

**Item Title:** Approve Amendment to Memorandum of Agreement for Commuter Rail Portion of Major Investment Study

**Specific Action Requested:**

**That the Board of Commissioners approves an Amendment to the Cost Sharing Memorandum of Agreement (MOA) for the Commuter Rail Portion of the Major Investment Study, subject to the terms and conditions acceptable to the County Attorney.**

**Item Summary:**

**Purpose:** The Board of Commissioners has entered into several regional agreements to govern the implementation of the Wake Transit Plan. In this action, the Board will approve changes to a MOA for the Commuter Rail Portion of the Major Investment Study.

**Background:** The Wake Transit Plan recommends 37 miles of commuter rail on the North Carolina Railroad Company Corridor from Garner through Raleigh, RTP, and Durham to Duke University. The Plan states that, for the first few years, the commuter rail project would be studied to confirm if the project is the most viable approach and that the project is subject to funds from County partners and successful federal funding. Approximately two-thirds of the proposed mileage is in Wake County and a financial partnership with Durham County is assumed. Wake County is covering 67% of the study's cost, which corresponds to the percentage of assumed track miles that will fall within Wake County.

The commuter rail portion of the Major Investment Study is nearing completion. Additional work is needed, however, to best position the project for submittal to the Federal government for funding consideration. Additional work includes more study on service scenarios, refining conceptual level cost estimates, refining project timetables, and developing a stakeholder and public outreach plan. This action approves these additional tasks that build on the work completed from the commuter rail portion of the Major Investment Study. The cost-share agreement for these additional tasks will follow the same 67% cost-share approach.

**Board Goal:** This action implements initiative GS5.1, to oversee the deliverables established by the transit governance interlocal agreement. It also complements other initiatives in Objective GS5.

**Fiscal Impact:** This action has no impact on County of Wake general or other major funds. It does impact the use of Article 43, the ½ cent sales tax for transit, which is governed by the Financial Plan Agreement and the Wake Transit Governance Interlocal Agreement. Funds for the additional pre-project development work are available from prior

appropriations to the Triangle Tax District Durham/Orange Fund and the Triangle Tax District Wake Capital Fund.

**Additional Information:**

*Financial Plan Agreement and Cost-Sharing:* On September 6, 2016, the Board of Commissioners approved Wake County entering into a Financial Plan Agreement with GoTriangle, Durham County, Orange County, the Capital Area Metropolitan Organization (CAMPO), the Durham Chapel-Hill, Carrboro Metropolitan Planning Organization (DCHC MPO), and the Burlington-Graham Metropolitan Planning Organization. This Financial Plan Agreement set for the scope and content of the area's respective transit plans, and provided that 100 percent of all transit revenues collected on behalf of Durham and Orange counties would remain solely dedicated and segregated for the benefit of the Durham and Orange Transit Plans. Likewise, all transit revenues collected on behalf of Wake County would be segregated and solely dedicated to fund the Wake Transit Plan. The Agreement clarified that to the extent that there are regional transit projects crossing the jurisdictional boundaries of Wake, Durham, or Orange counties, the Agreement clarifies that nothing restricts the parties from entering into Cost Sharing Agreements for the same.

*Commuter Rail Portion of the Major Investment Study:* The Wake Transit Plan recommends 37 miles of commuter rail on the North Carolina Railroad Company Corridor from Garner through Raleigh and RTP to Durham to Duke University. Approximately 2/3 of the proposed mileage is in Wake County and a financial partnership with Durham County is assumed. As outlined in the Wake Transit Plan, the first few years of the commuter rail project involves additional study.

On October 16, 2017, the Board of Commissioners approved a Memorandum of Agreement for the Commuter Rail Portion of the Major Investment Study which memorialized the cost share between the Wake Transit Plan Revenues and Durham Transit Plan Revenues for the costs to be incurred for the commuter rail portion of the Major Investment Study. The Memorandum of Agreement specifically stated that it was only for commuter rail project items to be studied as part of the MIS.

The commuter rail portion of the Major Investment Study is nearing completion. It has conducted a peer review of 11 peer systems across the United States representing different investment strategies and service levels; it has reviewed existing and projected future growth and travel demand, and it has done a high-level review of design considerations and performance targets to inform potential evaluation frameworks.

Additional work is needed in order to best position the project being submitted to the Federal Government for funding consideration. This work includes more study on service scenarios, refining conceptual level cost estimates, refining project timetables, reviewing and confirming ridership estimates, and developing a stakeholder and public outreach plan. Additional consultant(s) and tasks outside the original scope of the commuter rail portion of the Major Investment Study will be needed.

The cost share between the two plans remains the same for the cost share agreement amendment: 67 percent of each approved invoice shall be paid from Wake Transit Plan Revenues and 33 percent of each approved invoice shall be paid from Durham Transit

Plan Revenues. This is derived from using estimated track miles of total track mileage of 37.4 miles between West Durham to Greenfield Parkway, where 2/3 of the miles are in Wake County and 1/3 are in Durham County. Additional pre-project development study activities, funded from existing appropriations, is anticipated to cost approximately \$850,000 which will be shared between the Wake Transit Plan Revenues and Durham Transit Plan Revenues.

**Attachments:**

1. Amendment One to the Commuter Rail Portion of the Major Investment Study