



NORTH CAROLINA  
**Turnpike Authority**

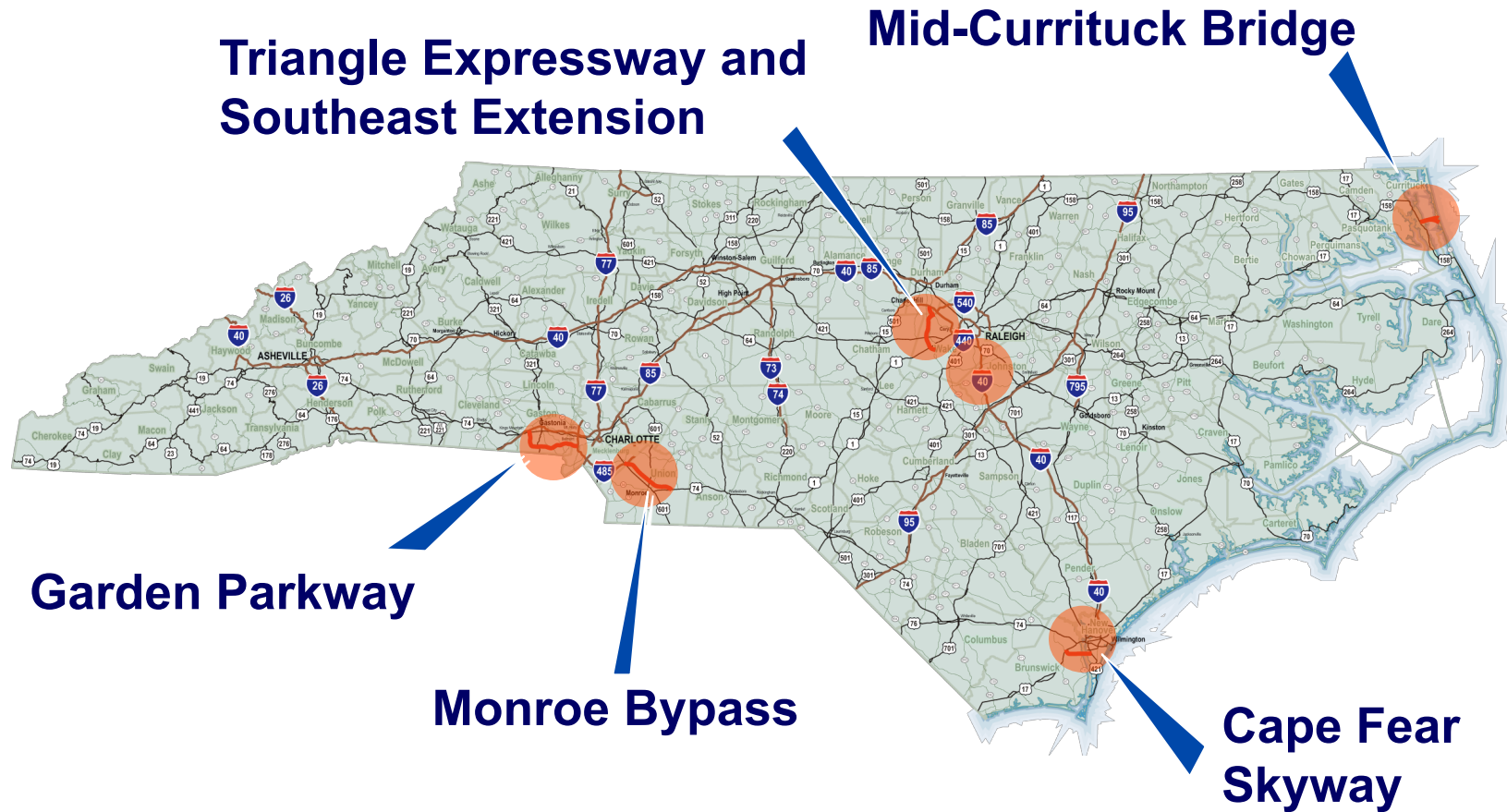
# NC Turnpike Authority

Presentation to the

## Joint Legislative Transportation Oversight Committee

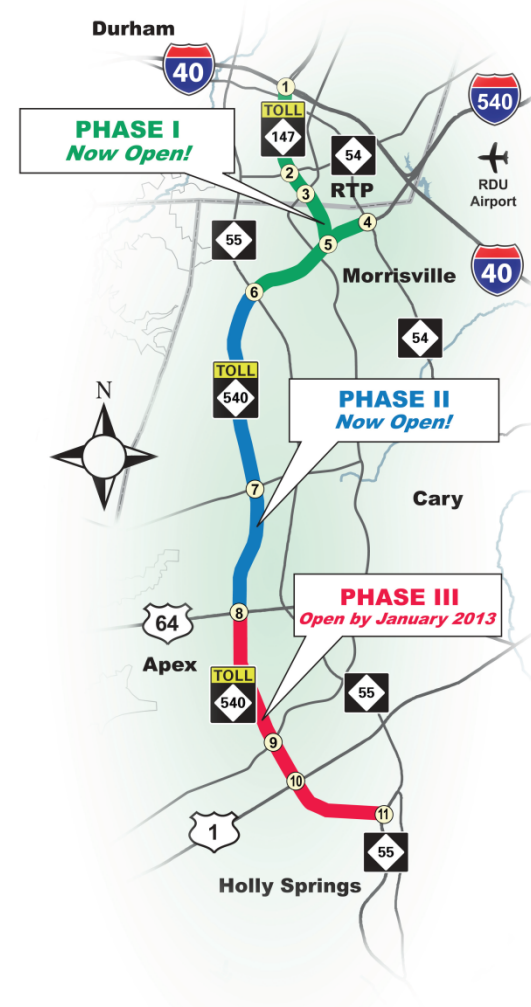
September 7, 2012

# Projects



# Triangle Expressway

Length	18.8 miles
Cost	\$1 billion
Groundbreaking	8/12/2009
Phase I open	12/8/2011
