

**METROPOLITAN TRANSIT COMMISSION**  
**Meeting Summary**  
**October 28, 2009**

**DISCUSSION SUMMARY**

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Presiding: Mayor Lee Myers (Matthews)

Present: Curt Walton (Charlotte City Manager)  
Jerry Fox (CTAG Co-chair)  
Rick Sanderson (TSAC Acting Chair)  
Jennifer Roberts (Chair, Mecklenburg County Commission)  
John Collett (NCDOT Representative)  
Sarah Nuckles (SCDOT Representative)  
Mayor Jeff Tarte (Cornelius)  
Anthony Roberts (Cornelius Town Manager)  
Mayor John Woods (Davidson)  
Leamon Brice (Davidson Town Manager)  
Bill Coxe (Huntersville Town Planner)  
Ralph Messera (Matthews)  
Brian Welch (Mint Hill Town Manager)  
Mike Rose (Pineville Town Administrator)

Interim Chief Executive Officer: John Muth

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**I. Call to Order**

The regular meeting of the Metropolitan Transit Commission was called to order at 5:40 pm by Vice-chair Mayor Lee Myers.

**II. Review of Meeting Summary**

Mr. Coxe asked for a correction. The new CTAG representative is from Huntersville, not Cornelius, as was noted in the minutes of the September MTC meeting. The Meeting Summary of September 23, 2009 was approved unanimously with the correction noted.

**III. Transit Services Advisory Committee Chair's Report**

**Rick Sanderson**

Mr. Sanderson reported that TSAC met on October 8. CATS staff provided an update on the Davidson Street garage upfit project, the upcoming February service change and CATS service for the recent NASCAR race. TSAC's next meeting will be on November 12.

**IV. Citizens Transit Advisory Group Chair's Report**

**Jerry Fox**

Mr. Fox said that CTAG did not meet this past month. A recent action item is on tonight's agenda as 6B, MTC Rules of Procedures, regarding term limits for TSAC and CTAG and to provide an attendance policy for both groups. CTAG discussed this in a past meeting, and recommended that MTC set attendance policies but not rule on term limits, allowing each body to set its own term limits policy.

V. **Public Comment on Agenda Items**

None.

VI. **Action Items**

a. **Blue Line Extension Locally Preferred Alternative**

**Danny Rogers**

Mr. Rogers said that he had a couple of items to discuss. Tonight's action item on the Locally Preferred Alternative was discussed last month. Mr. Rogers said he also had news on the BLE's New Starts Update.

CATS staff proposes to move the 27<sup>th</sup> Street Station a short distance to 25<sup>th</sup> Street. A Duke Power substation is adjacent to the 27<sup>th</sup> Street Station, conflicting with the BLE's overhead wires. It will cost approximately \$2 million dollars to relocate utilities, a cost that will not occur at 25<sup>th</sup> Street. In addition, CATS anticipates that 25<sup>th</sup> Street will provide better development opportunities. Mr. Rogers said that moving the station to 25<sup>th</sup> Street is a cost savings to the project.

Mr. Rogers reminded MTC members about the status of the New Starts Update. As previously reported, the cost estimate was updated in April. The revised ridership model approved by the FTA reflects ridership on the Blue Line and projects 2030 BLE ridership at 23,800 with total ridership along the line at 47,600. The new ridership figures put the BLE's Cost Effectiveness Index (CEI) between \$16.01 and \$20.45, which is solidly in the Medium range required by the FTA for project fundability, and close to the Medium-High range. FTA is in the process of deciding how CATS should report the BLE's CEI compared to a no-build alternative. Mr. Rogers said that the typical way of reporting would result in a CEI of \$16.01, two cents away from a medium-high rating.

