

**Corrected and Adopted January 17, 2019**

**MINUTES  
WINSTON-SALEM URBAN AREA  
TRANSPORTATION ADVISORY COMMITTEE (TAC)  
NOVEMBER 15, 2018  
4:15 P.M  
FIFTH FLOOR, PUBLIC MEETING ROOM,  
BRYCE A. STUART MUNICIPAL BUILDING**

**MEMBERS PRESENT:**

Dan Besse, Council Member, City of Winston-Salem, Vice Chairman  
Denise Adams, Council Member, City of Winston-Salem  
Fleming El-Amin, Commissioner, Forsyth County  
John Wait, Mayor, Village of Clemmons  
Randy Mendenhall, Council Member, Town of Walkertown  
Myron Marion, Council Member, Village of Tobaccoville  
Jenny Fulton, Alderman, Town of Kernersville  
Ed Smith, Council Member, Town of Lewisville  
John Ferguson, Commissioners, Davie County  
Zak Crotts, Commissioner, Davidson County  
Ken Rethmeier, Mayor, Town of Bermuda Run  
Mike Wells, Member, Board of Transportation

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

**STAFF PRESENT:**

Richard Jones, Davidson County  
Joe Geigle, FHWA  
Phillip Craver, NCDOT  
Pat Ivey, NCDOT  
Fred Haith, NCDOT  
James Upchurch, NCDOT  
Margaret Bessette, CCPB  
Cary Gentry, FCOEAP  
Jordan Payne, FCOEAP  
Toneq' McCullough, WSDOT  
J. Hank Graham, WSDOT  
Brenda King, WSDOT  
Byron Brown, WSDOT  
Matthew Burczyk, WSDOT  
Kelly Garvin, WSDOT  
Donna Woodson, WSTA  
Evan Koff, WSDOT

**RECORDING SECRETARY:** Laura Whitaker, WSDOT

**OTHERS:**

Otto Gaither  
Bill Hayes  
Phillip Summers

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

**1. Citizen Comments**

Otto Gaither, 5641 Novack Street, Winston-Salem, NC expressed his concerns regarding the bridge on Novack Street that sustained damaged from a recent storm. The neighborhood is being told it will take 2 years to complete work on the bridge. It is causing a hardship on the neighborhood to have only one way into the neighborhood and one way out. He requested the committee help however it could in completing the work as soon as possible.

Toneq' McCullough stated that the City is aware of the issue and is working toward a solution. The bridge was not on the City's list for replacement as the bridge was damaged due to the recent storm. The cost is estimated at \$1.5 - \$2 million. Funding sources are available; however, none will help with the estimated 2-year completion timeframe.

Bill Hayes, 5600 Novack Street, Winston-Salem, NC stated that the storm knocked down a tree which caused the damage to the bridge. He stated the neighborhood would appreciate any help in expediting the timeframe to repair the bridge.

**Action Items**

**2. Consideration of the October 18, 2018 TAC Meeting Minutes**

Presented by Chairman Larry Williams.

MOTION: Fleming El-Amin moved approval of the minutes.

SECOND: Ken Rethmeier.

VOTE:

FOR: Unanimous

AGAINST: None

**3. Consideration of Amendments and Modifications to the Fiscal Year 2018-2027 Metropolitan Transportation Improvement Program (MTIP)**

Presented by Byron Brown.

- The Fiscal Year 2018-2027 Metropolitan Transportation Improvement Program (MTIP) is a comprehensive listing of all transportation projects programmed for the Winston-Salem Urban Area and must be a subset of the Winston-Salem Urban Area 2040 Metropolitan Transportation Plan (MTP) and match the FY 2018-2027 State Transportation Improvement Program (STIP).
- The 2040 MTP and the Air Quality Conformity Determination Report (AQCDR) were adopted by the TAC on September 17, 2015. The FY 2018-2027 MTIP was adopted by the TAC on November 16, 2017.
- The North Carolina Department of Transportation (NCDOT) regularly updates the STIP to include new projects and modify existing projects. Any STIP amendment for new statewide projects or projects within the Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) triggers the amendment of the MTIP.
- STIP amendments for regionally significant projects that have significant project revisions or cross the Federal Highway Administration (FHWA) 4-year funding period or modeling horizon years require an AQCDR.
- Modifications to the STIP do not require adoption but are provided for information.
- As required by the WSUAMPO's Public Participation Policy, the amendments and modifications to the FY 2018-2027 MTIP were available for public review and comment for at least 30 days which occurred from September 7 through October 10, 2018.

MOTION: Denise Adams moved approval.

