

**GREENSBORO URBAN AREA METROPOLITAN
PLANNING ORGANIZATION (MPO)**

Review of MPO Boundaries, Structure and Governance

APRIL 17, 2013

**HB 1288 (MPO Bill)
Section 5. Article 16 of Chapter 136-200.2**

City of Greensboro Department of Transportation (GDOT)

Greensboro Urban Area Technical Coordinating Committee (TCC), and Transportation Advisory Committee (TAC);

North Carolina Department of Transportation (NCDOT)
Transportation Planning Branch;

Federal Highway Administration (FHWA); and

United States Department of Transportation (USDOT)

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Review of MPO Boundaries, Structure and Governance

FACTORS FOR EVALUATION OF THE GREENSBORO MPO

1. Existing and projected future commuting and travel patterns and urban growth projections.

The North Carolina Department of Transportation (NCDOT) has completed the 2011 Average Annual Daily Traffic (AADT) counts for the MPO area and is currently completing the 2013 counts. The MPO staff and NCDOT continue to use the TransCad travel demand model to develop projected future commuting and travel patterns for the MPO area through 2035. Urban growth projections for population, housing and employment through 2035 were developed by the Piedmont Authority for Regional Transportation (PART) in cooperation with triad MPOs and NCDOT. The NCDOT and area land use planning staff assisted in the projections. The most recent projections were included in the recently updated 2035 Transportation Plan, adopted by the Transportation Advisory Committee (TAC) on January 23, 2013.

2. Integration of planning with existing regional transportation facilities, such as airports, seaports, and major interstate and intrastate road and rail facilities.

The MPO works closely with NCDOT and the other Triad MPOs in cooperation with for the integration of planning with existing regional transportation facilities such as the Piedmont Triad International Airport; Interstates 40, 85, 73, and 85; US 29, US 158, US 220, and US 421, freight and passenger rail transportation and commuter bus transportation.

The Greensboro Urban Area Metropolitan Planning Organization (MPO) is responsible for the integration of planning with these existing regional transportation facilities within the MPO area.

3. Conformity with and support for existing or proposed regional transit and mass transportation programs and initiatives.

The Greensboro Urban Area MPO is in conformance with and in support of existing or proposed regional transit and mass transportation programs and initiatives within the urban area. GTA provides traditional fixed-route bus service as well as para-transit and other programs. Piedmont Authority for Regional Transportation (PART) is an integral piece to the coordination and implementation of these regional initiatives.

4. Boundaries of existing or proposed federally designated air quality non-attainment areas or air-quality management regions.

The FHWA, NCDOT, NCDAQ have all concurred with the MPO that the Metropolitan Area Boundary (MAB) is compatible with the existing and proposed federally designated air quality non-attainment area for the Piedmont Triad region.

5. Metropolitan Statistical Area boundaries.

The Greensboro MPO area is within the Greensboro/Winston-Salem/High Point Metropolitan Statistical Area (MSA) boundary. The Greensboro–Winston-Salem–High Point Metropolitan Statistical Area consists of Alamance, Davidson, Davie, Forsyth, Guilford, Randolph, Stokes, and Yadkin Counties.

6. Existing or proposed cooperative regional planning structures.

Triad MPOs coordinate directly with each other, PART, and the NCDOT on the development, maintenance, and usage of the Piedmont Triad Regional Travel Demand Model. PART plays a coordinating and convening role, and provides helpful assistance to the MPOs on their coordination activities.

The agencies also are currently cooperating with each other and the Piedmont Triad Regional Council (PTRC) on the development of the regional sustainability planning project.

The agencies have a long history of coordinating on regional studies including PART regional transit studies, Heart of the Triad, and Airport Area Transportation Study.

The individual MPOs regularly coordinate on project and corridor studies in shared boundary areas, as well as on the prioritization of TIP projects of mutual interest or overlap.

