

# Prioritization Subcommittee

## *Meeting Agenda*

November 1, 2023

9:30 AM

**Meeting to be held at Land of Sky Regional Council or via**

**Zoom:** <https://zoom.us/j/91373453789>

**Voting Members on the Committee:** Jessica Morris (City of Asheville, Vice-Chair), William High (Buncombe County), Autumn Radcliff (Henderson County), Anthony Sutton (Town of Waynesville), Elizabeth Teague (Town of Waynesville, Chair), Jerry Vehaun (Town of Woodfin), Archie Pertiller (Town of Black Mountain)

<b>1. Welcome and Introductions</b>	Elizabeth Teague
<b>2. Public Comment</b>	Elizabeth Teague
<b>3. Approval of October, 2023 Meeting Minutes</b>	Elizabeth Teague
<b>4. Business</b>	
A. Memorandum of Understanding Survey	Tristan Winkler, MPO Staff
B. LAPP Update	Tristan Winkler, MPO Staff
C. Comprehensive Transportation Plan	Daniel Sellers, NCDOT
<b>5. News, Events, Updates</b>	Elizabeth Teague
<b>6. Public Comment</b>	Elizabeth Teague
<b>7. Adjournment</b>	Elizabeth Teague

# Item 4A

## Memorandum of Understanding (MOU) Survey

After updating the MPO's Planning Area, the MPO is required to update its Memorandum of Understanding. Several updates are required, either to update language to current federal law or to change committee and Board designations for members who may or may not apply any longer. After a Draft MOU is established it is required to be approved by EVERY JURISDICTION IN THE MPO.

### Proposed Timeline:

Date	Event
October, 2023	Introduce MOU
November, 2023	Develop Survey for MPO Representatives
December, 2023	Discuss Survey Results
February, 2023	Draft MOU Discussion
March, 2023	Draft MOU Consideration
April, 2023 - ?	Local Government Council Consideration

### Items to Consider Within the MOU:

1. MPO Membership
  - a. MPO members to be removed in the updated MOU
    - i. Transylvania County (non-voting) (TCC and Board)
    - ii. State Bicycle Committee Representative for Divisions 13 & 14 (TCC only)- group has been defunct for some time
  - b. MPO members to add
    - i. Transit representative were added via amendment, would be included in the updated list
2. Quorum
  - a. Currently defines quorum for "active" members, inactive members are those that have not attended the previous two meetings, don't count towards quorum
3. Voting Power
  - a. Distribution of Votes
  - b. Veto Votes
  - c. Weighted Voting
4. MPO Roles and Responsibilities

## **General Survey Information**

Setup: Two surveys to be developed: one for the Board, one for the TCC

Audience: MPO Board, MPO TCC, and alternates

General Questions:

Name: \_\_\_\_\_

Member Jurisdiction Represented: \_\_\_\_\_

Link to the Current Memorandum of Understanding: <https://frenchbroadrivermpo.org/wp-content/uploads/2019/08/FBRMPO-MOU.pdf>

## **Draft Survey**

### **Section 1H: Board Membership (for the TCC this would reflect the TCC Membership)**

The MOU has the following membership for the MPO Board:

1. Asheville City Council (two representatives)
2. Biltmore Forest Board of Commissioners
3. Black Mountain Board of Aldermen
4. Buncombe County Board of Commissioners (two representatives)
5. Canton Board of Aldermen
6. Clyde Board of Aldermen
7. Flat Rock Village Council
8. Fletcher Town Council
9. Haywood County Board of Commissioners (two representatives)
10. Henderson County Board of Commissioners (two representatives)
11. Hendersonville City Council
12. Laurel Park Town Council
13. Madison County Board of Commissioners
14. Maggie Valley Board of Aldermen
15. Mars Hill Board of Aldermen
16. Mills River Town Council
17. Montreat Board of Commissioners
18. Transylvania County (Advisory, non-voting)

19. Waynesville Board of Aldermen
20. Weaverville Town Council
21. Woodfin Board of Aldermen
22. North Carolina Board of Transportation – Division 13
23. North Carolina Board of Transportation – Division 14
24. Federal Highway Administration (Advisory, non-voting)
25. Urban Transit Representative
26. Rural Transit Representative

