



GoTriangle  
Operations & Finance Committee  
January 06, 2022  
8:30 am-10:00 am Eastern Time

*The GoTriangle Operations & Finance Committee will meet remotely on Thursday, January 6, 2022, at 8:30 am.*

*Microsoft Teams meeting | Join on your computer or mobile app*

*Click here to join the meeting*

*Or call in (audio only) +1 252-210-4099  
Phone Conference ID: 114 494 609#*

**I. Call to Order and Adoption of Agenda**

*(1 minute Renée Price)*

ACTION REQUESTED: Adopt agenda with any changes requested.

**II. Draft Minutes - December 2, 2021**

*(1 minute Michelle Dawson)*

ACTION REQUESTED: Approve minutes.

**III. Authorization to Execute Contract to Construct Bus Stops**

*(10 minutes Willie Reid)*

ACTION REQUESTED: Recommend the Board authorize the President/CEO to award and execute a contract with Whitley Contracting Inc., for construction, installation of bus stop amenities, and other related bus stop improvements at fourteen (14) GoDurham bus stop locations and one GoTriangle bus stop location in the amount of \$296,985, plus an additional \$29,700 for project contingency.

**IV. FY2022 Q3 Orange Transit Work Plan & Budget Amendment**

*(10 minutes Steven Schlossberg)*

ACTION REQUESTED: Recommend the Board approve the FY2022 Q3 Orange Transit Work Plan and budget ordinance amendments.

Project amendment request from Town of Carrboro

Budget Change Impact

O 2022 0001

O 2022 0002

**V. Kaplan Kirsch & Rockwell Contract**

*(10 minutes Thomas Henry)*

ACTION REQUESTED: Recommend the Board authorize the Chair to sign a letter waiving any conflict related to KKR's ongoing representation of GoTriangle and NCDOT.

Letter from Kaplan Kirsch & Rockwell

VI. **Adjournment**  
*(Renée Price)*



**BOARD OF TRUSTEES  
OPERATIONS & FINANCE COMMITTEE  
MEETING MINUTES**

4600 Emperor Boulevard  
Suite 100  
Durham, NC 27703

**Thursday, December 2, 2021**

**8:30 a.m.**

**Remote | Microsoft Teams**

**Committee members present** | Vivian Jones [arr. 8:37 a.m.], Michael Parker, Jennifer Robinson, Stelfanie Williams

**Committee members absent** | Corey Branch [excused], Valerie Jordan

**Other board members present** | Renée Price

Jennifer Robinson officially called the meeting to order at 8:34 a.m. in the absence of the chair.

**I. Adoption of Agenda**

**Action:** A motion was made by Parker and seconded by Williams to adopt the agenda. Upon vote by roll call, the motion was carried unanimously.

**II. Approval of Minutes**

**Action:** A motion was made by Parker and seconded by Williams to approve the minutes of November 4, 2021. Upon vote by roll call, the motion was carried unanimously.

**III. Contract for Design of Priority GoTriangle Bus Stop Safety Improvements**

Eric Simpson presented a request for a task order for bus stop design services with Ramey Kemp and Associates for On-Call Architectural and Engineering Consultant Services to fund the design of improvements to GoTriangle bus stops serving a high volume of passengers on high-speed NCDOT roadways. The Durham County Transit Plan includes funding for this project. Improvements along NC 54 at one existing bus stop at Falconbridge Road and two future bus stops at Huntingridge Road could include construction of bus stop landing pads, shelters, benches, bus pullouts, signals, crosswalks and appurtenances.

Simpson said the regular bus stop improvement program has a budget of \$50,000 per stop, including design, passenger amenities, minor accessibility and sidewalk improvements and incidental pavement repair. Due to the Falconbridge Road location on a busy, higher speed NCDOT roadway there is need for significant roadway and crossing improvements to provide a safer and more accessible transit experience. The Durham Transit Plan has committed to make improvements in response to customer feedback in this high priority location more quickly than would be possible to rely on state-funded improvements alone.

Simpson shared a map of the area along NC 54 from Huntingridge Road to Farrington Road. He explained that the project will evaluate two alternatives at Falconbridge Road - a signalized pedestrian crossing and a pedestrian pathway - based on safety, NCDOT plans, constructability, cost and lifespan. At Huntingridge Road and NC 54, GoTriangle staff is coordinating with NCDOT on signal improvements at this intersection. The consultant will prepare designs for bus

bays, sidewalk connections, lane widenings, signal improvements and crosswalk improvements for both sides of the road. The consultant also will review the right of way of Huntingridge Road from NC 54 to Brookhollow Lane and provide a recommendation for which side of the road is best to place a pedestrian pathway.

Design, permitting and construction should be complete by the end of calendar year 2022. The MWBE goal is 12%. Staff will request future authorizations for real estate acquisition services, amenities purchases and construction for the project.

**Action:** A motion was made by Parker and seconded by Williams to recommend that the Board of Trustees authorize the President/CEO to execute a task order for bus stop design services with Ramey Kemp and Associates for On-Call Architectural and Engineering Consultant Services for an amount not to exceed \$130,000. Upon vote by roll call, the motion was carried unanimously.

