

GREENSBORO URBAN AREA METROPOLITAN PLANNING ORGANIZATION

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNOR OF THE STATE OF NORTH CAROLINA, THE CITY OF GREENSBORO, THE COUNTY OF GUILFORD, THE TOWN OF OAK RIDGE, THE TOWN OF PLEASANT GARDEN, THE TOWN OF STOKESDALE, THE TOWN OF SUMMERFIELD, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
(Hereinafter referred to as the City, the County, the Towns, and the State)

IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESS 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.

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:

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

(g) The street and highway elements of the plans developed pursuant to G.S. 136-66.2 shall serve as the plan referenced in G.S. 136-66.10(a). (1959, c. 687, s. 2; 1969, c. 794, s. 3; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 2001-168, s. 1.)

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

It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

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It is in the national interest to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

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 this Memorandum of Understanding comply with Title 23 U.S.C. and 49 U.S.C. 5303.

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

Section 1. Continuing, Cooperative, Comprehensive Planning

It is hereby agreed that the City, the County, the Towns, and the State, in cooperation with the United States Department of Transportation, will participate in a continuing, cooperative and comprehensive transportation planning process with responsibilities and undertakings as related in the following paragraphs:

1. The **Greensboro Urban Area Transportation Planning Area** (as defined by the Metropolitan Area Boundary) will be the Greensboro Urbanized Area, as defined by the Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urban within a twenty year planning period.
2. The **Greensboro Urban Area Metropolitan Planning Organization**, hereby referred to as the **MPO**, shall include the City, the County and the Towns as well as the State; a Transportation Advisory Committee hereinafter defined, a Technical Coordinating Committee hereinafter defined, and the various agencies and units of local 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 City, the County, the Towns, and other incorporated municipalities within the Metropolitan Area, with attention being given to cooperative planning with contiguous Metropolitan Planning Organizations 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 governing bodies of the participating local governments, and the Transportation Advisory Committee.

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7. Transportation plans and programs and land use policies and programs for the planning area having **regional impacts** will be coordinated with the Piedmont Authority for Regional Transportation, contiguous MPOs, the Piedmont Triad Council of Governments and the Piedmont Triad Rural Planning Organization.
8. **A Transportation Advisory Committee is hereby established** with the responsibility for cooperative transportation planning and decision making for the MPO. The **Transportation Advisory Committee** shall have the responsibility for MPO policy decisions 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.; and 49 U.S.C.; including:

- 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 area Thoroughfare Plan, Revisions to the Thoroughfare Plan must be jointly approved by the MPO and affected local governing board(s).
 - f. Review and approval of the adopted **Comprehensive Transportation Plan**. As required by General Statutes Section 136-66.2(d) revisions in the **Comprehensive Transportation Plan** must be jointly approved by the MPO and the North Carolina Department of Transportation.
 - g. Review and approval of the Long Range Transportation Plan.
 - h. Review and approval of transportation-air quality conformity actions.
 - i. Review and approval of the Congestion Management Process.
 - j. Review, approval, and establishment of area transportation priorities.
 - k. Review and approval of the **Metropolitan Transportation Improvement Program** for multimodal capital and operating expenditures and ensuring coordination between local and State capital improvement and operating programs.
 - l. Taking action to direct such federal or state funding as may be made available through suballocation, state or federal policy or other sources.
 - m. Development and approval of committee **by-laws** for the purpose of establishing operating policies and procedures including establishment of a quorum.
 - n. Any **other duties** identified as necessary to further facilitate the transportation planning process.
9. **TAC Membership and Voting**
The MPO represents the entire population in the planning area regardless of jurisdictional boundaries. A municipality does not have to be on the TAC policy board to be represented. However, a municipality must have a population of at least 3,500 to have a direct voting member on the TAC board.

Voting representatives of the City, the County, and the Towns shall be elected officials determined by that process each local government policy board establishes for the purpose of appointing the local representative(s). TAC voting membership provisions including the number of voting representatives for the City, the County, the Towns, and the State and associated vote weighting provisions shall be established in the TAC bylaws.

TAC representation will be structured in the bylaws so as to generally reflect the distribution of MPO population between the City, the unincorporated portions of the County, and the Towns. This may be

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accomplished through either the number of representatives per jurisdiction or the use of vote weighting. Weighted voting shall be roughly based on each municipality's most current population estimates, either from the US Census or the NC State Demographers Office.