To note: The Bipartisan Infrastructure Law requires an MPO that serves an area designated as a transportation management area, when designating officials or representatives for the first time and subject to the MPO's bylaws or enabling statute, to consider the equitable and proportional representation of the population of the metropolitan planning area. [§ 11201(a)(1); 23 U.S.C. 134(d)(3)(D)]

**Question #1: Do you think the distribution of votes for the MPO Board should change?**

- a) Yes
- b) No
- c) Not sure

**Question #2: If you think there are changes you would like to see, what is the primary justification for that change?**

- a) Make the Board roster more proportionate to the population of member jurisdictions
- b) Make seats for additional members
- c) Reduce the size of the Board
- d) Other: \_\_\_\_\_
- e) NA- keep the Board as-is

**Question #3: The Land of Sky RPO and other Planning Organizations have smaller jurisdictions caucus together (i.e. multiple towns send one representative.) Do you think this would be a beneficial approach for the MPO Board?**

- a) Yes
- b) No
- c) Not sure

**Question #4: Do you have any other thoughts on the MPO Board roster?**

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**Section 1J: Board Voting Policies**

Section 1J of the MOU includes:

1. Voting representatives of the Municipalities and the Counties shall be designated by their respective governing boards. A quorum is required for the transaction of all business, including conducting meetings or hearings, participation in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of fifty-one percent (51%) of the voting members of the Board, plus as many additional members as may be required to ensure that fiftyone percent (51%) of the total optional weighted votes are present.
2. 2. If a Board member does not attend or does not send his or her designated alternate to two (2) consecutive meetings of the Board, the member will be considered inactive. Following the designation as inactive, if the member or his or her alternate is not in attendance at a subsequent Board meeting, he or she will not be counted for quorum purposes. The member will be automatically reinstated and counted for quorum purposes by attending or sending his or her designated alternate to a Board meeting.
3. A simple majority shall determine all issues, except as provided in Section K below, where optional weighted voting may be invoked during adoption of the Draft MTIP or Final MTIP.

MPO note: the determination of active and inactive membership has been key for the MPO to maintain quorums in the last decade. Prior to remote meetings, attendance at MPO Board meetings was significantly lower than 51% of the Board roster.

**Question #5: Do you think the MOU's definition of a quorum needs to change?**

- a) Yes
- b) No
- c) Not Sure

**Question #6: If you think the definition of a quorum needs to change, what should that change be?**

- a) 51% of the MPO roster, regardless of active/inactive members
- b) Other: \_\_\_\_\_
- c) NA

**Question #7: Should a simple majority determine (most) issues at the MPO Board?**

- a) Yes

- b) No
- c) Not sure

**Question #8: If you don't think a simple majority should determine issues at the MPO Board, what other voting policy should determine issues?**

- a) Consensus
- b) Two-thirds majority
- c) Other: \_\_\_\_\_
- d) NA, keep it a simple majority

**Section 1K: Metropolitan Transportation Improvement Program Development**

The MOU includes two different provisions for special voting at the MPO for the Draft and Final TIP: Veto Power and Weighted Votes.

**Veto Power**

The MOU has following provision under Section 1K:

**Veto Power**

When any project is on a road that does not carry an Interstate route designation, is not located on a limited-access highway, or is not a designated Strategic Highway Corridor, any member of the Board shall be allowed to call for a veto vote to determine whether a selected project will be excluded from the MTIP. In a veto vote, members from jurisdictions that are "directly impacted" by the project may vote to exclude a project from the MTIP, provided that every Board member from the "directly impacted" jurisdictions must be present, and must unanimously vote for the veto. The call for a veto vote can only take place at a duly advertised meeting of the Board in which a quorum is present.

**Question #9: Do you think the Veto Power provision needs to change?**

- a) Yes
- b) No
- c) Not Sure

**Question #10: If you think the Veto Power provision needs to change, how should that change be made?**

- a) Any directly impacted jurisdiction should be able to provide a veto
- b) The Veto Power should be removed from the MOU
- c) Other: \_\_\_\_\_
- d) NA- keep it the same

## Weighted Voting

The MOU has the following provision under Section 1K:

When any project is on an Interstate route, a limited-access highway, or is on a designated Strategic Highway Corridor, any member of the Board may call for a weighted vote regarding project-specific decisions related to the MTIP. The weighted vote must take place at a duly advertised meeting of the Board in which a quorum is present. In a weighed vote, votes of Board members from “directly impacted” jurisdictions will be weighted according to the following table:

### Votes per Representative

Jurisdiction	Not “Directly Impacted”	“Directly Impacted”
Asheville (2 Reps)	1	3
Biltmore Forest	1	3
Black Mountain	1	3
Buncombe County (2 Reps)	1	3
Canton	1	3
Clyde	1	3
Flat Rock	1	3
Fletcher	1	3
Haywood County (2 reps)	1	3
Henderson County (2 reps)	1	3
Hendersonville	1	3
Laurel Park	1	3
Madison County	1	3
Mars Hill	1	3
Maggie Valley	1	3
Mills River	1	3
Montreat	1	3
Waynesville	1	3
Weaverville	1	3
Woodfin	1	3
NCDOT BOT Division 13	1	1
NCDOT BOT Division 14	1	1

“Directly Impacted” Defined. “Directly impacted” jurisdictions shall include Municipalities where any portion of the project is within the Municipality’s corporate limits or sphere of influence, and shall include Counties where any portion of the project is within the County’s unincorporated area and outside the sphere of influence of any municipality. Sphere of influence shall include extraterritorial jurisdiction, pending annexation areas, or areas covered by a Resolution of Intent to annex.

### Question #11: Do you think the Weighted Voting provision needs to change?

- a) Yes
- b) No

c) Not Sure

**Question #12: If you think the Weighted Voting provision needs to change, how should that change be made?**

- a) Weighted votes should have more weight
- b) Weighted votes should have less weight
- c) Weighted votes should be removed from the MOU
- d) NA- keep it the same

**Question #13: Are there other provisions you think should be reconsidered as part of a new MOU for the MPO? If so, what change would like to have considered?**

- a) Yes: \_\_\_\_\_
- b) No

**Question #14: Is there anything else you'd like notes as part of these discussions for the MOU?**

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**Survey Schedule:**

Distribute: November 16<sup>th</sup>

Last Day to Respond: December 15<sup>th</sup>

Responses Shared with Prioritization: January 8<sup>th</sup>



# Item 4B:

## Locally Administered Projects Update

### What is the Locally Administered Projects Program (LAPP)?

LAPP is a term that is used to differentiate projects selected by the MPO utilizing direct allotments of federal transportation funds vs. projects that go through NCDOT and other funding streams. LAPP projects are funded with Surface Transportation Block Grant- Direct Allotment (STBGDA), Transportation Alternatives Program- Direct Allotment (TAPDA), and Carbon Reduction Program- Direct Allotment (CRPDA.) There are eligibilities about who is able to receive these funds and what these funds are allowed to be used on. In general, the FBRMPO has largely utilized these funds for bicycle and pedestrian improvement project around the region.

The MPO policy on project delays advises a reconsideration of the projects after two delays. EB-5790 has now been delayed two times since its last reconsideration.

Project Description: ON-STREET CROSSINGS AND CONNECTIONS FOR BICYCLISTS AND PEDESTRIANS IN ASHEVILLE'S EAST OF THE RIVERWAY

Amendment: move Construction funding to FY 2024

Funding:

FY 2024 - \$68,000 (BGDA)

FY 2024 - \$1,129,000 (TAANY)

FY 2024 - \$299,000 (Local)

Total- \$1,496,000

Year Funds were Awarded: 2016

Status: awaiting final comments from NCDOT. Planned to let the project shortly after.

Staff Recommendation: continue with EB-5790

# Item 4C:

## **Comprehensive Transportation Plan (CTP) Update**

Materials to be added.

