From: Don Kostelec <don.kostelec@gmail.com>
Sent: 6/7/2018 4:38:22 PM
To: Esther Manheimer <esthermanheimer@avlcouncil.com>,Gwen Wisler <gwenwisler@avlcouncil.com>,Julie Mayfield <juliemayfield@avlcouncil.com>,Vaidila Satvika <VSatvika@ashevillenc.gov>,Cathy Ball <cball@ashevillenc.gov>,Barb Mee <BMee@ashevillenc.go
Cc: lybua@landofsky.org,Tristan Winkler <tristan@landofsky.org>,Trogdon, James H <jhtrogdon@ncdot.gov>,White, Julie A <juliewhite@ncdot.gov>,Merithew, Brendan W <bwmerithew@ncdot.gov>,Swain, James J <jswain@ncdot.gov>,William Clarke <bclarke@rober
Subject: Fwd: Transportation Choices June Update
Attachments: 2018-05-30 Letter to Secretary Trogdon - Climate Change.pdf

---

Mayor, Council Members, Staff, and Multimodal Commission Members:Â
I wanted to call to your attention the email below from Kym Hunter at SELC, particularly three items of interest:Â

1. NCDOT Secretary Jim Trogdon touting the Build NC bond program as a way to circumvent federal environmental laws.Â
2. Feedback on NCDOT's Complete Streets policy, which I know the City has been acutely aware of its shortcomings.Â
3. The attached letter in response to NCDOT staff claiming they have no role whatsoever in addressing climate change.Â

Given the primary appointees--both at Division 13 and at NCDOT headquarters--came from either a specific appointment or affirmation of re-appointment via Governor Roy Cooper, I think it's important to understand how NCDOT is not managing itself in-line with several of Governor Cooper's campaign promises.Â

You will no doubt be asked, via the FBRMPO processes and your role on their committees, to vote on projects funded by Build NC or on projects made possible due to extra funding from Build NC. When the NCDOT Secretary is actively touting the funding as a way to circumvent environmental laws, this should cause grave concern to both the natural environment and human environment for the people of Asheville. If NCDOT is allowed to circumvent requirements related to vulnerable populations, the racial equity issues of Asheville will only be compounded further through the agency's projects.

The other Complete Streets issues and the laughable notion that NCDOT doesn't play a role in climate change mitigation do not need much explanation. Both represent the degree to which the agency is either in denial about the role it plays in climate change and how NCDOT-design, NCDOT-managed, and NCDOT-maintained roads are inherently designed to be unsafe (and continue to be designed to be unsafe) for vulnerable road users.Â

Here are some NCDOT data for you that you likely won't get from NCDOT staff or the Division 13 Board member about Complete Streets, and its relationship to the STI law and NCDOT practices:Â

- In **2017**, a pedestrian or bicyclist died **once every 42 hoursÂ** on a North Carolina road (per NCDOT's end of year fatality report).Â
- In **2013** (the year STI was passed), the state fatality clock registered a pedestrian or bicyclist death **once every 45 hours**.Â
- In **2009** (the year the NCDOT Complete Streets policy was passed), NC pedestrian and bicyclist fatality clock registered **one death every 54 hours**.Â Â

Secretary Trogdon is always quick to praise the Strategic Transportation Investment law in TV shows, in front of the legislature, and on his Twitter feed. STI has helped contribute to this acceleration of pedestrian and bicyclist deaths as the lack of implementation of the Complete Streets policy has allowed the fatality rate for people who walk and bike to continue to accelerate. If NCDOT was the "data driven" agency it claims to be, it would stand to reason that this rate of increase in the death of vulnerable road users would be part of NCDOT's continued policy pleas to the Legislature. It is not.Â

It's discouraging that NCDOT leadership appointed by Governor Cooper won't stand up for the safety of North Carolina's most vulnerable citizens in the cities that played a huge role in getting Governor Cooper elected to office. I understand that the legislature may not approve, but it would be desirable for NCDOT to stand up for its own mission and values in the face of that opposition. You know they would stand up to opposition to reduce funding to widen highways if that was the legislative tone.Â

I hope you consider these data and facts, as well as SELC's notes below, as you are asked to support NCDOT's efforts and feel forced via the MPO processes to support NCDOT's continued status quo approach to transportation investments that endangers vulnerable road users and contributes to climate change.Â

Please let me know if you have any questions.Â

Thank you,
Don

---------- Forwarded message ----------
From: **Kym Hunter** <khunter@selcnc.org>
Date: Thu, Jun 7, 2018 at 10:15 AM

Happy June to everyone,

Â

I know we have been in touch some, but hereâ€™s a bit more of a formal update.Â I have to tell you, while there are some glimmers of hope, itâ€™s been a bit of a depressing month.

Â

Light Rail Recap

On the light rail front â€“ I think you all know that the NCGA passed the budget including the horrible language that would effectively prohibit any light rail projects from moving forward in North Carolina.Â The budget is now with the Governor, but even if he vetos, as is likely, they have the votes to override.

Â

However, folks are working hard to put pressure on the NCGA to make a technical correction that would alter the provision so that state funds could be programmed, but just not spent, until federal funding is in place. Â Â The latest we have heard there are a group of legislators working on such language and it should be introduced next week.

