**MPO MEMORANDUM OF UNDERSTANDING**

**FOR**

**CONTINUING, COOPERATIVE AND COMPREHENSIVE TRANSPORTATION PLANNING**

Between

THE CITY/TOWN/COUNTY OF [list all jurisdictions in the MPO planning area], AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter collectively, “the parties”),

IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH;

THAT WHEREAS, the parties desire to enter into a Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning, regarding the [MPO name] (MPO); and

WHEREAS, each MPO is required to develop a Metropolitan Transportation Plan in cooperation with NCDOT and in accordance with 23 U.S.C., Section 134, and a Comprehensive Transportation Plan as per Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina, and any subsequent applicable amendments to these statutes and any implementing regulations; and

WHEREAS, these transportation plans, once adopted by the MPO and NCDOT, shall be the basis for future transportation improvements within the MPO.

NOW THEREFORE, the following Memorandum of Understanding is made:

**Section 1:** Establishment of [MPO name].

It is hereby agreed that the parties, in cooperation with the UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuous planning process as related in the following paragraphs:

1. The area involved, the [MPO name] Metropolitan Planning Area, will be the [Urbanized Area name] Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, including 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 Metropolitan Planning Area (MPA).
2. The MPA will be periodically reassessed and revised in the light of new developments and basic data projections.
3. Transportation planning will be a continuing, comprehensive, and cooperative process and all planning discussions will be reflective of and responsive to the programs of the NCDOT, and to the comprehensive plans for growth and development of the [list all jurisdictions in the Metropolitan planning area].
4. 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.
5. Transportation policy decisions within the planning area are the responsibility of the MPO in cooperation with the [list each jurisdiction’s Council or Board of Commissioners], and the NCDOT.
6. Transportation plans and programs and land use policies and programs, for the MPA, having regional impacts will be coordinated with MPOs and RPOs that share a boundary with the MPO, and other municipalities and counties in the region.

**Section 2:** Establishment of a Transportation Advisory Committee

A [MPO name] Transportation Advisory Committee, hereinafter referred to as the TAC, is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the MPO. The TAC is the policy board of the MPO. By definition, in 23 U.S.C. §134(b)(2), the TAC is the MPO.

1. The TAC shall consist of representatives appointed by member Boards of Local Government and a member of the North Carolina Board of Transportation (BOT). Each member Board of Local Government and the BOT may also, at its sole discretion, appoint an alternate member to serve in the member’s absence. The TAC representative and the alternate member appointed by Boards of Local Government must be an elected official of the appointing Board of Local Government.
2. Every voting TAC member and alternate shall comply with the State Government Ethics Act as per Chapter 138A of the NC General Statutes and the Ethics provisions of Chapter 136-200.2 of the NC General Statutes.
3. The TAC members shall have the responsibility for keeping their respective Boards of 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 the boards; and ensuring meaningful public participation in the transportation planning process.
4. The TAC, in cooperation with NCDOT, will be responsible for carrying out the provisions of 23 U.S.C. 134 and NC General Statues, Chapter 136, including, but not limited to:
   1. Review and approval of the MPO Unified Planning Work Program, which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
   2. Review and approval of changes to the Urbanized Area Boundary and the Metropolitan Planning Area Boundary;
   3. Review and approval of the MPO’s Transportation Improvement Program(TIP) for multi-modal capital and operating expenditures and to ensure coordination between local and State capital and operating improvement programs;
   4. Endorsement, review and approval of changes to the MPO’s adopted Metropolitan Transportation Plan and Comprehensive Transportation Plan.As required by the North Carolina General Statues Section 136-66.2(d), revisions to the Comprehensive Transportation Planmust be adopted by both the MPO and the NCDOT;
   5. Review and approval of the Public Participation Planto ensure the public is given ample opportunity to participate in the transportation planning process.
   6. [If TMA MPO, add the following: Development and approval of the Congestion Management Process, the regionally-accepted approach for identifying and implementing strategies to manage congestion that meet State and local needs.]
   7. Endorsement, review and approval of changes to the Federal-Aid Functional Classification System and the [Urbanized area name] adjusted urbanized area;
   8. Establishment of goals and objectives for the transportation planning process;
   9. Provide local input to North Carolina’s transportation project prioritization process; and
   10. Adoption of Bylaws for the purpose of establishing operating policies and procedures.
   11. Any other NCDOT, State, and/or Federal required plans and/or documentation, including amendments or modifications to these documents
5. TAC Members will vote on matters pursuant to the authority granted by their respective governmental body. The voting membership of the TAC shall include: [List the members by county, municipality, or organization. If weighted voting will be used, describe how weighting is calculated, and indicate in the right column the weight percentage given to each member. Specify whether weighted voting is used for each vote or only when called. Example language: If a weighted vote is to be used, it must be called for prior to the vote by a member. Otherwise, each member has equal vote weighting.]

