

SECTION 5.1.(c) This section becomes effective July 31, 2020.

CASH FLOOR CONTRACTING LIMITATION CLARIFICATION

SECTION 5.2. G.S. 143C-6-11(f) reads as rewritten:

"(f) Seven and One Half Percent (7.5%) Cash Balance Required. – The Department of Transportation shall maintain an available cash balance at the end of each month equal to at least seven and one half percent (7.5%) of the total appropriations for the current fiscal year from the Highway Fund and the Highway Trust Fund. In projecting cash balances in future years, the Department shall use the estimated cash flow as specified in the Current Operations Appropriation Act. No further transportation project contract commitment may be entered into that would cause the cash position to fall below this requirement. In the event this cash position is not maintained, no further transportation project contract commitments may be entered into until the cash balance has been regained. Provided the Department may modify or supplement transportation contract commitments for existing transportation projects that (i) result in a

savings from the total estimated project cost of the existing commitment, based on a cost-savings analysis, or (ii) relate to the needs of an existing transportation project to continue. Any federal funds on hand shall not be considered as cash for the purposes of this subsection."

MONTHLY FINANCIAL STATEMENT REPORT

SECTION 5.3.(a) G.S. 143C-6-11, as amended by Section 2.1 of S.L. 2019-251, is amended by adding two new subsections to read:

"(p) Monthly Financial Statement Report. – Each month the Department of Transportation shall post on the Department's Web site and submit to the Board of Transportation, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division a financial statement report that includes the following information:

- (1) Revenues received by the Highway Fund and Highway Trust Fund for the month, broken down into category, and in relation to the revenue estimate for category used for the current fiscal year budget.
- (2) Expenditures by fund code for the month, and in relation to the current fiscal year certified budget and the Department's Spend Plan.
- (3) Expenditures by Highway Division for the month, and in relation to the current fiscal year allocation of funds for maintenance activities made by the Department pursuant to G.S. 136-44.6.
- (4) Expenditures by Highway Division from the Reserve for General Maintenance in the Highway Fund (GMR) for the month, broken down into category, and in relation to the current budget year allocation of funds for each category.
- (5) Expenditures by Highway Division on capital and Strategic Transportation Investment (STI) projects, and in relation to the current budget year allocation of funds for capital and STI projects.
- (6) Projected revenues and Spend Plan of the Department for the next 18 months, noting any changes.
- (7) Accounts payable, including the number of contracts, invoices paid, and payments pending. The report shall also include the number of days between an invoice being submitted and being approved and the number of days between approval and payment. The Department shall also report the number of contracts breached and invoices the Department could not pay in full, including the age of those invoices and the status of any negotiated resolutions.

(q) Year-End Report. – At the end of each fiscal year, no later than July 15, the Department shall post on the Department's Web site and submit to the Board of Transportation, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division a year-end summary of information required in the monthly financial statement report under subdivisions (1) through (5) of subsection (p) of this section for the previous fiscal year, including a comparison to the Department's Spend Plan for that period."

SECTION 5.3.(b) In order for the public to access up-to-date information on projected revenue and Spend Plan status of the Department, the Department shall adjust its performance dashboard available on the Department of Transportation's Web site to include and track information required by G.S. 143C-6-11(p)(6) as enacted by this act. Dashboard enhancements required under this subsection shall be completed by October 1, 2020.

DEPARTMENT OF TRANSPORTATION SPEND PLAN

SECTION 5.4. Part 2 of Article 6 of Chapter 143C of the General Statutes is amended by adding a new section to read:

"§ 143C-6-11.1. Department of Transportation Spend Plan.

(a) The Department of Transportation shall develop a comprehensive cash-spending plan, known as the "Spend Plan," to spend money from any source, including federal funds and bond proceeds, for programs, functions, activities or objects, by the Department.

(b) The Department shall present the Spend Plan to the Board of Transportation, the Director of Transportation Budget at the Office of State Budget and Management, and the State Budget Director for approval.

(c) The Board of Transportation, the Director of Transportation Budget at the Office of State Budget and Management, and the State Budget Director shall either approve the Spend Plan or report any objections to the Spend Plan with specificity and reasons for the objections in writing to the Chairs of the Senate Appropriations Committee on the Department of Transportation, the Chairs of the House of Representatives Appropriations Committee on Transportation, and the Fiscal Research Division if the General Assembly is in session, or to the Chairs of the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division if the General Assembly is not in session. Upon receipt of the Spend Plan, approval or a report must be completed within 30 days.

(d) Any modifications to the Spend Plan or expenditures outside of the Spend Plan shall be submitted for approval as provided in subsection (b) of this section prior to implementation."

DIRECTOR OF TRANSPORTATION BUDGET POSITION

SECTION 5.5.(a) The Department of Transportation shall transfer one vacant FTE position and funds to the Office of State Budget and Management to be reclassified into the position of Director of Transportation Budget. The Director of Transportation Budget shall report directly to the State Budget Officer, and the duties for this position shall include monitoring and assisting the Department of Transportation in developing the Department budget and Spend Plan, monitoring the Department's finances and spending, assessing risks to Department finances, making revenue projections, and ensuring the Department budget is faithfully executed consistent with the State Budget Act.

SECTION 5.5.(b) The Department of Transportation shall give full access to all data and full access to, and training on, all financial systems utilized by the Department necessary for the Director of Transportation Budget to perform the position's responsibilities.

SECTION 5.5.(c) The Director of Transportation Budget shall work in consultation with the Department to prepare and submit the reports required by G.S. 143C-6-11(p), as enacted by this act.

HIGHWAY DIVISION FINANCIAL PERSONNEL STRUCTURING

SECTION 5.6.(a) The Department of Transportation shall develop and establish a uniform financial management personnel structure within all Highway Division offices. Each position shall have clear responsibilities for financial management of accounts payable, accounts receivable, contract oversight, and budgets. Each Highway Division office is required to maintain personnel competent in Department cash management practices and Division project management as it relates to project spending.

SECTION 5.6.(b) The Department of Transportation shall develop and establish uniform report formats and policies and procedures that calculate spending and track cash management in a consistent manner among Highway Divisions. The Department shall provide training on all forms, systems, and policies developed by the Department pursuant to this section.

SECTION 5.6.(c) The Department is authorized to reclassify positions as required to establish the uniform financial management personnel structure required by this section.

SECTION 5.6.(d) The Department shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on the development and establishment of, or plan to establish and develop, the uniform financial management personnel structure by October 31, 2020. The report shall also include a description of required positions

and responsibilities of the FTEs needed to establish the personnel structure required by this section for each Highway Division and all personnel actions taken to fulfill the requirements of this section, including associated costs. The information shall be provided for each Highway Division.