SECOND: Zak Crotts.

VOTE:

FOR: Unanimous

AGAINST: None

**4. Consideration of Endorsement of Targets for Performance Measures for Asset Conditions (PM2) and System Reliability (PM3) established by North Carolina Department of Transportation and (NCDOT) and Amendment to the 2040 Metropolitan Transportation Plan**

Presented by Evan Koff.

- On May 18, 2018 the North Carolina Department of Transportation (NCDOT) established and submitted their performance measures (PM) and targets for asset condition (PM2) and system.
- These performance measures and targets were established through coordination with the 19 Metropolitan Planning Organizations (MPOs) in North Carolina through a series of work group meetings, webinars and email communications between the winter of 2017 and spring of 2018.
- As with the NCDOT safety performance measures and targets the Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) supported in February of this year, North Carolina MPOs have until November 16, 2018 to endorse and support the State's targets or set their own targets.

- WSUAMPO staff recommends endorsement and support of the State’s asset condition and system reliability performance measures and targets.
- The 2040 Metropolitan Transportation Plan (MTP) will need to be amended to include the endorsed measures and targets.
- Amendments to the WSUAMPO MTP requires a 30 day public review period, which took place from September 7, 2018 to October 10, 2018.
- There are no repercussions for MPOs that support the State’s targets and subsequently do not meet or make significant progress toward meeting those targets.

A lengthy discussion ensued regarding the State’s target percentage numbers.

A lengthy discussion ensued regarding road conditions and concerns with using available funding to rate roads. It was noted that pavement experts reviewed road conditions and made recommendations.

A discussion ensued regarding issues if the committee chooses not to adopt NCDOT’s performance measures.

A discussion ensued regarding funding issues. Mr. Wells, the NC Board of Transportation member, noted that the gas tax funding has decreased due to cars being made to use less fuel and achieve better gas mileage. It is a serious issue that needs to be addressed, but there are no easy answers.

MOTION: Dan Besse moved approval.

SECOND: Denis Adams.

VOTE:

FOR: Unanimous

AGAINST: None

### **Information Items for Future Action**

#### **5. Review of the Call for Projects for Prior Year Federal Congestion Mitigation and Air Quality (CMAQ) Funds for the Winston-Salem Urban Area Metropolitan Planning Organization**

Presented by Kelly Garvin.

- Congestion Mitigation & Air Quality (CMAQ) is a federal program that funds transportation projects and programs in air quality nonattainment and maintenance areas to help achieve and maintain national standards for air quality pollutants.
- In North Carolina, the North Carolina Department of Transportation (NCDOT) serves as the administrator for this program.
- Funding is apportioned to North Carolina based on the population in non-attainment and maintenance areas of the state and the severity of air quality problem.
- On July 19, 2018, the Transportation Advisory Committee (TAC) approved the swap of CMAQ funds for Surface Transportation Program – Direct Attributable (STP-DA) funds.

- As a result, \$2,939,082 of CMAQ money was made available to be applied to eligible projects in the Winston-Salem Urban Area Metropolitan Planning area.
- CMAQ funds represent 80% of a project's total cost. The remaining 20% is the responsibility of the locality.
- Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) staff issued a call for projects on November 8, 2018 which will close December 10, 2018.
- Because these funds are from FY 2016 and FY 2017, they are subject to rescission in September of 2019 and therefore must be obligated before this date.
- For this reason, projects that are ready for construction as well as transit projects are highly recommended and preferred for this call.
- The WSUAMPO's adopted process will be used for evaluating projects.

A correction was noted for the schedule, the dates for Forsyth County OEAP review will be from December 12, 2018 – January 7, 2019.

**6. Review of a Federal Transit Administration (FTA) Formula Program Section 5307 Funding Allocations for Winston Salem Urban Area for Fiscal Year 2019 and Plans to Amend the Metropolitan Transportation Improvement Program**

Presented by Toneq' McCullough.