|  |  |  |  |
| --- | --- | --- | --- |
| **Governmental Body** | **Voting Status** | **Number of Votes (unweighted)** | **Weighted votes (remove if not applicable)** |
| City of [enter city name] | Yes |  |  |
| Town of [enter town name] | Yes |  |  |
| County [enter county name] | Yes |  |  |
| Transit provider representation [required in TMA areas] | Yes |  |  |
| Repeat as needed | Yes |  |  |
| NCDOT Board of Transportation | Yes |  |  |
| **Total number of voting members** |  | **[Enter total]** | **[Enter total]** |

Representatives from each of the following bodies will serve as non-voting members of the TAC:

|  |  |
| --- | --- |
| **Organization** | **Voting Status** |
| Federal Highway Administration (FHWA) North Carolina Div. | No |
| Others as applicable (e.g., transit providers, adjacent MPO or RPO) | No |
| Repeat as needed | No |

1. On the basis of majority vote, the TAC may appoint a member of the Committee to act as Chairperson with the responsibility for coordination of the Committee’s activities. A staff member of the [agency] will serve as Secretary to the Committee. A member of any local elected board may serve as an alternate to the designated TAC member for each member. The MPO staff shall be notified of changes in TAC members and TAC alternate members each year and/or as changes are made. As established in its Bylaws, the TAC may create subcommittees to assist it in carrying out its responsibilities. TAC will meet with the necessary regularity to ensure adequate performance of duties as described herein.

**Section 3:** Establishment of a Technical Coordinating Committee

**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 respective local and State governmental agencies and the TAC regarding any necessary actions relating to the continuing transportation planning process.

1. The TCC shall be responsible for development, review and recommendation for approval by the TAC of the Unified Planning Work Program, Transportation Improvement Program, Metropolitan Planning Area Boundary, Metropolitan Transportation Plan, Comprehensive Transportation Plan, Public Participation Plan, and any other NCDOT, State, and/or Federal required plans and/or documentation, including amendments or modifications to these documents.
2. Membership of the TCC shall include technical representatives from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area. The TCC shall be comprised of the following members:

|  |  |  |
| --- | --- | --- |
| **TCC Member Organization** | **Voting Status** | **No. of Votes** |
| City A | Yes | 1 |
| City B [repeat as needed] | Yes | 1 |
| County A | Yes | 1 |
| County B [repeat as needed] | Yes | 1 |
| Town A | Yes | 1 |
| Town B [repeat as needed] | Yes | 1 |
| MPO Director/Secretary/Coordinator [if desired] | Yes | 1 |
| Others as applicable (e.g., transit providers, adjacent MPO or RPO), airport authorities, Chambers of Commerce] | Yes | 1 |
| Area Coordinator or designee, Transportation Planning Division, North Carolina Department of Transportation | Yes | 1 |
| Division Engineer or designee, Division of Highways, North Carolina Department of Transportation | Yes | 1 |
| District Engineer and/or Assistant District Engineer or designee, North Carolina Department of Transportation | Yes | 1 |
| Division Planning Engineer, Division of Highways, North Carolina Department of Transportation | Yes | 1 |
| Repeat as needed | Yes |  |
| **Total number of voting members** |  | **[Enter total]** |

Representatives from each of the following bodies will serve as non-voting members of the Technical Coordinating Committee:

|  |  |
| --- | --- |
| **Organization** | **Voting Status** |
| Federal Highway Administration (FHWA) North Carolina Div. | No |
| Representative, Integrated Mobility Division, North Carolina Department of Transportation [If desired, move this position to a voting member in previous table, above] | No |
| Others local, regional, State or Federal agencies impacting transportation in the planning area at the invitation of the TCC | No |
| Repeat as needed | No |

1. The TCC shall meet when it is deemed appropriate and advisable, but will meet with the necessary regularity to ensure adequate performance of duties as described herein. On the basis of majority vote of its membership, the TCC may appoint a member of the Committee to act as Chairperson with the responsibility of coordination of the Committee’s activities. On the basis of majority vote of its membership, the TCC may also appoint a Vice-Chair to lead meetings in the absence of the Chair. Membership to the TCC may be altered on the basis of a majority vote of its membership, provided all agencies with TAC membership are represented. TCC membership changes must be approved by TAC.

**Section 4:** MPO Meetings

The TAC and TCC, as well as any established subcommittees, are responsible for carrying out the provisions of North Carolina General Statute Chapter 143, Article 33C regarding open meetings, and Chapter 132 regarding public records. In addition:

1. A quorum is required for transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting public business. A quorum consists of 51% of the members of the TAC or TCC, plus as many additional members as may be required to ensure that 51% of possible votes are present. Vacant seats will not count against the quorum.
2. Members or alternates should be identified by name on the meeting attendance log.
3. Per NCGS 143-318.13, regarding TCC and/or TAC meetings that are held by use of conference telephone or other electronic means, the LPA shall provide a location and means whereby members of the public may listen to the meeting.
4. Electronic meetings and voting are allowed as long as proper public notice is given and meeting materials are available to the public upon request. Minutes of meetings at which remote participation occurs should reflect which members are physically present and which are not. They should also reflect when members are excused from voting or are excused to leave or rejoin the meeting, just as they would for members who are physically present.
5. Any member who does not attend two consecutive TAC/TCC meetings will not be included as part of the membership needed to obtain a quorum after the second meeting. Membership, however, is immediately reinstated by the presence of the most recently appointed member (or his alternate) at any future meeting.

