

**Access Management Committee
North Carolina Board of Transportation**

September 8, 2011

Call to Order

Chairman Fox called the meeting of the Access Management Committee to order at approximately 10:00 a.m.

Chairman Fox's Remarks

Chairman Fox gave some opening remarks concerning the committee and a general overview of the wide variety of items that can be considered by the committee.

Reimbursement Agreements Workgroup (Fair Share)

Kevin Lacy briefly shared an update of the Reimbursement Agreements Workgroup. The workgroup was provided the material that was sent to the Access Management Committee in the past concerning research on cost sharing for infrastructure improvements.

Discussion

Chairman Fox lead an open discussion on potential topics. There was continued discussion on the fair share (Reimbursement Agreement Workgroup) and the interest of the committee to keep informed of the progress of the workgroup.

Closing Remarks

Chairman Fox adjourned the meeting

**Access Management Committee
North Carolina Board of Transportation**

December 1, 2011

Call to Order

Chairman Fox called the meeting of the Access Management Committee to order at approximately 9:10 a.m.

The following members were present:

Mike Fox, Tripp Sloane, Ralph Womble, John Collett, Matt Wood

Members Sam Halsey and Mike Alford were absent

Several members of NCDOT Staff and other guests also attended the meeting: Kevin Lacy, Jon Nance, Terry Gibson, Sandy Nance, Debbie Barbour, Don Smith, Wally Bowman, Jerry Jennings, Virgil Pridemore, Don Lee, Ron McCollum, Ted Vaden, and Elizabeth Lisk

Chairman Fox's Remarks

Chairman Fox called the meeting of the Access Management Committee to order at approximately 9:10 a.m. Chairman Fox asked for approval of minutes and gave an overview of the agenda.

Fair Share Work Group Update – Presentation by Chief Engineer Jon Nance

Jon Nance informed committee of the changes made to Control Access (CA)/Right of Way (ROW) Disposal Committee. Committee members are Jon Nance, Kevin Lacy, Ricky Greene, Debbie Barbour, and the Division Engineer involved. The request is presented and vote made at one time. An appeal process goes through Highway Administrator. Terry Gibson's goal is to reduce the number of appeals or eliminate them. Mr. Gibson also informed the committee in cases where ROW or CA was purchased using Federal funds the FHWA has final say.

Mr. Nance gave an overview of the Transportation Reimbursement Working Group formed by the North Carolina General Assembly (S.B. 761) to develop a process for fair distribution of transportation improvements in response to development. The working group consists of members from NCDOT; Home Builders Association and Commercial Developers. Jon Nance

with NCDOT and Lisa Martin with the North Carolina Home Builders Association are the sponsors of the Working Group.

The key challenges are:

- 1) Who will own the process (AKA be the bank)
- 2) Developing a process for accessing “fair share” this turns out to be more difficult than originally thought.

Many other issues have been identified.

A number of questions were asked about the process including some related to drive way permits. Chairman Fox stated that a future meeting will be held to discuss this issue in more depth.

A copy of Mr. Nance’s presentation will be included in the minutes.

Right of Way Overview

Virgil Pridemore stated that the two areas of cost in the driveway process are appraisal and relocation. He briefly touched on the property management phase. There were some questions about the process as it pertains to advance acquisitions due to hardships. Mr. Pridemore’s presentation is included in the minutes.

Outdoor Advertising Overview

Jon Nance gave an update on Senate Bill 183 and remarked that it is a very heated topic. Final and entire operational procedures are dependent upon “rules” to be developed for selected law provision. Mr. Nance’s presentation is included in the minutes.

Closing Remarks

Chairman Fox asked the committee members to plan on a January meeting. Tammy Ashley will schedule the meeting.



Action Items

Schedule January meeting to discuss Reimbursement Agreements Fair Share Work Group	Kevin Lacy
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Prepare brief presentation on Driveway and Access process	Kevin Lacy
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Send December meeting information electronically to all members	Kevin Lacy
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Jon Nance's Presentation on Reimbursement Agreement Working Group




Transportation Reimbursement Agreement Working Group

Jon Nance
December 1, 2011



Workgroup Origin

SENATE BILL 761- An act to study reimbursing a developer for improvements made to public streets or highways for a development and to apportion such costs to any other developers that have access to such improvements before or after the improved portion of the public street or highway has been accepted by the state or local government for maintenance as a public street or highway.





Workgroup Outreach

The Committee may consult with the NCDOT, the NC Home Builders Association, local governments, the Business Alliance for a Sound Economy, Chambers of Commerce, the League of Municipalities, the Association of County Commissioners, and any other person or group that may provide information relevant to the study.



