

**NORTH CAROLINA
CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION**

**MEMORANDUM OF UNDERSTANDING
BETWEEN**

**THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
TOWN OF ANGIER, TOWN OF APEX, TOWN OF BUNN, TOWN OF CARY, TOWN
OF CLAYTON, CITY OF CREEDMOOR, TOWN OF FRANKLINTON, TOWN OF
FUQUAY-VARINA, TOWN OF GARNER, TOWN OF HOLLY SPRINGS, TOWN OF
KNIGHTDALE, TOWN OF MORRISVILLE, CITY OF RALEIGH, TOWN OF
ROLESVILLE, TOWN OF WAKE FOREST, TOWN OF WENDELL, TOWN OF
YOUNGSVILLE, TOWN OF ZEBULON, COUNTY OF FRANKLIN, COUNTY OF
GRANVILLE, COUNTY OF HARNETT, COUNTY OF JOHNSTON, COUNTY OF
WAKE, TRIANGLE TRANSIT AUTHORITY, AND THE NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION**

(Hereinafter referred to as the Municipalities, the Counties and the State)

**IN COOPERATION WITH
THE UNITED STATES DEPARTMENT OF TRANSPORTATION,**

Agreement No. 2005-06-15

WITNESSETH THAT

WHEREAS, Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina require that:

"Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation."

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and, **WHEREAS, Chapter 136, Article 3A, Section 136-66.2(b)** provides that:

"After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities."

and, **WHEREAS, Chapter 136, Article 3A, Section 136.66.2(d)** provides that:

"For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO."

and, **WHEREAS, Section 134(a) of Title 23 United States Code** states:

"It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems."

and, **WHEREAS**, a transportation planning process includes the operational procedures and working arrangements by which short and long-range transportation plans are soundly conceived and developed and continuously evaluated in a manner that will:

1. Assist governing bodies and official agencies in determining courses of action and in formulating attainable capital improvement programs in anticipation of community needs; and,
2. Guide private individuals and groups in planning their decisions which can be important factors in the pattern of future development and redevelopment of the area;

and, **WHEREAS**, it is the desire of these agencies that a continuing, cooperative, and comprehensive transportation planning process as set forth in a Memorandum of Understanding dated January 28, 1993 comply with Title 23 U.S.C. Section 134; and Sections 3(a)(2), 4(a),

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5(g)(1), and 5(1) of the Urban Mass Transportation Act of 1964, as amended, [49 U.S.C. 1602(a)(2), 1603(a), 1604(g)(1), and 1604(1)].

NOW THEREFORE, the following **Memorandum of Understanding** is made:

Section I.

It is hereby agreed that the Municipalities, the Counties and the State in cooperation with the United States Department of Transportation, will participate in a continuing, cooperative and comprehensive (“3-C”) transportation planning process with responsibilities and undertakings as related in the following paragraphs:

1. The **N. C. Capital Area Metropolitan Planning Area** (as defined by the Metropolitan Area Boundary, also known as the Planning Area Boundary) will be all of Wake County and parts of Franklin, Granville, Harnett, and Johnston Counties.
2. The **N. C. Capital Area Metropolitan Planning Organization (MPO)** shall include the local governments of the Municipalities and the Counties, the North Carolina Department of Transportation; a **Transportation Advisory Committee** hereinafter defined, a **Technical Coordinating Committee** hereinafter defined, and the various agencies and units of local, regional, and state government participating in the transportation planning for the area.
3. The **Urbanized Area Boundary** and the **Metropolitan Area Boundary** shall be periodically reviewed and revised in light of new developments and basic data projections.
4. The continuing transportation planning process will be a cooperative one reflective of and responsive to the programs of the North Carolina Department of Transportation, and to the comprehensive plans for growth and development of the Municipalities and the Counties in the Triangle Region with attention being given to cooperative planning with the neighboring metropolitan and rural planning organizations.
5. The continuing transportation planning process will be in accordance with the intent, procedures and programs of Title VI of the Civil Rights Act of 1964, as amended.
6. Transportation policy decisions within the planning area are the shared responsibility of the North Carolina Board of Transportation, the Transportation Advisory Committee and the governing bodies of the participating local governments.
7. Transportation plans and programs and land use policies and programs having regional impacts will be coordinated with the applicable regional Council of Governments.
8. **A Transportation Advisory Committee is hereby established** with the responsibility for cooperative transportation planning decision making for the N.C. Capital Area Metropolitan Planning Organization. The **Transportation Advisory Committee** shall