7. Administrative efficiency, availability of resources, and complexity of management.

The Greensboro Urban Area MPO operates under the cooperative relationship between the lead planning agency, City of Greensboro Department of Transportation (GDOT) and other MPO agencies and jurisdictions within the metropolitan planning area, various State and Federal transportation agencies, and major transportation service providers. The MPO dedicates adequate resources to successfully complete any long range transportation planning, air quality conformity, multi-modal, and regional transportation initiatives along with its partner, NCDOT. Resources and funding are accounted for under the annual Unified Planning Work Program (UPWP). The MPO's governance and management is efficient, democratic, and adheres to the rules established under its Memorandum of Understanding (MOU).

8. Feasibility of the creation of interstate metropolitan planning organizations.

Not Applicable.

9. Governance structures, as provided in subsection (c) of this section.

See below.

METROPOLITAN PLANNING ORGANIZATION STRUCTURES
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1. Expansion of existing metropolitan planning organization boundaries to include areas specified in 23 U.S.C. 134 (c).

Existing Metropolitan Area Boundaries (MAB) for the Greensboro area include all areas specified in 23 U.S.C. 134 (c) except as accommodated for via agreements with the High Point Urban Area MPO (each MPO has exchanged some urbanized area coverage based on traditional governance arrangements, annexation agreements, and current municipal boundaries).

2. Consolidation of existing contiguous metropolitan planning organizations in accordance with the re-designation procedure specified in 23 U.S.C. (b).

This option is not being considered at this time by all of the MPOs in the Piedmont Triad.

3. Creation of metropolitan planning organizations subcommittees with responsibility for matters that affect a limited number of constituent jurisdictions, as specified in a memorandum of understanding re-designating a metropolitan planning organization in accordance with the provisions of 23 U.S.C. 134.

This option is not being considered at this time by all of the MPOs in the Piedmont Triad.

4. Formation of joint committees or working groups among the contiguous non-consolidated metropolitan planning organizations, with such powers and responsibilities as may be delegated to such joint committees pursuant to their respective memoranda of understanding.

This option is not being considered at this time by all of the MPOs in the Piedmont Triad.

5. Creation of interstate compacts pursuant to 23 U.S.C. 134 (d) to address coordination of planning among metropolitan planning organizations located in this State and contiguous metropolitan planning organizations located in adjoining states.

Not Applicable.

6. Delegation by the governing board of metropolitan planning organization of part or all of its responsibilities to a regional transportation authority created under article 27 of Chapter 160A of the General Statutes, if the regional transportation authority is eligible to exercise that authority under 23 U.S.C. 134.

Not Applicable. However, in March, 2004, the Greensboro Urban Area MPO signed a Memorandum of Understanding (MOU) with the Piedmont Authority for Regional Transportation (PART) that regarding certain tasks of a regional or shared nature for

which PART can contribute leadership and staff work support. These include certain regional planning tasks and certain model development and support functions.

OPTIONAL GOVERNANCE PROVISIONS

1. Distribution of voting power among the constituent counties, municipal corporations, and other participating organizations on a basis or bases other than population.

The Greensboro Urban Area MPO Transportation Advisory Committee does not use either weighted voting or a one jurisdiction-one vote system. However, the number of seats per jurisdiction roughly reflect the balance of population between the City of Greensboro, unincorporated Guilford County, and the towns.

2. Membership and representation of regional transit or transportation authorities or other regional organizations in addition to membership of counties and municipal corporations.

The region's transit operators are represented in the current MPO structure. The Greensboro Transit Authority is an entity of the City of Greensboro. Its Board members are appointed by the Greensboro City Council. City Council members on the TAC represent GTA. Additionally, GTA has a TCC seat. No changes are envisioned in GTA's representation at this time.

The Piedmont Authority for Regional Transportation is both a transit operator and a regional transportation planning coordination agency. PART holds a TCC seat. Additionally, the TAC Chair, the Mayor of Greensboro, and the Chair of the Guilford County Board of County Commissioners (or his designee) serve on the PART Board. At present, each of these PART Board members serves on the TAC. This provides for close coordination and consultation between the MPO and PART. No changes are envisioned in PART's representation at this time.

