

Charlotte Regional
Transportation Planning Organization

Memorandum of Understanding

**Final Draft
Endorsed by the
Mecklenburg-Union
Metropolitan Planning Organization
July 17, 2013**

**MEMORANDUM OF UNDERSTANDING
FOR**

COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING

AMONG

THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
THE CITY OF CHARLOTTE, TOWN OF CORNELIUS, TOWN OF DAVIDSON, TOWN OF FAIRVIEW,
TOWN OF HUNTERSVILLE, TOWN OF INDIAN TRAIL, IREDELL COUNTY, TOWN OF MARSHVILLE,
VILLAGE OF MARVIN, TOWN OF MATTHEWS,
MECKLENBURG COUNTY, TOWN OF MINERAL SPRINGS, TOWN OF MINT HILL, CITY OF MONROE,
TOWN OF MOORESVILLE, TOWN OF PINEVILLE,
TOWN OF STALLINGS, CITY OF STATESVILLE, TOWN OF TROUTMAN, UNION COUNTY, TOWN OF
WAXHAW, TOWN OF WEDDINGTON, VILLAGE OF WESLEY CHAPEL, TOWN OF WINGATE and the
METROPOLITAN TRANSIT COMMISSION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT
OF TRANSPORTATION

WITNESSETH THAT:

WHEREAS, Section 134(a) of Title 23 of the 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, Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina requires 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.

WHEREAS, Chapter 136, Article 3A, Section 136-66.2(b1-4) 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.

The municipality or the MPO shall provide opportunity for public comments prior to adoption of the transportation plan.

For portions of a county located within an MPO, the development of a comprehensive transportation plan shall take place through the metropolitan planning organization.

To complement the roadway element of the transportation plan, municipalities and MPOs may develop a collector street plan to assist in developing the roadway network. The Department of Transportation may review and provide comments but is not required to provide approval of the collector street plan.

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.,

WHEREAS, it is the desire of these agencies that the previously established continuing, comprehensive, cooperative transportation planning process, as set forth in the Memorandum of Understanding dated September 2003 be revised and updated to comply with 23 U.S.C. subsections 134, as amended (Federal Highway Administration) and 49 U.S.C. 5303, 5305, 5306 and 5307 (Federal Transit Administration).

WHEREAS, the effective date of this document shall be the date on which it is signed by the Governor of the State of North Carolina, or his designee.

NOW THEREFORE the Memorandum of Understanding is amended to read as follows:

SECTION I. It is hereby agreed that the CITY OF CHARLOTTE, TOWN OF CORNELIUS, TOWN OF DAVIDSON, TOWN OF FAIRVIEW, TOWN OF HUNTERSVILLE, TOWN OF INDIAN TRAIL, IREDELL COUNTY, TOWN OF MARSHVILLE, VILLAGE OF MARVIN, TOWN OF MATTHEWS, MECKLENBURG COUNTY, TOWN OF MINERAL SPRINGS, TOWN OF MINT HILL, CITY OF MONROE, TOWN OF MOORESVILLE, TOWN OF PINEVILLE, TOWN OF STALLINGS, CITY OF STATESVILLE, TOWN OF TROUTMAN, UNION COUNTY, TOWN OF WAXHAW, TOWN OF WEDDINGTON, VILLAGE OF WESLEY CHAPEL, TOWN OF WINGATE, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with THE UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuing transportation planning process with responsibilities and undertakings as related in the following paragraphs:

- A. The area involved will consist of the Charlotte Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, in addition to that area beyond the existing urbanized area boundary that is expected to become urban within a twenty-year planning period. This area is hereinafter referred to as the Planning Area.

Portions of the Charlotte Urbanized Area located in the following counties are by agreement with adjacent metropolitan planning organizations (MPO) not part of the planning area of the Charlotte Regional Transportation Planning Organization (CRTPO): Cabarrus, Catawba, Gaston, Lancaster, Lincoln and York. The responsibility for implementing a continuing transportation planning process shall

be the responsibility of those MPOs, as noted in the mutually adopted agreements between CRTPO and the adjacent MPOs.