ADDITIONAL BOND DISCLOSURE PERSONNEL

SECTION 5.7. The Department of Transportation shall transfer one vacant FTE position to the Department of the State Treasurer. The Department of the State Treasurer shall reclassify the vacant position into a Financial Analyst position focused on bond disclosure within the State and Local Government Finance Division to review and monitor the Department of Transportation's bond program and activities which utilize bond proceeds, including monitoring the spending and approval of projects using bond proceeds, reviewing general compliance for repayment and debt service, and assisting the Department of the State Treasurer in fulfilling its duties and responsibilities for bond disclosures and compliance as required by the United States Securities Exchange Commission and other applicable State or federal laws.

TRANSPORTATION FORECASTING METHODOLOGY

SECTION 5.8.(a) The Department of Transportation, in consultation with the Director of Transportation Budget at the Office of State Budget and Management, shall create, develop, modify, and implement Department forecasting methodology, best practices, and accuracy standards for the forecasting of spending.

SECTION 5.8.(b) By December 31, 2020, the Department of Transportation shall report to the Board of Transportation, the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division of the General Assembly on implementation of this section.

ANNUAL PERFORMANCE AUDIT OF DEPARTMENT OF TRANSPORTATION

SECTION 5.9.(a) Beginning the 2019-2020 fiscal year, the Office of the State Auditor shall conduct a performance audit of the Department of Transportation every year. The performance audit shall include an examination of the following:

- (1) Budget adherence by department, division, and highway division.
- (2) Timeliness of federal reimbursement requests and timeliness of the Department's responses to any federal requests for additional information or action.
- (3) Department controls and oversight of divisions and highway divisions as to cash management, project coordination and delivery, and budget adherence.
- (4) Efficacy of communication and coordination within the Department.
- (5) Efficacy of cash management by the Department.
- (6) Other items the State Auditor deems relevant to study, including implementation of the provisions of this act.

SECTION 5.9.(b) The State Auditor shall submit a report of the performance audit to the Joint Legislative Commission on Governmental Operations, Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division. The Department of Transportation shall give the State Auditor full access to all employees and data necessary to complete the audit and the report. The State Auditor shall submit the annual report required by this subsection by the fifteenth day of January beginning in 2021.

HIGHWAY DIVISION FUND ALLOCATION PLANS

SECTION 5.10. G.S. 136-44.6 reads as rewritten:

"§ 136-44.6. Uniformly applicable formula for the allocation of funds for primary and secondary road maintenance.

1 The Department of Transportation, in consultation with its Division Engineers, shall develop
2 biennially a uniformly applicable formula for the allocation of funds ~~from the Reserve for~~
3 ~~General Maintenance~~ in the Highway Fund for maintenance on primary and secondary roads in
4 each Highway Division. The formula shall take into consideration the number of paved and
5 unpaved miles of state-maintained secondary roads in each Highway Division and such other
6 factors as experience may dictate. In developing the allocation formula, the Department of
7 Transportation shall allocate funding to Highway Divisions and create a plan of action to
8 reallocate funds among Highway Divisions based upon expenditures of the first three quarters.
9 Each Division Engineer shall have discretion in using funds allocated under this section to his or
10 her Highway Division for maintenance activities. Allotments shall be made available to Highway
11 Divisions on a quarterly basis, based upon the Spend Plan developed by the Department. The
12 Department shall create a plan for reallocation to maximize use of funds with the fiscal year. This
13 section shall not apply to projects to pave unpaved roads under G.S. 136-44.2D."
14

15 **AUDIT DOT USE OF ADVANCE CONSTRUCTION**

16 **SECTION 5.11.(a)** No later than 90 days from the effective date of this act the
17 Department of Transportation shall submit a detailed report to the Joint Legislative
18 Transportation Oversight Committee, the Fiscal Research Division, and the Office of the State
19 Auditor on its use of federal Advance Construction authorizations, including the benefits and
20 risks associated with the practice. The report shall also include:

- 21 (1) A report showing the Advance Construction Balances by funding source for
22 five years.
- 23 (2) A listing of projects currently utilizing Advance Construction with details
24 such as the initial Advance Construction amount, contract amount, amount of
25 expenditures for which Advance Construction has been converted allowing
26 reimbursement by Federal Highway Administration or other sources and a
27 schedule for Advance Construction that is planned to be converted where
28 future reimbursement is anticipated, and the anticipated conversion and
29 reimbursement schedule.
- 30 (3) A listing of projects where it is anticipated Advance Construction will be used
31 in the future with details such as anticipated Advance Construction amount
32 and conversion and reimbursement schedule.
- 33 (4) A listing of projects currently utilizing GARVEE bond funding with details
34 such as total amount of bonds, amount of principal and interest repaid, and
35 schedule of remaining principal and interest payments.

36 **SECTION 5.11.(b)** The Office of the State Auditor shall conduct a performance
37 audit of the Department's report required by subsection (a) of this section and, no later than March
38 31, 2021, shall submit a report containing the results of the performance audit and
39 recommendations to the House of Representatives Appropriations Committee on Transportation,
40 the Senate Appropriations Committee on the Department of Transportation, and the Fiscal
41 Research Division. The Department of Transportation shall give the State Auditor full access to
42 all employees and data necessary to complete the audit and the report.
43

44 **PART VI. MISCELLANEOUS**

45 **SECTION 6.1.** The budget enacted by the General Assembly is for the maintenance
46 of the Department of Transportation for the 2020-2021 fiscal year as provided in G.S. 143C-3-5.
47 This budget includes the appropriations of State funds as defined in G.S. 143C-1-1(d)(25).

48 The Director of the Budget certified the amount appropriated to the Department of
49 Transportation for the 2019-2021 fiscal biennium in the DOT Certified Budget. The adjustments
50 made by the General Assembly to the DOT Certified Budget for the 2020-2021 fiscal year are
51 set out in this act.

SECTION 6.2. The budget enacted by the General Assembly for the Department of Transportation shall also be interpreted in accordance with the special provisions in this act and other appropriate legislation. In the event that there is a conflict between the line-item budget certified by the Director of the Budget for the Department of Transportation and the budget enacted by the General Assembly for the Department of Transportation, the budget enacted by the General Assembly shall prevail.

SECTION 6.3. If House Bill 1136, House Bill 1218, or Senate Bill 818 of the 2019 Regular Session become law, the Office of State Budget and Management shall, no later than August 15, 2020, adjust the Department of Transportation, General Maintenance Reserve, for the 2020-2021 fiscal year to account for any change in employee benefit costs.

PART VII. EFFECTIVE DATE

SECTION 7.1. Except as otherwise provided, this act becomes effective July 1, 2020.