The Piedmont Triad Airport Authority is represented in the current MPO structure. The PTIA Executive Director serves on the TCC. This provides for close staff level involvement between the MPO and the Airport on transportation investment and policy decisions. Additionally, Airport Authority members are appointed by Member governments, including the City of Greensboro and Guilford County. Also, an Airport Authority Board Member serves on the PART Board. This provides for regular interaction with TAC members who also serve on the PART Board. No changes are envisioned in PTIA's representation at this time.

3. Requirements for weighted voting or supermajority voting on some or all issues.

This was considered under the MOU update. The conclusion was that the current number of voting TAC representatives of the City, County, and State adequately reflect the

population balance in the MPO area. Further consideration will occur as needed in the future.

4. Provisions authorizing or requiring the delegation of certain decisions or approvals to less than the full-voting membership of the metropolitan planning organization in matters that affect only a limited number of constituent jurisdictions.

This was considered under the MOU update. The current transportation decision making process appears to adequately balance the needs of MPO area jurisdictions and metropolitan transportation decision making. Further consideration will occur as needed in the future.

5. Requirements for rotation and sharing of officer positions and committee chair positions in order to protect against concentration of authority within the metropolitan planning organization.

Officer and committee chairs are selected by the Transportation Advisory Committee and the Technical Coordinating Committee. Rotation requirements do not appear warranted because this mechanism for rotation is available at the Committees' discretion. Further consideration will occur as needed in the future.

6. Any other provision agreed to by the requisite majority of jurisdictions constituting the metropolitan planning organization.

The MPO recognizes its authority under federal law and the *Memorandum of Understanding* for transportation planning to consider a full range of procedural, administrative, and representation options. The MPO will evaluate such options on an ongoing basis in the future.

**RESOLUTION ENDORSING THE FINDINGS OF THE GREENSBORO URBAN AREA
MPO BOUNDARY, STRUCTURE, AND GOVERNANCE REVIEW 2013 REPORT**

A motion was made by TAC Member T. Dianne Bellamy-Small and seconded by TAC member Zack Matheny for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

WHEREAS, § 136-200.2, North Carolina General Statutes requires that the Governor and the Secretary of Transportation, in cooperation with an affected metropolitan planning organization, conduct a decennial review of the MPO's boundaries, structure, and governance. The goal of the evaluation shall be to examine the need for and to make recommendations for adjustments to metropolitan planning organization boundaries, structure, or governance in order to ensure compliance with the objectives of 23 U.S.C. § 134.; AND

WHEREAS, the North Carolina Department of Transportation has requested that the MPO conduct an internal review with completion and report transmittal by May 2013; AND

WHEREAS, the Greensboro Metropolitan Planning Organization has conducted an internal review of these items to respond to NCDOT's request and to better support the MPO decision making process regarding boundary, structure, governance, and regional planning issues and prepared the report Greensboro Urban Area Metropolitan Planning Organization Boundary, Structure, and Governance Review 2013; AND

WHEREAS, the Greensboro Metropolitan Planning Organization has discussed and coordinated the reviews and findings with the other Triad MPOs;

NOW THEREFORE be it resolved that the Greensboro Urban Area Transportation Advisory Committee approves the findings of the Greensboro Urban Area Metropolitan Planning Organization Boundary, Structure, and Governance Review 2013 and that the TAC will review the findings of the TCC Chair Committee once these are available and will and consider further action as appropriate at that time.

I, Robbie Perkins, TAC Chair,
(Name of Certifying Official) (Title of Certifying Official)

do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Greensboro Urban Area TAC duly held on this, the 17th day of April, 2013.



Chair, Transportation Advisory Committee

Subscribed and sworn to me this, the 17th day of April, 2013:

DEIDRE E. BROWN
NOTARY PUBLIC
GUILFORD COUNTY, NC
My Commission Expires 4-17-2018



Notary Public

My commission expires

Appendix

North Carolina General Statutes Chapter 136 Article 16 - Planning

§ 136-200. Definitions.

