

**METROPOLITAN TRANSIT COMMISSION**

**MEETING SUMMARY**

**October 28, 2015**

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**Presiding:** Mayor John Woods (Davidson)

**Present:**

Trevor Fuller (Chairman, Mecklenburg County Commission)

Scott Jernigan (TSAC Chair)

Rob Watson (CTAG Co-Chair)

Tracy Dodson (NCDOT Representative)

Mayor Chuck Travis (Cornelius)

Anthony Roberts (Cornelius Town Manager)

Bill Coxe (Huntersville Town Planner)

Mayor Jim Taylor (Matthews)

Bill Thunberg ( Mooresville Representative)

Mayor Jack Edwards (Pineville)

**Chief Executive Officer:** John Lewis

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**I. Call to Order**

The regular meeting of the Metropolitan Transit Commission was called to order at 5:35 p.m. by MTC's Vice Chair, Mayor Woods.

**II. Review of Meeting Summary**

The meeting summary of September 23, 2015 was approved as written.

**III. Transit Services Advisory Committee (TSAC) Chair's Report**

**Scott Jernigan**

Mr. Jernigan reported that TSAC met on October 8, 2015 and welcomed new member Joshua Niday, a bus-riding UNC Charlotte student. TSAC heard a presentation by guest speaker Marsha Hirsh with the Carolina Refugee Resettlement Agency (CRRA) on transit difficulties experienced by the Charlotte refugee community, many of whom speak limited English. CATS staff offered to help the CRRA with system maps and travel training. Staff made presentations on the processes to update the Coordinated Human Services Transportation Plan and how the Bus Operations Division implements schedule changes.

**IV. Citizens Transit Advisory Group (CTAG) Chair's Report**

**Rob Watson**

CTAG met on October 20, 2015 and welcomed three new members. They met CATS' new CEO John Lewis and rode the streetcar. The November CTAG meeting has been moved to December 15, 2015. CTAG reached out to peer groups around the country and met with groups in Denver and Cleveland to establish a transit advisory group network across the U.S.

**V. Transit Funding Working Group Update**

None

**VI. Public Comments**

Talbot Freeman said that he was here because his bus stop has been removed, supposedly for crime activities at the stop. He said he has evidence that is not true and distributed a handout with crime statistics drawn from police records for his area. He said this shows little if any crime

activity at the stop at Tom Hunter and Log Cabin Roads. Mr. Freeman asked what residents could do to restore the stop and said that the stop is heavily used as there is a daycare center and apartments nearby. He has a bad leg and now has to get up thirty minutes earlier to catch the bus. He wanted to know what can be done to restore the bus stop. The route is 211.

David Stradford also had a handout showing area crime statistics. He said that there is an elderly woman on the street who wants to control Log Cabin Street and calls police with frequent complaints, even on people just walking for exercise. He said that there is activity at the bus stop, but there is more activity in the Somerset Apartments than there is at the bus stop. He said that someone with the police was looking into the report to see who signed off on it and said that the stop should never have been moved. He asked MTC to join residents in restoring the stop. He said that prostitutes do stand there at night but they do not interact with people at the bus stop. Residents are working on a house near the bus stop with alleged drug activity.

Debra Franklin said she is the Legislative Representative for the Smart Transportation Union (STU) and also works with safety. She is working on a Driver Safety project. It is a misdemeanor in Charlotte now to attack a bus driver. STU is working to make it a felony. Ms. Franklin referred MTC members to the State Legislative Update and said that she hopes to hear details about driver safety in the State Legislative update tonight.

Mayor Woods thanked everyone for their comments and said that their comments would be referred to staff for appropriate action.

## VII. Action Items

- a. Change Time for November 18, 2015 MTC Meeting** **John Lewis**  
Mr. Lewis said that moving the November MTC meeting back a week to avoid conflicts with Thanksgiving presents conflicts with the CRTPO meeting held in the same room later that evening. He said that he would like to start the November 18 meeting at 5 p.m.

**Discussion:** None

**Resolution:** Mayor Taylor motioned to approve the time change for the November MTC meeting to November 18, 2015 at 5 p.m. Mr. Coxe seconded the motion, which passed unanimously.

- b. Cancel December 2015 MTC Meeting** **John Lewis**  
Mr. Lewis said that staff does not anticipate agenda items for the December meeting and suggested that the meeting be cancelled.

**Discussion:** None

**Resolution:** Mayor Taylor motioned to approve cancelling the December 2015 MTC meeting; Mayor Travis seconded the motion, which passed unanimously.