#### IV. Durham Bus Stop Right of Way Acquisition

Gary Tober requested approval to acquire the right of way needed for GoDurham bus stop improvements on behalf of the City of Durham. Improvements are planned at 52 existing bus stop locations. Group 1 lists ten stops already in design and permitting. Group 2 lists an additional 42 stops not yet in design and permitting, but projected to need additional right of way. Tober explained that reaching out to property owners before the design and permitting begins will save money should the owner or developer not agree to convey the property. He added that there will be no displacements, relocation nor condemnations. If a settlement is not reached for the conveyance, GoTriangle will move to an alternative site. The Durham Transit Plan already has approved funding for design, real estate and construction of the bus stops.

Jones arrived. Robinson continued leading the meeting.

##### ***Group 1 – Bus Stop Locations in Design and Permitting***

Stop ID	Major Street	Minor Street	Parcel ID Number
6197	McFarland Dr	Witherspoon Blvd	0800-31-02-1140
1901	McFarland Dr	Witherspoon Blvd	0800-03-20-8602
6243	W Geer St	Rigsbee Ave	0822-20-90-6192
6246	W Geer St	Rigsbee Ave	0822-20-90-7308
6164	University Dr	Shannon Rd	0810-10-36-4740
5859	Martin Luther King Jr Pkwy	Lake Cook Drive	0729-01-48-4102
5118	Martin Luther King Jr Pkwy	Lake Camp Rd	0729-01-48-4102
6649	Martin Luther King Jr Pkwy	Lakeside Gardens	0729-01-38-9597
6104	Fulton St	Erwin Rd	0812-20-82-7066
5596	Foushee St	Avondale Drive	0832-14-34-7900

##### ***Group 2 – Bus Stops Projected to Need Additional Right of Way***

Stop ID	Stop Name Description	Parcel ID Number
5663	New Hope Commons Shopping Center	0800-02-64-7450
5184 5811	Durham Plaza Shopping Center	0832-10-35-4632

**Group 2 – Bus Stops Projected to Need Additional Right of Way (continued)**

Stop ID	Stop Name Description	Parcel ID Number
6279	NC 55 at Golden Corral (NB)	0738-03-01-9325 0738-03-01-9651
6283	NC 55 at Allendown Dr (NB)	0738-03-02-8211 0738-03-02-8490
5161	NC 55 at Meredith Dr (NB)	0738-03-02-9517 0738-03-02-9731
6627	NC 55 at Service Station	0738-01-16-9886 0738-01-27-0026
6631	TW Alexander Dr at Page Rd (WB) [paired with 6629]	0758-02-69-0972
6629	TW Alexander Dr at Page Rd (EB) [paired with 6631]	0758-02-59-8065
5285	Chapel Hill Rd at Valley Terrace (SB)	0810-08-89-2180
6473	Chapel Hill Rd at Valley Terrace (NB)	0810-08-89-7185
6163	Chapel Hill Rd at W Cornwallis Rd (SB2)	0810-08-89-5349 0810-08-89-5340 0810-08-89-2180
5340	Morehead Ave at Kent St	0821-46-24-4017
5158	Roxboro St at Lawson St (NB)	0821-19-70-5206
6599	Lawson St at Concord St (WB)	0821-20-80-5441 0821-20-80-6401
6039	E Main St at Goley St (EB)	0831-14-33-9786
5205	Angier Ave at Vine St (WB)	0831-14-43-9142
5708	Angier Ave at Hoover Rd (WB)	0831-20-80-6851
5910	Angier Ave at Ellis Rd	0830-08-99-3291 0830-08-99-4149 0830-08-99-3245
5305	E Main St at Mangum St (WB)	0821-12-97-5121 0821-12-97-5028 0821-12-97-5047
5202	Roxboro Rd at Edwards St	0832-17-10-7487 0832-17-10-7389
5141	Avondale Dr at Trinity Ave (NB)	0832-18-41-2264
5238	Avondale Dr at E Knox St (NB)	0832-14-33-5596
5550	Hardee St at Delano St (Hardee Terrace) [paired with 6487]	0841-05-08-1841
6487	Hardee St at Delano St (SB) [paired with 5550]	0831-08-97-9832
6172	Hardee St at Holloway St	0831-12-96-6114 0831-12-96-5299
6348	Holloway St at Durham Ridge Assisted Living	0851-03-02-3552
5732	Hillsborough Rd at Carolina Ave	0822-13-22-3948
6564	Leon St at Haverford St (WB)	0822-07-68-1802
6110	North Pointe Dr at Broad St (EB) [paired with 6314]	0822-07-48-7739
5579	North Pointe Dr at North Pointe Shopping Center (WB)	0822-06-39-5700
6109	North Pointe Dr at North Pointe Shopping Center (EB)	0822-06-29-9578
6684	North Pointe Dr at Woodmont Dr (EB)	0822-05-19-7854
6129	New Castle Rd at Wyldeewood Rd (SB) [paired with 6603]	0823-09-27-3129
6603	New Castle Rd at Wyldeewood Rd (NB) [paired with 6129]	0823-10-27-9336
5932	Chalk Level Rd at Horton Rd (EB)	0823-11-66-2867
5679	Crutchfield St at Crabtree Ave	0823-16-83-5198 0823-16-83-7135