Mr. Muth commented that MTC members had questioned whether the BLE numbers could have an impact on modeling numbers for the Red Line. FTA has focused on the light rail components in the current model. Mr. Muth said that a CATS consultant is studying the numbers to see whether they impact the modeling results for commuter rail as well. He said that he hoped to have a report in November or December. Mr. Muth said that CATS will continue to work with FTA on changes to the light rail forecast, particularly relative to commuter rail. Mr. Muth stated that the success of the Blue Line can only mean good things for ridership benefit on the Red Line.

**Resolution:** A motion was made to relocate the 27<sup>th</sup> Street Station to 25<sup>th</sup> Street. The motion was seconded and carried unanimously.

b. **MTC Rules of Procedure**

**Lisa Flowers**

Ms. Flowers said the Rules of Procedure were discussed in the August 2009 MTC meeting. The revisions primarily affect Rule Number 10. There is no change proposed in the areas of responsibilities for the committees or membership for CTAG. TSAC has requested and will add a vanpool passenger to its membership. Attendance changes proposed reflect policy requirements for committees of the City of Charlotte. Ms. Flowers noted that CATS staff recommends term limits of no more than two full consecutive terms; however, CTAG prefers the alternative proposal that term limits shall be at the discretion of the member's appointing authority. There is no change proposed from current procedures for officers or meetings.

Ms. Flowers concluded by saying that there are two resolutions proposed. Resolution A includes a term limit of two consecutive terms; Resolution B leaves term limits to the discretion of the appointing authority.

**Discussion:** Commissioner Roberts supported Resolution A. That is the policy followed by Mecklenburg County, giving a fresh perspective on a regular basis and allowing more people to become a part of the process. She concluded that it has worked well for the County. Mr. Messera spoke in favor of Resolution B, leaving term limits to the discretion of the member's appointing authority. Mr. Messera said that Resolution B protects the prerogative of local governments to choose whom they want to appoint. Mr. Fox said that the County policy is six years, which would be three two-year terms or two three-year terms. For CTAG, which has two-year terms, Resolution A would limit members to four years of consecutive service. TSAC term periods are established at three years, so their members would be limited to six years of consecutive service.

**Resolution:** Commissioner Roberts motioned for Resolution A; Mayor Tarte seconded that motion. Mr. Coxe said that he had spoken with his Town Manager and Mayor about this issue and they had a slight preference for keeping the jurisdiction local. Therefore, Mr. Coxe motioned for substitute Resolution B. Mr. Welch seconded the substitute resolution. Six members voted in favor of Resolution B; two opposed the resolution. Mayor Myers concluded that the substitute motion carried. Following a question, Mayor Myers clarified that the substitute motion adopted the recommendations with Resolution B and includes attendance requirements and TSAC's addition of a vanpool member.

**c. FFY2010/2011 Legislative Priorities**

**John Muth**

Mr. Muth said this was a follow-up to the discussion of last month. At the October 1 MTC managers' work session, managers developed a resolution for the legislative agenda. The purpose of the legislative strategy is to have a focused approach and unified voice to guide the MTC's members' efforts, to present to their Boards and to use when lobbying for transit funding. The items are categorized under Federal and State efforts. There are four confirmed areas for Federal projects for the reauthorized surface transportation bill: the corridor projects, bus replacement and expansion, the Davidson St Bus Garage project, and the Uptown Transportation Center. The proposed strategy would also support proposed changes in Federal programs, particularly to change Small Starts, to increase Federal project funding to up to \$100 million per project and eliminate the current cap on projects. This would enable the commuter rail and Streetcar projects to qualify for Small Starts funding. The strategy would also lobby for a higher Federal share for projects where that might be appropriate, such as the BLE. Under the State legislative agenda, Mr. Muth said that it is important to have communication with the Secretary of Transportation, as well as the delegation and Boards. Over the next two years, it will be important to push support of the TIGER application for the Red Line project, for the State to continue its 50 percent match of the local share of all Federally-funded projects, and provide maximum support of the North Corridor's shovel-ready project. Mr. Muth said that support would be covered under House Bill (HB) 105, which was passed this summer. The legislative strategy would also push for annual system maintenance funds, or MAP funds. These have traditionally only been awarded for bus operations, but should be extended to include rail operations. Mr. Muth said that there is need to continue to push to include Mecklenburg County in HB148 to

provide Mecklenburg County the ability to levy additional fund appropriations for transit needs in Mecklenburg County. Mr. Muth said that a Legislative Work Plan is included, to identify actions MTC members can take to achieve these goals if the Legislative Strategy is adopted. Mr. Muth concluded that this will require participation by everyone involved, including MTC members, city and town staff, as well as CATS staff.