Phase II open	8/1/2012
Phase III open	12/31/2012



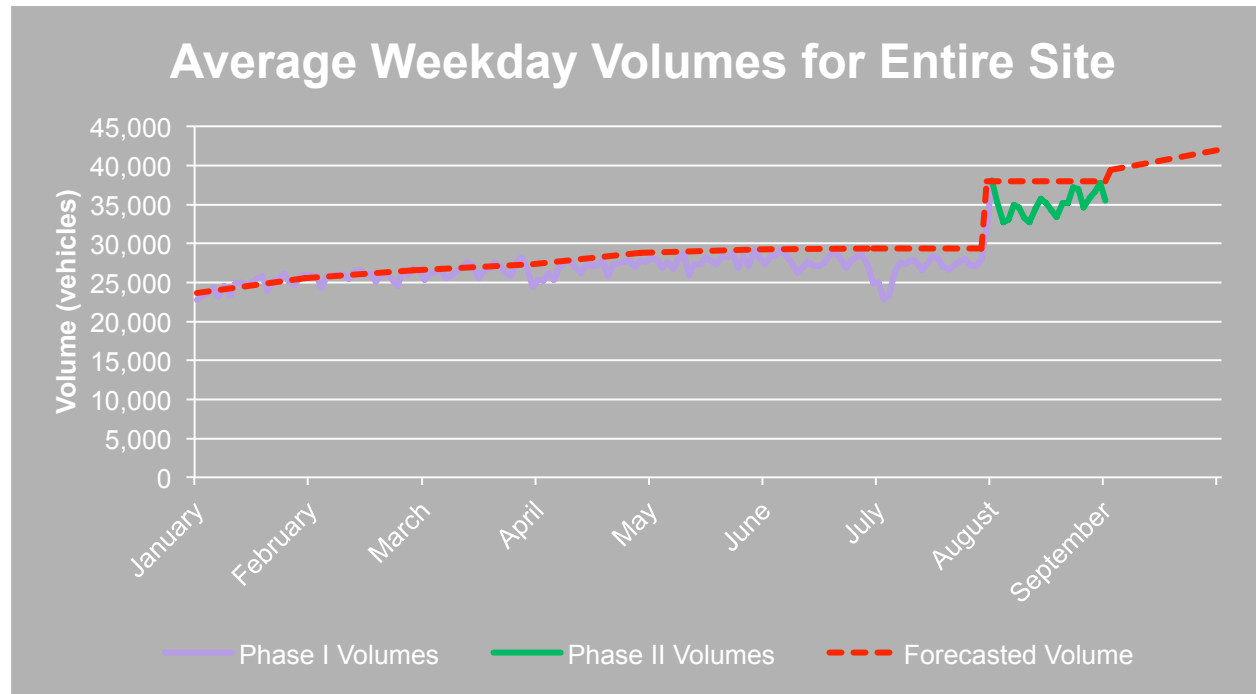
# Leading in All Electronic Toll Collection

- One of first projects in US planned and built utilizing all electronic tolling
  - NC Quick Pass® transponder and account
  - Bill By Mail
- Transponder sales far exceeding forecasts
  - Targeted to sell 2,500 by June 2012
  - 34,000 sold to date