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have the responsibility for keeping the policy boards of the participating local governments informed of the status and requirements of the transportation planning process; for assisting in the dissemination and clarification of the decisions and policies of the policy boards; and for providing opportunities for citizen participation in the transportation planning process.

The **Transportation Advisory Committee** will be responsible for carrying out the provisions of 23 U.S.C. Section 134; and Sections 5(1) and 8(a) and 8(c) of the Urban Mass Transportation Act of 1964 as amended, 49 U.S.C. Section 1604(l) and 1607(a) and 1607(c); including, but not necessarily limited to:

- a. Establishment of goals and objectives for the transportation planning process.
- b. Review and approval of a **Prospectus** for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- c. Review and approval of changes to the **Urbanized Area Boundary** and the **Metropolitan Area Boundary** as well as review and recommendation for changes to the **National Highway System**;
- d. Review and approval of the transportation **Unified Planning Work Program**;
- e. Review and approval of the adopted **Comprehensive and Long-Range Transportation Plans**. As specified in General Statutes Section 136-66.2(d) certain revisions to the **Comprehensive Transportation Plan** may be required to be jointly approved by the North Carolina Department of Transportation;
- f. Review and approval of the **Metropolitan Transportation Improvement Program** for multimodal capital and operating expenditures ensuring coordination between local and State capital improvement and operating programs;
- g. Development and approval of committee by-laws for the purpose of establishing operating policies and procedures.

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The membership of the **Transportation Advisory Committee**

- One member of the Angier Town Board of Commissioners
- One member of the Apex Town Board of Commissioners
- One member of the Bunn Town Board of Commissioners
- One member of the Cary Town Council
- One member of the Clayton Town Council
- One member of the Creedmoor Board of Commissioners
- One member of the Franklinton Town Board of Commissioners
- One member of the Fuquay-Varina Town Board of Commissioners
- One member of the Garner Board of Aldermen
- One member of the Holly Springs Board of Commissioners
- One member of the Knightdale Town Council
- One member of the Morrisville Town Board of Commissioners
- One member of the Raleigh City Council
- One member of the Rolesville Town Board of Commissioners
- One member of the Wake Forest Town Board of Commissioners
- One member of the Wendell Town Board of Commissioners
- One member of the Youngsville Town Board of Commissioners
- One member of the Zebulon Town Board of Commissioners
- One member of the Franklin County Board of Commissioners
- One member of the Granville County Board of Commissioners
- One member of the Harnett County Board of Commissioners
- One member of the Johnston County Board of Commissioners
- One member of the Wake County Board of Commissioners
- Three members of the North Carolina Board of Transportation representing the Highway Divisions (currently 4, 5, and 6) within the Metropolitan Planning Area
- One member of the Triangle Transit Authority; and
- The Division Administrator of the Federal Highway Administration or his or her representative who shall serve as an advisory, non-voting member.

Voting representatives of the Municipalities and the Counties shall be designated by their respective governing boards. A quorum of the **Transportation Advisory Committee** shall consist of a majority of voting members (14) who together represent a minimum of fifty percent (50 + 1) of the total optional weighted votes as hereinafter defined.