As used in this Article:

- (1) "Conformity" means the extent to which transportation plans, programs, and projects conform to federal air quality requirements as specified in 40 Code of Federal Regulations, Part 93, Subpart A (1 July 1998 Edition).
- (1a) "Consolidated Metropolitan Planning Organization" means a metropolitan planning organization created on or after January 1, 2001, through a memorandum of understanding by the consolidation of two or more metropolitan planning organizations in existence prior to January 1, 2001, and in accordance with 23 U.S.C. § 134.
- (2) "Department" means the North Carolina Department of Transportation.
- (3) "Interface" means a relationship between streams of traffic that efficiently and safely maximizes the mobility of people and goods within and through urbanized areas and minimizes transportation-related fuel consumption and air pollution.
- (4) "Metropolitan Planning Organization" or "MPO" means an agency that is designated or redesignated by a memorandum of understanding as a Metropolitan Planning Organization in accordance with 23 U.S.C. § 134.
- (5) "Regionally significant project" has the same meaning as under 40 Code of Federal Regulations 93.101 (1 July 1998 Edition).
- (6) "Regional travel demand model" means a model of a region, defined in the model, that is approved by the Department and each Metropolitan Planning Organization whose boundaries include any part of the region and that uses socioeconomic data and projections to predict demands on a transportation network. (1999-328, s. 4.10; 2000-80, ss. 1-3.)

§ 136-200.1. Metropolitan planning organizations recognized.

Metropolitan planning organizations established pursuant to the provisions of 23 U.S.C. § 134 are hereby recognized under the law of the State. Metropolitan planning organizations in existence on the effective date of this section continue unaffected until redesignated or restructured in accordance with the provisions of and according to the procedures established by 23 U.S.C. § 134 and this Article. The provisions of this Article are intended to supplement the provisions of 23 U.S.C. § 134. In the event any provision of this Article is deemed inconsistent with the requirements of 23 U.S.C. § 134, the provisions of federal law shall control. (2000-80, s. 4.)

§ 136-200.2. Decennial review of metropolitan planning organization boundaries, structure, and governance.

- (a) Evaluation. - Following each decennial census, and more frequently if requested by an individual metropolitan planning organization, the Governor and the Secretary of Transportation, in cooperation with the affected metropolitan planning organization or organizations, shall initiate an evaluation of the boundaries, structure, and governance of each metropolitan planning organization in the State. The goal of the evaluation shall be to examine the need for and to make recommendations for adjustments to metropolitan planning organization boundaries, structure, or governance in order to ensure compliance with the objectives of 23 U.S.C. § 134. The Secretary shall submit a report of the evaluation process to the Governor and to the Joint Legislative Transportation Oversight Committee.