**Discussion:** Mayor Tarte said that he would like to have a line operational by 2011. He asked why the MTC would not continue to explore that possibility if it did not interfere with another line opening by 2019. He said that he is against changing sales tax, but the impact an additional quarter- or half-cent sales tax would have is almost monumental in its ability to enable operational trains. He said that he has also learned that 93 percent of the funding for transit comes from the City of Charlotte and the County. Mayor Tarte felt that the northern towns, which provide only approximately three percent of the funding, should defer to the sequence of priorities preferred by the City of Charlotte and the County, as they fund almost all transit. Commissioner Roberts said that it would be helpful for Mr. Muth to provide talking points, to distill items in the agenda in case MTC members encountered their representatives in the hallway. Mr. Coxe said that it would be helpful to have timelines as to when CATS expects different elements to occur.

**Resolution:** Mayor Tarte motioned to adopt the resolution; Commissioner Roberts seconded the motion. The MTC voted unanimously to approve the resolution.

**VII. Information Items**

None.

**VIII. Interim Chief Executive Officer's Report**

**John Muth**

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

**a. Ridership:**

Mr. Muth directed MTC members to the budget report for July-September in their meeting packet. First-quarter fare revenue is down about \$700,000 from the first three months of last year. Fuel costs continue to track below the adopted budget, although fuel costs are beginning to rise. Ridership was down in September about 12.7 percent from last year. LYNX ridership averaged a little over 15,000 riders per weekday, about 500 more than August. Mr. Muth said that Saturday and Sunday rail ridership also continues to be strong. However, ridership is tracking below last year's ridership of 26 million, so CATS will continue to monitor that area.

**Discussion:** Mr. Messera asked that CATS staff investigate whether other transit agencies are experiencing a drop in ridership compared to last year. Olaf Kinard, CATS Director of Marketing & Communications, said that July, August, and September of last year were the months of historically high gas prices and gas shortages. He said that is part of the reason for decline in ridership compared to this fiscal year. CATS staff will call other transit agencies to determine what ridership levels they are experiencing compared to last year.

**b. Upcoming MTC Agenda Items:**

The November MTC meeting will be November 18, a week earlier than usual due to Thanksgiving. In addition, the meeting will start at 5:00pm instead of the usual 5:30pm start

because MUMPO meets in the same room at 7:00pm. There will be three information items on the agenda: staff ideas for the North Corridor Red Line work plan, light rail fare compliance, and the upcoming February service changes. The action for the night will be transferring the MTC Chair position from the City of Charlotte to Mecklenburg County. Mr. Muth recommended cancelling the December MTC meeting as there are no items scheduled for discussion. Items on the January meeting would include electing a Vice Chair.

**Discussion:** MTC members decided to defer a decision on whether to hold the December meeting until the November meeting. It will be added to the agenda for the November meeting.

**c. Annual Report:**

Mr. Muth said that CATS FY2009 Annual Management Report and the 2009 Annual Report were in the packet of information distributed to MTC members at tonight's meeting. The Annual Report will be distributed electronically to customers, citizens, and elected officials in the CATS database, and is posted online. CATS is printing a limited supply to save costs.

- d.** Mr. Muth reminded MTC members that Mayor McCrory had mentioned energy stimulus grants in September's meeting and asked CATS staff to investigate whether they could be used for transit. Staff's report is enclosed in tonight's packet. The City of Charlotte has submitted small projects for block grants and received a grant for \$6 million to provide more efficient lighting, for the I-485 park and ride lot and other similar items. Staff did not find a community that was doing a major project such as streetcar with this block grant money.