- B. The continuing transportation planning process will be a cooperative one and all planning discussions will be reflective of and responsible to the comprehensive plans for growth and development of the Planning Area.
- C. The continuing transportation planning process will be conducted in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.
- D. The Charlotte Regional Transportation Planning Organization, hereinafter referred to as the CRTPO, is hereby established with responsibility for coordinating transportation policy of member local governments within the Planning Area and will consist of the Chief Elected Official or a single representative appointed by the Chief Elected Official from the following Boards of General Purpose Local Government as well as two members from the North Carolina Board of Transportation and one member representing the Metropolitan Transit Commission:

- 1. Charlotte City Council
- 2. Cornelius Board of Commissioners
- 3. Davidson Board of Commissioners
- 4. Fairview Town Council
- 5. Huntersville Board of Commissioners
- 6. Indian Trail Town Council
- 7. Iredell County Board of Commissioners
- 8. Marshville Town Council
- 9. Marvin Village Council
- 10. Matthews Board of Commissioners
- 11. Mecklenburg County Board of Commissioners
- 12. Metropolitan Transit Commission
- 13. Mineral Springs Town Council
- 14. Mint Hill Board of Commissioners
- 15. Monroe City Council
- 16. Mooresville Town Board of Commissioners
- 17. Pineville Town Council
- 18. Stallings Town Council
- 19. Statesville City Council
- 20. Troutman Board of Aldermen
- 21. Union County Board of Commissioners
- 22. Waxhaw Board of Commissioners
- 23. Weddington Town Council
- 24. Wesley Chapel Village Council
- 25. Wingate Board of Commissioners
- 26. North Carolina Board of Transportation-Division 10
- 27. North Carolina Board of Transportation-Division 12

The Chief Elected Official of the above member agencies is strongly encouraged to appoint an alternate, in accordance with the rules contained within the CRTPO Bylaws.

- E. The duties and responsibilities of the CRTPO are as follow:
 - 1. The CRTPO in cooperation with the State, and in cooperation with publicly owned operators of mass transportation services, shall be responsible for carrying out the urban transportation planning process specified by the U. S. Department of Transportation and shall develop the

Unified Planning Work Program, the Metropolitan Transportation Plan, and the Transportation Improvement Program..

2. The CRTPO shall be the forum for cooperative decision-making by elected officials of General Purpose Local Government. . However, this shall not limit the CRTPO's local responsibility for (1) insuring that the transportation planning process and the plans and improvement projects which emerge from that process are consistent with the policies and desires of local government; nor, (2) serving as a forum for the resolution of conflicts which arise during the course of developing the Metropolitan Transportation Plan and the Transportation Improvement Program.
3. The CRTPO shall review and approve the Unified Planning Work Program, Metropolitan Transportation Plan and Transportation Improvement Program.
4. The CRTPO as required shall review, approve, and endorse amendments to the Unified Planning Work Program, the Metropolitan Transportation Plan and the Transportation Improvement Program.
5. The CRTPO shall be responsible for adopting and amending the Comprehensive Transportation Plan. Action of the CRTPO in this regard (and this regard only) shall be construed as definitive action of any and all affected municipalities and shall meet the statutory requirement of G.S. 136-66.2(b) without further action of the local municipality(ies).
6. The CRTPO shall have the responsibility for keeping the Boards of General Purpose Local Government informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of these Boards; and ensuring meaningful citizen participation in the transportation planning process.
7. The CRTPO shall review, approve and endorse changes to the Federal-Aid Urban Area System and Boundary, in conformance with Federal regulations.
8. The CRTPO shall review, approve, and endorse a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process; and
9. The CRTPO shall conduct the transportation planning process in conformance with the Clean Air Act, as amended.
10. The CRTPO is responsible for conducting public involvement and technical analyses to determine the preliminary alignments for transportation projects (both road and transitway) included in the Comprehensive Transportation Plan and Metropolitan Transportation Plan. These alignments will be used by local jurisdictions through their land development ordinances for right-of-way protection purposes. Once the CRTPO has adopted an official alignment, it can be modified only by official CRTPO action as outlined in the bylaws of the governing body and Technical Coordinating Committee.

The CRTPO adopts the alignment for right-of-way purposes even if the alternatives are produced through a State or locally funded environmental study process. CRTPO decisions are subject to the voting guidelines contained in Section I.G of this Memorandum of Understanding.