305 Chestnut Street
PO Box 1810
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Ph: (910) 341-3258
Fax: (910) 341-7801
www.wmpo.org

June 5, 2020

The Honorable President Pro-tem Phil Berger
16 West Jones Street, Room. 2007
Raleigh, North Carolina 27601

The Honorable Speaker Tim Moore
16 West Jones Street, Room. 2304
Raleigh, NC 27601-1096

Dear President Pro-tem Berger and Speaker Moore:

The Wilmington Urban Area Metropolitan Planning Organization provides for a regional and cooperative transportation planning process for the Wilmington Urban Area. Transportation is critical for the movement of people and goods and the economic prosperity of our great state. The North Carolina Department of Transportation's cash issues, along with the recent COVID-19 pandemic, have pushed the Department below their statutory cash floor. With the anticipated reduction in revenues as a result of the pandemic restrictions, this will further hinder the Department's ability to move projects forward. These issues have forced the Department to suspend projects, lay off employees, and make other severe reductions that are significantly impacting the transportation industry.

We cannot emphasize enough, North Carolina currently has a budget surplus in the state's coffers while we continue to have existing and future infrastructure needs. Due to the COVID-19 pandemic, the state's current unemployment rate stands at 12.2% (April 2020). In addition, the state continues to grow with a current population of around 10.6 million people and projections anticipate over 12 million people by 2038.

The Board of the Wilmington Urban Area Metropolitan Planning Organization encourages the North Carolina General Assembly to consider the use of a portion of the state's budget surplus to address our transportation infrastructure needs. The Board also encourages the General Assembly to consider other alternative funding sources and revenue streams to advance transportation in our state. The use of a portion of the budget surplus and identification of additional revenues would help to stimulate the economy, put people back to work, and advance much needed transportation infrastructure improvements at the local, regional, and statewide levels.

The Wilmington Urban Area Metropolitan Planning Organization hopes that the General Assembly will take the necessary steps to assist the North Carolina Department of Transportation to get above the cash floor. In anticipation of this, the Wilmington Urban Area

Wilmington Urban Area Metropolitan Planning Organization

Metropolitan Planning Organization's Board will be crafting a subsequent letter outlining the region's transportation priorities for when the Department does get above the cash floor and projects can resume. By providing this prioritized list of local transportation projects, the Wilmington Urban Area MPO would hope that NCDOT will use it to resume some of the top local priority projects first.

We look forward to our continued work with the North Carolina General Assembly and North Carolina Department of Transportation to advance transportation initiatives that are important in our state and our region. If you have any questions regarding this letter, please do not hesitate to contact Executive Director Mike Kozlosky at mike.kozlosky@wilmingtonnc.gov or 910-342-2781.

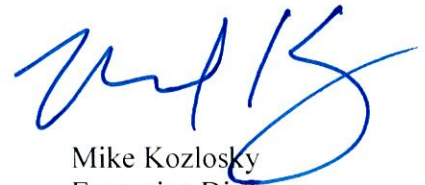
Sincerely



David Piepmeyer
Chairman



Pat Batleman
Vice-Chair



Mike Kozlosky
Executive Director

cc: MPO Board members
Senator Bill Rabon
Senator Harper Peterson
Representative Deb Butler
Representative Ted Davis, Jr.
Representative Holly Grange
Representative Frank Iler
Representative Carson Smith
Mike Alford, NC Board of Transportation
J. Eric Boyette, Secretary, NCDOT
Chad Kimes, Division Engineer, NCDOT



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MEMORANDUM

TO: MPO Board Members

FROM: Mike Kozlosky, Executive Director

DATE: June 17, 2020

SUBJECT: Summary of MPO Board Member Priorities- NCDOT Projects

As a follow-up from the May MPO Board meeting, Board members were requested to identify and provide their regional transportation priorities for when NCDOT gets above the cash floor and projects can resume. These priorities will be identified in a follow-up letter to the North Carolina General Assembly and North Carolina Department of Transportation. MPO staff received 7 responses from Board members who identified the following priorities:

- Hampstead Bypass (7)
- Military Cutoff Road/Eastwood Road Interchange (6)
- Independence Boulevard Extension (6)
- Martin Luther King Jr. Parkway/Kerr Avenue Interchange (4)
- Interchange at Martin Luther King Jr. Parkway/Market Street/Eastwood Road (4)
- Cape Fear Memorial Bridge Replacement (3)
- Market Street Access Management (2)
- Carolina Beach Road Access Management (2)
- Completion of Military Cutoff Road Extension (2)
- 23rd to 26th Street Connection
- Greenville Loop Road/Oleander Drive intersection improvements
- Wilmington Rail Upgrades
- Rail Realignment
- Gordon Road Widening

(X) Identifies the number of responses with the same priority

A discussion item will be included on the Board's June 24th meeting agenda to finalize these priorities for inclusion in the aforementioned letter to the North Carolina General Assembly and North Carolina Department of Transportation.

WILMINGTON URBAN AREA
MPO
June 2020

2045 METROPOLITAN TRANSPORTATION PLAN

Project Description/Scope: The Wilmington Urban Area Metropolitan Planning Organization is required by federal law to update the Metropolitan Transportation Plan every 5 years. The last plan was adopted by the MPO Board on November 18, 2015. The next update is required to be adopted by November 2020. This plan will guide the regional transportation priorities and actions, and be used for project selection in the State/Metropolitan Transportation Improvement Programs. The MPO Board appointed a Citizen Advisory Committee (CAC) to help guide the development of this plan. A four month public outreach period was held between April 3, 2018 and July 31, 2018. During this period, there were 2,287 transportation survey responses, 563 comments on the public input map tool, and 4,554 votes on map comments, totaling 7,404 responses collected. In July 2018, the six modal subcommittees began meeting with the initial task of developing modal goals and objectives, which were completed in October 2018 and officially adopted by the Board in November 2018. The Modal Subcommittees have completed scoring criteria, evaluation of projects and development of the draft policies. The CAC, TCC and Board received the financial forecasts and potential alternative funding sources in March 2019. The consultant completed the project cost estimates and alternative funding forecasts in June 2019. A red line, fiscal constraint analysis of ranked modal projects were prepared and presented by staff to the CAC, TCC, and Board in July. The WMPO Board proposed changes at its August meeting and adopted a resolution endorsing the amended draft project lists in September 2019. In November 2019 the Board passed a resolution to include the estimated toll revenues for the Cape Fear Crossing project within the fiscally constrained projects list as a supported alternative form of funding. The draft plan was released for a 30-day public comment period on February 26th, 2020 and five regional open houses were scheduled throughout the region. Due to the onset of restrictions caused by COVID-19, only two of the five open houses were held and the public comment period was extended through May 15th, 2020.