**Group 2 – Bus Stops Projected to Need Additional Right of Way (continued)**

Stop ID	Stop Name Description	Parcel ID Number
5322	Meriwether Dr at E Carver St (NB)	0833-13-24-1703 0833-13-24-1677
5450	Meriwether Dr at Oxford Ct	0833-14-23-9301
5473	Old Oxford Rd at Dearborn Dr (WB)	0833-14-33-6140 0833-14-32-7846
5968	Glenbrook at Club	0832-07-67-2749 0832-07-58-8160
5489	Dearborn Dr at Wiley Ave	0832-08-89-2547 0832-08-89-2449
6507	E Geer St at Faucette Ave (WB) [paired with 6635]	0832-16-93-5547

Robinson asked if any opposition to GoTriangle acquiring the right of way is anticipated. Tober responded GoTriangle was able to acquire 11 of the 19 stops previously approved. He said the cases in which an agreement could not be reached was due to developers that bus stop improvements were not part of their plans or property owners asking exorbitant prices for tiny slivers of property. He reiterated that reaching out to owners early for these stops will allow GoTriangle to identify whether or not there will be an issue in acquiring the right of way before spending design dollars on the project.

**Action:** A motion was made by Parker and seconded by Jones to recommend that the Board of Trustees authorize staff to acquire the right of way needed for GoTriangle bus stop improvements on behalf of the City of Durham for improvements at existing bus stop locations listed above. Upon vote by roll call, the motion was carried unanimously.

**V. By-laws Amendment**

Thomas Henry recommended a small change to the by-laws to clarify the meaning of a quorum for committees. He explained that state law sets the quorum for the board at six members; however, committee structure and procedure are determined by GoTriangle's by-laws. Currently the committee quorum is set at three, regardless of committee size. He said when a committee size increases a quorum would be less than a majority which is out of alignment with North Carolina's open meetings law. The proposed amendment will set the floor for a committee quorum at no fewer than three or the majority of voting members.

**Action:** A motion was made by Parker and seconded by Jones to recommend that the Board of Trustees approve the proposed revision to GoTriangle's By-laws for the purpose of clarifying the definition of quorum for committee meetings and to align the definition with North Carolina's Open Meetings law. Upon vote by roll call, the motion was carried unanimously.

**VI. Durham Transit FY2022 Q2 Durham Transit Work Plan/Budget Amendment**

Steven Schlossberg presented a request to amend the Durham Transit work plan to increase the budget for the Durham Transit plan development project by \$29,000 to fund an additional phase of public outreach not included in the original scope.

**Action:** A motion was made by Parker and seconded by Jones to recommend that the Board of Trustees approve the FY2022 Q2 Durham Transit work plan amendments. Upon vote by roll call, the motion was carried unanimously.

## VII. Dashboard

Sharon Chavis provided an update on the dashboard with statistics from transit operations, workers compensation, accident trends, talent services, capital development and communications and public affairs.

Board members offered suggestions for the next update:

- Use a standard such as vehicle miles traveled or per trip to compare statistics as conditions change
- Preventable and non-preventable accidents
- Track the schedule for capital projects
- The impact of specific investments and policies on ridership

## VIII. Adjournment

**Action:** Jennifer Robinson adjourned the meeting at 9:27 a.m.

Prepared by:

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Michelle C. Dawson, CMC  
Clerk to the Board of Trustees



Connecting all points of the Triangle

## MEMORANDUM

**TO:** GoTriangle Board of Trustees Operations & Finance Committee  
**FROM:** Katharine Eggleston, Chief Development Officer  
**DATE:** December 22, 2021  
**SUBJECT:** **Authorization to Execute Contract to Construct Bus Stops**

### Strategic Objective or Initiative Supported

2.4 Ensure an attractive and accessible transit environment

### Action Requested

Staff requests that the Board of Trustees authorize the President/CEO to award and execute a contract with DBE certified general contractor, Whitley Contracting Inc., for construction, installation of bus stop amenities, and other related bus stop improvements at fourteen (14) GoDurham bus stop locations and one GoTriangle bus stop location in the amount of \$296,985. Staff also requests authorization of a total contract budget in the amount of \$326,685 in order to include \$29,700 for project contingency.

### Background and Purpose

The adopted Durham County FY20 and FY21 work plans include funding for GoTriangle to contract for construction of bus stop improvements on the GoDurham system. The first group of sixteen GoDurham bus stop improvements were completed in April 2021. A second group of seventeen (17) bus GoDurham bus stop improvements were completed in November 2021.

The current Wake Transit Plan includes funding for construction of GoTriangle bus stop improvements in Wake County. A group of twelve (12) GoTriangle bus stop improvements located in Wake County were completed in December 2021.

This contract is for construction of a third group of GoDurham bus stop improvements at fourteen (14) bus stop locations; and one (1) GoTriangle bus stop improvement in Wake County, funded by the Wake Transit Plan.





The Invitation for Bids (IFB), released on November 9, 2021, included construction opportunity notifications transmitted to over 40 certified DBE contractors. The IFB closed on December 7, 2021, and GoTriangle received four responsive and responsible bids as listed below:

1. **Whitley Contracting Inc. (DBE)**      **\$296,985**
2. White Oak Construction Co. Inc.      \$307,480
3. Browe Construction Co. (WBE)      \$467,810
4. Lanier Construction Co. Inc. (DBE)      \$471,131

### Financial Impact

The adopted FY21 Durham County Transit work plan includes \$2,500,000 for design, construction, real estate, and purchase of amenities for GoDurham bus stop projects over a multi-year period. The Wake Transit Plan includes \$745,000 for design, construction, real estate and amenities for GoTriangle bus stop projects over a multi-year period.