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- (b) Factors for Evaluation. - The evaluation of the area, structure, and governance of each metropolitan planning organization shall include all of the following factors:
- (1) Existing and projected future commuting and travel patterns and urban growth projections.
 - (2) Integration of planning with existing regional transportation facilities, such as airports, seaports, and major interstate and intrastate road and rail facilities.
 - (3) Conformity with and support for existing or proposed regional transit and mass transportation programs and initiatives.
 - (4) Boundaries of existing or proposed federally designated air quality nonattainment areas or air-quality management regions.
 - (5) Metropolitan Statistical Area boundaries.
 - (6) Existing or proposed cooperative regional planning structures.
 - (7) Administrative efficiency, availability of resources, and complexity of management.
 - (8) Feasibility of the creation of interstate metropolitan planning organizations.
 - (9) Governance structures, as provided in subsection (c) of this section.
- (c) Metropolitan Planning Organization Structures. - The Governor and Secretary of Transportation, in cooperation with existing metropolitan planning organizations and local elected officials, may consider the following changes to the structure of existing metropolitan planning organizations:
- (1) Expansion of existing metropolitan planning organization boundaries to include areas specified in 23 U.S.C. § 134(c).
 - (2) Consolidation of existing contiguous metropolitan planning organizations in accordance with the redesignation procedure specified in 23 U.S.C. § 134(b).
 - (3) Creation of metropolitan planning organization subcommittees with responsibility for matters that affect a limited number of constituent jurisdictions, as specified in a memorandum of understanding redesignating a metropolitan planning organization in accordance with the provisions of 23 U.S.C. § 134.
 - (4) Formation of joint committees or working groups among contiguous nonconsolidated metropolitan planning organizations, with such powers and responsibilities as may be delegated to such joint committees pursuant to their respective memoranda of understanding.
 - (5) Creation of interstate compacts pursuant to 23 U.S.C. § 134(d) to address coordination of planning among metropolitan planning organizations located in this State and contiguous metropolitan planning organizations located in adjoining states.
 - (6) Delegation by the governing board of a metropolitan planning organization of part or all of its responsibilities to a regional transportation authority created under Article 27 of Chapter 160A of the General Statutes, if the regional transportation authority is eligible to exercise that authority under 23 U.S.C. § 134.
- (d) Optional Governance Provisions. - In addition to any other provisions permitted or required pursuant to 23 U.S.C. § 134, the memorandum of understanding, creating, enlarging, modifying, or restructuring a metropolitan planning organization may also include any of the following provisions relating to governance:
- (1) Distribution of voting power among the constituent counties, municipal corporations, and other participating organizations on a basis or bases other than population.
 - (2) Membership and representation of regional transit or transportation authorities or other regional organizations in addition to membership of counties and municipal corporations.
 - (3) Requirements for weighted voting or supermajority voting on some or all issues.
 - (4) Provisions authorizing or requiring the delegation of certain decisions or approvals to less than the full-voting membership of the metropolitan planning organization in matters that affect only a limited number of constituent jurisdictions.

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- (5) Requirements for rotation and sharing of officer positions and committee chair positions in order to protect against concentration of authority within the metropolitan planning organization.
- (6) Any other provision agreed to by the requisite majority of jurisdictions constituting the metropolitan planning organization.
- (e) Effect of Evaluation. - Upon completion of the evaluation required under this section, a metropolitan planning organization may be restructured in accordance with the procedure contained in 23 U.S.C. § 134(b)(5).
- (f) Assistance. - The Department may provide staff assistance to metropolitan planning organizations in existence prior to January 1, 2001, that are considering consolidation on or after January 1, 2001. In addition, the Department may provide funding assistance to metropolitan planning organizations considering consolidation, upon receipt of a letter of intent from jurisdictions representing seventy-five percent (75%) of the affected population, including the central city, in each metropolitan planning organization considering consolidation. (2000-80, s. 5.)

§ 136-200.3. Additional provisions applicable to consolidated metropolitan planning organizations.

- (a) Limit on Basis for Project Objection. - Beginning with the 2004 State Transportation Improvement Program, neither the State nor a consolidated metropolitan planning organization shall have a basis to object to a project that is proposed for funding in the Transportation Improvement Program, provided that the project does not affect projects previously programmed, if the project is included in a mutually adopted plan developed pursuant to G.S. 136-66.2, and is consistent with the project selection criteria contained in the memorandum of understanding creating the consolidated metropolitan planning organization.
- (b) Project Ranking Priorities. - Beginning with the 2004 State Transportation Improvement Program, and subject to the availability of funding, the Department of Transportation, when developing the Transportation Improvement Program, shall abide by the project ranking priorities approved by a:
 - (1) Consolidated metropolitan planning organization for any project within its jurisdiction, if the project is not a National Highway System or bridge and Interstate maintenance program project.
 - (2) Regional transportation authority created pursuant to Article 27 of Chapter 160A of the General Statutes, for any project that all metropolitan planning organizations within the authority's jurisdiction have delegated responsibility, if the project is not a National Highway System or bridge and Interstate maintenance program project. (2000-80, s. 6.)

§ 136-200.4. Additional requirements for metropolitan planning organizations located in nonattainment areas.