Next Steps:

- Revisions to draft plan based on public comments and approval by WMPO Board in Summer 2020
- Presentation of plan to WMPO members in Summer 2020
- Adoption of final plan in October 2020

SITE DEVELOPMENT REVIEW

Project Descriptions/Scope: The Wilmington Urban Area MPO assists with site development and Transportation Impact Analysis review for the MPO's member jurisdictions. During the last month, staff has reviewed the following development proposals:

- New Hanover County Development Plan Reviews: 7 reviews
- New Hanover County Informal Plan Reviews: 0 reviews
- New Hanover Concept Reviews: 0 review
- Town of Leland Site Development Reviews: 1 review (I added this line)
- Town of Leland Formal Reviews: 0 reviews
- Town of Leland Informal Reviews: 0 reviews
- Town of Navassa Formal Reviews: 0 reviews
- Town of Navassa Informal Reviews: 0 reviews
- Town of Navassa Concept Reviews: 0 reviews
- Town of Carolina Beach Formal Reviews: 0 reviews

- Town of Carolina Beach Informal Reviews: 0 reviews
- Brunswick County Formal Plan Reviews: 0 reviews
- Brunswick County Informal Plan Reviews: 0 reviews
- TIA Reviews: 8 total (2 new, 6 on-going) New Hanover County 3, City of Wilmington, Carolina Beach 0, Leland 0, Navassa 0, Pender County 2, and Brunswick County 0
- Pender County Development Plan Reviews: 1 review
- Pender County Informal Plan Reviews: 0 reviews
- Pender County Concept Reviews: 0 reviews
- City of Wilmington Formal Reviews: 67 reviews
- City of Wilmington Informal Reviews: 21 reviews
- City of Wilmington Concept Reviews: 5 reviews (5 new, 0 on-going)
- COW Project Releases: 10 Full releases

**STBGP-DA/TASA-DA FY 2013 to
Present STBGP-DA**

U-5534C - WRIGHTSVILLE AVENUE/GREENVILLE AVENUE TO HINTON AVENUE

Project Descriptions/Scope: The project is for construction of intersection re-alignment improvements at the intersection of Wrightsville Avenue/Greenville Avenue and bike lanes and sidewalks along Greenville Avenue from Wrightsville Avenue to Hinton Avenue.

Project Status and Next Steps:

- Complete review of final design package and submit to NCDOT for review– Summer 2020
- NCDOT final design approval and City to request Construction Funds Authorization – Fall 2020
- Begin Construction – Early 2021

U-5534D - TOWN OF LELAND - OLD FAYETTEVILLE ROAD MUP

Project Descriptions/Scope: This project is for design and construction of a ten foot (10') wide multi use path, separate but adjacent to Old Fayetteville Road, beginning at or around the corner of the Leland Town Hall Campus and ending at the driveway of the North Brunswick High School.

Project Status and Next Steps:

- ROW certification has been issued
- Updated PCE approved on December 4, 2018
- Davenport identified potential utility conflicts; The Town has authorized Level A – S.U.E. services to be performed to verify where conflicts exist; AECOM will revise plans to reflect any utility relocations that must be done; revised plans must then be approved by NCDOT.
- Supplemental underground utility conflict drawings were sent to Ron VanCleaf on September 30, 2019 and these drawings were approved on October 17, 2019.
- Supplemental Agreement #3 dated March 28, 2019 extends project completion deadline to July 1, 2020.
- On November 21, 2019, MPO requested DOT to issue Supplemental Agreement #4 to provide supplemental appropriation of federal funds for the additional amount of \$517,477 with an additional local match for the amount of \$129,370. The Town also requested an extension of the project completion deadline to June 30, 2021. Supplemental Agreement #4 has been signed by the Town and returned to NCDOT for signature
- Town sent the following documents to Ron VanCleaf on November 12, 2019: VCER-1 Form, NPDES Stormwater Certification, DOT Encroachment Agreement with plans. Waiting

to receive signed encroachment agreement from DOT.

- Received plan comments from NCDOT's Traffic Engineering Division pertaining to the encroachment agreement plans. AECOM will address the comments and send revisions for approval. Engineer mistakenly sent revised PMP plans to DOT in Raleigh on 2/13. GV resent PMP to local DOT office on 3/3. DOT to review and approve revised plans before issuing encroachment agreement. Encroachment Agreement issued March 13th.
- Revised bid specifications send to NCDOT on February 26th
- Supplemental Agreement No. 5 issued April 7th to extend construction deadline to June 30, 2021; signed by Town; waiting for DOT signature
- Ron Vancleef submitted request for construction authorization week of April 6th.
- Bid and award timeline will depend upon receipt of construction authorization; prefer to bid this and projects U-5534I, J and K at the same time.
- On April 15th, Ron Vancleef reported that Division Maintenance Engineer verified that 100% of the funds for the resurfacing project were available
- Construction authorization issued on or about 5/15/2020.
- Town agreed to defer reimbursement.

U-5534F – CITY OF WILMINGTON – PARK AVENUE MUP – PHASE II

Project Descriptions/Scope: This project is for the design and construction of an off-road multi-use path between Audubon Boulevard and Kerr Avenue. The right of way certification was received November 2, 2016.

Project Status and Next Steps:

- Plans approved August 20, 2019
- Specification comments received September 24, 2019;
- NCDOT approved final bid proposal on 12/23/19; Utility/RR certification submitted and construction authorization requested on February 26, 2020
- Begin Construction – Summer 2020
- Complete Construction – Fall 2020

U-5534G –CITY OF WILMINGTON- HOOKER ROAD MULTI-USE PATH

Project Descriptions/Scope: The project consist of the construction of a 10' wide multi-use path along Hooker Road from Wrightsville Avenue to Mallard Drive/Rose Ave intersection

Project Status and Next Steps:

- Complete final design package and submit to NCDOT for review– Summer 2020
- Update/renew permits – Summer 2020
- NCDOT final design approval – Summer 2020
- Right of way acquisition complete – Fall 2020
- Begin Construction – Spring 2021
- Complete Construction – Spring 2022

U-5534H –CITY OF WILMINGTON- HINTON AVE MULTI-USE PATH

Project Descriptions/Scope: This project consists of the construction of a 10' wide multi-use path along Hinton Avenue from Park Avenue to Greenville Avenue.

Project Status and Next Steps:

- Complete final design package and submit to NCDOT for review– Summer 2020
- Update/renew permits – Summer 2020

- NCDOT final design approval – Summer 2020
- Right of way acquisition complete – Fall 2020
- Begin Construction – Spring 2021
- Complete Construction – Spring 2022

U-5534I –TOWN OF LELAND- VILLAGE ROAD MULTI-USE PATH EXTENSION

Project Descriptions/Scope: The construction of a 8 foot wide concrete path from the connection at the Brunswick Center in Leland across the front of the library property, down Village Road, ending on the western edge of the First Baptist Church property before the Sturgeon Creek Bridge.