### Attachments

None

### Staff Contacts

- Willie Reid, (919) 314-8751, [wreid@gotriangle.org](mailto:wreid@gotriangle.org)
- Richard Major, (919) 485-7483, [rmajor@gotriangle.org](mailto:rmajor@gotriangle.org)
- Katharine Eggleston, (919) 485-7564, [keggleston@gotriangle.org](mailto:keggleston@gotriangle.org)





Connecting all points of the Triangle

## MEMORANDUM

**TO:** GoTriangle Board of Trustees Operations & Finance Committee  
**FROM:** Finance & Administrative Services  
**DATE:** December 23, 2021  
**SUBJECT:** **FY2022 Q3 Orange Transit Work Plan/Budget Amendment**

### Strategic Objective or Initiative Supported

This item supports initiative 1.2, "Pursue service improvement and expansion opportunities."

### Action Requested

Staff requests that the Committee recommend to the Board of Trustees the approval of the FY2022 Q3 Orange Transit Work Plan amendments. A total of two (2) amendments have been included for recommendation for a total financial impact of \$285,000.

### Background and Purpose

*Two (2) amendments*

1. South Greensboro Street Sidewalk project (Town of Carrboro) – The funding request is predominantly due to the increase in cost compared to the original project that was adopted as part of the FY2018 transit work plan. Since that time, additional costs for the South Greensboro Street sidewalk project have been identified. The additional local funding will be used as the local share to leverage anticipated additional federal funding.
2. NC 54 Pedestrian Signal project (Town of Carrboro) – The funds are desired to act as the local match to leverage federal funds. The project includes three existing Chapel Hill Transit stops along NC 54 that regularly have high ridership. The completion of this project will greatly enhance safe access to the existing stops and facilitate north-south pedestrian crossings. In addition, these connections will greatly improve access to future phases of the Morgan Creek Greenway in both Carrboro and Chapel Hill, and provide a safe way for residents living south of NC 54 to connect to the downtown areas. The funding for this project is currently programmed in the future years of the Orange Transit Plan. If approved, the FY2022 financial impact will be \$150,000 but the amendment will result in no additional impact to the overall transit plan.

At the time of the GoTriangle Operations and Finance Committee receiving this item, the Orange Staff Working Group will have already reviewed and recommended the listed amendments to the GoTriangle Board of Trustees.

### **Financial Impact**

The proposed amendment, if recommended by this committee and approved by the Board of Trustees, will increase the Orange Transit Work Plan by \$285,000.

### **Attachments**

- Detailed Project Amendment Request
- Budget change impact

### **Staff Contacts**

- Steven Schlossberg, Budget and Finance Mgr., (919) 485-7590, [sschlossberg@gotriangle.org](mailto:sschlossberg@gotriangle.org)
- Sandra Freeman, CFO, (919) 485-7415, [sfreeman@gotriangle.org](mailto:sfreeman@gotriangle.org)





TOWN OF CARRBORO  
NORTH CAROLINA

**TRANSMITTAL**

**PLANNING DEPARTMENT**

**DELIVERED VIA:**  *HAND*  *MAIL*  *FAX*  *EMAIL*

**To:** Aaron Cain, DCHC MPO  
Jennifer Hayden, GoTriangle

**From:** Tina Moon, Planning Administrator  
Zachary Hallock, Transportation Planner

**Date:** November 23, 2021

**Subject:** Modification to 18TOC\_CD5 - Request for Additional Funding

The Town of Carrboro is requesting additional funds for the South Greensboro Street Sidewalk project (18TOC\_CD5), one of the Town's original capital projects.

In August 2020, the Town of Carrboro requested additional funds to pay for design costs needed to readvertise the Morgan Creek Greenway (18TOC\_CD4) for construction. The request was based on a scope of work prepared by the Town Engineer to complete design modifications identified in consultation with NCDOT. Since the Town Engineer was not the engineer of record, the additional costs were not eligible for reimbursement.

Due to the uncertainty of incoming revenues at that time, the Orange County Transit Plan SWG delayed a decision on the request. In April 2021, the Town requested a revenue neutral reallocation of transit funds from the South Greensboro Street sidewalk (18TOC\_CD5) to the Morgan Creek Greenway to cover the redesign costs to allow the greenway project to move forward.

Since that time, additional costs for the South Greensboro Street sidewalk project have been identified. Carrboro would like to resubmit the request for \$135,000 and apply the funds toward the South Greensboro Street sidewalk project to leverage an application for federal funding.

Please let us know if additional information is needed. Thank you for your consideration of this request.



TOWN OF CARRBORO  
NORTH CAROLINA

**TRANSMITTAL**

**PLANNING DEPARTMENT**

**DELIVERED VIA:**  *HAND*  *MAIL*  *FAX*  *EMAIL*

**To:** Aaron Cain, DCHC MPO  
Jennifer Hayden, GoTriangle

**From:** Zachary Hallock, Transportation Planner  
Tina Moon, Planning Administrator

**Date:** November 23, 2021

**Subject:** Request to Program NC 54 Pedestrian Signal (HAWK) Project for FY22

The purpose of this memo is to request an amendment to the FY22 Orange County Transit work plan to include the NC 54 Pedestrian Signal (20TOC\_CD1) for funding in the upcoming year.