Working Group Membership

Tyler Newman, Government Affairs Director, Wilmington Area Home Builders Association
Elaine R. Jordan, General Counsel - The Coastal Companies
Bill Daleure, Avant Garde Real Estate Consulting, LLC
Bert Exum, The Harrelson Company
Burt Tasaico, PE, State Program Analysis Engineer, NCDOT
Barry Moose, PE, Division Engineer (Div 10), NCDOT
Alan Pope, PE, Division Engineer (Div 3), NCDOT





Working Group Sponsors

Jon Nance, Chief Engineer, NCDOT

Lisa Martin, Director Of Governmental Affairs,
NCHBA



Target Completion Date

January 2012

The Joint Legislative Transportation Oversight Committee shall report its findings, together with any recommended legislation, to the 2011 Regular Session of the General Assembly upon its convening.





Objective: Process Owner

Status: The Process Owner has not been identified. The Group has considered the Department (either through a newly-developed Commission at the Division level or as an Administrative Overseer at the Departmental level), the locality (at the MPO, RPO, or municipal level), the Council of Governments, and the Home Builders' Association.



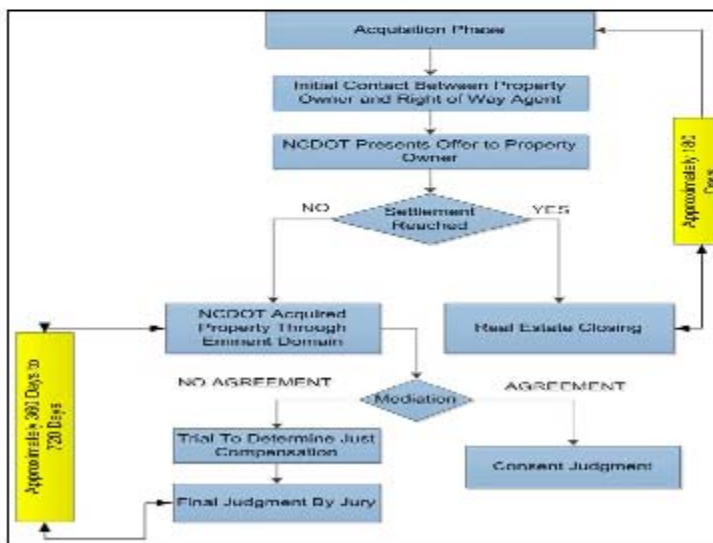
Challenges

Not less than fifty issues have been identified and discussed during the last four meetings.

The Group has researched other States' processes.

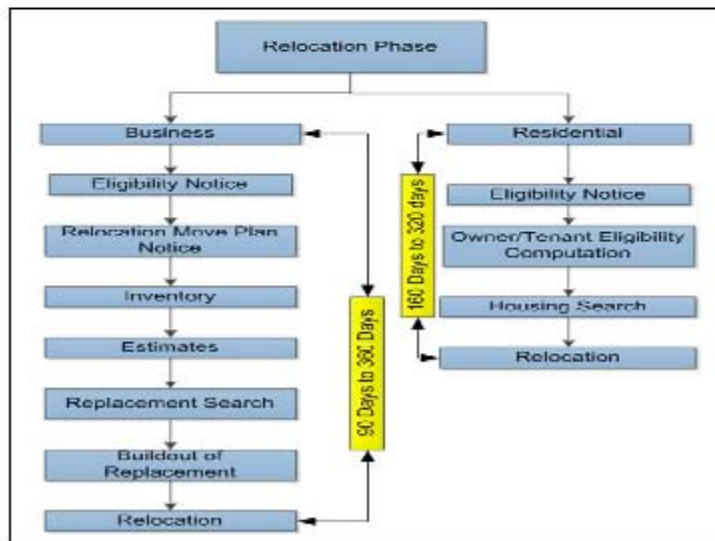
New Jersey appears to have a formula and process that could be applied, with modifications, to NC. The Group held a conference call with New Jersey to identify their lessons learned. Tyler Newman and Bert Exum to modify New Jersey's formula and apply NC's data at different points in the reimbursement cycle to identify the impacts. The Group plans to discuss the results at the next meeting.