- Transit systems located in urbanized areas of more than 200,000 in population are eligible to use Federal Transit Administration (FTA) Sections 5307 funds for operating and capital assistance.
- The Winston-Salem Urban Area received \$4,752,137 in FY 2018.
- MPO staff anticipates the FY 2019 apportionment will be approximately the same. The FY 2019 Federal Fiscal year began October 1, 2018.
- Staff is bringing this item for information so that when FTA announces the FY 2019 Section 5307 funding availability, there will not be a delay in allocating these funds to eligible agencies in the MPO therefore expediting the application process through FTA.
- There currently are three transit agencies in the MPO eligible to receive 5307 funding based upon data reported to the National Transit Database (NTD): Davidson County Transportation, Piedmont Authority for Regional Transportation (PART), and Winston-Salem Transit Authority (WSTA).
- The number of eligible agencies may increase in future years.
- Additionally, activities traditionally eligible under the Job Aces Reverse Commute (JARC) program, which provides for job access for low-income individuals, continue to be eligible activity for these funds.
- Based upon policies adopted by the Winston-Salem Urban Area MPO in 2017, funding will be distributed in accordance with percentages developed by the FTA.
- Each year, MPO staff shall coordinate a joint allocation meeting with eligible agencies to confirm that the funding identified can be used by the agency and staff will use that information for recommendation to the TAC for final approval and distribution.

- MPO staff will coordinate this meeting once a funding apportionment is announced. Staff will also recommend approval of an amendment to the Metropolitan Transportation Improvement Program (MTIP).

**7. Review of the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grant Program and Plans to Amend the Metropolitan Transportation Improvement Program for Fiscal Year 2019**

Presented by Toneq' McCullough.

- The Winston-Salem Urban Area will typically receive federal transportation funds to assist eligible agencies in meeting the transportation needs disabled and elderly populations in the urbanized area under the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) grant program.
- In FY 2018, the Winston-Salem Urban Area MPO (WSUAMPO) received \$357,368 in Section 5310 funding apportionment.
- These funds are allocated to transportation sub-recipients through a competitive process of selection.
- Project proposals are accepted annually.
- Once FTA announces the funding availability for Section 5310 programs, MPO staff will issue a call for projects.
- Staff will also conduct a public funding workshop to discuss Federal Transit Administration (FTA) funding programs, application processes and procedures.
- The FY 2019 Federal Fiscal Year began October 1, 2018.
- Staff is bringing this item for information so that when FTA announces the FY 2019 Section 5310 funding availability, there will not be a delay in recommending eligible agencies for award of these funds therefore expediting the application process through FTA.
- The application process may take another 6-9 months before funds are available for reimbursement to agencies.
- Staff will also recommend approval of an amendment to the Metropolitan Transportation Improvement Program (MTIP) to reflect the funding recommendations once approved.

**8. Review of the Federal Transit Administration (FTA) Section 5339 Bus and Bus Facilities Grant Program Funding Allocation for the Winston Salem Urban Area for Fiscal Year 2019 and Plans to Amend the Metropolitan Transportation Improvement Program (MTIP)**

Presented by Toneq' McCullough.

- The Federal Transit Administration Section 5339 program is a formula based grant program to replace, rehabilitate and purchase buses and bus facilities.
- The program provides available federal resources to eligible direct recipients that operate fixed route bus services or that allocate funding to fixed route bus operators.

- The program originated through the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) which changed the program from discretionary to formula based.
- Funding is now designated to states and designated recipients in urbanized areas (200,000 people or more).
- The Winston Salem Urban Area received \$619,845 in FY 2018. The FY 2019 Federal Fiscal year began October 1, 2018. Staff is bringing this item for information so that when FTA announces the FY 2019 Section 5339 funding availability, there will not be a delay in allocating these funds; therefore, expediting the application process through FTA.
- The Winston-Salem Transit Authority (WSTA) is using the available funds FY 2018 funds to purchase five TransAid Vans to replace aging fleet and the remaining funds for transit facility rehabilitation projects.
- MPO staff will bring an item for final approval of allocation once a funding apportionment is announced.
- Staff will also recommend approval of an amendment to the Metropolitan Transportation Improvement Program (MTIP).

### **Information Items**

#### **9. Review of the Winston-Salem Urban Area Metropolitan Planning Organization's Comprehensive Transportation Plan (CTP) and 2040 Metropolitan Transportation Plan (MTP) Update Process**

Presented by Byron Brown.

- Transportation planning and investment in the Winston-Salem Urban Area is guided primarily by two documents: the Comprehensive Transportation Plan (CTP), adopted in 2012; and, the 2040 Metropolitan Transportation Plan (MTP), adopted in 2015.
- Both documents are due to be updated.
- The CTP is a state-required planning document which represents a community's consensus on the future transportation systems needs to support growth and development over a 20- to 25-year timeframe.
- The MTP is a federally required document which provides a framework for the investment of anticipated federal, state and local funds, based on anticipated needs and regional goals and objectives over the same timeframe.
- The MTP also includes transportation projects, programs, performance measures and policies.
- Both documents are multimodal and require extensive opportunities for public input.
- Over the next year, the Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) will update both documents concurrently, which has been encouraged by the State to streamline similar processes for long-range planning.
- The CTP will also utilize new CTP 2.0 mapping standards implemented by the Transportation Planning Division (TPD) of the North Carolina Department of Transportation.
- This update process will require coordination amongst and participation from all of our planning partners, agencies, jurisdictions and citizens.