The NC 54 Pedestrian Signal (HAWK) project for Carrboro was included in the 2017 Orange County Transit Plan but has not yet been programmed into an annual work plan. The project was originally intended to provide a signalized pedestrian crossing at either NC 54 and Abbey Lane or NC 54 and Westbrook Drive to facilitate safe pedestrian access to transit stops.

The 2019, NC 54 Pedestrian and Bicycle Corridor Safety Study, recommended a crossing at both locations along with a third location at NC 54 and the Kingswood Apartments/Laurel Ridge Apartments in Chapel Hill. Carrboro staff have been working with NCDOT and the Town of Chapel Hill and Chapel Hill Transit to collaborate on a single project that would include the improvements at all three locations. The remaining amount of funding was secured this spring and design is now underway. NCDOT has offered to manage the project, including the design process, advertisement for bid and construction management, with construction tentatively scheduled for FY23.

The total project cost is estimated at \$1.5 Million. Carrboro's allocation of approximately \$150,000 of transit funds (20TOC\_CD1) will contribute to the required local match.

Please let us know if additional information is needed.

REQUEST #
20TOC_CD1

**FY 2022  
Orange Transit Work Plan  
Request Form  
Operating and/or Capital**

FY START DATE	
	2020
Total Project Cost	
\$	1,602,500

Project Name	Requesting Agency	Project Contact	Orange Transit Estimated Operating Cost	
Pedestrian HAWK Signal at NC 54	Town of Carrboro	Carrboro Chapel Hill Transit <a href="#">NCDOT</a>	Base Year*	\$ 150,000
			FY 2023	\$ 1,360,500
			Cumulative	\$ 1,510,500
Estimated Start Date	Estimated Completion	Notes	Orange Transit Estimated Capital Cost	
FY21	FY23	Design is underway.	Base Year*	\$ 210,000
			Cumulative	\$ 1,602,500

**Project Description/Scope** Enter below a summary of the project that may later be used as the project description in the FY 2022 Work Plan.

Signalized pedestrian crossings at three locations along NC 54 West: NC 54 & Westbrook Drive, NC 54 & Abbey Lane, and NC 54 & Kingswood/Laurel Ridge. The projects were identified in NC 54 Pedestrian and Bicycle Corridor Safety Study (2019); NCDOT engaged VHB to conduct the study at the request of Carrboro, Chapel Hill and Chapel Hill Transit. Project locations were identified as transit stops with high ridership, where patrons often cross NC 54 without any safety infrastructure rather than wait for the bus to reach the other side of the highway on the return trip. NCDOT has offered to manage the design, bid and construction of the project; Chapel Hill Transit has offered to handle the grant administration.

**Project Justification / Business Case** Provide responses to EACH of the questions below. Answer the questions as fully as possible. Enter Not Applicable (N/A) as appropriate.

1. Is this a New Project, Scope Change or Financial Change? New  Scope  Financial

*See Instructions for definitions*

1a. If Scope Change or Financial Change - Indicate previous project ID

2. Is this project Operating, Capital or Both? Operating  Capital  Both

3. Is this a one-time request? Yes  No

4. What is the timeframe for the request? Are you requesting a full year of funds in FY22 or a partial year to be annualized in future fiscal years?

The anticipated project timeline: Design FY21, ROW FY22, Construction FY22 or FY23.

5. Where is this project located, who will this project serve and how will it improve service or overall implementation of the Orange Transit Plan?

The project includes three existing Chapel Hill Transit stops along NC 54 that regularly have high ridership. The completion of this project will greatly enhance safe access to the existing stops and facilitate north-south pedestrian crossings. In addition, these connections will greatly improve access to future phases of the Morgan Creek Greenway in both Carrboro and Chapel Hill, and provide a safe way for residents living south of NC 54 to connect to the downtown areas.

6. Is this project programmed in the adopted Transit Plan FYs 2022-2029 Multi-Year Operating Program or CIP? Yes  No

8. What is the expected outcome(s) if this request is funded? What is the alternative if the request is not funded?

The project represents a collaboration between NCDOT (HSIP-Spot funds); Chapel Hill and Chapel Hill Transit and the Town of Carrboro, and involves funding from multiple sources include: HSIP (SPOT Safety); STBG (competitive); STBG-DA. The Transit funds would be used as required local match to leverage federal funds. A 20TOC\_CD1 was programmed for funding in the 2017 Orange County Transit Plan. If the project is not funded in the upcoming work plan the project could be delayed until another source of funds, that can be used as local match, could be identified.

10. For bus operating projects, please provide:

a) Target Start Date				
b) Assets Used (Vehicles, etc.)				
c) Geographic Termini				
d) Major Destinations Served				
e) Annualized Revenue Hours				
f) Span of Service		Weekday	Saturday	Sunday
g) Frequency	<b>TIME PERIOD</b>	Weekday	Saturday	Sunday
	AM Peak			
	Midday			
	PM Peak			
	Evening			

11. If this is a bus operating project, which organization will operate the service?

12. If applicable, describe proposed responsibilities and duties for new staffing requests. Provide each major intended function, and the percentage of time devoted to each function.

13. List any other relevant information not addressed.

14. Please enter estimated revenues below. If there are other revenues besides Orange County Tax Revenue to support this request, please enter the anticipated revenue amounts next to the appropriate funding source for each fiscal year shown below.