Project Status and Next Steps:

- Right of way acquisition underway. Expect to complete acquisition of temporary and permanent easements by January 30, 2020. All easements have been acquired.
- Easement documents send to NCDOT on February 14th. Waiting on Right of Way certifications to be issued.
- Encroachment agreement needed once right-of-way finalized. Encroachment Agreement application sent to NCDOT on January 7th.
- Revised 100% plans and specs sent to DOT for final review on December 23, 2019. Comments returned on December 30th and January 10th. Revised plans to address latest comments sent to NCDOT on January 30th.
- DOT issued Supplemental Agreement #3 on December 10, 2019 to extend completion deadline to June 30, 2021 and provide additional funding; Town returned signed Agreement to DOT on December 19, 2019; received fully executed copy of Supplemental Agreement #3.
- Revised bid specifications sent to NCDOT on February 26th
- Encroachment Agreement issued March 13th
- Ron Vancleef submitted request for construction authorization week of April 6th.
- Bid and award timeline will be set to match up with “J” and “K” projects after construction authorization is issued. Try to coordinate bid and let date with “D” project.
- Construction authorization issued on or about 5/15/2020.
- Town agreed to defer reimbursement.

U-5534J – TOWN OF LELAND- OLD FAYETTEVILLE LOOP ROAD PEDESTRIAN LOOP

Project Descriptions/Scope: The construction of sidewalks in three locations: 1) The construction of an 8 foot concrete sidewalk along Village Road from Town Hall Drive to the apartment complex and widening the existing 5 foot sidewalk in front of the apartment complex to 8 feet. 2) The construction of a 6 foot sidewalk along Town Hall Drive from Village Road NE to the sidewalk that exists by the new Town Hall. 3) The construction of a 5 foot sidewalk along Old Fayetteville Road from the existing sidewalk in front of the apartment complex to Village Road NE.

Project Status and Next Steps:

- Right of way acquisition underway. Expect to complete acquisition of temporary and permanent easements by February 10, 2020.
- Easement documents send to NCDOT on February 14th. Waiting on Right of Way certifications to be issued.
- Encroachment agreement needed once right-of-way finalized. Encroachment Agreement application send to NCDOT on January 7th.
- Revised 100% plans and specs sent to DOT for final review on December 23, 2019. Comments returned on December 30th and January 10th. Revised plans to address latest

comments sent to NCDOT on January 30th.

- DOT issued Supplemental Agreement #3 on December 10, 2019 to extend completion deadline and provide additional funding; Town returned signed Agreement to DOT on December 19, 2019; received fully executed copy of Supplemental Agreement #3.
- Revised bid specifications sent to NCDOT on February 26th
- Encroachment Agreement issued March 13th
- Ron Vancleef submitted request for construction authorization week of April 6th.
- Bid and award timeline will be set to match up with “I” and “K” projects after construction authorization is issued. Try to coordinate bid and let date with “D” project.
- Construction authorization issued on or about 5/15/2020.
- Town agreed to defer reimbursement.

U-5534K – TOWN OF LELAND- LELAND MIDDLE SCHOOL SIDEWALK

Project Descriptions/Scope: The construction of 5 foot wide concrete sidewalk adjacent to Old Fayetteville Road from Ricefield Branch Road to the US Hwy 74/76 overpass after Glendale Drive with connections to Leland Middle School and the surrounding neighborhoods.

Project Status and Next Steps:

- Right of way acquisition underway. Expect to complete acquisition of temporary and permanent easements by January 31, 2020. All easements have been acquired.
- Easement documents sent to NCDOT on February 14th. Waiting on Right of Way certifications to be issued.
- Encroachment agreement needed once right-of-way finalized. Encroachment agreement application sent to NCDOT on January 7th.
- Revised 100% plans and specs sent to DOT for final review on December 23, 2019. Comments returned on December 30th and January 10th. Revised plans to address latest comments sent to NCDOT on January 30th.
- DOT issued Supplemental Agreement #3 on December 10, 2019 to extend completion deadline and provide additional funding; Town returned signed Agreement to DOT on December 19, 2019; received fully executed copy of Supplemental Agreement #3.
- Revised bid specifications sent to NCDOT on February 26th
- Encroachment Agreement issued March 13th
- Ron Vancleef submitted request for construction authorization week of April 6th.
- Bid and award timeline will be set to match up with “I” and “J” projects after construction authorization is issued. Try to coordinate bid and let date with “D” project.
- Construction authorization issued on or about 5/15/2020.
- Town agreed to defer reimbursement.

U-5534Q –CITY OF WILMINGTON- S. COLLEGE/HOLLY TREE CROSSWALKS

Project Description/Scope: The project will install sidewalk, ADA ramps, curb and gutter, markings and traffic signal revisions required to install actuated pedestrian crossings of S. College Road and crossings on Holly Tree Road.

Project Status and Next Steps:

- The project has been put on hold until NCDOT’s College Road resurfacing project occurs. NCDOT has reduced the scope of the milling and resurfacing, this puts the shallow drainage back on this project.
- If an alternative design is agreed upon that does not significantly affect the original scope of the project, the design process will be restarted. City staff needs to evaluate the drainage

features in front of the Krispy Kreme to determine if alternative drainage that allows the removal of the pipe that is shallow)

- The City needs to have a discussion from the 4SW200 committee/MPO about additional funding to include drainage revision in the project.
- Additional resources will be required, both in design and redefinition of scope.

U-5534S (FORMERLY U-5534M)- TOWN OF WRIGHTSVILLE BEACH- CORAL DRIVE SIDEWALKS

Project Descriptions/Scope: The construction of sidewalks along Coral Drive will install approximately 954 linear feet of 5 foot wide sidewalk on Coral Drive adjacent to Wrightsville Beach Elementary. The Town hired SEPI to complete the design.

Project Status and Next Steps:

- Project is ready for bidding and construction. Plans and PCE have been approved. The contract documents have been approved.
- Additional funding was approved by the MPO Board in May 2020
- Anticipated bidding and construction to follow by late summer.

U-5534T –CITY OF WILMINGTON- TRAFFIC SIGNAL PREEMPTION

Project Description/Scope: This project will install traffic pre-emption equipment at 27 locations throughout the City of Wilmington and GPS devices on fire apparatus.

Project Status and Next Steps:

- Construction is complete
- Administrative and financial closeout in progress

U-5534U – TOWN OF NAVASSA- NAVASSA PARK MULTI-USE PATH

Project Description/Scope: This project will construct bike lanes on both sides of Brooklyn Street, a multi-use path connecting Brooklyn Street to the Navassa Park, and a multi-use path through the Navassa Park forming a loop within the park.

Project Status and Next Steps:

- 30% Plans comments received from NCDOT on January 31, 2020; 65% plans provided to Town and are under review for submittal to NCDOT.
- Project design and construction documents are moving forward; however, right-of-Way funding request is on hold due to NCDOT budget shortfall.
- Construction Funding is anticipated in FY2021

EB-6025- TOWN OF BELVILLE- RICE HOPE MULTI-USE PATH

Project Description: The project consists of the construction of a multi-use path of eight feet (8') wide located at the western side of NC 133 between Morecamble Blvd and Rice Hope Run.

