

MINUTES OF THE SAFETY AND EMERGING ISSUES COMMITTEE  
NORTH CAROLINA BOARD OF TRANSPORTATION  
RALEIGH, NORTH CAROLINA  
May 6, 2009

\* Bob Collier, Chairman                      \* Marion Cowell                      Nancy Dunn  
    G. R. Kindley                                \* Cam McRae                         \* Andrew Perkins  
\* Nina Szlosberg                               \* Gus Tulloss                         \* Stan White  
\* In Attendance

\* Also attending: Conrad Burrell and Arnold Lakey

The meeting of the Safety and Emerging Issues Committee was called to order by Chairman Collier and the April 2, 2009, minutes were unanimously approved.

Johanna Reese, Legislative Liaison gave a legislative update on transportation issues and associated pending legislation. Most of the legislators' time and energy is focused on the budget. The Transportation Appropriations Subcommittee met several times and did some educational type meetings to let members know what goes on at DOT. We are waiting for them to come back publicly to run through the budget; we do not expect to have any surprises. It will probably be similar to what came out of the Senate and Governor's budget; there is not a lot of flexibility. Two non-agency bills include: 1) Condemnation of Conservation Easements and 2) Mitigation Activities - Interaction between Private Mitigation Bankers – DOT worked with sponsors and were able to get some changes that we needed to the bills and we feel good about how they are moving. Agency bills moving this week include: 1) Legislation that will allow the Department to partner with private developers for funding of some projects; when projects are at similar locations they will allow the projects to be done concurrently. 2) When DOT wants to participate in funding for a local fixed rail project; we can only do so if there is federal funding involved. We would like to have this changed so that we can do this if it is state and local funding involved. In addition, we will need to extend the sunset on the Minority Business Enterprise Program; we are getting that legislation inserted. The Disparity Study came back and we do need to continue this program.

We had some legislation introduced that addressed state vs. local responsibilities of roads, dealing with the functional classification process. This is a complex matter and the locals are very interested. We have agreed to put on hold for this year and get something ready for legislation next year.

Debbie Barbour, Director of Preconstruction introduced Bill Goodwin, Project Development Bridge Unit and gave background information on the draft Memorandum of Agreement (MOA) between the North Carolina Department of Transportation (NCDOT) and the North Carolina Wildlife Resources Commission (WRC) for recreational access sites. A couple of years ago, we had a presentation from the boating industry and WRC requesting to establish a procedure/process on our bridge replacement projects in conjunction with them to consider areas where it would be appropriate to have formal recreational access sites. This has been an on-going process for a couple of years with coordination of the WRC. Mr. Goodwin provided a draft copy of the MOA for your information and discussed the two key areas still in negotiations: 1) Possible outcomes from the ROW acquisition process (page 7 item 6). 2) These recreational access sites will be considered parks and protected by Section 4(f) of the Transportation Act; we are trying to come up with language that protects the Department as much as possible in case we have a bridge replacement, road widening, etc. in the future (page 12 item 6). The MOA is still in draft form and will be presented to committee next month with updates and changes and possible approval of the committee.

Being no further business, the meeting was adjourned at 10:28 am.  
Respectively Submitted,  
Tonya B. Morgan