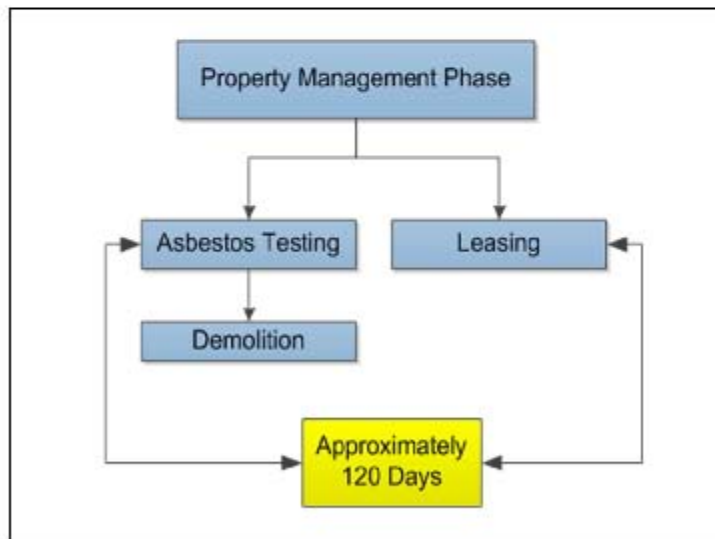
Acquisition (Negotiation)

- Explanation of the Acquisition
- Explanation of the Appraisal
- Explanation of Offer
- Discussion of Deed
- Discussion of Improvements
- Discussion of Realty vs Personalty



Relocation

- Explanation of Benefits
- Explanation of Eligibility
- Explanation of Claim Types
- Discussion of Replacement Resources
- Discussion of Hardship Circumstances
- Explanation of Many Benefit Calculations
- Vendor Selection
- Coordination of Move
- Process of Payment and Disbursement
- Relocation Advisory Services
- Move Planning
- Development of

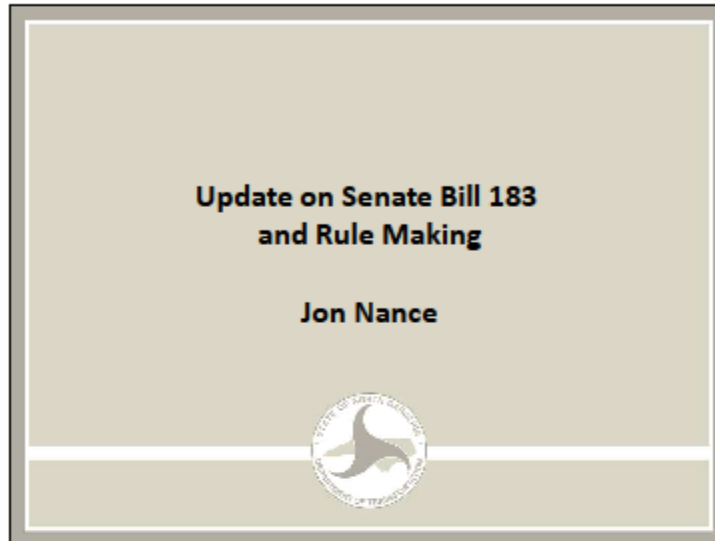


Property Management

- Environmental Testing for Asbestos and Abatement
- Demolition of Improvements
- Grave Relocations
- Property Maintenance
- Property Leaseback
- Residue Appraisal and Sale

SUMMARY

Complex Processes
49 CFR Federally Regulated
USPAP Regulated
Title VI Compliance
State General Statutes
23 CFR Federally Regulated



Why does NCDOT have a SVR policy?

- The ODA industry wants to reach the largest audience possible,
- The environmental community & other concerned entities want to protect as much vegetation as possible,
- NCDOT wants to achieve a balance between these two interests and achieve uniformity and continuity.

SVR Legislative Action Update

- 2006 Legislation tacked onto another bill; didn't pass
- 2007 Passed Senate; no House action
 - S150, H49
- 2008 Never heard in House Committee
 - SVR Work group – Nov-Dec 2008
- 2009 Passed House Transportation Committee
 - S983, H1583