- c. MPO (CRTPO) Representative** **John Joye/ David McDonald**  
Mr. Joye, Senior Assistant City Attorney, said that the Metropolitan Planning Organization (MPO) for the region, named Charlotte Regional Transportation Planning Organization (CRTPO), requires an MTC representative. Staff has had discussions with the current representative and alternate. Both individuals have expressed that there is a good bit of overlap between the memberships of MTC and CRTPO. This creates the potential for

apparent conflicts of interest. The current representative suggests more flexibility is needed in the choice of MTC representative to CRTPO. At the MTC Manager's Meeting, it was suggested that it would be helpful if the Chief Transit Official (CTO) could serve as representative. Currently, the CTO is listed as a member of the CRTPO's Technical Coordinating Committee (TCC). David McDonald, the Transit Planning Manager, also attends that committee's meetings. The first action item is to direct staff to prepare a letter to ask CRTPO to amend its bylaws to allow the CTO to be a representative and to list the Transit Planning Manager as MTC's representative to the TCC instead of the CTO. The second recommendation is for MTC to direct staff to develop a procedure where, if an alternate for a given CRTPO meeting is needed if the meeting's substance creates potential conflicts of interests, the Chair could designate an alternate quickly. Finally, the current CRTPO alternate is retiring and so another alternate will need to be chosen. The decision on the alternate can be deferred until November should MTC prefer to wait.

**Discussion:** Commissioner Fuller said that the choice of the representative and alternate could be a matter of consequence; recently, the County Commission experienced that the representative and alternate had completely different views of things. Mayor Taylor said that it might be easiest to choose Option A, and that Options B and C might cause confusion for CRTPO. Mr. McDonald added that Option A enables the CTO to be the representative. He said that the choice of alternate, should the regular alternate not be available, can be done by giving the person a letter from the Chair stating their eligibility for that night. Mr. Coxe noted that a complicating factor is the new requirement for filing with the State Ethics Commission. An alternate appointed on short notice will still have to be filed with the State Ethics Commission. Mr. Thunberg said that CRTPO presents information items at one meeting and votes on them at the next meeting; an alternate may not be prepared to vote if they did not attend the information meeting. Transferring information between individuals may be critical to the outcome. Mayor Taylor clarified that MTC could act on the permanent member tonight and wait on the alternate. Mr. Thunberg said that MTC may want to appoint an interim representative until CRTPO acts on the request. Mr. Joye said that could be deferred until November, or the Chair has the authority and discretion to make the appointment without an MTC vote. Mayor Woods noted that it has been difficult to find an elected official who has the time and lack of conflicts of interest to serve on CRTPO.

**Resolution:** Mayor Taylor motioned to approve sending a request to CRTPO to amend their Bylaws to allow the CTO or designee to be the MTC representative for CRTPO or to act as an alternate. The motion to appoint an alternate member will wait until the November meeting. Mayor Travis seconded the motion, which passed unanimously.

## VIII. Information Items

### a. **State and Federal Legislative Update**

**Dana Fenton**

Mr. Fenton, Intergovernmental Relations Manager with the City of Charlotte, said that we were able to achieve the sole legislative objective of extending the Special Assessments Act for five years as recommended by the Transit Finance Working Group. CATS should see additional sales tax revenue from the sales tax base expansion. That will be partially offset by a new exemption for aviation fuel. The State budget included appropriations for LYNX Blue Line Extension (BLE) funding and continuation of State Maintenance Assistance Program funds. A budget provision capped light rail funding at \$500,000 per project. An amendment was proposed to rescind that provision, but that bill was sent back to the

Senate, which did not act on it but the bill remains alive. This will be an issue going forward. Other state issues including stabilizing the motor fuel excise tax. The old formula was that the gas tax rate would float depending on wholesale gas prices. With gas prices declining over the year, the action to stabilize the excise tax helps avoid cuts in transportation budgets. Another regulatory reform bill included a requirement for a locality or political subdivision to give 15 days' notice to adjoining property owners prior to the start of a new construction project. This bill as passed has more flexible terms than the originally proposed bill in how notification must be made and applies only to new construction. The final State issue is a proposed constitutional amendment on eminent domain. House Bill 3 proposed a constitutional amendment to preclude using eminent domain for anything but a public use and is aimed at economic development. The amendment will not affect the City of Charlotte much because the City was never authorized to use eminent domain for economic development. Proposed changes to the "quick take" condemnation procedures used by the City and many other towns, which would have led to more litigation and more costs to taxpayers, were defeated. The North Carolina Secretary of Transportation Nick Tennyson spoke to both the House and Senate on this issue. The Senate Transportation Committee took action favorable to NCDOT and local governments.

