

NORTH CAROLINA

DURHAM-CHAPEL HILL-CARRBORO
METROPOLITAN PLANNING ORGANIZATION

MEMORANDUM OF UNDERSTANDING

for

CONTINUING, COOPERATIVE, AND COMPREHENSIVE
TRANSPORTATION PLANNING

between

THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
CITY OF DURHAM, TOWN OF CHAPEL HILL, TOWN OF CARRBORO,
TOWN OF HILLSBOROUGH, COUNTY OF DURHAM,
COUNTY OF ORANGE, COUNTY OF CHATHAM, AND
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

in cooperation with

THE UNITED STATES DEPARTMENT OF TRANSPORTATION

September 10, 1993

WITNESSETH THAT

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

"Each municipality with the cooperation of the Department of Transportation, shall develop a comprehensive plan for a street system that will serve present and anticipated volumes of vehicular traffic in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality and shall provide for the safe and effective use of streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, and other devices. The Department of Transportation may provide financial and technical assistance in the preparation of such plans."; and,

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

"After completion and analysis of the plan, the plan may be adopted by both the governing body of the municipality and the Department of Transportation as the basis for future street and highway improvements in and around the municipality. As a part of the plan, the governing body of the municipality and the Department of Transportation shall reach an agreement as to which of the existing and proposed streets and highways included in the plan will be a part of the State highway system and which streets will be 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, the said Chapter 136, Article 3A, Section 136.66.2(d) provides that:

"Either the municipality 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 municipal governing board."; and,

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

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

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

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

WHEREAS, it is the desire of these agencies that a continuing, cooperative, and comprehensive transportation planning process, be established for the DURHAM-CHAPEL HILL-CARRBORO Urban Area to comply with Title 23 U.S.C. 134; and Sections 3(a)(2), 4(a), 5(g)(1), and 5(1) of the Federal Transit Act of 1991, and the Intermodal Surface Transportation Efficiency Act of 1991 {49 U.S.C. 1602(a)(2), 1603(a), 1604(g)(1), and 1604(1)}. NOW THEREFORE the following MEMORANDUM OF UNDERSTANDING is made:

Section I.

It is hereby agreed that the CITY OF DURHAM, TOWN OF CHAPEL HILL, TOWN OF CARRBORO, TOWN OF HILLSBOROUGH, COUNTY OF DURHAM, COUNTY OF ORANGE, COUNTY OF CHATHAM, 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:

1. The Durham-Chapel Hill-Carrboro Planning Area (as defined by the Metropolitan Area Boundary) will be the Durham-Chapel Hill-Carrboro Urbanized Area, as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized or be affected by urban policies within a twenty year planning period.
2. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) for the Durham-Chapel Hill-Carrboro Urban Area shall include the boards of general purpose local government -- the Durham City Council, Chapel Hill Town Council, Carrboro Board of Aldermen, Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange County Board of Commissioners, and Chatham County Board of Commissioners; the North Carolina Department of Transportation; a Transportation Advisory Committee hereinafter defined; a Technical Coordinating Committee

hereinafter defined; and the various agencies and units of local, State, and federal government participating in transportation planning for the area.

3. The Metropolitan Area Boundary (MAB) will be periodically reviewed and revised in light of new developments, basic data projections for the current planning period, and as may otherwise be required by federal and State laws.
4. The continuing transportation planning process will be a cooperative one and all planning discussions will be reflective of and responsive to the programs of the North Carolina Department of Transportation, and to the comprehensive plans for growth and development of the Municipalities of Durham, Chapel Hill, Carrboro, and Hillsborough; and the Counties of Durham, Orange, and Chatham. Attention will be given to cooperative planning with the Capital Area Metropolitan Planning Organization (CAMPO).
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 Transportation Advisory Committee, the N. C. Board of Transportation, and participating local governments.
7. Transportation plans and programs, and land use policies and programs, for the planning area, having regional impacts, will be coordinated with the Triangle Transit Authority (TTA), the Capital Area Metropolitan Planning Organization (CAMPO), and the Triangle J Council of Governments.
8. A TRANSPORTATION ADVISORY COMMITTEE (TAC) is hereby established with the responsibility for cooperative transportation planning decision making for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). The Transportation Advisory Committee shall have the responsibility for keeping the policy boards 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 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. 134; and Sections 5(1) and 8(a) and 8(c) of the Urban Mass Transportation Act of 1964 as amended {49 U.S.C. 1604(1) and 1607(a) and