Project Status and Next Steps:

- The agreements have been executed
- The Town has selected Withers & Ravenel as the engineer
- An Addendum has been issued for a 6-month extension on the let date.
- Project design is on hold due to NCDOT budget shortfall.

U-6234 MULTI-MODAL PHASE 1 B

Project Description/Scope: Rehabilitation of the historic structure located at 525 N 4th Street for a transportation purpose

Project Status and Next Steps:

- Negotiating scope and fee with the selected firm
- NCDOT continues to complete an external audit on the consultant's fee

U-6235 – City of Wilmington/New Hanover County – Signal Pre-emption Phase 2

Project Description/Scope: The project will install traffic pre-emption equipment at 50 locations throughout the City of Wilmington and New Hanover County and GPS equipment on emergency response vehicles.

Project Status and Next Steps:

- U-6235 agreement between NCDOT and City of Wilmington executed March 2020.
- Cost sharing agreements with New Hanover County started June 2019 and completed March 2020.
- NCDOT Authorization for Preliminary Engineering received March 2020.
- Project goals reviewed with NCDOT Division 3.
- Design Proposal received May 2020.

U-6039 – CAROLINA BEACH – ST. JOSEPH BIKE LANES

Project Description/Scope: Construct Bike Lanes along St. Joseph Avenue and Lewis Drive from Lake Park Boulevard to Access Drive in Carolina Beach

Project Status and Next Steps:

- TIP number has been entered. Town to upload information in EBS to request agreement.

TASA-DA**U-5527B CITY OF WILMINGTON – 5th AVE INTERSECTION UPGRADES**

Project Descriptions/Scope: This project is for the construction of high visibility crosswalks, curb ramps, and pedestrian activated signals on 5th Ave at the Dawson Street and Wooster Street intersections.

Project Status and Next Steps:

- Under construction
- Construction began on December 13, 2019 with all work at the Dawson & Wooster intersection has been constructed with the exception of the crosswalk due to weather restrictions.
- The last ADA ramp was poured on April 27th, with the crosswalks and pedestrian signals left to complete.

U-5527C NEW HANOVER COUNTY – MIDDLE SOUND GREENWAY – EXTENSION TO MIDDLE SOUND VILLAGE

Project Descriptions/Scope: This project is for the construction of a multi-use path along Middle Sound Loop Road from Oyster Lane to the Middle Sound Village property line.

Project Status and Next Steps:

- Bids opened May 16, 2020; low bid info sent to DOT
- Awaiting approval to proceed with project as bid
- Project Completion is 90 days after NTP

EB- 6026- TOWN OF BELVILLE- BELVILLE ELEMENTARY- MULTI-USE PATH

Project Description: The project consists of the construction of a multi-use path of eight feet (8') wide located along NC 133 connecting north and south entrances of Hawks Water Development to Belville Elementary School.

Project Status and Next Steps:

- The agreements have been executed
- The Town has selected Withers & Ravenel as the engineer
- An Addendum has been issued for a 6-month extension on the let date.
- Project design is on hold due to NCDOT budget shortfall.

EB-6027 – NEW HANOVER COUNTY -MIDDLE SOUND GREENWAY

Project Description: Design only of the Middle Sound Greenway connection to Ogden Park

Project Status and Next Steps:

- Survey complete
- 25% drawings submitted to NCDOT in late April 2020
- MPO Board approved a reduction in the scope of the project at their May meeting

EB-6028 —CITY OF WILMINGTON- 21ST STREET/MARKET HAWK SIGNAL

Project Description: Design and construction of a HAWK signal at the pedestrian crossing at Market Street and 21st Street

Project Status and Next Steps:

- Pre-Design scoping meeting with Davenport Engineering and NCDOT Division Personnel occurred on 2/20.
- Scope of design defined, but this scope was much larger than initially anticipated. Adjustment to PE Authorization will be needed.
- NCDOT Manday estimate for issuance of task order is currently under NCDOT review.
- Once the Manday estimate is approved by NCDOT, the project will be placed on indefinite hold until such time as NCDOT addresses the Cash Balance issue. All projects have been asked to get to a stopping place due to NCDOT's inability to pay for work.
- Survey and Design for NCDOT review.

EB-6029 – TOWN OF CAROLINA BEACH – CLARENDON AVENUE MULTI-USE PATH

Project Description: Construction of the Clarendon Avenue multi-use path from 4th Street to Dow Road

Project Status and Next Steps:

- The Town is evaluating the scope for the project.

TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Project Description/Scope: UNCW is taking the role as lead employer for the Cape Fear region. The WMPO will coordinate with UNCW to work with other major employers in the region to identify opportunities for public outreach, marketing, carpooling, vanpooling, alternative/compressed work schedules, Emergency Guaranteed Ride Home, park and ride lots, etc. The MPO adopted "Work Cape Fear: Expanding Commuter Options in the Cape Fear Region" TDM Short Range Plan on January 28, 2015 and also authorized staff to apply for a TDM grant through NCDOT that funded a full-time TDM Coordinator position. The Agreement with NCDOT for the full-time TDM Coordinator position was

approved on November 4, 2015. The TDM program works to increase active transportation initiatives and increase community knowledge of commuter options. The MPO finalized the Strategic Marketing Plan for the “Go Coast” program. In addition, the WMPO has been working with the City of Wilmington to implement a bike share program. The TDM program has continued to grow and progress and below are project status and next steps.

Project Status and Next

Steps: Initiatives

1. Bike Share
 - a. Bike Share Selection Committee Reviewing RFP response from Koloni Bike Share
 - b. Developing analysis for bike share programs in the region. Specifically how other municipalities fund bike share programs.
2. Social Media
 - a. Posting at least twice per week on WMPO Facebook, Twitter, and Instagram and Go Coast Instagram
3. Watch For Me NC
 - a. Wilmington will partner with NCDOT for 2020 Watch For Me NC bicycle and pedestrian safety program. NCDOT announced partners in April for applications that were submitted in March 2020.
 - b. Partners currently include Go Coast, Wilmington Police, Wilmington Fire, NHRMC, UNC Wilmington, and City of Wilmington Traffic Engineering
4. Applied for Bicycle Friendly Community with the League of American Bicyclists for City of Wilmington
 - a. Wilmington was designated a Bronze Level Community in 2015, waiting on LAB for new designation
5. Short Range TDM Plan
 - a. This plan will outline all TDM strategies that may be implemented in the WMPO region within one to five years. Draft one complete and to be reviewed by the Go Coast Committee.
6. Go Coast Committee approved creation of the Go Coast Bicycle Helmet Program in February 2020
 - a. This program will provide 100 free helmets to WMPO area residents in spring of 2020 through Watch for Me NC and Go Coast events. Waiting to plan events for WFMNC when COVID 19 restrictions end.
7. Applying for CASSI Autonomic Vehicle three month grant for Carolina Beach and Downtown Wilmington. Application deadline has been extended to July 31, 2020
8. Bike Month
 - a. Go Coast held a virtual Bike Month for the month of May. Over 100 individuals registered to participate and report their bike trips during May. Data is being reported through Survey Monkey surveys and will be gathered after May 31st.