Â

GoTriangle issued an important â€œclarificationâ€ yesterday responding the legislatureâ€™s attempts to say that the effect of the provision is â€œambiguous.â€Â It is not, and we now have a record of that.

Â

I encourage you all to keep up the calls to the legislature, tag legislators on social media, do whatever you can to make news on this issue.Â Even if you are not directly implicated by the Durham Orange Light Rail project this issue is important for transportation policy across our state, and the integrity of the STI.

Â

VW Funds

Â

The budget also creates some problems for the VW settlement funds.Â A provision states that any allocation of funds would need to be subject to an appropriate by the legislature.Â This would seem to violate the rules established in the settlement whereby the beneficiary has control over how the money is spent.Â There may be a fix in the works here too.

Â

Build NC Recap

The NC Build bill has been moving swiftly through both chambers and is expected to pass easily.Â There has been broad bipartisan support. Â Â Many of us attended a meeting at NCDOT about the proposal and how it would operate.Â We decided not to oppose Build NC, however we still have concerns.Â We are concerned about the focus on rural highways, concerned about the lack of multi-modal funding, and concerned that the bill could be used to secure state funding to bypass federal environmental laws.Â In fact, General Trogdon told the legislature at a committee hearing this week that bypassing federal environmental laws was one of the benefits of the bill.Â

Â

In none of these committee hearings did NCDOT folks mention the light rail or a fix to the budget.Â I understand the strategic thinking there, but it is increasingly clear where this NCDOTâ€™s focus is and that is on building more roads.Â

Â

Climate Change

Â

Along those lines, several groups here sent the attached letter last week to NCDOT re: things the Department can and should do about climate change. This letter was prompted by comments from Julie White and David Howard that NCDOT has no role whatsoever in climate change mitigation.

Â

Board of Transportation

Â

At the Board of Transportation this month, Kelly Morrow provided a presentation to the whole Board on updates to North Carolinaâ€™s Statewide Transportation Plan.Â The presentation focused on big-picture themes and what the department has considered in crafting the new plan.Â The new planâ€"NC2050â€"is up to be approved by the Board next month.Â

Â

In the multimodal committee, Julie White shared that the Bike-Ped division remains understaffed, with 3-vacancies in a 7-person division.Â

Â

Julie also reported that the USDOT Secretaryâ€™s office has been in touch with NCDOT about the â€œBUILDâ€ program (formerly known as TIGER). According to Julie, the USDOT is very interested in rural projects, and rural transit projects in particular.

Â

The committee also received updates on NCDOTâ€™s review of its Complete Streets policy and a review of the status of North Carolinaâ€™s Bicycle & Pedestrian Planning Grants.Â As to the Complete Streets Policy, the consultants hired by NCDOT have completed the first step in their workâ€"which largely entailed information gathering about the current state of affairs in North Carolina, as well as some investigation into other statesâ€™ practices.Â The main (unsurprising) takeaways from this first review were that no one has problems with the Complete Streets Policy itself, but rather, the challenges are with project development.Â The challenges boiled down to funding obstacles and implementation obstacles.Â People are not using or looking toward the Complete Streets Policy itself, and the documents they do refer to, such as the highway guidelines documents, do not incorporate the Complete Streets Policy.Â These problems are compounded by the lack of ownership or responsibility within the department for Complete Streets Policy implementation. The next step in the Complete Streets Policy review is to identify possible improvements, including consideration of possible design guidelines changes, process improvements, and training and outreach opportunities.

Â

As for the planning grants program, the survey of grant recipients revealed some good progress made by some entitiesâ€"but it also revealed that many municipalities are unable to implement the plans they create because of the hurdle imposed by the 20% local match requirement.Â The General Assembly directed NCDOT to conduct this study and report back on progress made as a result of the planning grant program.Â Key takeaways were that communities that have had their plans in place longer were more likely to have completed more projects from their plans, and smaller communities are less likely to have made as much progress due to their limited resources.Â Â The study identified 1,005 bike and pedestrian projects from across the state that â€œcome directly from an adopted plan.â€Â The projects have been completed in 83 different communities.Â A total of 43 plans out of 104 studied plans were ranked as having low or no implementation progress (meaning 4 or fewer completed projects).Â

Â

In the FAST committee, new CFO Evan Rodewald gave a financial update in addition to the usual cash balance update. Year-over-year, public transportation expenditures are up 3%, and the â€œother modal/other programsâ€ category is up 40%â€"but that 40% jump is largely attributable to a $35 million payment for RDU.

Â

Thanks, all.Â Let me know if you have any questions, as usual.

Â

Kym Hunter

Staff Attorney

Southern Environmental Law Center

601 West Rosemary Street, Suite 220

Chapel Hill, North Carolina 27516-2356

Phone: (919) 967-1450; Fax: (919) 929-9421

SouthernEnvironment.org

Â

This email may contain information that is privileged and confidential. Unless you are the addressee (or authorized to receive email for the addressee), you may not use, copy, or disclose this email or any information therein.Â If you have received the email in error, please reply to the above address. Thank you.

Â