MAJOR CHANGES IMPACTED

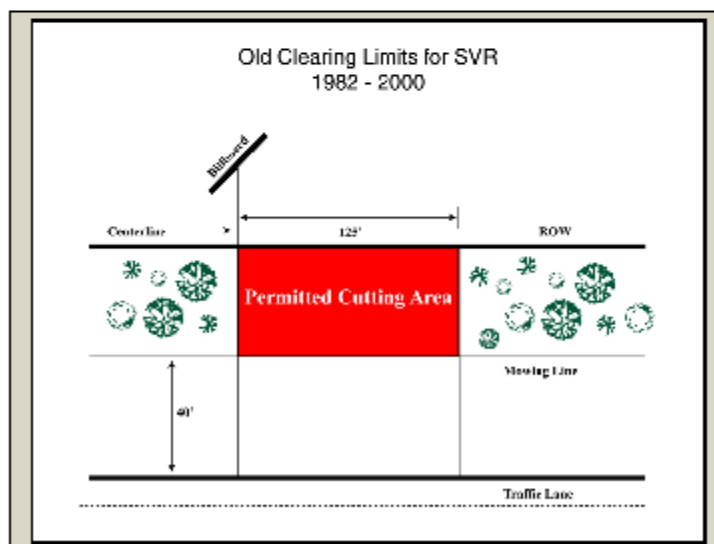
NOTE: FINAL AND ENTIRE OPERATIONAL PROCEDURES ARE DEPENDENT UPON "RULES" TO BE DEVELOPED FOR SELECTED LAW PROVISIONS.

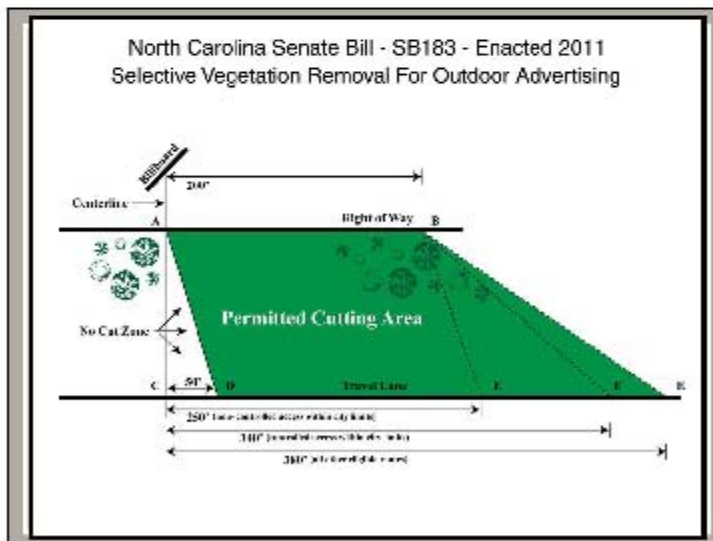
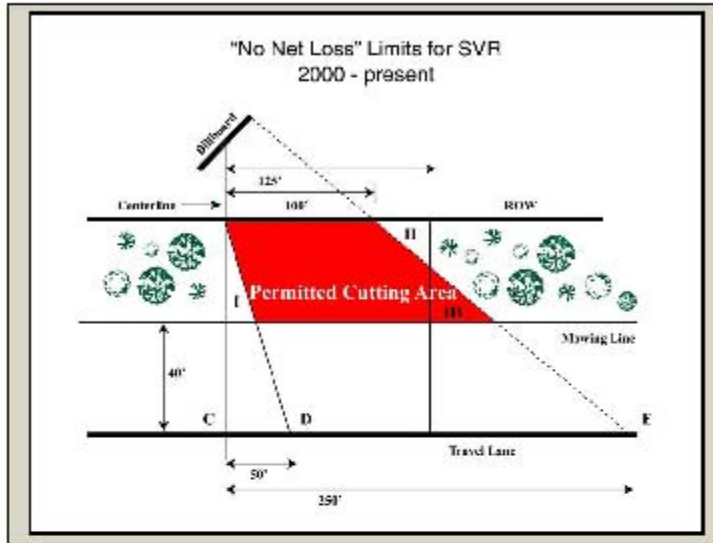
SB 183 effective 9/1/2011	CURRENT RULES, began 2000
1) Provides for a monetary value of trees eligible for reimbursement; but only for "existing trees" of 4" diameter and larger when ODA sign was erected.	Compensation for all trees removed from cut zone, less credits for 2 identified "no-cut" zones. No "existing" tree removal allowed in previous 125' rectangular zone.
2) Expands cut zone distances to maximum of 380' <u>along travelway</u> (340' for controlled access within municipality and remains at 250' for non-controlled access within municipality) and 200' <u>along right-of-way boundary</u> for all locations. Retains the same "no-cut" zone in first 50' along travelway.	Allowable cut zone is 250' along travelway and 100' along right-of-way boundary for all locations. Includes credited "no-cut" zone in first 50' along travelway and along back corner of view zone .