On the Federal Legislative Agenda, securing federal funding of the 2030 Transit System Plan is high on the priority list, as is the Surface Transportation Reauthorization Act. Mr. Fenton said that a budget agreement was reached today in Congress. It is a framework for a budget and not an actual budget. The continuing resolution for the Federal FY2016 budget expires in December and an omnibus spending package is expected. We are hopeful that CityLYNX Gold Line Phase 2 funding will be included in that budget. The Surface Transportation Reauthorization Act is expected to be extended from the October 29 expiration date to November 20 with a final version hopefully in the FY2016 budget.

Federal objectives for 2016 include funding for the 2030 Transit System Plan and Surface Transportation Reauthorization Act. The State objectives include eliminating the light rail funding cap. Transit driver safety mentioned earlier is an issue that has been percolating at the Federal level and throughout several states this year. A group put together by the US Department of Transportation looked at driver safety, including enhanced penalties for assaulting transit drivers. The proposed Legislative Agenda will probably be brought for MTC consideration in February or March 2016.

**Discussion:** Mr. Jernigan commented that if a clerk is assaulted or threatened in a court, it is prosecuted as a felony. He asked why are bus drivers not protected that well?

**b. Coordinated Human Service Plan**

**Brian Horton**

Mr. Horton, CATS Transportation Planner II, said that the Coordinated Plan is a unified strategy to define transportation needs and provide a framework for prioritizing projects. FTA requires this type of study, particularly when seeking funding through a Section 5310 program. Although some programs were eliminated by the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act, the Section 5310 program was retained. CATS wants to be ready to request funding when the new transportation act is passed. Section 5310 funding focuses on enhanced mobility of seniors and individuals with disabilities. The funding is intended to exceed ADA requirements, allowing agencies to extend their reach to the senior and disabled community. Stakeholders include the Department of Social Services, Charlotte

Housing Authority, Goodwill Industries and the Metrolina Association of the Blind. Staff will perform surveys to determine needs, which are expected to include travel training for people with limited or no vision, how to coordinate services better to avoid duplication, expanded transportation options to fill in gaps, as well as medical transportation for veterans and implementing other new services. A committee of stakeholders will hold meetings with constituents and customers in the community. Surveys will gather information from human service and transportation providers, as well as bus operators, on how we provide service to users to assist in developing the plan.

**Discussion:** Commissioner Fuller asked CATS staff to engage the Mecklenburg County Manager in this discussion as well. The Board of County Commissioners has had specific conversations on this matter; engaging the Manager will surface the issue to the Board level. Mr. Horton agreed to do so.

**IX. Chief Executive Officer's Report**

**John Lewis**

Under the CEO's report, Mr. Lewis discussed the following:

**a. Ridership Report:**

Ridership figures were about 5.4 percent lower in September than last year. Multiple factors are contributing to the decline; some may be service-related. However, staff believes that a large portion is due to technology. The fare collection system is very old. With increasing reports of malfunctioning fare boxes, riders may not be counted accurately or at all, or may be riding without paying a fare. If ridership numbers were actually declining, it would follow that fare revenue would also decline. However, fare revenue is meeting or exceeding last year's revenue levels. Since grant money and federal funds depend on ridership numbers, staff will work to determine the discrepancy and will bring a proposal to MTC to accelerate replacement of the fare box system.

**b. Financial Update:**

Sales tax receipts continue to track ahead of budget estimates for FY2016. New sales tax sources will result in about \$1.3 million annual in additional revenue.

**c. Upcoming Announcement:**

Mr. Lewis advised MTC members that a major transportation funding announcement will be made at the Charlotte Amtrak Station on October 29, 2015. CATS will provide transportation from the Charlotte Mecklenburg Government Center for MTC members.

**X. Other Business**

Mayor Woods noted that the November meeting will recognize two retiring individuals who are original MTC members, Ralph Messera from Matthews and Leamon Brice from Davidson.

**XI. Adjourn**

The meeting was adjourned at 6:30 p.m. by Mayor Woods.

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NEXT MTC MEETING: WEDNESDAY, NOVEMBER 18, 2015, 5 P.M.