Cape Fear Public Transportation Authority

Project Update

June 2020

REGIONAL AUTHORITY PROJECTS

- 1. Bus fleet replacement** - (no change) additional funding for four replacement buses has been requested from the VW mitigation settlement phase one. An RFP for funding was issued by NC DAQ on June 17, 2019. The application for funding was released on July 01, 2019. An application for four (4) CNG buses was submitted in response to the RFP. Phase one of the VW settlement project awards are expected to be announced in 2020.
- 2. Long Term Funding** - On January 21, 2020 the City of Wilmington and New Hanover County each adopted a *Concurrent Resolution of the Wilmington City Council and the Board of Commissioners of New Hanover County for Enhanced Public Transportation Operations and Efficiency*. The resolution included a restructuring of the Wave Transit board. Transpro has been retained by New Hanover County to serve as consultant to the board during the evaluation process. A report from Transpro is in development.
- 3. Route 204 - Brunswick Connector** - due to a lack of local funding Route 204, Wave Transit has begun the public comment process to discontinue the route. The ninety day process will include two public hearings. A resolution formally eliminating service to Brunswick County is expected to be presented to the Authority Board for consideration on August 27, 2020. The route is tentatively scheduled to end service in early September, 2020.

WMPO SPONSORED PROJECTS

1. STBGP-DA FUNDING FY 2021

On August 07, 2019, the WMPO authorized \$500,000 in STBGP-DA funding for capitalized preventive maintenance and Americans with Disabilities Act compliance funding for FY 2020. In April 2020, the Authority provided 456 ADA passenger trips with the allocated funding. Preventive maintenance activities were undertaken in accordance with the appropriated funding.

Projects in Development						
Project Manager	Contract Tyf	TIP	PO	Description	County	SAP Lat Date
Ron Vancleef	LAP	U-5534F	WMPO	Wilmington - Park Avenue Multi-Use Trail (Phase II)	New Hanover	5/21/2020
Ron Vancleef	LAP	U-5534I	WMPO	Leland Village Rd Multi-Use Path Extension	Brunswick	5/21/2020
Ron Vancleef	LAP	U-5534J	WMPO	Leland Old Fayetteville Village Road Ped Loop	Brunswick	5/21/2020
Ron Vancleef	LAP	U-5534K	WMPO	Leland Middle School Sidewalk	Brunswick	5/21/2020
Trace Howell	DDRL	R-3300B	WMPO/CFRPO	Hampstead Bypass	Pender	9/15/2020
Central	Raleigh	B-5642	WMPO	Brunswick 65 on NC 87 over Hood Creek	Brunswick	7/21/2021
Central	Raleigh	15bpr. 19	WMPO	New Hanover 21 on US 76 over Banks Channel	New Hanover	9/1/2021
Derek Plelech	DPOC	17BP.3.R.84	WMPO	Brunswick 181	Brunswick	4/14/2022
Central	Raleigh	B-5653	WMPO	Pender 14 on NC 133 over Turkey Creek	Pender	4/19/2022
Lydia	DDRL	I-6039	WMPO	I-40 Pavement rehab from Milemarker 420 to NC 210	New Hanover, Pender	4/19/2022
Derek Plelech	DPOC	B-4590	WMPO	Replace Bridge 29 on Cornelius Harnett Dr/Castle Hayne Rd over Smith Creek	New Hanover	4/21/2022
Eric Murray	DPOC	U-5914	WMPO	Widen NC 133 from US 17/74/76 to Old River Rd	Brunswick	6/2/2022
Krista Kimmel	DDRL	U-5926	WMPO	New Route from 23rd St to 26th St	New Hanover	6/21/2022
Rail Division	Rail	P-5740	WMPO	Wilmington Rail At-Grade Crossing Improvement	New Hanover	6/30/2022
Mike Bass	DPOC	U-5710A	WMPO	US 74 (Eastwood Road) - construct roadway on new location between US 17 (Military Cutoff Road) & US 74 (Eastwood Road)	New Hanover	7/1/2022
Ron Vancleef	LAP	U-5534C	WMPO	Greenville Ave from Wrightsville Avenue to Hinton Avenue	New Hanover	7/7/2022
Eric Murray	DPOC	W-5601DH	WMPO	3rd St and Dock St Intersection	New Hanover	7/7/2022
Brian Harding	DDRL	U-5729	WMPO	US 421 Carolina Beach Rd Median with Intersection Improvement at Shipyard and US 421	New Hanover	7/19/2022
TBD	DPOC	W-5703E	WMPO	US 117/NC 132 (College Rd) Between Randall Pkwy and	New Hanover	8/4/2022
TBD	DPOC	W-5703R	WMPO	NC 132 (South College Rd) and Braggs Drive turn lanes	New Hanover	9/15/2022
Trace Howell	DDRL	R-3300A	WMPO	Hampstead Bypass (US 17 from Military Cutoff Rd to NC 210)	New Hanover/ Pender	9/20/2022
Mike Bass	DDRL	U-5710	WMPO	US 74 (Eastwood Rd) at US 17 (Military Cutoff Rd)	New Hanover	9/20/2022
Lydia	DPOC	I-6036	WMPO	I-140 - US 17 to North of US 74 pavement rehab	Brunswick	10/20/2022
Eric Murray	DPOC	W-5703C	WMPO	Monkey Junction Pedestrian Improvements	New Hanover	11/17/2022
Krista Kimmel	DDRL	U-3338C	WMPO	Kerr Ave Interchange at MLK	New Hanover	12/20/2022
Brian Harding	DDRL	U-5863	WMPO	NC 133 - Castle Hayne Rd from I-140 to Division Dr	New Hanover	10/17/2023
Trace Howell	DDRL	U-5790	WMPO	Monkey Junction Interchange	New Hanover	4/16/2024
Brian Harding	DDRL	U-5731	WMPO	US 74 at US 17/US 421 Flyover	New Hanover	5/21/2024
Krista Kimmel	DDRL	U-4902C	WMPO	US 17 Bus - Market St Median & Interchange	New Hanover	6/18/2024
Brian Harding	DDRL	U-5954	WMPO	NC 133 at 23rd St Roundabout	New Hanover	6/18/2024
Krista Kimmel	DDRL	U-4902B	WMPO	US 17 Bus - Market St Median - Railroad to MLK	New Hanover	12/17/2024
Krista Kimmel	DDRL	U-4434	WMPO	Independence Boulevard Extension	New Hanover	6/17/2025
Lydia	DPOC	I-6038	WMPO	I-140 from US 421 to US74/US76 pavement rehab	Brunswick, New Hanover	11/17/2025
Lydia	DDRL	I-6037	WMPO	I-140 from US 421 to I-40 pavement and bridge rehab	New Hanover	2/17/2026
Trace Howell	DDRL	U-5702A	WMPO	College Rd from New Centre to Shipyard	New Hanover	6/16/2026
Trace Howell	DDRL	U-5704	WMPO	US 17 (Oleander) at College	New Hanover	6/16/2026
Trace Howell	DDRL	U-5792	WMPO	MLK at College	New Hanover	6/16/2026
Trace Howell	DDRL	U-5732	WMPO/CFRPO	US 17 Hampstead Median Project	Pender	9/15/2026
None	DDRL	U-6199	WMPO	Wilmington Citywide Signal System Upgrade	New Hanover	6/15/2027
Krista Kimmel	DPOC	U-6201	WMPO	Kerr avenue Extension from Wrightsville Avenue to Oleander Dr	New Hanover	6/17/2027
Brian Harding	DDRL	U-5734	WMPO	US 421 Front St Widening	New Hanover	5/16/2028
Trace Howell	DDRL	U-5881	WMPO	College Rd from Gordon Rd to New Centre	New Hanover	6/20/2028
Brian Harding	DDRL	U-6202	WMPO	Widen Gordon Rd to 4 lanes from US 17 Market St to I-40	New Hanover	PY
Trace Howell	DDRL	U-5702B	WMPO	College Rd Access management improvement from Carolina Beach Rd to Shipyard Blvd	New Hanover	PY
Brian Harding	DPOC	U-6128	WMPO	US 76 (Oleander Dr) and Greenville Loop Rd/Greenville Avenue Dual Lefts	New Hanover	PY
Jessi Leonard	CSF	W-5703P	WMPO	US 17 and Ploof Rd/Old Waterford Way	Brunswick	TBD