## **Prioritization Subcommittee Meeting Dates for 2024**

First Wednesday of Every Month with exceptions\*

January 3<sup>rd</sup>

February 7<sup>th</sup>

March 6<sup>th</sup>

April 3<sup>rd</sup>

May 1<sup>st</sup>

June 5<sup>th</sup>

July 10<sup>th</sup> \*

August 7<sup>th</sup>

September 4<sup>th</sup>

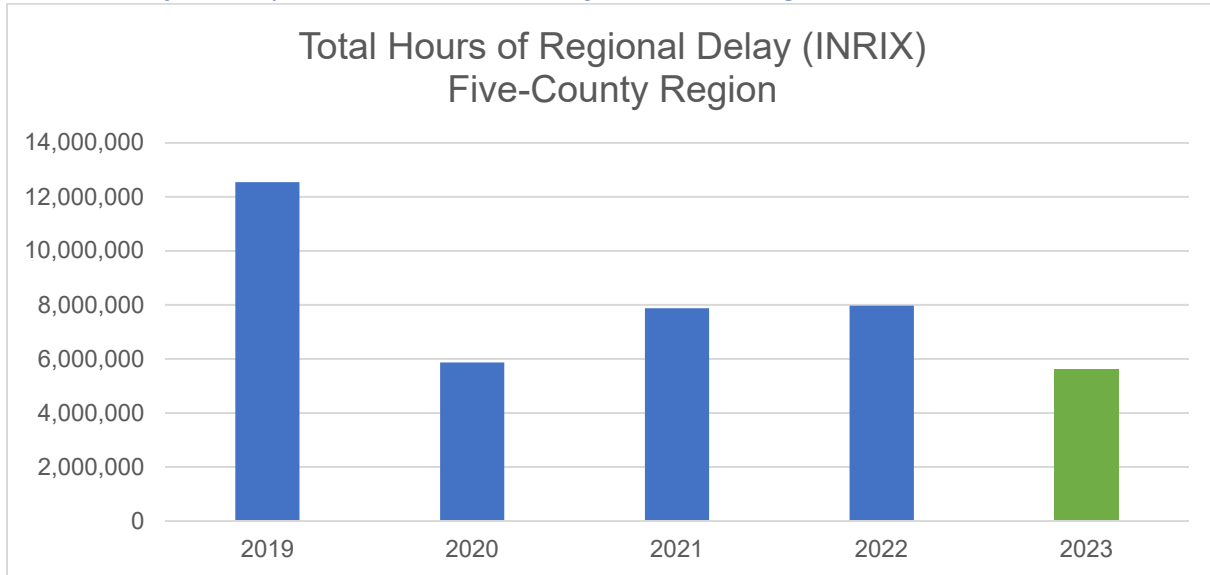
October 2<sup>nd</sup>

November 6<sup>th</sup>

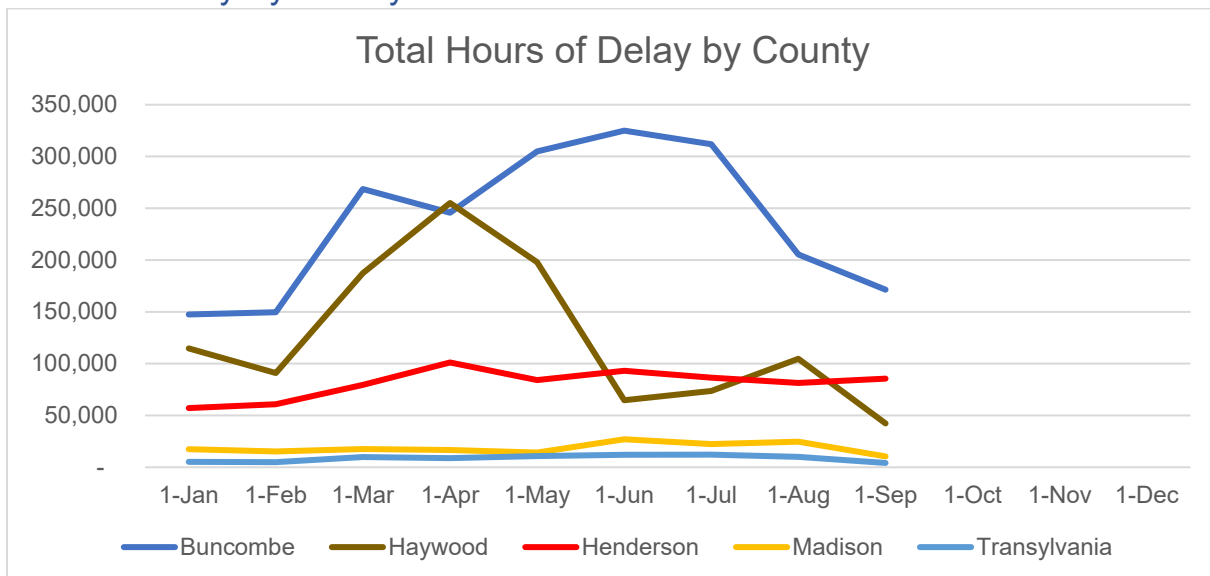
December 4<sup>th</sup>

# Data:

Hours of Delay For the Five-County (Buncombe, Haywood, Henderson, Madison, and Transylvania) Area with 2023 Projected Through End of Year