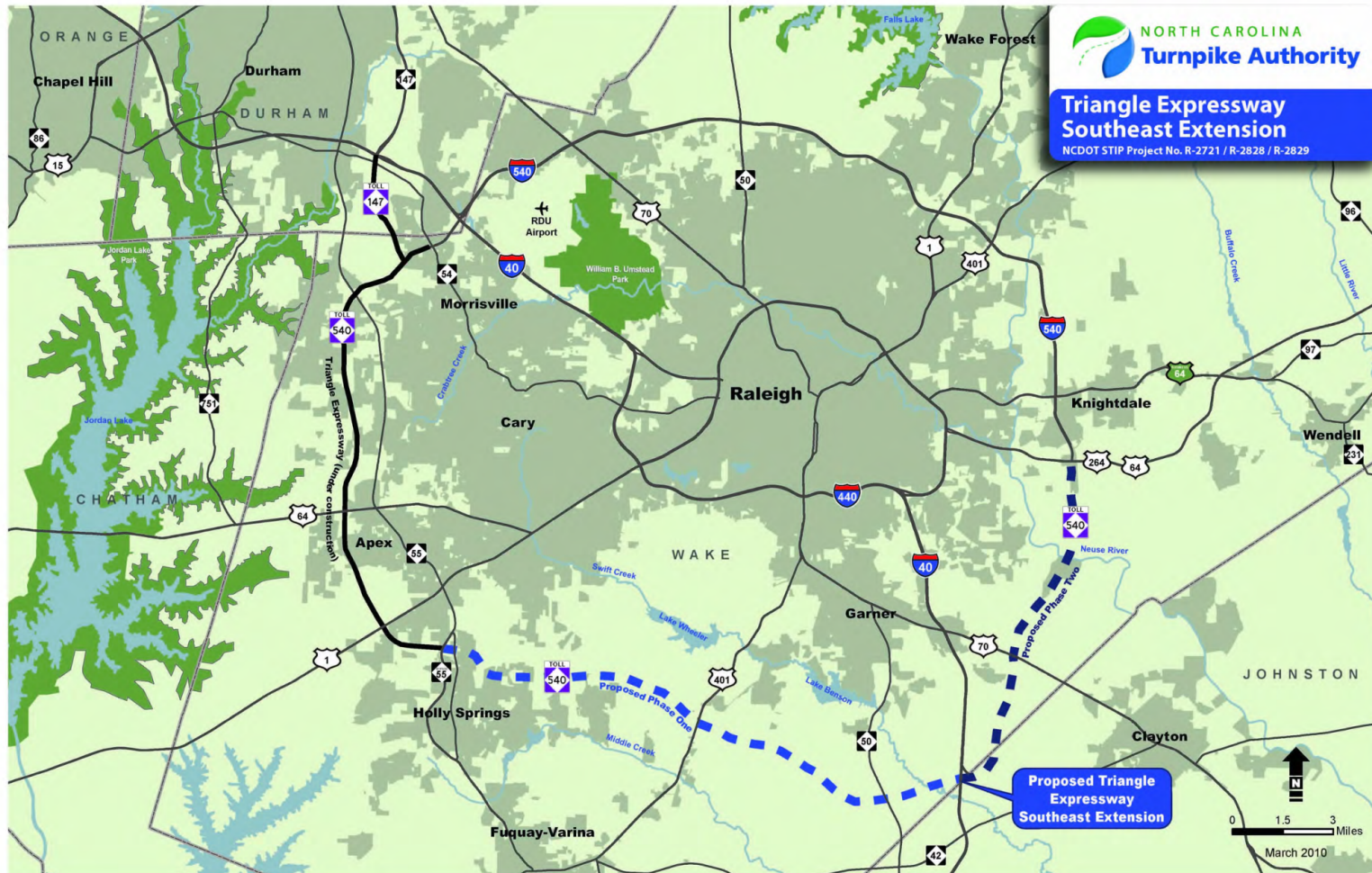


# Triangle Expressway Traffic Volumes



Note: August 30, 2012 Volumes: 35,491 Actual / 38,000 Forecasted

# Triangle Expressway Southeast Extension



# Triangle Expressway Southeast Extension

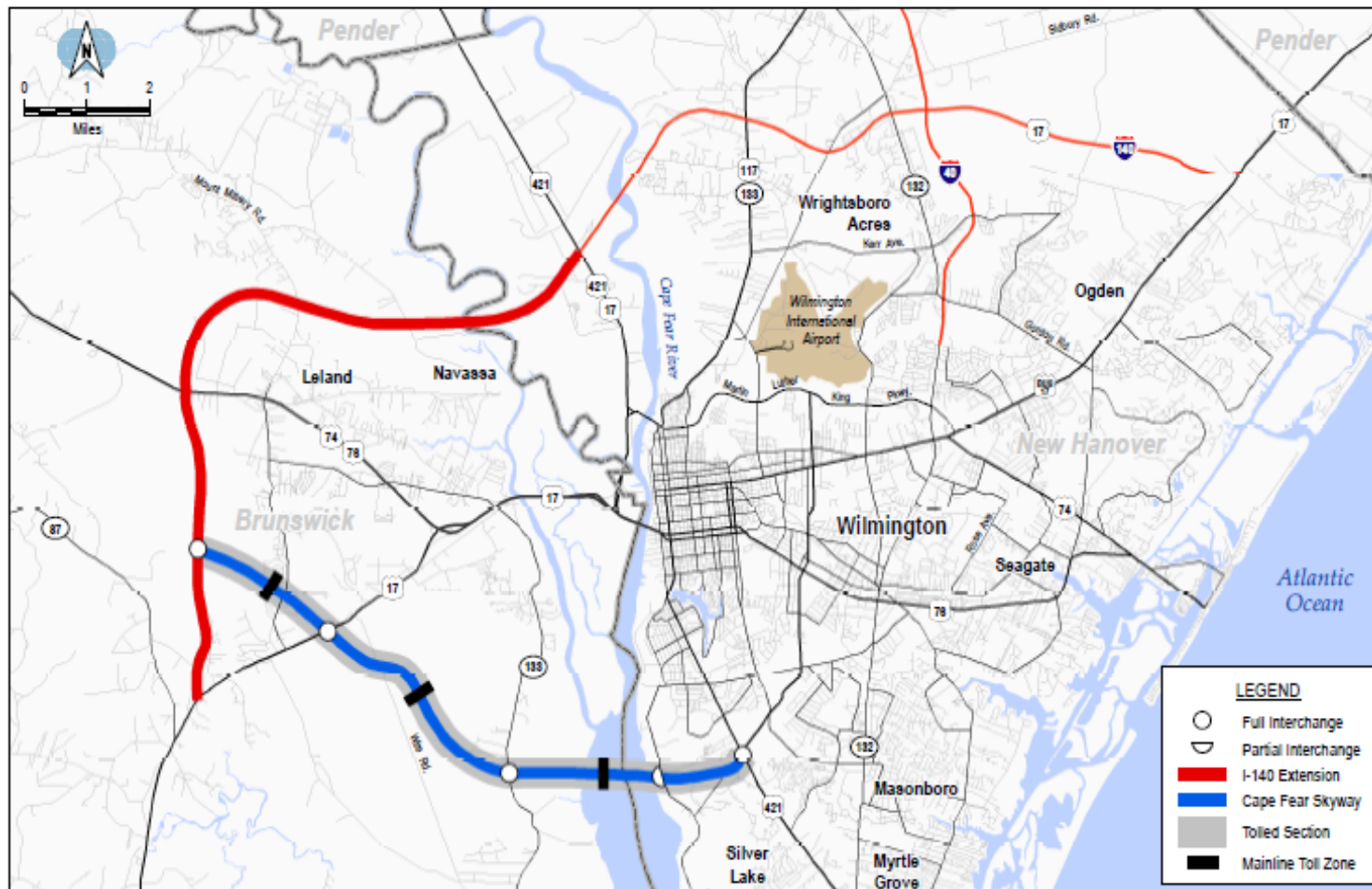
**Preliminary Cost:** **\$1.5 billion**

**Length:** **Approximately 30 miles**

**Schedule:**

- **Environmental studies on hold following enactment of N.C.S.L. 2011-7 in March 2011**
- **Local leaders searching for acceptable solution**