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A majority vote of the quorum present shall be sufficient for approval of matters coming before the TAC with the exception that any voting TAC member may invoke weighted voting provisions on any matter. When a weighted vote is taken, a majority of the total weighted votes present at the meeting during the vote will be required for a motion to pass. A weighted vote may not be split by the representative casting the vote. The following schedule of weighted votes (as of February 2006) shall apply:

**WEIGHTED VOTING SCHEDULE
(to be updated periodically *)**

<u>Governing Body</u>	<u>Votes</u>
Angier	1
Apex	3
Bunn	1
Cary	11
Clayton	2
Creedmoor	1
Franklinton	1
Fuquay-Varina	1
Garner	3
Holly Springs	2
Knightdale	1
Morrisville	2
Raleigh	32
Rolesville	1
Wake Forest	2
Wendell	1
Youngsville	1
Zebulon	1
Franklin County	3
Granville County	1
Harnett County	1
Johnston County	5
Wake County	17**
Triangle Transit Authority	1
<u>N. C. Board of Transportation</u>	<u>3</u>
Total	98

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* Each member government shall be apportioned weighted voting based on the most recent certified North Carolina Population Estimates for Municipalities and Counties utilizing a vote weighting formula of one vote for each 10,000 of population, or portion thereof.

** Franklin County, Granville County, Harnett County, Johnston County, and Wake County populations are the estimated persons within the Metropolitan Area Boundary including the area within the Municipalities' Extraterritorial jurisdictions assigned by the County but outside the corporate limits of the Municipalities.

At the invitation of the **Transportation Advisory Committee**, other local, regional, State or Federal agencies impacting transportation within the planning area may serve as non-voting members of the TAC.

As established in its adopted by-laws, the **Transportation Advisory Committee** shall meet as deemed appropriate and shall elect officers with the responsibility for coordination of the committee's activities. A member of the staff of the **Lead Planning Agency** will serve as secretary to the Committee.

As established in its adopted Bylaws, the TAC may create an executive committee and/or subcommittees to carry out its responsibilities.

9. **A Technical Coordinating Committee (TCC) shall be established** with the responsibility of general review, guidance and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the Transportation Advisory Committee and to other entities designated by the TAC regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review and recommendations of the **Prospectus, Unified Planning Work Program, Metropolitan Transportation Improvement Program, Metropolitan Area Boundary, Urbanized Area Boundary, and National Highway System**, for revisions to the **Transportation Plan**, for planning citizen participation and for documenting reports of the transportation study.

Membership of Technical Coordinating Committee shall include technical representatives from local, regional and State governmental agencies; as well as major modal transportation providers directly related to and concerned with the transportation planning process for the planning area. Each member agency's representative(s) shall be designated by the chief administrative officer of that agency. Each municipal and county government member has been apportioned a representative TCC participant(s) based on the most recent certified North Carolina Population Estimates for Municipalities and Counties utilizing a formula of one representative per 50,000 population, or portion thereof. The initial voting membership shall include, but not necessarily be limited to, the following:

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- Town of Angier (1 representative)
- Town of Apex (1 representative)
- Town of Bunn (1 representative)
- Town of Cary (3 representatives)
- Town of Clayton (1 representative)
- City of Creedmoor (1 representative)
- Town of Franklinton (1 representative)
- Town of Fuquay-Varina (1 representative)
- Town of Garner (1 representative)
- Town of Holly Springs (1 representative)
- Town of Knightdale (1 representative)
- Town of Morrisville (1 representative)
- City of Raleigh (7 representatives)
- Town of Rolesville (1 representative)
- Town of Wake Forest (1 representative)
- Town of Wendell (1 representative)
- Town of Youngsville (1 representative)
- Town of Zebulon (1 representative)
- County of Franklin (1 representative)
- County of Granville (1 representative)
- County of Harnett (1 representative)
- County of Johnston (2 representatives)
- County of Wake (4 representatives)
- N. C. Department of Transportation* (6 representatives)
- Triangle J Council of Governments (1 representative)
- Research Triangle Foundation (1 representative)
- Carolina Trailways (1 representative)
- Capital Area Transit (1 representative)
- Raleigh Durham Airport Authority (1 representative)
- North Carolina State University (1 representative)
- Triangle Transit Authority (1 representative)

In addition to the voting membership, the Federal Highway Administration shall have 2 non-voting representatives and the lead planning agencies of the Durham-Chapel Hill-Carrboro MPO and the Kerr-Tar, Mid-Carolina, Triangle, and Upper Coastal Plain Rural Planning Organizations shall each have 1 non-voting representative

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*Harnett County and Johnston County are located within the North Carolina Highway Divisions 4 and 6 respectively, therefore the North Carolina Department of Transportation membership will include representatives those divisions as well as Division 5.