- MPO staff will lead efforts in creating a Steering Committee to guide the technical aspects and development of this process.
- Our State and Federal partners will also assist in this process to ensure compliance with their respective standards.
- MPO staff will be available to present information on the CTP and MTP process.

**10. Review of the Winston-Salem Urban Area Metropolitan Planning Organization’s Title VI/Nondiscrimination Program and Resources**

Presented by Kelly Garvin.

- Title VI of the Civil Rights Act of 1964 is a Federal Law which states that:

*“No person in the United States shall on the ground 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.”*

- The 1987 Civil Rights Restoration Act restored the original intent of the Title VI to include all programs and activities of Federal-aid recipients and contractors whether federally funded or not. This was in direct response to the Grove City College vs. Bell legislation.
- Title VI of the Civil Rights Act of 1964, requires that government, state and local government agencies that are recipients of Federal funds carry out their responsibilities and provide services in a manner that does not discriminate on the basis of race, color, national origin, amongst other protected classes.
- If the MPO is providing any type of assistance (financial or not) and/or oversight in conjunction with the project, e.g., the project was part of the TIP and/or the MPO helped develop the project in some other way, then the MPO will be required to make sure the member agency is in compliance with Title VI for purposes of the project, as the MPO’s programs and activities are regulated by Title VI.
- If the funding came from an isolated source, but the MPO still has involvement with the project, compliance with Title VI will be necessary and the MPO is required to monitor for it. For example if the MPO helped with the feasibility study but the project itself is funded with bond from the member agency, then Title VI compliance is still necessary.
- If the MPO has absolutely no involvement with the project, i.e., the funding came from an isolated source, such as a bond, and the MPO did not help develop the project or is not providing oversight, then monitoring under Title VI is not necessary. In this case although the MPO Title VI coordinator is not required to and will not monitor said project for Title VI compliance, the member agency is still REQUIRED to adhere to Title VI because it is a law!
- There are two Presidential executive orders that place further emphasis upon Title VI protections of race and national origin:
  - Executive Order #12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”)
  - Executive Order #13166 (“Improving Access To Services For Persons With Limited English Proficiency”)

- In addition to Title VI and the two executive orders described above, there are other Nondiscrimination statutes that afford legal protection such as:
  - 1973 Federal-aid Highway Act (sex)
  - 1975 Age Discrimination Act (age)
  - Section 504 of the 1973 Rehabilitation Act and Americans with Disabilities Act (ADA) of 1990 (disability)
  - Uniform Act of 1970 (persons displaced or property acquired)
- The following statement MUST be inserted in all solicitations for bids and agreements:
 

*“The Winston-Salem DOT in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*
- The Winston-Salem Urban Area Metropolitan Planning Organization has the responsibility for ensuring that the requirements of Title VI are recognized and enforced locally.
- It is also the responsibility of the Title VI coordinator to regularly educate the MPO staff and Boards on the program and policies.

**Staff Reports (Presentation by Staff at Request of TAC Only)**

**11. MPO Staff Reports**

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

Presented by Pat Ivey.

- On Saturday, November 16, Business 40 will close.
- The Peters Creek Parkway Bridge will be fully operational by the time Business 40 closes.
- Secretary of the NC Department of Transportation, Jim Trogdon, Board of Transportation Member Mike Wells and others had a very informative meeting with the Smith Reynolds Airport to discuss future plans for the airport.
- Division 9 will host the Board of Transportation meeting in March 2019.

**b. NCDOT Transportation Planning Update**

Presented by James Upchurch.

- The growth of NC has been significant in North Carolina. In 1990 the population was approximately 6 million, by 2030 the population is expected to be approximately 12.5 million.

**c. Piedmont Triad Regional Council of Governments Update**

No questions for staff.

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

No questions for staff.

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

No questions for staff.

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

No questions for staff.

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

No questions for staff.

**h. Davidson County Transportation**

No questions for staff.

**i. Title VI Compliance Update**

No questions for staff.

**j. MPO Calendar of Activities**

No questions for staff.

**k. Legislative Update**

No questions for staff.

**l. Ethics Liaison**

No questions for staff.

**12. Next Meeting/Adjourn Meeting**

- Next meeting TAC will be January 17, 2019

**ADJOURNMENT 5:55 pm**