# Cape Fear Skyway

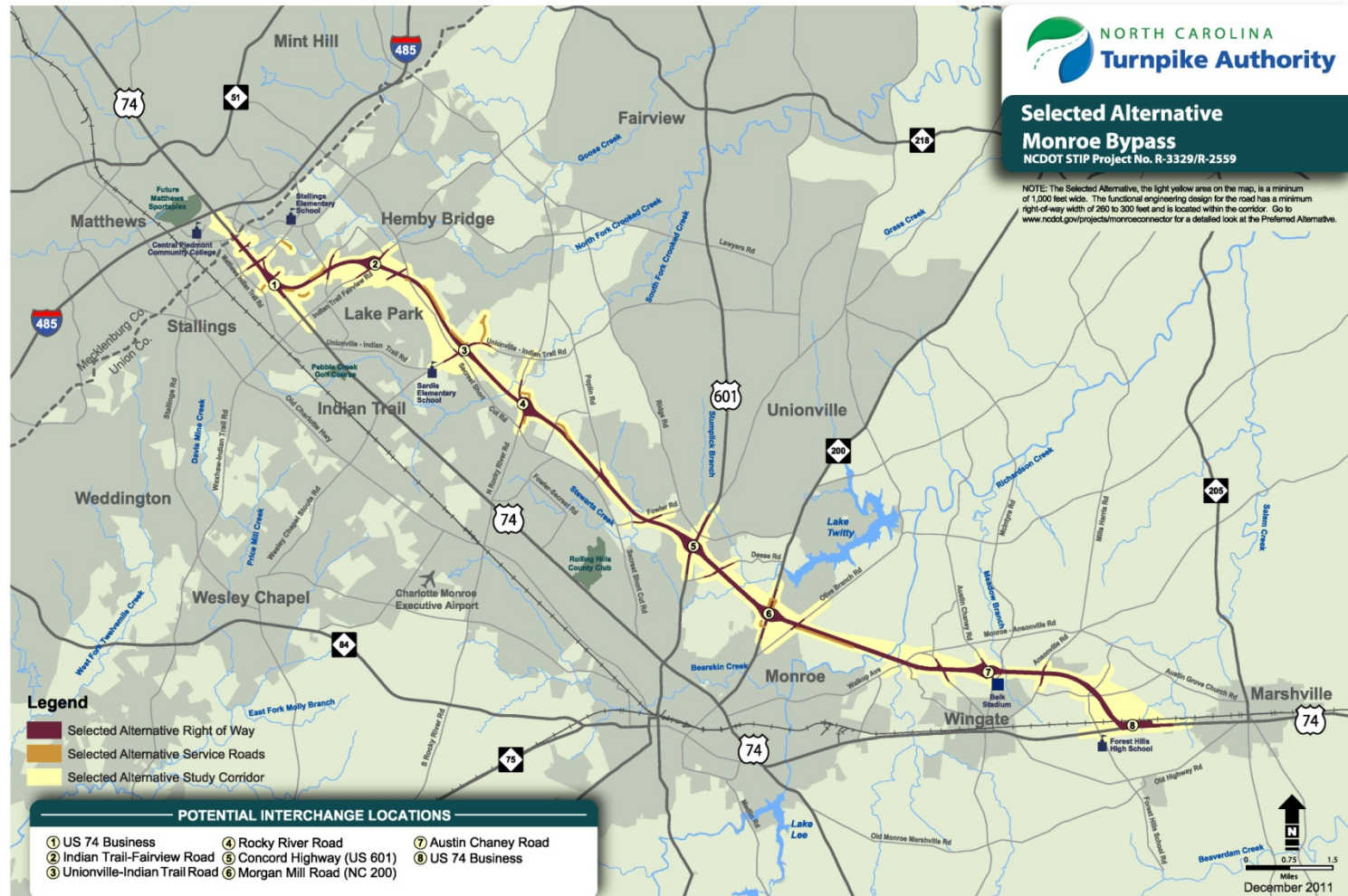




# Cape Fear Skyway Overview

<b>Cost</b>	<b>\$950M - \$1B</b>
<b>Gap fund appropriation</b>	<b>\$0</b>
<b>Length</b>	<b>9.5 miles</b>
<b>Draft Environmental Impact Statement</b>	<b>TBD</b>
<b>Final Environmental Impact Statement</b>	<b>TBD</b>
<b>Record of Decision</b>	<b>TBD</b>

# Monroe Bypass



# Monroe Overview

<b>Cost</b>	<b>\$725M</b>
<b>Gap fund appropriation</b>	<b>\$24M</b>
<b>Length</b>	<b>20 miles</b>
<b>Sold all bonds</b>	<b>November 2011</b>
<b>Awarded design-build contract</b>	<b>November 2011</b>
<b>Construction begins</b>	<b>Spring 2013*</b>
<b>Open to traffic</b>	<b>December 2016*</b>

\* Revised schedule; dates assume no further litigation

# History of Lawsuit

- **November 2, 2010 - Southern Environmental Law Center (SELC) files lawsuit**
- **November 23, 2010 - SELC files motion for preliminary injunction to stop project from moving forward during the lawsuit**
- **December 30, 2010 - Judge James C. Dever, III, *denies* SELC's request for preliminary injunction**
- **October 24, 2011 - Judge Dever rules in favor of NCDOT, saying NCDOT *did not violate the law***



## History of Lawsuit (cont' d)

- **October 31, 2011 – SELC files appeal to 4<sup>th</sup> Circuit Court of Appeals in Richmond, VA**
- **March 21, 2012 – 4<sup>th</sup> Circuit hears arguments of parties**
- **May 3, 2012 – 4<sup>th</sup> Circuit renders opinion that NCDOT/FHWA failed to disclose assumptions underlying their decision to build road and included incorrect information responding to a public comment**
- **June 15, 2012 – NCDOT files petition for rehearing due to facts and law Court overlooked and misunderstood**
- **June 29, 2012 – 4<sup>th</sup> Circuit denied petition for rehearing**

# NEPA Studies

## Government must study:

- **Direct Impacts** – What will road impact in its proposed location?
- **Indirect Impacts** – What impact will road create in future?
- **Cumulative Impacts** – What impact will the road *and* all other planned projects have on environment?