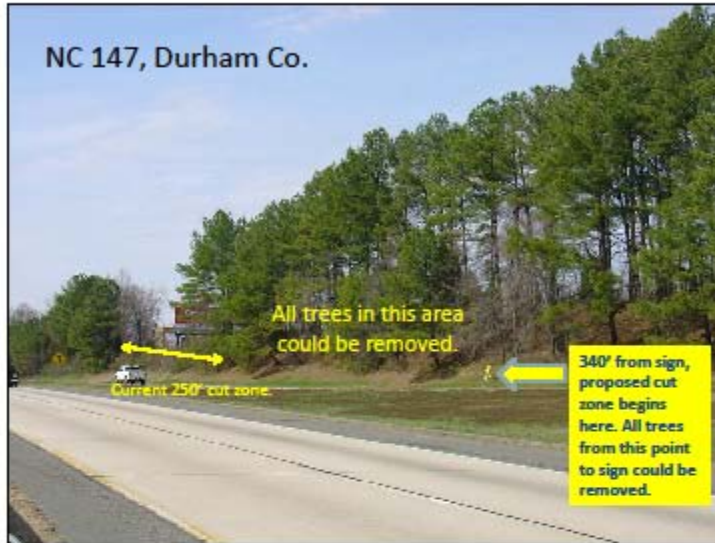
MAJOR CHANGES IMPACTED	
SB 183 effective 9/1/2011	CURRENT RULES, began 2000
3) Local input into tree cutting is reduced. If a formal request is made, municipalities are given 30 days to review vegetation removal applications and offer comments to DOT; <u>however</u> DOT is unable to deny cutting permit based on, for example, a city ordinance that may prevent or limit tree cutting.	Local input into tree cutting is considered by DOT. If a formal request is made, municipalities may review vegetation removal applications. DOT may deny cutting permit if request is contrary to municipal ordinance or regulation that prohibits or restricts tree cutting.
4) For new & existing signs, "existing" trees (4" diameter and larger when sign erected) in the new cut zone may be removed if applicant reimburses NCDOT per monetary value OR removes 2 nonconforming signs.	"No-net loss" of trees including no-cut zones where applicant can claim tree credits. Trees (4" diameter and larger) not eligible for removal for proposed signs. For existing signs, trees only removed in designated cut zone for reimbursement (reimbursement includes all trees in designated cut zone, regardless of age and size).

MAJOR CHANGES IMPACTED	
SB 183 effective 9/1/2011	CURRENT RULES, began 2000
5) In lieu of reimbursement and to allow for clear-cutting, applicant may do a replanting and maintenance project, in agreement with NCDOT and consultation with local government, <u>per rules to be developed.</u>	NCDOT utilizes compensatory reimbursement funds received for restoration plantings. Applicant has choice of performing the restoration planting or compensating NCDOT, but has typically chosen compensation.
6) Owner may remove any vegetation less than 4" in diameter at height of right-of-way fence within 200' of sign. Work must be only from private side of fence and no more than 3' inside fence.	No vegetation removal allowed without SVR permit.
7) Provisions of new law are not applicable for "on-premise" signs. Eligible signs must be legally permitted through the State Transportation Agency.	"On-premise" signs are not specifically identified in the current SVR rules, but it is stated that rules only apply to legally-permitted ODA signs.

MAJOR CHANGES IMPACTED	
SB 183 effective 9/1/2011	CURRENT RULES, began 2000
<p>8) Business vegetation requests: No specific provisions, except to allow applications, are made for vegetation removal requests directly adjacent to businesses along eligible routes. Procedures for accommodating vegetation removal requests in front of "businesses" is proposed to be the same as current rules going forward, per proposed rules being developed.</p>	<p>For businesses, provides specific selective vegetation removal permit allowances & rules for office, institutional, commercial, and industrial developments. Preserves trees of 4" diameter & larger, therefore no compensation allowance for removal of trees. Distance is the frontage property limits but not to exceed 1000 feet.</p>
<p>9) SVR permit valid for 12 months and permittee may remove vegetation multiple times during the permit period.</p>	<p>SVR permits valid for 60 days and permittee may remove vegetation only one time during the permit period.</p>







Summary of Proposed Temporary Rules - ODA

.0210 REVOCATION OF OUTDOOR ADVERTISING PERMIT

.0211 DENIAL OF PERMIT

.0602 REQUEST FOR PERMITS/ businesses

.0603 ISSUANCE OR DENIAL OF PERMIT / businesses

.0608 REQUESTS FOR SVR PERMITS FOR OUTDOOR ADVERTISING

.0609 ISSUANCE OR DENIAL OF SVR PERMIT FOR OUTDOOR ADVERTISING (signs)

.0610 CONDITIONS OF SVR PERMIT FOR OUTDOOR ADVERTISING PERMIT REQUIREMENTS

.0611 COMPENSATORY BEAUTIFICATION AND REPLANTING PLAN