The Technical Coordinating Committee shall operate as determined by its adopted by-laws. Any agency not listed above which wishes representation on the TCC may request such representation for consideration under the TCC adopted bylaws. As established in its adopted Bylaws, the TCC may create an executive committee and/or subcommittees to carry out its responsibilities.

10. The governing boards of the Municipalities and the County and the North Carolina Board of Transportation shall serve as the primary means for citizen input to the continuing transportation planning process. The Transportation Advisory Committee should also provide opportunities for citizen participation in the transportation planning process.

Section II.

It is further agreed that the subscribing agencies will have the following responsibilities, these responsibilities being those most logically assumed by the several agencies:

The Municipalities and the Counties

The Municipalities and the Counties will assist in the transportation planning process by providing assistance, data and inventories in accordance with the Prospectus. The Municipalities and the Counties shall coordinate zoning and subdivision approval within their respective jurisdictions in accordance with the adopted Transportation Plan. Additionally, the City of Raleigh will serve as the **Lead Planning Agency** for the Capital Area Metropolitan Planning Organization.

The Municipalities and the Counties will participate in funding the portion of the costs of the MPO's work program not covered by federal or state funding as approved by the Transportation Advisory Committee. The portion to be paid by each Municipal and County member government will be based upon its pro rata share of population within the MPO Planning Area, utilizing the most recent certified North Carolina Office of State Planning municipal and county population estimates. In addition, MPO members may also voluntarily contribute additional funds for other purposes such as to participate in funding the costs of special studies, or other specialized services as mutually agreed upon.

North Carolina Department of Transportation

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The Department will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Prospectus. The Department, to the fullest extent possible, and as permitted by existing State and Federal regulations, will provide assistance in the protection of necessary rights-of-way for those transportation corridors designated on the Transportation Plan.

Section III.

Parties to this Memorandum of Understanding may terminate their participation in the Capital Area Metropolitan Planning Organization by giving thirty (30) days written notice to the other parties prior to the date of termination. If any party should terminate participation, this memorandum of understanding shall remain in force and the MPO shall continue to operate as long as 75% or more of the population within the Metropolitan Planning Area is represented by the remaining members.

Section IV

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, The Town of Angier by its Mayor, the Town of Apex by its Mayor, the Town of Bunn by its Mayor, the Town of Cary by its Mayor, the Town of Clayton by its Mayor, the City of Creedmoor by its Mayor, the Town of Franklinton by its Mayor, the Town of Fuquay-Varina by its Mayor, the Town of Garner by its Mayor, the Town of Holly Springs by its Mayor, the Town of Knightdale by its Mayor, the Town of Morrisville by its Mayor, the City of Raleigh by its Mayor, the Town of Rolesville by its Mayor, the Town of Wake Forest by its Mayor, the Town of Wendell by its Mayor, the Town of Youngsville by its Mayor, the Town of Zebulon by its Mayor, the Triangle Transit Authority by its Chair, Franklin County by its Chairman of the Board of Commissioners, Granville County by its Chairman of the Board of Commissioners, Harnett County by its Chairman of the Board of Commissioners, Johnston County by its Chairman of the Board of Commissioners, Wake County by its Chairman of the Board of Commissioners, and by the Secretary of Transportation on behalf of the Governor of the State of North Carolina and the North Carolina Department of Transportation, this the _____ day of _____, 2005.

Assistant Attorney General