Revenue							
Tax Revenue	FY22	FY23	FY24	FY25	FY26	FY27	FY28

Orange County Transit Tax Revenue	150,000	1,360,500	-	-	-	-	-
<b>Other Revenue</b>							
Federal	-	-	-	-	-	-	-
State	210,000	-	-	-	-	-	-
Other	-	-	-	-	-	-	-
<b>Subtotal Other</b>	210,000	-	-	-	-	-	-
<b>TOTAL REVENUE</b>	360,000	1,360,500	-	-	-	-	-

15. For Non Orange County Tax Revenue (federal, state, other), who is the proposed recipient(s) and who will be in charge of applying for the revenue(s)? Please provide status of other revenues (Application submitted, Committed, Awarded, Other).

NCDOT will be administering HSIP funds. It is anticipated that Chapel Hill Transit may handle grant administration for the federal STGBDA, and STBG (competitive) funds. Chapel Hill will provide the local match for the STGBDA funds. Transit funds are anticipated to be used toward the local match for the STBG competitive funds, along with the remaining state HSIP funds. It will be determined during the development of the necessary agreements between the parties whether Carrboro or CHT should handle the administration of the transit funds.

16. Please enter estimated appropriations to support expenses. Enter FY 2022 and the estimated annualized cost in FY 2023 using the 2.5% growth factor, if applicable. The spreadsheet will calculate 2024 and beyond by 2.5%. If your project is not expected to have recurring costs in FY 2023 and/or beyond, delete the calculation(s) in columns E-H.

Cost Break Down of Project Request							
OPERATING COSTS	FY22	FY23	FY24	FY25	FY26	FY27	FY28
Growth Factors		2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Salary & Fringes			-	-	-	-	-
Contracts			-	-	-	-	-
Bus Operations:							
Estimated Hours			-	-	-	-	-
Cost per Hour			-	-	-	-	-
Estimated Operating Cost	-	-	-	-	-	-	-
Bus Leases			-	-	-	-	-
Park & Ride Lease			-	-	-	-	-
Other			-	-	-	-	-
Other			-	-	-	-	-
Subtotal: Bus Operations	-	-	-	-	-	-	-
Other (Describe)			-	-	-	-	-
Other (Describe)			-	-	-	-	-
Other (Describe)			-	-	-	-	-
<b>TOTAL OPERATING COSTS</b>	-	-	-	-	-	-	-

17. Please enter Operating category that best represents the project above (This will be reviewed during Work Plan development)  
 Bus Operations  Transit Plan Administration  Tax District Administration

18. Please enter estimated appropriations to support contractual commitments and other expenses related to proposed capital projects.

CAPITAL COSTS	FY22	FY23	FY24	FY25	FY26	FY27	FY28
Design	175,000						
Construction		1,310,500					
Equipment							
Land - Right of Way	35,000	50,000					
Other							
<b>TOTAL CAPITAL COSTS</b>	210,000	1,360,500	-	-	-	-	-

Transit Infrastructure  Vehicle Acquisition  BRT  CRT  Other

**Assumptions for Costs and Revenues Above:**

21. Please state any assumption(s) used to calculate the capital and operating dollars and revenues shown above.

The total construction costs have been rounded up to increase the project budget from \$1,560,00 to \$1,570,500.



## FY22 Budget Change Impact - Orange Transit Plan

	<u>Revenue</u>	<u>Expenditures</u>	<u>Reserve/Cash Impact</u>	<u>Fund Affected</u>	<u>Comments</u>
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<b>FY22 Approved Budget</b>	\$ 14,211,271	\$ 13,220,973	\$ 990,298		
Town of Carrboro	0	285,000	(285,000)	42	Two capital amendments (NC 54 pedestrian signal and South Greensboro Street sidewalk)
<b>Amended FY22 Budget (Jan 2022)</b>	<b>\$ 14,211,271</b>	<b>\$ 13,505,973</b>	<b>\$ 705,298</b>		
<b>Changes from Amendments</b>	<b>\$ -</b>	<b>\$ 285,000</b>	<b>\$ (285,000)</b>		

2022 0001

**GOTRIANGLE  
FISCAL YEAR 2022  
TRIANGLE TAX DISTRICT – ORANGE OPERATING FUND  
BUDGET ORDINANCE AMENDMENT**

**BE IT ORDAINED** by the Research Triangle Regional Public Transportation Authority Board of Trustees:

**Section 1.** It is estimated that the following revenues will be available in the **Triangle Tax District Orange Operating Fund** for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

	Original	Revised
Article 43 ½ Cent Local Option Sales Tax	\$4,411,600	\$4,126,600
Vehicle Rental Tax	432,400	432,400
\$7 County Vehicle Registration Tax	786,600	786,600
\$3 Vehicle Registr Transfer from Dur/Orange Special Tax District	<u>337,000</u>	<u>337,000</u>
<b>Total</b>	<b>\$ 5,967,600</b>	<b>\$ 5,682,600</b>

**Section 2.** The following amounts hereby are appropriated in the **Triangle Tax District Orange Operating Fund** for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