11. The representatives from each General Purpose Local Government on the CRTPO shall be responsible for instructing the clerk of his/her local government to submit certified and sealed copies of minutes or resolutions to the secretary of the CRTPO when formal action involving the Comprehensive Transportation Plan is taken by his/her local government.

12. The CRTPO is responsible for the distribution of funds distributed to CRTPO's under the provisions of MAP-21, and successor legislation.
 13. The CRTPO shall adopt a set of Bylaws. Amendments to the Bylaws shall occur by a **3/4** vote of the CRTPO.
 14. The CRTPO shall maintain a centralized information repository including but not limited to the Metropolitan Transportation Plan; Comprehensive Transportation Plan; the Unified Planning Work Program (UPWP); transportation conformity analysis; CRTPO and TCC Bylaws and membership lists; copies of all final environmental studies, public hearing maps, roadway corridor official maps, and noise reports on projects within the CRTPO boundaries; copies of adopted transportation project alignments; the Transportation Improvement Program (TIP) (local and state); and any other appropriate archival information. The CRTPO shall endeavor through the affected local governments and appropriate technological means to make this information easily available to local governments, citizens, and individuals involved in land development and real estate transactions.
 15. The CRTPO shall have the primary responsibility for citizen input into the continuing transportation planning process.
 18. Any other duties identified as necessary to further facilitate the transportation planning process.
- F. CRTPO shall consist of both voting and non-voting members.

Voting membership in CRTPO will consist of representatives of the following General Purpose Local Government units, the Metropolitan Transit Commission and the North Carolina Board of Transportation (), which shall have the indicated number of votes:

Unit	Number of votes
City of Charlotte	31
Town of Cornelius	2
Town of Davidson	1
Town of Fairview	1
Town of Huntersville	2
Town of Indian Trail	2
Iredell County	2
Town of Marshville	1
Village of Marvin	1
Town of Matthews	2
Mecklenburg County	2
Town of Mineral Springs	1
Town of Mint Hill	2
City of Monroe	2
Town of Mooresville	2
Town of Pineville	1
Town of Stallings	1
City of Statesville	2
Town of Troutman	1
Union County	2
Town of Waxhaw	1
Town of Weddington	1
Village of Wesley Chapel	1
Town of Wingate	1
N.C. Board of Transportation (Division 10)	1
N.C. Board of Transportation (Division 12)	1

Cities/Towns within the Planning Area must have local land use plans and development ordinances in place in order to be voting members. A county other than Iredell, Mecklenburg and Union that becomes part of the Planning Area in whole or in part with at least 5,000 persons in the unincorporated area will also be eligible for voting membership. (For the purpose of establishing membership and voting privileges, jurisdictional population figures shall be calculated based on the latest decennial Census reports of the population of each jurisdiction including, in Mecklenburg County, their Spheres of Influence, in Iredell, TO BE DETERMINED, and in Union County the area including their extra-territorial jurisdiction).

Members will vote on matters pursuant to the authority granted by their respective governmental bodies.

Non-voting membership. One representative from each of the following bodies will serve as a non-voting member:

Charlotte-Mecklenburg Planning Commission
Iredell County Planning Board
Union County Planning Board
U.S. Department of Transportation – FHWA, FTA

Other local, State, or Federal agencies impacting transportation in the Planning Area, as well as cities/towns in the Planning Area that do not otherwise qualify for voting membership can become non-voting members upon invitation by the CRTPO. Cities and towns which do not act to adopt this Memorandum of Understanding, and are otherwise eligible for voting membership, may request to participate in the CRTPO no more than three months after the Memorandum of Understanding's effective date. The effective date shall be defined as the date on which the Governor of the State of North Carolina, or his designee, signs the Memorandum of Understanding.

The term of any designated representative shall be one calendar year from the date of appointment. The CRTPO shall have a Chairperson and Vice-Chairperson and shall meet in accordance with the rules contained within the CRTPO Bylaws.

G. CRTPO Voting Policy

1. A simple majority (weighted) vote shall determine all issues except as provided in 2, 3 and 4 below.
2. When any project is on a road that does not carry an I., U.S., or N.C. route designation, and is totally contained within a single municipality's corporate limits or sphere of influence, its location shall be determined only with the consent of that municipality.
3. When any project is on a road that does not carry an I, U.S. or N.C route designation, the CRTPO cannot override the position of any individual local municipality when any portion of the project is within the municipality's corporate limits or sphere of influence, except by 3/4 majority vote of all votes eligible to be cast.
4. Amendments to the MOU or the CRTPO Bylaws require a 3/4 majority vote of all votes eligible to be cast
5. Quorum shall be established in accordance with rules contained within the CRTPO Bylaws.