# Indirect Impacts

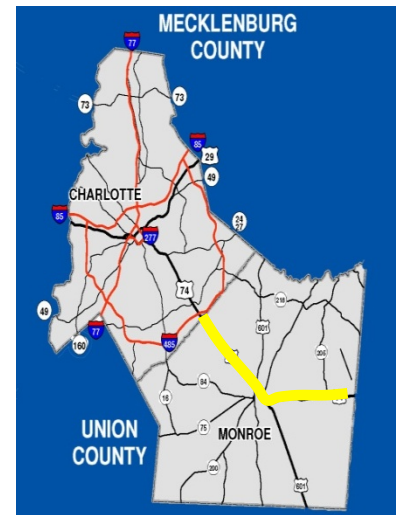
- **NCDOT tries to predict how many people, households, and jobs will exist in the project area in future years (up to the year 2030)**
  - Called socio-economic projections
- **NCDOT tries to predict future socio-economic conditions with road and without road**
  - “No-build” vs. “build” scenario

# Predicting the Future

- **There is always uncertainty**
- **NCDOT follows established guidance on how to study indirect impacts**
- **Federal regulations direct agencies to use Metropolitan Planning Organization (MPO) planning tools and results**



- **MUMPO is local organization that develops long-range transportation plan**
- **MUMPO uses tool to develop plan called Travel Demand Model**
- **NCDOT used MUMPO's model and socio-economic projections in Indirect Impacts analysis.**



# NCDOT Researched MUMPO Projections Prior to Using Them

**NCDOT went to MUMPO and localities that created socio-economic projections and asked:**

- *How were socio-economic projections created?*
- *Does long-term land use plan represent future with or without Monroe Bypass?*

# MUMPO and Local Experts Agreed

**MUMPO and local experts agreed that socio-economic projections were reasonable representation of “no-build” scenario**

# Comparing “No-Build” versus “Build”

**After comparing “no-build” to “build,”  
NCDOT found Monroe project would induce  
very little additional growth in project area**



# Why Won't Project Induce Growth?

- **Existing growth in Union County**
  - Fastest growing county in NC
  - 14<sup>th</sup> fastest growing county in the US
- **However, there are factors that resist growth as well**
  - Lack of water and sewer availability
  - Moratoriums
  - 200 foot buffers on streams

# SELC Disagrees

**SELC says project was included in “no-build” projections and therefore NCDOT compared “building the road” with “building the road”**

# Was Project in “No-build” Projections?

- 1 out of 8 variables used to create model used to measure impacts included 2,400-mile roadway network including 20 miles of Monroe Bypass
- Project represented less than 1% (.82) of long-range transportation plan roadway network in that 1 variable
- Judge Dever agreed with NCDOT's conclusion that less than 1% inclusion did not rise to level of significance and did not interfere with conclusion