	Original	Revised
Tax District Administration	\$ 251,800	\$ 251,800
Transit Administration	0	0
DCHC MPO	58,200	58,200
GoTriangle	479,100	479,100
Bus Operations	0	0
Chapel Hill Transit	2,377,565	2,377,565
Orange County Public Transit	759,935	759,935
GoTriangle	1,050,700	1,050,700
Transfer to Triangle Tax District - Orange Capital Fund	<u>990,300</u>	<u>705,300</u>
<b>Total</b>	<b>\$ 5,967,600</b>	<b>\$ 5,682,600</b>

**Section 3.** The FY22 Orange Transit Work Program reflects ongoing projects that remain vital to providing service to current transit customers and new projects that address immediate needs during a transition year to a new Transit Plan with updated priorities. The current project budgets identified are those that are deemed time-sensitive ongoing efforts or involve time-sensitive external grant sources as part of their overall funding mechanism. DCHC MPO, GoTriangle and

Orange County will consider amendments to the FY22 Orange Transit Work Program as priorities are identified in the new Transit Plan.

**Section 4.** Copies of this Budget Ordinance shall be furnished to the Clerk to the Board of Trustees and to the Budget Officer of this Authority to be kept on file for their direction in the disbursement of funds.

**ADOPTED THIS THE 31<sup>ST</sup> DAY OF JANUARY 2022.**

\_\_\_\_\_  
Sig Hutchinson, Board of Trustees Chair

**ATTEST:**

\_\_\_\_\_  
Michelle C. Dawson, Clerk to the Board

2022 0002

**GOTRIANGLE  
FISCAL YEAR 2022  
TRIANGLE TAX DISTRICT – ORANGE CAPITAL FUND  
BUDGET ORDINANCE AMENDMENT**

**BE IT ORDAINED** by the Research Triangle Regional Public Transportation Authority Board of Trustees:

**Section 1.** It is estimated that the following revenues will be available in the **Triangle Tax District – Orange Capital Fund** for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

	Original	Revised
Article 43 ½ Cent Local Option Sales Tax	<u>\$2,990,500</u>	<u>\$3,275,500</u>
Total	\$ 2,990,500	\$ 3,275,500

**Section 2.** The following amounts hereby are appropriated in the **Triangle Tax District – Orange Capital Fund** for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

	Original	Revised
Transit Infrastructure		
Town of Carrboro	\$205,000	\$490,000
GoTriangle	20,000	20,000
Town of Hillsboro	50,000	50,000
Vehicle Purchase	0	0
GoTriangle	903,000	903,000
BRT	0	0
Chapel Hill Transit – NS-BRT	<u>1,812,500</u>	<u>1,812,500</u>
	\$ 2,990,500	\$ 3,275,500

**Section 3.** The FY22 Orange Transit Work Program reflects ongoing projects that remain vital to providing service to current transit customers and new projects that address immediate needs during a transition year to a new Transit Plan with updated priorities. The current project budgets identified are those that are deemed time-sensitive ongoing efforts or involve time-sensitive external grant sources as part of their overall funding mechanism. DCHC MPO, GoTriangle and Orange County will consider amendments to the FY22 Orange Transit Work Program as priorities are identified in the new Transit Plan.

**Section 4.** Copies of this Budget Ordinance shall be furnished to the Clerk to the Board of Trustees and to the Budget Officer of this Authority to be kept on file for their direction in the disbursement of funds.

**ADOPTED THIS THE 31<sup>ST</sup> DAY OF JANUARY 2022.**

\_\_\_\_\_  
Sig Hutchinson, Board of Trustees Chair

**ATTEST:**

\_\_\_\_\_  
Michelle C. Dawson, Clerk to the Board



Connecting all points of the Triangle

## MEMORANDUM

**TO:** GoTriangle Board of Trustees Operations & Finance Committee  
**FROM:** Thomas Henry, Associate General Counsel  
**DATE:** December 30, 2021  
**SUBJECT:** Kaplan Kirsch & Rockwell Contract

### Strategic Objective or Initiative Supported

#### Action Requested

Staff requests that the Operations & Finance Committee recommend to the Board of Trustees that the Board Chair sign a letter waiving any conflict or appearance of conflict that may arise from KKR's ongoing representation of both GoTriangle and NCDOT. A copy of the waiver letter is attached.

#### Background and Purpose

In September 2020, GoTriangle entered into a 2-year contract with the law firm of Kaplan Kirsch & Rockwell LLP ("KKR") for the provision of specialized legal services within the scope of railroads, railroad properties, and projects within or adjacent to railroad corridors.

In November 2021, KKR advised GoTriangle that, in addition to representing GoTriangle, KKR is also representing NCDOT in its efforts to acquire the S-Line from CSX as well as other railroad segments in North Carolina.

KKR has requested that its two clients – GoTriangle and NCDOT – acknowledge and consent to ongoing representation by the firm, while waiving any actual or perceived conflict between GoTriangle's and NCDOT's interests. KKR has indicated that NCDOT has already consented to this arrangement by signing a waiver letter.

Even if GoTriangle agrees to sign the requested waiver letter, the scope of the waiver is limited: KKR would not be authorized to represent GoTriangle or NCDOT in any matter where the two clients might be directly negotiating or litigating with each other.

According to existing written policy, addressing legal conflicts is a matter reserved for the Board of Trustees. Staff recommends that the Board agree to ongoing representation by KKR, notwithstanding the existence of any actual or perceived conflict. Staff believes that KKR can continue to provide valuable legal services to GoTriangle as GoTriangle focuses on commuter rail negotiations with North Carolina Railroad Company and Norfolk Southern.