**Section 5:** Lead Planning Agency Responsibility

The [lead planning agency] shall serve as the Lead Planning Agency and will provide the staff of the MPO, including a Secretary to the TAC and the TCC. As such, [lead planning agency] staff will maintain the official records of the MPO and all state and federal reporting and budgetary requirements in cooperation with the NCDOT staff. The [lead planning agency] will further assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Unified Planning Work Program. Additionally, the [lead planning agency] shall coordinate zoning and subdivision approvals within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan.

The [lead planning agency] will be responsible for initially expending locally derived funds and seeking reimbursement from NCDOT in accordance with the respective funding source.

The [lead planning agency] will be responsible for the following functions:

1. Providing a secretary for the TAC and the TCC
2. Arranging meetings and agenda
3. Maintaining minutes and records
4. Preparing a Prospectus and Unified Planning Work Program
5. Serving as custodian of all MPO plans and documents
6. Collecting from local governments minutes and resolutions that document transportation plan revisions, and submitting these for mutual adoption by the NCDOT
7. Monitoring the transportation planning process to ensure its execution is in accordance with the MPO goals and objectives
8. Performing other coordinating functions as assigned by the TAC as needed
9. Lead responsibility for structuring public involvement in the transportation planning process
10. Preparation of the PL Expenditure Report and other grant/fund management.

The NCDOT will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Unified Planning Work Program. The Transportation Planning Division will designate a [MPO name] Coordinator to serve as Staff liaison and participant in the [MPO name] planning process.

**Section 6:** Cost Sharing

Activities of the MPO, as set forth in the annually adopted Unified Planning Work Program, are funded with Federal Planning funds distributed through the North Carolina Department of Transportation. These funds require a twenty percent (20%) local match. [Include statement about funding agreement between MPO members. Example: Local government members that are parties to the Memorandum of Understanding agree to fund the local match in an amount in direct proportion to their share of the total population contained in the approved Metropolitan Planning Area. Population figures for determination of local match contribution shall be determined based on the most recent Federal Decennial Census.] This funding share shall be invoiced on a regular basis by the [lead planning agency], acting as Lead Planning Agency, and as recipient of the Federal Planning funds distributed by the North Carolina Department of Transportation. Annual local match funds are non- refundable.

**Section 7:** Withdrawal from [MPO name]

Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 180 days written notice to the other parties prior to the date of termination.

**Section 8:**

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, [complete as needed with the following] the City of [city name] by its Mayor, The Town of [town name] by its Mayor, [county name] County by its Chairman of the Board of Commissioners and the North Carolina Department of Transportation by the Secretary of Transportation. This Memorandum of Understanding becomes effective as of the last day signed. The following pages comprise the signature pages from each party to this Memorandum.

**Sample Local Government Resolution**

**RESOLUTION #**

**RESOLUTION PASSED BY THE [MPO member governing body]**

The following resolution was offered by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and seconded by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and upon being put to a vote was carried \_\_\_\_\_\_\_ on the [day] of [month, year].

THAT WHEREAS, it is recognized that a proper transportation system to support movement within and through the [MPO name] (MPO) urbanized area is highly desirable element of a comprehensive plan for the orderly growth and development of the area, and;

WHEREAS, there are a number of governmental jurisdictions within the [MPO name] urbanized area which have been authorized with implementation and regulatory responsibilities for transportation by North Carolina General Statutes, and;

WHEREAS, it is desirable that coordinated, comprehensive and cooperative transportation planning processes be maintained in the [MPO name] urbanized area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare, and;

WHEREAS, a Memorandum of Understanding between the [enter jurisdictions] and the North Carolina Department of Transportation has been entered into that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive and cooperative transportation planning process, and;

NOW, THEREFORE, BE IT RESOLVED BY THE [enter governmental entity name], NORTH CAROLINA:

That the Memorandum of Understanding between the [insert all MPO governmental member names] and the North Carolina Department of Transportation be approved and that the [head of governing body, e.g., Mayor, Chair] and [City, Town, or County] Clerk are hereby directed to enter into and execute the Memorandum of Understanding.

Adopted by the [name of governing body] in regular session this [day] day of [month, year].

[Governing body name]\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

(Seal)

\_\_[signature of clerk]\_\_\_\_\_\_\_ \_[signature of head of governing body]\_\_\_\_\_\_\_

[typed name of Clerk] [typed name of signatory]

Clerk [title, governmental entity]

**North Carolina DOT Example**

This **“MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A METROPOLITAN PLANNING ORGANIZATION”** for the [list all jurisdictions in the MPO planning area] is hereby adopted by the North Carolina Department of Transportation, this the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_\_.

North Carolina Department of Transportation

By: [Signature of Secretary or designee]

[typed name of Secretary or designee]

Title: Secretary (or designee’s title)