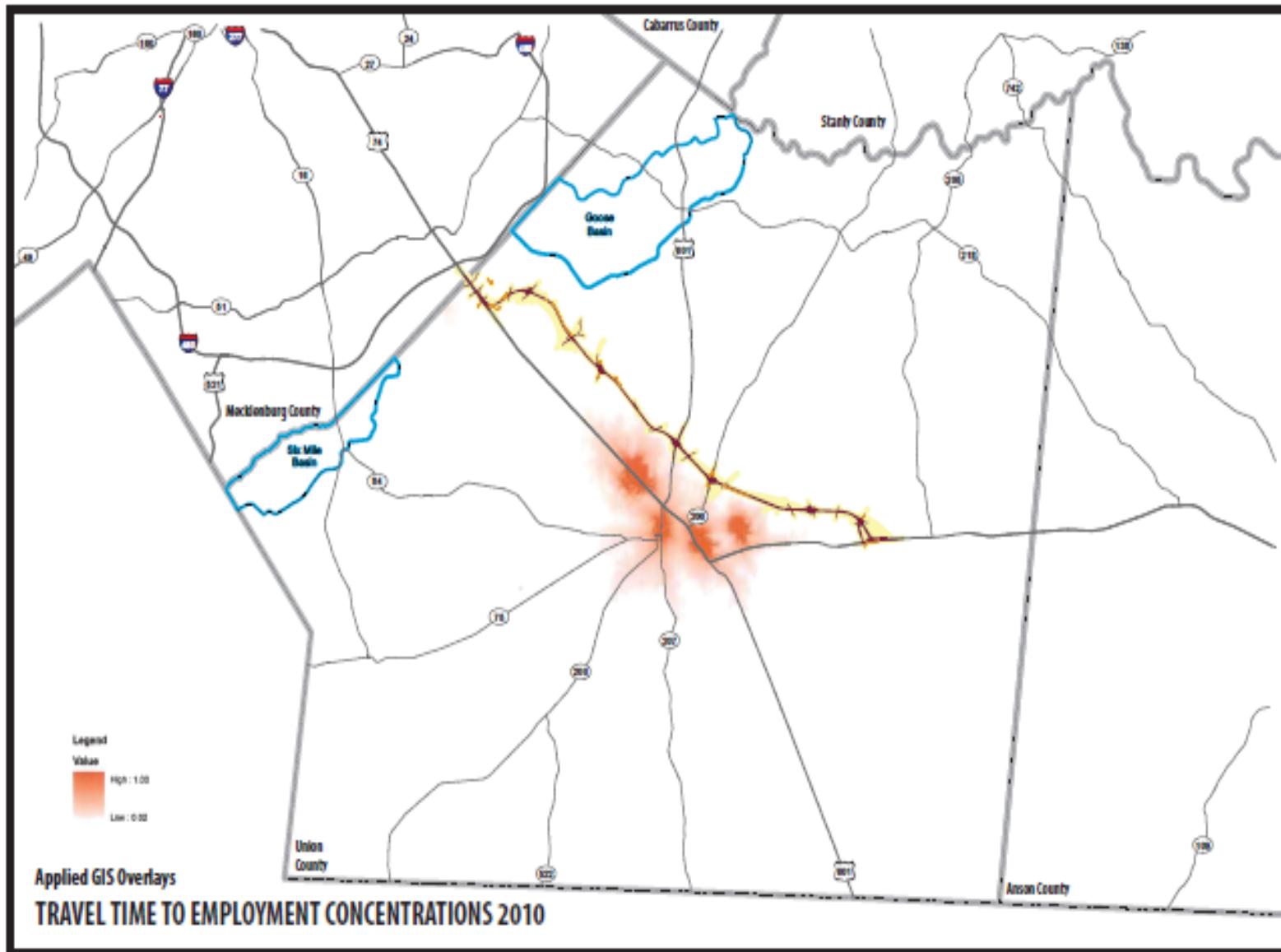
# Less than 1% is Insignificant

- In a “perfect” no-build scenario, project would have 0% inclusion
- NCDOT made determination that MUMPO projections best represent “no-build” scenario despite that project was technically included in data

# MUMPO Traffic Analysis



027221



# NCDOT Verified Its Assumptions

- US Fish and Wildlife Services requested additional verification regarding “no-build” scenario
- NCDOT went back to MUMPO and local planning experts and asked:

*Would you agree with our assumption that these forecasts represent the “no-build” scenario? If not, why?*



# **MUMPO and Local Experts Again Confirmed NCDOT's Study**

**MUMPO and local experts again confirmed  
socio-economic projections were  
reasonable representation of “no-build”  
scenario**

# How Did Lawsuit Happen?

**SELC made the comment:**

***“These TAZ forecasts are based on an assumption that the Toll Road will be built.”***

**NCDOT said:**

***“TAZ socioeconomic forecasts for the No Build Scenario did not include the Monroe Connector. MUMPO confirmed our assumption regarding the reasonableness of the 2030 TAZ forecasts for use as a No Build basis.”***

# District Court Rules in Favor of NCDOT

District Court judge agreed with NCDOT

Judge Dever said:

*NCDOT determined it was reasonable to use the MUMPO projections “with several ample investigations into the propriety of using the data.”*

# **4<sup>th</sup> Circuit Court of Appeals**

**4<sup>th</sup> Circuit Court of Appeals disagreed with District Court**

**Court of Appeals found that statement regarding inclusion of project was incorrect and government should have done better job of disclosing information to public**

## Next Steps

- Court ruled against NCDOT/FHWA because it felt agencies “failed to disclose critical assumptions underlying their decision to build the road and instead provided the public with incorrect information”
- Court indicated NCDOT/FHWA need to reevaluate impact statement and provide full public disclosure and all necessary explanations of our process
- NCDOT/FHWA is moving forward with further environmental study to address concerns raised by Court