Mr. Muth drew MTC members' attention to the item in tonight's packet relating to the action last month on the North Corridor's change to the Red Line. The information delineates steps staff has taken and will continue to take to implement the change.

Mr. Muth reminded MTC members that at September's meeting, members asked Budd Berro, Director of the Governor's Regional Office, to speak with the Governor's office about including the LYNX Red Line commuter rail as the state's second priority if the I-85 Corridor Bridge Replacement project over the Yadkin River is not eligible through the Transportation Investment Generating Economic Recovery (TIGER) program. Mr. Muth asked Mr. Berro to report on developments since September's meeting. Mr. Berro reported that the State is hopeful that the Yadkin River bridge replacement project will receive funding. There is a process to go through if the number one priority does not go through, and there are concerns with the Federal DOT whether they would consider another project if the number one priority does not go through. However, at this time, the State is focusing on the I-85 Yadkin River Bridge replacement, and is not considering an alternate choice to put forward.

**IX. Other Business**

Dymphna Pereira, CATS Division Manager of Finance, announced that the US Department of Transportation's Office of Inspector General will conduct the American Recovery and Reinvestment Act (ARRA) fraud, waste and abuse training session in Charlotte on Tuesday, November 3 from 9am to noon in room 267 of the Charlotte Mecklenburg Government Center. Ms. Pereira said that if anyone who has received ARRA grants has not received notice from NCDOT, CATS will be happy to send it. FTA would like to have 100 people attend this training.

**X. Public Comment**

Michael Morgan spoke on behalf of Eric Setzer, Robert Kimrey, Charles Strickland and himself. He said that he had met with John Muth before tonight's MTC meeting. The group was encouraged that they would be able to work closely with Mr. Muth to make the changes Mr. Morgan suggests. Mr. Morgan became involved with Disability Rights and Resources five years ago as he struggled with the physical challenges of being in a wheelchair. He said he has become a strong advocate of public transportation, working to make transportation better for everyone and not just those with physical challenges. He said members of the group meet with numerous CATS officials on a regular basis, and have been successful in keeping some services from being eliminated. They have made suggestions on many things that they think need to be improved. Mr. Morgan commented that they had spent considerable time on the rail line, which has been a great success. Mr. Morgan said that the bus system still operates as though it were the 1950's; there are numerous changes that could make it a more user-friendly system. He stated that too many people experience 2½ hour rides one-way. Mr. Morgan said that riding from the Matthews area to the Arboretum takes nearly 2½ hours for a bus rider. Mr. Morgan said he has made hundreds of proposals, especially with regard to route planning, and that CATS employees do not understand that many improvements can be made with no additional capital outlay.

Mr. Morgan stated that bus routes are discriminatory. He said he met with the person who handles that today, but they have taken no action. He cited the bus down the middle of the Independence freeway as an example. When the busway was proposed, they were told that passengers would be able to use the busway on an all-day basis. Currently, only Express bus riders are able to use the expressway. Mr. Morgan said that this discriminates against the everyday passenger who cannot use the busway to get where they want to go. Express bus riders are in Matthews and exiting the bus before local bus riders even enter the Independence freeway, 30 minutes after the local bus begins its route. Mr. Morgan said that CATS proudly posts a statement on Title VI, Protection Against Discrimination. Mr. Morgan read excerpts from that document, emphasizing such items as the prohibition of denying services or providing a different benefit due to race, color, or national creed, or of locating facilities in such a way that it impedes access to a Federally-funded service. Mr. Morgan commented that providing express service but not local service down a Federally-funded highway constitutes "providing a different service or benefit," which he stated is prohibited under Title VI. Mr. Morgan said that all bus riders should be able to enjoy that service. Mr. Morgan stated that the current practice is a violation of Title VI. Mr. Morgan stated that he and his group wants regular bus service to begin service down the Independence freeway. Mr. Morgan said that routes 40X and 65X should become regular routes so CATS can begin to be in compliance with Title VI. This would give everyone service utilizing the busway from early morning to late at night.