6. Eligibility to vote on the CRTPO shall be limited to members in good standing. A member in good standing shall be defined as one having paid its share of funding as defined in Section J of this chapter.

H. A Technical Coordinating Committee, hereinafter referred to as the 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 respective local and State governmental agencies and the CRTPO regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review, and recommendation for approval of the Prospectus, Unified Planning Work Program (UPWP), Comprehensive Transportation Plan, Transportation Improvement Program, Federal-Aid Urban System and Boundary, Metropolitan Transportation Plan, planning citizen participation, and documentation reports on the transportation study.

Membership of the TCC shall be defined in its bylaws and shall include technical representation from all local, county and State governmental agencies directly related to and concerned with the transportation planning process for the planning area.

A TCC member (or alternate) cannot be an elected official holding office in any CRTPO member Town/City Council or County Commission. Representatives of the municipalities shall be the chief administrative officers (town managers) or their designees. Other entities may be represented by their chief administrative officers or their designees. TCC members must be employees of the jurisdiction they represent. Each TCC member shall have one vote.

If the chief administrative officer of a TCC member entity wishes to be represented on the TCC by an individual previously designated to represent another entity on the TCC, the requesting entity's CRTPO representative or chief administrative officer must seek and obtain written approval of such an arrangement from the TCC Chair. If a single individual is the designated representative or alternate for more than one of the above entities, the designated representative shall cast one vote for each entity represented.

I. Administrative coordination for the CRTPO and for the TCC will be performed by the Charlotte-Mecklenburg Planning Department's Transportation Planning Manager, who shall report to the Chair of the CRTPO. Administrative support shall be furnished by the Charlotte-Mecklenburg Planning Department's Director. The Transportation Planning Manager shall supervise additional CRTPO staff as necessary and approved in the annual work program. The Transportation Planning Manager will serve as the Secretary for the CRTPO and TCC with the responsibility for such functions as follows:

1. Arranging meetings and agendas
2. Maintaining minutes and records
3. Preparing a Prospectus and Unified Planning Work Program (UPWP)
4. Assembling and publishing the Transportation Improvement Program
5. Serving as custodian of the Metropolitan Transportation Plan
6. Collecting from local governments certified and sealed minutes and resolutions that document transportation plan revisions and submitting these for mutual adoption by the North Carolina Department of Transportation annually or more often if deemed necessary by the CRTPO or local governments involved.
7. Monitoring the transportation planning process to insure its execution is in accordance with goals and objectives
8. Performing other coordinating functions as assigned by the CRTPO
9. Taking lead responsibility for structuring public involvement in the transportation planning process
10. Preparing the annual PL Expenditure Report

11. Supervising CRTPO staff

The Transportation Planning Manager shall be hired by the Charlotte-Mecklenburg Planning Department's Director with the concurrence of the Chairs of the CRTPO and TCC. The Transportation Planning Manager shall regularly report to the TCC and CRTPO on coordination activities and shall electronically or in writing inform interested parties of actions scheduled for consideration by the TCC and CRTPO.

J. Federal Aid Planning Grant Funds

1. All transportation and related Federal Aid planning grant funds available to promote the cooperative transportation planning process will be expended in accordance with the Unified Planning Work Program adopted by the CRTPO.
2. The required local match of the Federal Aid planning grant funds shall be shared among all municipal and county voting members of the CRTPO on a per capita basis. The population totals used to calculate a municipal or county share shall be based upon the most recent decennial Census. The method used to determine the total population shall be as follows:
 - Iredell County: a municipality's share shall be based upon the total population contained within its corporate limits and TO BE DETERMINED, and the County share shall be based upon the total population outside the above areas in the CRTPO's planning area.
 - Mecklenburg County: a municipality's share shall be based upon the total population contained within its corporate limits and Sphere of Influence, and the County share shall be based upon the total population of all areas not within a municipal Sphere of Influence.
 - Union County: a municipality's share shall be based upon the total population contained within its corporate limits and extra-territorial jurisdiction, and the County share shall be based upon the total population outside municipal corporate limits and extra-territorial jurisdictions in the CRTPO's planning area.
3. A member providing its share of the funding shall be considered a member in good standing. Any member not providing its share of the funding by the beginning of the next Federal Fiscal Year shall forfeit its right to be a voting member during the next two Federal Fiscal Years.