# Next Steps

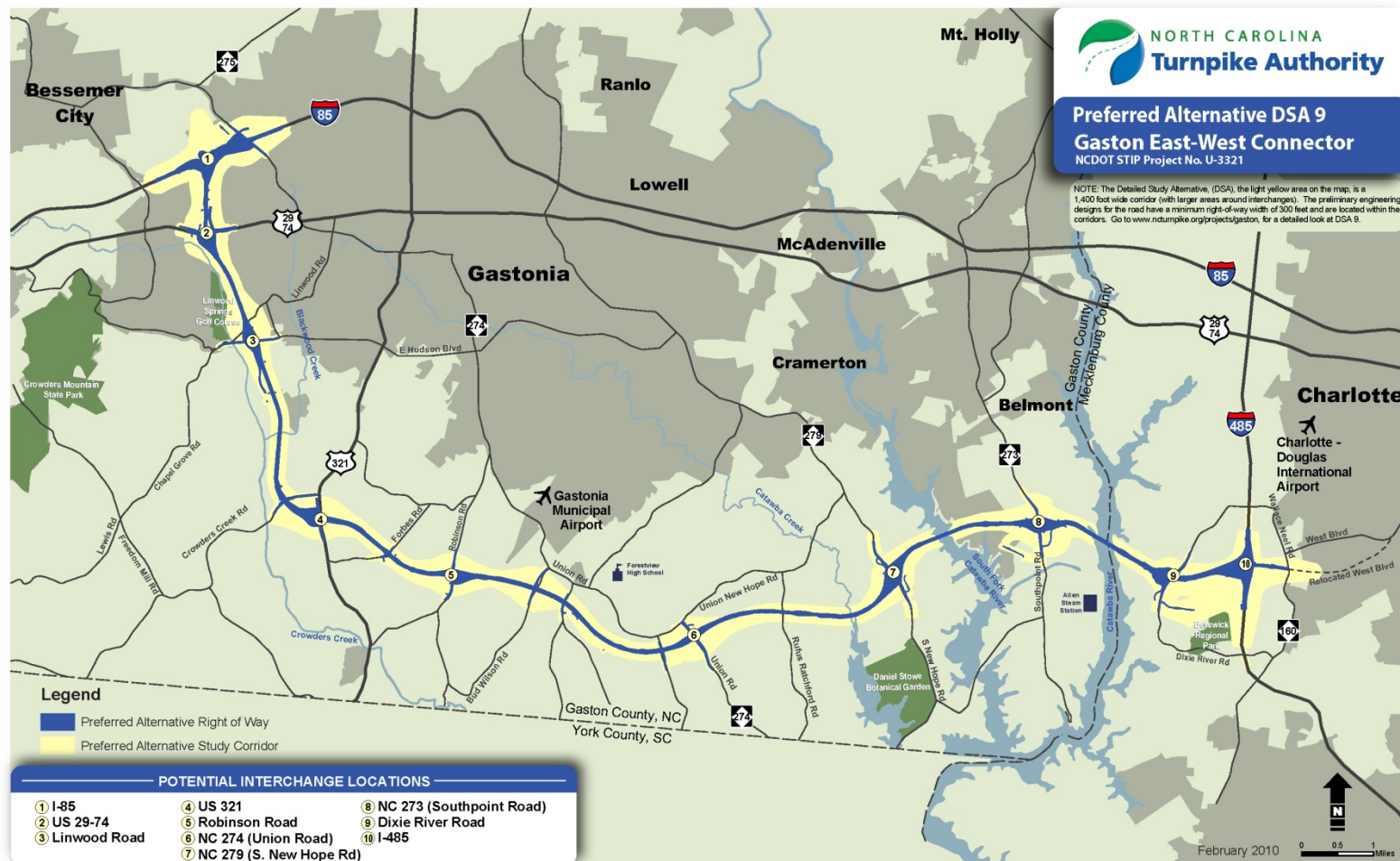
- Reengage agencies and public to explain issue raised by SELC
- Additional indirect and cumulative impacts assessment without <1% inclusion of Monroe Bypass in no-build scenario
- New Record of Decision is scheduled for February 2013 (150-day window to file new lawsuit)
- Reinitiate work of Design-build team
- Resume right-of-way acquisition
- Develop construction schedule

# Overall Impact of Lawsuit

- Record of Decision issued August 2010
- Lawsuit filed in District Court November 2010
- District Court decision October 2011
- Appeal filed with 4<sup>th</sup> Circuit Court of Appeals October 2011
- Decision from 4<sup>th</sup> Circuit May 2012
- Design-build contract suspended May 2012
- Originally scheduled to break ground August 2012
- Current plan to resume design-build contract in April 2013
- Revise schedule for groundbreaking no sooner than late 3<sup>rd</sup> quarter 2013



# Garden Parkway



# Garden Parkway Overview

<b>Cost</b>	<b>\$900M</b>
<b>Gap fund appropriation</b>	<b>\$35M</b>
<b>Length</b>	<b>22 miles</b>
<b>Lawsuit filed</b>	<b>August 28, 2012</b>
<b>Open design-build bids</b>	<b>1<sup>st</sup> Quarter 2013*</b>
<b>Sell bonds</b>	<b>1<sup>st</sup> Quarter 2013*</b>
<b>Award contracts</b>	<b>1<sup>st</sup> Quarter 2013*</b>
<b>Open to traffic</b>	<b>December 2016*</b>

\* Impact of lawsuit on current schedule is being evaluated

**Questions?**