If new members are added to the MPO planning boundaries, either through the expansion of the planning boundary following a decennial census' *Boundaries, Structures, and Governance Report*, or through a new municipality incorporating within the planning boundaries, the member(s) may serve on the TAC in an ex-officio capacity until the TAC bylaws are modified, given they meet the population requirement of 3,500.

The Transportation Advisory Committee shall **meet** as deemed appropriate and shall elect **officer(s)** including a Chair with the responsibility for coordination of the committee's activities. A member of the staff of the Lead Planning Agency may serve as **secretary to the Committee**.

A **quorum** of the Transportation Advisory Committee shall consist of at the minimum at least half of the total voting members. A majority vote of the quorum present shall be sufficient for approval of matters coming before the committee. The Committee Chair shall cast the deciding vote in cases where a vote of the committee results in a tie.

Voting provisions, advisory membership, requirements for establishing a quorum, and other operating procedures may be modified or established through the development or revision of committee **by-laws**. Bylaws may be established or revised by a two-thirds majority of the membership. Committee membership and voting provisions may be changed only through a modification of the bylaws or a revision to this Memorandum of Understanding.

10. **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 (TAC) 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, Planning Work Program, Metropolitan Transportation Improvement Program, Metropolitan Area Boundary, Urbanized Area Boundary, National Highway System**, for revisions to the **Comprehensive Transportation Plan, the Long Range Transportation Plan, the Congestion Management Process**, for planning **citizen participation** and for **documenting reports, plans and programs** of the MPO.

Membership of Technical Coordinating Committee shall include technical representatives from local and State governmental agencies directly related to and concerned with the transportation planning process in the planning area including the transit operator and the airport authority. In addition to the voting membership, the Federal Highway Administration shall have two non-voting representatives. TCC membership shall be modified through TCC bylaws. TCC bylaws shall be established or modified by a two-thirds vote of the TCC membership subject to TAC approval or by a vote of the TAC.

11. The governing boards of the City, the County, the Towns 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 shall also provide opportunities for citizen participation in the transportation planning process.

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Section 2. Signatory Responsibilities

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

The City and the County

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

The Towns

The Towns will assist in the transportation planning process by providing assistance, data and inventories in accordance with the Prospectus. The Towns shall coordinate zoning and subdivision approval within their respective jurisdictions in accordance with the adopted Transportation Plan.

North Carolina Department of Transportation

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 in MPO the Transportation Plans.

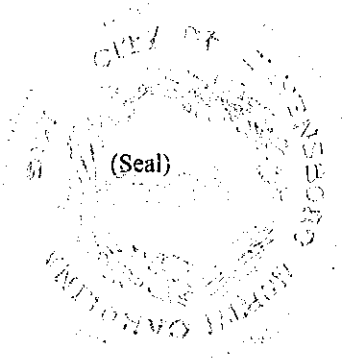
Section III: Termination

Parties to this Memorandum of Understanding may terminate their participation in the MPO 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 Area Boundary is represented by the remaining members.

Section IV: Adoption

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, The City of Greensboro by its Mayor, Guilford 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 22nd day of April, 2010.

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CITY OF GREENSBORO

Elizabeth H. Diwaddso
Clerk

By William H. Knight
Mayor

Date of Approval by Greensboro City Council 7-20-2010

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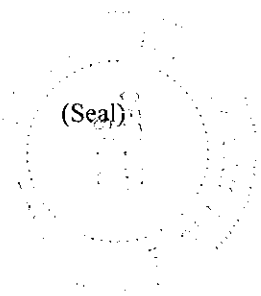


GUILFORD COUNTY

Egglema D. Varitimides
Clerk

By *Marty Alston*
Chairman of the Board of Commissioners

Date of Approval by Board of County Commissioners 7-22-10



TOWN OF OAK RIDGE

Rachel A. Hahnel

Clerk

By *Kay Conk*

Mayor

Date of Approval by Oak Ridge Town Council June 3, 2010



TOWN OF PLEASANT GARDEN

Sandy Carmany
Clerk

By W. D. Smith
Mayor

Date of Approval by Pleasant Garden Town Council

June 1, 2010



TOWN OF STOKESDALE

Carolyn Joyner
Clerk

By *Randall R. Jones*
Mayor

Date of Approval by Stokesdale Town Council June 17, 2010



TOWN OF SUMMERFIELD

Valarie Halvorsen

Clerk

By Matt / Ben
Mayor

Date of Approval by Summerfield Town Council 6/8/10

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(Seal)

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Clerk

By *James R. Curtis, Jr.*
Secretary

Date of Approval by the Secretary of the North Carolina Department of Transportation

9/17/10