PE Work Continuing

Date Completed:
PO:
Contact:

6/1/2020
WMPO
Caitlin Marks
cmmarks@ncdot.gov
910-341-2000

*All Division Lettings (DPOC) are currently suspended
PE is Temporarily Suspended on all Projects except where noted

Projects Under Construction							
Contract Number	Resident	TIP/WBS/Program	County	Description	Estimated Completion	Percent Complete	Comment
C204282	Alex Stewart	15403.1065027	New Hanover	Bridge on US 421 over Fishing Creek 4 miles N of I-140	Jul-20	99.53%	
DC00231	Daniel Jones	R-3601(I)	Brunswick	Landscaping for the Diverging Diamond at US 74/76 and NC 133	Jun-20	88.47%	
DC00268	TBD	I-5760A	New Hanover	I-140 from I-40 to US 421 Open Grated Friction Course	Aug-20	0%	Availability: March 2, 2020
C204203	Alex Stewart	HVBP	New Hanover	Isabel Holmes Bridge (#11, US 74) Girder repair, upgrade paint/structural steel, replace grid floor	Mar-21	56.96%	
DC00265	TBD	N/A	;, Duplin, New Hanover, Pender	Long Line Pavement Marking	Nov-21	0%	Availability: June 1, 2020
C203980	Alex Stewart	U-4751	New Hanover	Military Cutoff Rd Extension from Market St to the Wilmington Bypass with an interchange at the Bypass	Apr-22	32.27%	
C204319	Alex Stewart	U-4902D	New Hanover	Superstreet median on Market St (US 17 BUS) from Marsh Oaks Dr to Lendire Dr	Nov-22	21.74%	
TBD	Alex Stewart	HVBP	New Hanover	Banks Channel (#21, US 76) girder repair, clean and paint bearings, epoxy caps	TBD	TBD	
TBD	Alex Stewart	HVBP	New Hanover	Cape Fear (#48, I-140 E) Shear Strengthen	TBD	TBD	
TBD	Alex Stewart	HVBP	New Hanover	Cape Fear (#49, I-140W) Shear Strengthen	TBD	TBD	
DC00270	Alex Stewart	15403.101	Brunswick	Brunswick Hurricane Pipe Replacement (Group A)	Jul-20	57.8%	
DC00276	Daniel Waugh	DF15403.2071072	Pender	Pender Hurricane Pipe Replacement (Group G)	Jun-20	54.01%	

Resurfacing									
Contract Number	Contract Year	County	Resident	TIP	MPO/RPO	Map	Routes	Estimated Completion	Percent Complete
C204135	2018	✓ Hanover/Brunswick	Lydia McKeel	N/A	WMPO	0	US 421/US 76/NC 132 and various SRs (New Hanover Resurfacing)	Oct-20	78.24%



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

June 2020

Nazia Sarder
Transportation Engineer
NCDOT Transportation Planning Division
1 South Wilmington Street
Raleigh, NC 27601

JUNE TPD UPDATES WILMINGTON MPO

JUNE 2020

Brunswick County Model: The Brunswick County Model was completed in February of this year.

Wilmington Model: The 2045 model is ready for MTP testing. The 2045 model will be considered the official Wilmington MPO Model when the MTP is adopted.

Brunswick County CTP: The project team has completed the Brunswick County Model and has been developing pre-CTP work products in anticipation of starting the CTP. There will be a CTP kickoff meeting planned tentatively for summer. Please contact Nazia Sarder nsarder@ncdot.gov or Chris Palsgrove cdpalsgrove@ncdot.gov for further information on the Brunswick County CTP.

Update on Ferries: The N.C. Ferry Division started increasing services on May 23rd, due to greater expected demand and the easing of certain COVID-19 restrictions.

COVID-19 Updates: To get the most recent updates on NCDOT's response to COVID-19 please refer to the following webpage:
<https://www.ncdot.gov/news/Pages/ncdot-covid-19-response.aspx>

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1 SOUTH WILMINGTON STREET
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North Carolina VMT and NCDOT Budget Update: As North Carolinians have been under a stay-at-home order for several weeks their cars too have stayed home. There has been an approximate 40% reduction in VMT between this time in 2019 and the present. This reduction in travel is hitting NCDOT's budget at expected decrease in revenues of 300 million dollars this fiscal year. This reduction is due in large part to the decrease in gas tax revenues which currently account for approximately 54% of NCDOT revenues.

NCDMV: Headquarters reopened on May 12th. There is now a one-time, five-month extension of the expiration date for driver licenses, vehicle registrations and other Division of Motor Vehicles' credentials. Gov. Roy Cooper approved the extension for any credential that expires on or after March 1 and before Aug. 1. If you paid a fine for a late renewal in March or April, you will be reimbursed.

Hurricane Preparedness Week: Now is also the time to prepare for the 2020 hurricane season, which runs from June 1 through Nov. 30. Gov. Cooper proclaimed the week of May 3rd – May 9th as Hurricane Preparedness Week. During this time, families are urged to discuss emergency plans, update emergency supplies, and review homeowner and renters insurance policies.