- (a) Consultation and Single Conformity Strategy Required. - When an area of the State is designated as non-attainment under the federal Clean Air Act (42 U.S.C. § 7401, et seq.) all metropolitan planning organizations with at least twenty-five percent (25%) of their area of jurisdiction located within the boundaries of the nonattainment area shall consult on appropriate emissions reduction strategies and shall adopt a single, unified strategy for achieving conformity. The adopted unified strategy shall be incorporated by each affected metropolitan planning organization into its respective long range transportation plan developed pursuant to 23 U.S.C. § 134(g).
- (b) Effect of Failure to Incorporate the Adopted Strategies into Long Range Transportation Plan. - If a metropolitan planning organization does not comply with the provisions of subsection (a) of this section within one year after designation of at least twenty-five percent (25%) of the metropolitan planning organization's area of jurisdiction as nonattainment under the federal Clean Air Act (42 U.S.C. § 7401, et seq.), the Department shall not allocate any of the following funds to projects within the metropolitan planning organization's area of jurisdiction:

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- (1) One hundred percent (100%) State-funded road construction funds.
 - (2) State matching funds for any road construction or transit capital project.
 - (3) Federal congestion mitigation and air quality improvement program funds.
- (c) Mandatory Evaluation and Report. - Each metropolitan planning organization located in whole or in part in areas designated as nonattainment under the federal Clean Air Act (42 U.S.C. § 7401 et seq.) shall complete the evaluation process provided for in G.S. 136-200.2 and submit its findings and recommendations to the Department of Transportation within one year of the effective date of designation as nonattainment. A metropolitan planning organization may request and be granted by the Department an extension if the metropolitan planning organization can show cause for the extension. Extensions shall be granted in no more than one year increments. (2000-80, s. 7.)

§ 136-201. Plan for intermodal interface.

When planning a regionally significant transportation project, the Department shall consider design alternatives that will facilitate the cost-effective interface of the project with other existing or planned transportation projects, including highway, airport, rail, bus, bicycle, and pedestrian facilities. The Department of Transportation shall record its consideration of these design alternatives in the planning documents for the project. (1999-328, s. 4.10.)

§ 136-202. Metropolitan planning organizations.

- (a) Each Metropolitan Planning Organization shall base all transportation plans, metropolitan transportation improvement programs, and conformity determinations on the most recently completed regional travel demand model.
- (b) Each Metropolitan Planning Organization shall update its transportation plans in accordance with the scheduling requirements stated in 23 Code of Federal Regulations 450.322 (1 April 1999 Edition).
- (c) The Department, the metropolitan planning organizations, and the Department of Environment and Natural Resources shall jointly evaluate and adjust the regions defined in each regional travel demand model at least once every five years and no later than October 1 of the year following each decennial federal census. The evaluation and adjustment shall be based on decennial census data and the most recent populations estimates certified by the State Planning Officer. The adjustment of these boundaries shall reflect current and projected patterns of population, employment, travel, congestion, commuting, and public transportation use and the effects of these patterns on air quality.
- (d) The Department shall report on the evaluation and adjustment of the boundaries of the area served by each Metropolitan Planning Organization to the Joint Legislative Transportation Oversight Committee and the Environmental Review Commission no later than November 1 of each year in which the regions are evaluated and adjusted. (1999-328, s. 4.10.)

§ 136-203. Joint study groups.

The Department and the Department of Environment and Natural Resources shall convene a joint study group to examine options to maximize the positive impacts and minimize the adverse impacts on air quality of transportation investments. A joint study group shall be convened for each major travel corridor in which there has been air quality violations within the previous fiscal year or that affects an area in which there has been air quality violations within the previous fiscal year. Each joint study group shall include at least 10 members, half of whom shall be appointed by the Secretary of Transportation and half of whom shall be appointed by the Secretary of Environment and Natural Resources. Each group shall include representatives from the Department and the Department of Environment and Natural Resources, affected units of local government, private businesses, and nonprofit public interest organizations. The Department and the Department of Environment and Natural Resources shall jointly

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report on the work, findings, and recommendations of each joint study group to the Joint Legislative Transportation Oversight Committee and the Environmental Review Commission on or before October 1 of each year. (1999-328, s. 4.10.)

Ratified June 30, 2000.