Administration of funding in support of the transportation planning process on behalf of the CRTPO will be conducted by the City of Charlotte which will execute appropriate agreements with funding agencies as provided by the Unified Planning Work Program.

SECTION II. Subscribing agencies to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 30 calendar days written notice to the CRTPO Chairperson prior to the date of termination. When annexation occurs and member municipality boundaries extend beyond the adopted urbanized area boundary, the new boundaries will automatically become part of the urbanized area and will be so designated on the Comprehensive Transportation Plan within 60 calendar days of the annexation. After 18 months from the effective date of this document, the terms of this agreement will be evaluated by the participating members. It is further agreed that these agencies will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Additionally, these agencies shall coordinate zoning and subdivision approval in accordance with the adopted Comprehensive Transportation Plan.

SECTION III. In witness whereof, the Division Administrator (Federal Highway Administration) on behalf of the United States Department of Transportation, and the Secretary of Transportation on behalf of the Governor of the State of North Carolina have signed this Memorandum of Agreement and the other parties to this Memorandum of Understanding have authorized appropriate officials to sign the same, the City of Charlotte by its Mayor, the Town of Cornelius by its Mayor, the Town of Davidson by its Mayor, the Town of Fairview by its Mayor, the Town of Huntersville by its Mayor, the Town of Indian Trail by its Mayor, Iredell County by the

Chair of its Board of Commissioners, the Town of Marshville by its Mayor, the Village of Marvin by its Mayor, the Town of Matthews by its Mayor, Mecklenburg County by the Chair of its Board of Commissioners, the Town of Mineral Springs by its Mayor, the Town of Mint Hill by its Mayor, the City of Monroe by its Mayor, the Town of Mooresville by its Mayor, the Town of Pineville by its Mayor, the Town of Stallings by its Mayor, the City of Statesville by its Mayor, the Town of Troutman by its Mayor, Union County by the Chair of its Board of Commissioners, the Town of Waxhaw by its Mayor, the Town of Weddington by its Mayor, the Village of Wesley Chapel by its Mayor, the Town of Wingate by its Mayor and the Metropolitan Transit Commission by its chair.

(Seal)

City of Charlotte

By

Clerk

Mayor

(Seal)

Town of Cornelius

By

Clerk

Mayor

(Seal)

Town of Davidson

By

Clerk

Mayor

(Seal)

Town of Fairview

By

Clerk

Mayor

(Seal)

Town of Huntersville

By

Clerk

Mayor

(Seal)

Town of Indian Trail

By

Clerk

Chairperson

(Seal)

Iredell County

By

Clerk

Mayor

(Seal)

Town of Marshville

By

Clerk

Mayor

(Seal)

Village of Marvin

By

Clerk

Mayor

(Seal)

Town of Matthews

Clerk

By

Mayor

(Seal)

Mecklenburg County

Clerk

By

Chairperson

(Seal)

Town of Mineral Springs

Clerk

By

Mayor

(Seal)

Town of Mint Hill

Clerk

By

Mayor

(Seal)

City of Monroe

Clerk

By

Mayor

(Seal)

Town of Mooresville

Clerk

By

Mayor

(Seal)

Town of Pineville

Clerk

By

Mayor

(Seal)

Town of Stallings

Clerk

By

Mayor

(Seal)

City of Statesville

Clerk

By

Mayor

(Seal)

Town of Stallings

Clerk

By

Mayor

(Seal)

Town of Troutman

Clerk

By

Mayor

(Seal)

Union County

Clerk

By

Chairperson

(Seal)

Town of Waxhaw

Clerk

By

Mayor

(Seal)

Town of Weddington

Clerk

By

Mayor

(Seal)

Village of Wesley Chapel

Clerk

By

Mayor

(Seal)

Town of Wingate

Clerk

By

Mayor

(Seal)

Metropolitan Transit Commission

Clerk

By

Chairperson

Department of Transportation

By

Secretary of Transportation