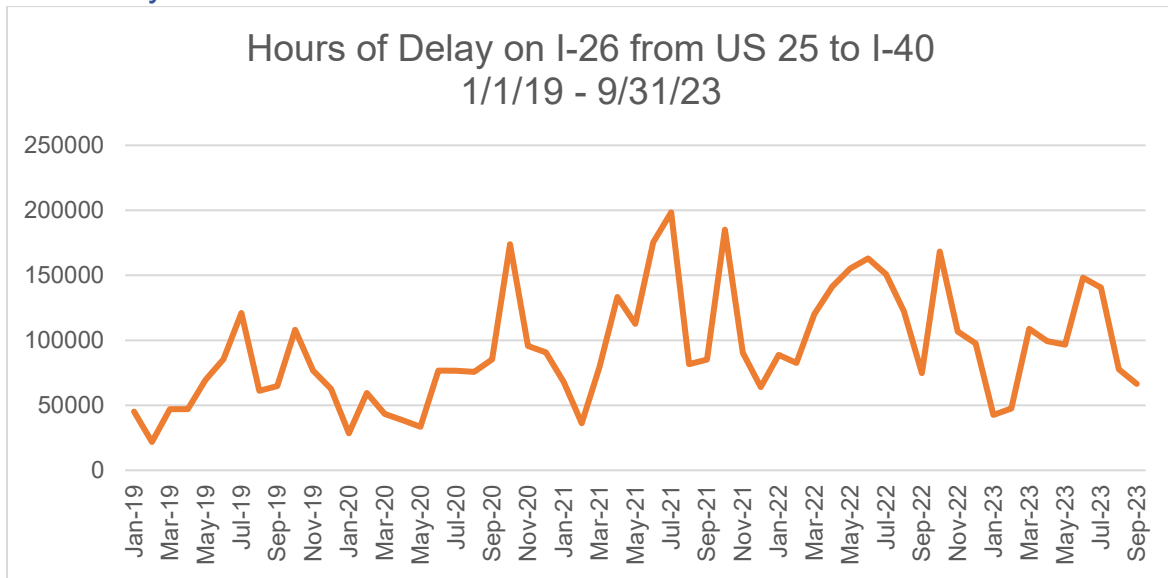
Hours of Delay By County for 2023:



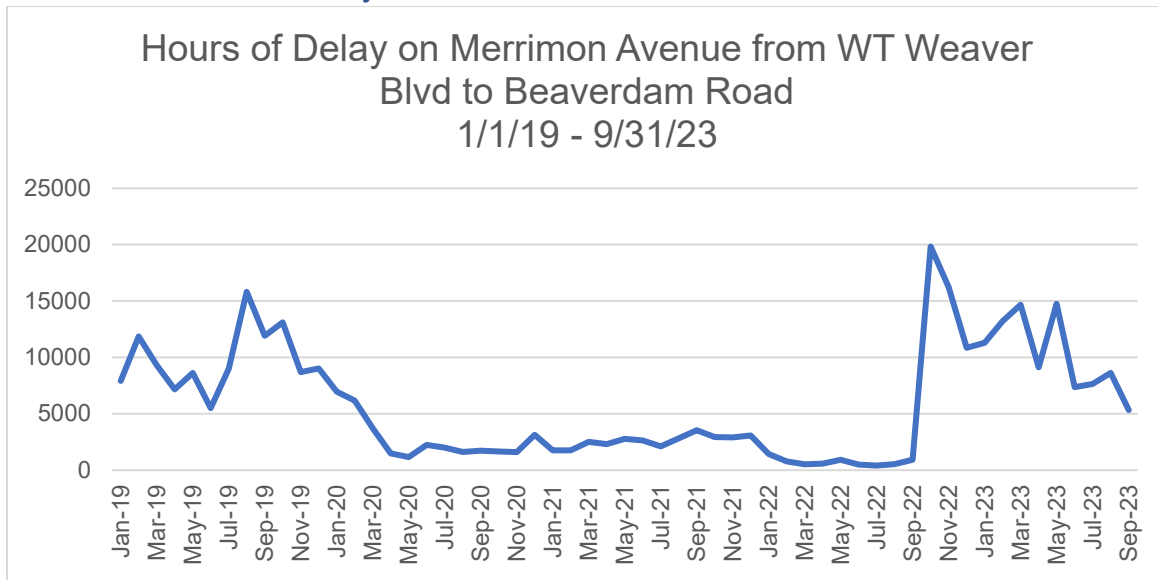
## Top-10 Bottleneck in the Five-County Area – August, 2023