### Financial Impact

None.

### Attachments

- Letter from KKR

### Staff Contact

- Thomas Henry, 919-485-7589, [thentry@gotriangle.org](mailto:thentry@gotriangle.org)





WASHINGTON, DC  
BOSTON  
DENVER  
NEW YORK  
SAN FRANCISCO

November 30, 2021

*VIA E-MAIL*

Thomas Henry  
Go Triangle  
Post Office Box 13787  
Research Triangle Park, NC 27709

Re: Waiver of Conflict

Dear Tom:

As you know, Kaplan Kirsch and Rockwell represents both Go Triangle and the North Carolina Department of Transportation (NCDOT) on separate projects in North Carolina. We represent Go Triangle in connection with the planning, financing, design, construction, operation, and maintenance of public transportation projects or services occurring within or adjacent to railroad corridors; and the acquisition, ownership, utilization, and disposition of property within or adjacent to railroad corridors. We represent NCDOT in its efforts to acquire the S-Line from CSXT which in North Carolina runs from Ridgeway, North Carolina south to Raleigh, NC and continues through Raleigh to the south, as well as other lines and line segments currently owned or controlled by CSXT, Norfolk Southern or the North Carolina Railroad Company. Go Triangle commuter rail project will run from Durham, NC along the east-west alignment of the North Carolina Railroad right of way to Garner, NC.

At the inception of the engagement for Go Triangle, the core team representing Go Triangle on rail issues, including federal grant issues, consisted of T. Byron Smith, Lead Counsel, Chuck Spitulnik, Allison Fultz, Christian Alexander and Suzanne Silverman. At the inception of the engagement for NC DOT, the core team representing NCDOT consisted of Charles Spitulnik, Lead Counsel, Suzanne Silverman and Katherine Bourdon.

The configuration of the Team representing Go Triangle has changed due to the departures of Allison Fultz to the FRA and Byron Smith who will become Go Triangle's General Counsel on December 1, 2021.

At the inception of our representation of Go Triangle, Go Triangle's and NCDOT's interests were aligned. NCDOT and Go Triangle had already executed a Memorandum of Understanding (MOU)



Thomas Henry  
November 30, 2021  
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in which NCDOT pledged support of Go Triangle's commuter rail efforts and that MOU remains today.

There may now be a potential conflict in our representation of both Go Triangle and NCDOT with respect to an approximately 51.69-acre segment of the former S-Line that Go Triangle purchased from CSXT in 2003 utilizing funds obtained, in part, from the Federal Transit Administration (FTA). The 51.69- acre tract was to be utilized by Go Triangle to support its efforts to create a light rail system in the Research Triangle Park, NC. Now, NCDOT wants to use the right of way to support an infrastructure improvement project along the S-Line and must reach agreement with Go Triangle regarding the use. As a result of the federal funding, the FTA obtained a 55.7 % interest in the property. Because the light rail system was never created, the FTA has recently requested that Go Triangle reimburse it for its federal share. Go Triangle has requested that the FTA allow it to retain the property or transfer it from Go Triangle to NCDOT. In either case, federal approval will be required. The FTA has not yet responded to Go Triangle's request. In order for Go Triangle to transfer the property to NCDOT, the two parties may be adverse if Go Triangle has to reimburse the FTA and then seek contribution from NCDOT.

Other than the adversity outlined above, it appears that Go Triangle and NCDOT remain aligned with respect to the commuter rail project and Go Triangle does not appear to have any fundamental objections to the transfer as stated in an April 7, 2021 letter to the FTA Region IV Administrator. Therefore, we believe that we can continue to represent Go Triangle's interest with respect to the commuter rail project, except where Go Triangle and NC DOT become adverse. Our representation of NC DOT involves providing representation to it in its negotiations with freight railroads and Amtrak in furtherance of its efforts to improve freight and passenger service in the State. Thus, we request that Go Triangle waive any conflict as described above, except where Go Triangle and NC DOT would be required to negotiate or otherwise become adverse to each other. That is, the Firm could continue to represent Go Triangle and NCDOT on all matters except any matter in which Go Triangle and NCDOT are directly negotiating or litigating with each other. For example, if NCDOT elected to engage Go Triangle to be the commuter service provider on any of the lines that NCDOT may acquire, the Firm would not be allowed to represent either party in the negotiation of that arrangement but the Firm would not be precluded from representing and advising NCDOT and Go Triangle on any other matters.

By signing this letter, GoTriangle acknowledges that the Firm represents and advises [North Carolina Department of Transportation] on certain matters related to negotiation with freight railroads and Amtrak and to implementation of improved freight and passenger services in the State. GoTriangle confirms that it waives any conflict or any appearance of conflict that may arise as a result of the Firm's representation of NCDOT. Notwithstanding the foregoing, this waiver does not apply to any issue or matter that involves a negotiation or other dispute between GoTriangle and NCDOT, and GoTriangle and the Firm hereby agree that the Firm's lawyers will not represent either GoTriangle or NCDOT in any such matter.

Thomas Henry  
November 30, 2021  
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Please indicate your consent to this arrangement by signing in the space provided below and returning one original of this letter to me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles A. Spitulnik". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles A. Spitulnik

AGREED:

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Thomas Henry  
Deputy General Counsel  
Go Triangle