Mr. Morgan said that similar conditions exist on I-77 and I-85, also Federally-funded highways. Title VI also allows individual riders to use these Federally-funded highways for local service. He said his group is asking for service to each of the surrounding counties, and said that this can be done within existing expenditures. Mr. Morgan stated that there is an invisible wall around the county. Mr. Morgan commented that a study showed that 65-75% of bus ridership into Atlanta was from outside counties. Local bus service should be established across the county line to connect to other counties, especially Concord and Gastonia, to bring riders from other counties into Mecklenburg and Charlotte so they can make purchases in our county and increase our sales tax revenue. Mr. Morgan stated that CATS should establish a totally new route system

within the current budget to take the system from a spoke system to a hub system. Mr. Morgan stated that CATS has outgrown the spoke system; a hub system would allow more cross-town routes and enable shorter commutes for riders. Mr. Morgan stated that there is a major need to have a circle route to close the gap and provide complete service around the City. Mr. Morgan said that his group also thinks that the bus routes that parallel the new Streetcar route should travel exactly the same route as the future Streetcar route, from Rosa Parks to Eastland, and service should be expanded along the hubs. Mr. Morgan said that his group has heard from CATS employees that CATS cannot find funding for these expanded services. His group believes that CATS needs to find new sources of funding for the system. Mr. Morgan stated that there is no reason why students cannot ride public transportation. He spoke with representatives from the Charlotte Mecklenburg School System (CMS), who said that it costs about \$77.50 a month to transport one student. He sees numerous students who ride buses, and said if CMS provided a \$30 bus pass to students, that would be a 60 percent savings. Over 20 years, that would total over \$150 million, a third of the cost of the North Corridor line. Mr. Morgan concluded that he and his group would like to work with CATS to streamline services and to make the transportation system user-friendly and economically viable for the people of Charlotte. He stated that the current system does not provide the service the citizens of Charlotte want.

**Discussion:** Mayor Myers thanked Mr. Morgan for his remarks, and addressed the issue of expanding service into surrounding counties. Mayor Myers informed Mr. Morgan that CATS and MTC members have spoken with surrounding counties. Other than the representative from South Carolina who participates in meetings, CATS and the MTC have not been able to interest other surrounding counties in working with us. Mayor Myers said that surrounding counties need to ratify and pass a funding source as citizens of Mecklenburg County did twice. Mayor Myers stated that citizens of Mecklenburg County should not be expected to provide service to surrounding counties. Mayor Myers cited the new service to Concord Mills Mall in Cabarrus County as an example of the way CATS is reaching out to provide service to surrounding counties. Mr. Muth added that he met with Mr. Morgan and Mr. Strickland for about an hour today and said CATS is committed to talking with them to find out how CATS can improve service. Mr. Muth said he was impressed with their knowledge of the system. Mr. Morgan commented that Mr. Muth was the first director of CATS they have talked to who has listened. Mr. Messera asked if Mr. Morgan had his suggestion list in writing. Mr. Morgan replied that the information will be on his website, [www.weridethebus.com](http://www.weridethebus.com) by Thursday afternoon.

Ms. Nuckles thanked Commissioner Roberts and Larry Kopf, CATS Chief Operations Planning Officer and Interim Manager of Bus Operations, for coming to the kickoff ceremony for the new CATS 78X Celanese Corridor Express bus service from the I-485 LYNX Blue Line station in Charlotte to Rock Hill, SC. Ms. Nuckles said she is happy to facilitate providing future services.

**XI. Adjourn**

The meeting was adjourned at 6:30 pm by Mayor Myers.

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NEXT MTC MEETING: WEDNESDAY, NOVEMBER 18, 2009, 5:00 PM