Rank	Route	Location
1	I-26 WB	Exit 37 (NC 146)
2	I-26 EB	Exit 59 (Ozone Drive)
3	I-26 WB	Exit 44 (US 25)
4	I-40 WB	Exit 47 (NC 191)
5	Future I-26 EB	Exit 25 (NC 251)
6	I-40 EB	Exit 37 (Georges Branch Road)
7	I-40 WB	Exit 33 (Newfound Road)
8	I-26 WB	Exit 49 (US 64)
9	US 25A (Sweeten Creek Road) SB	Mills Gap Road
10	US 25 NB	Beaverdam Road

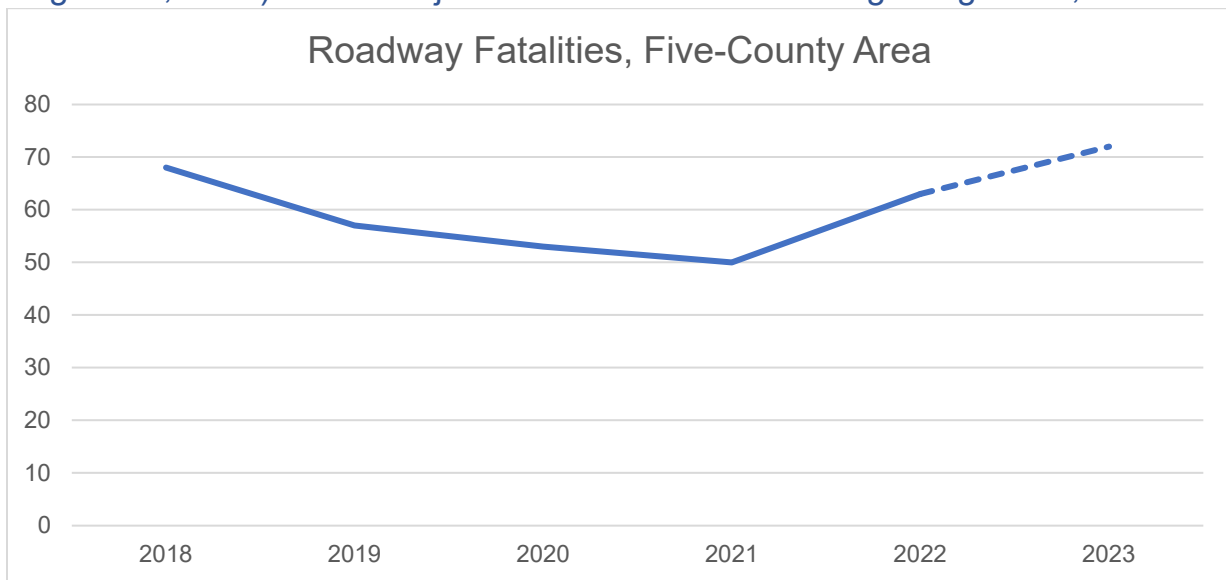
## I-26 Delay



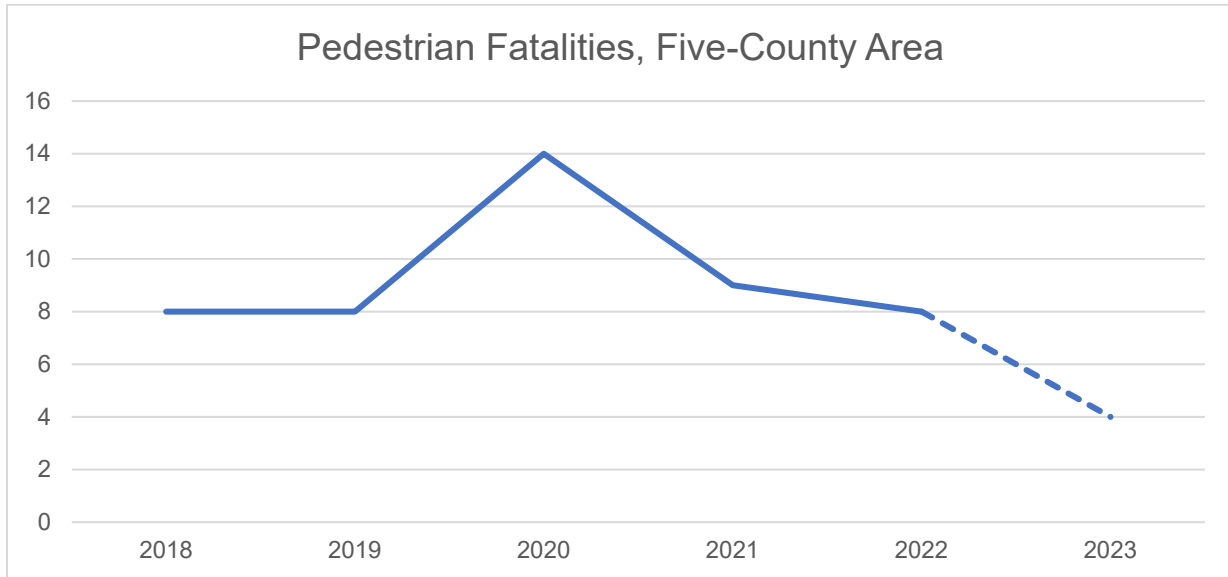
### Merrimon Avenue Delay



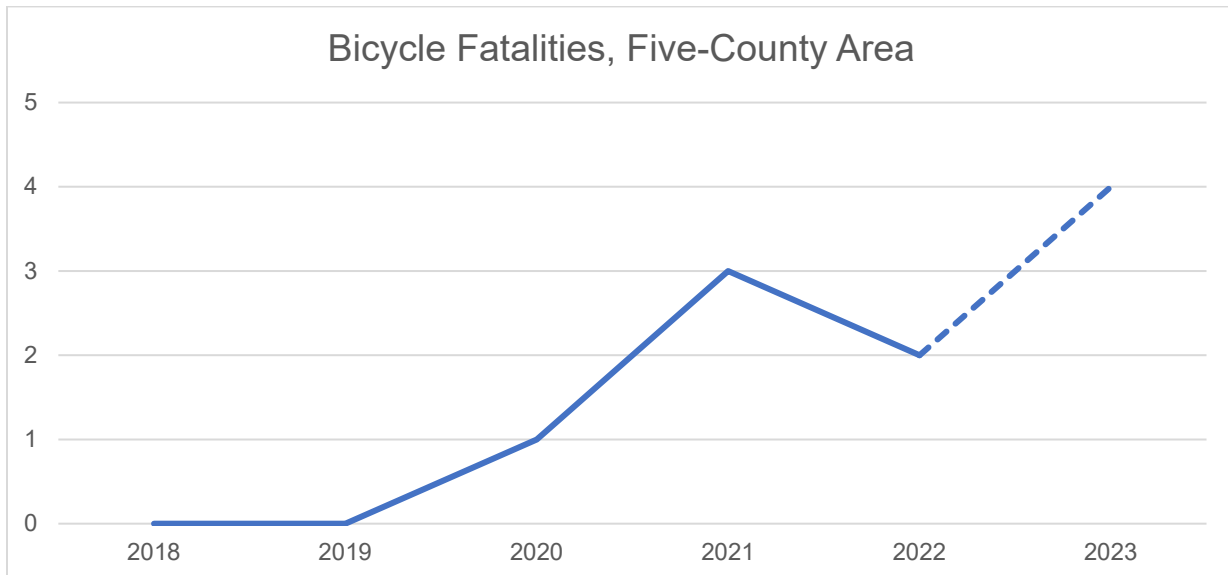
### Roadway Fatalities in the Five-County Area (36 Fatalities Reported Through August 31, 2023) \*2023 Projected Based on Data Through August 31, 2023



Pedestrian Involved Fatalities in the Five-County Area (Two Fatalities Reported Through August 31, 2023) \*2023 Projected Based on Data Through August 31, 2023



Bicycle-Involved Fatalities in the Five-County Area (Two Fatalities Reported Through August 31, 2023) \*2023 Projected Based on Data Through August 31, 2023



Motorcyclist Involved Fatalities in the Five-County Area (Fourteen Fatalities Reported Through August 31, 2023) \*2023 Projected Based on Data Through August 31, 2023