1607(c)); including, but not limited to:

- a. Establishment of goals and objectives for the transportation planning process;
- b. Review and approval of a *Prospectus* for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- c. Review and recommendation of changes to the National Highway System, Functional Classification, Urban Area Boundary, and Metropolitan Area Boundary;
- d. Review and approval of the transportation *Unified Planning Work Program* (UPWP);
- e. Review and approval of the comprehensive transportation plan and any changes to the Plan. (The Thoroughfare Plan is an element of the comprehensive transportation plan, and as required by General Statutes' Section 136-66.2(d) revisions in the Thoroughfare Plan must be jointly approved by the local governing boards and the North Carolina Department of Transportation);
- f. Review and approval of the *Transportation Improvement Program* and changes to the *Transportation Improvement Program* for multi-modal capital and operating expenditures and to insure coordination between local and State capital and operating improvement programs;
- g. Revision in membership of the Technical Coordinating Committee hereinafter defined; and
- h. Development and approval of committee bylaws for the purpose of establishing operating policies and procedures.

The membership of the TRANSPORTATION ADVISORY COMMITTEE shall include:

- a. Two members of the Durham City Council;
- b. One member of the Chapel Hill Town Council;
- c. One member of the Carrboro Board of Aldermen;
- d. One member of the Hillsborough Board of Commissioners;
- e. One member of the Durham County Board of Commissioners;
- f. One member of the Orange County Board of Commissioners;

- g. One member of the Chatham County Board of Commissioners; and
- h. One member of the North Carolina Board of Transportation.

It shall be the responsibility of each member jurisdiction to appoint a representative(s) and an alternate(s) to the Transportation Advisory Committee.

A quorum of the Transportation Advisory Committee shall consist of a majority of the voting members whose votes together represent a majority of the total possible weighted votes identified in the weighted vote schedule below. A majority vote shall be sufficient for approval of matters coming before the committee with the exception that a committee member may invoke the following weighted vote provisions on any matter:

<u>Governmental Body</u>	<u>Votes</u>
City of Durham	6*
Town of Chapel Hill	2
Durham County	2
Town of Carrboro	1
Town of Hillsborough	1
Orange County	1
Chatham County	1
N. C. Board of Transportation	1
Total	15

* Three (3) votes per representative

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

- A Division Administrator(s) of the Federal Highway Administration and/or the Federal Transit Administration, or their representative(s);
- A member of the Triangle Transit Authority (TTA) Board of Trustees; and
- Other local, regional, State, or federal agencies impacting transportation in the planning area at the invitation of the TAC.

The Transportation Advisory Committee will meet as often as it is deemed appropriate and advisable. On the basis of a majority vote, the Transportation Advisory Committee may appoint members of the Committee to act as Chair and Vice-Chair with the responsibility for coordination of the Committee's activities. A member of the staff of the City of Durham Department of Transportation will serve as Secretary to the Committee and will work cooperatively with the staff of other jurisdictions.

9. A TECHNICAL COORDINATING COMMITTEE (TCC) shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the Planning Area and with the responsibility for making recommendations to the respective local, State, and federal governmental agencies and the Transportation Advisory Committee regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review, and recommendation for approval and changes to the *Prospectus, Unified Planning Work Program, Transportation Improvement Program, National Highway System, Functional Classification, Urban Area Boundary, the Metropolitan Area Boundary, and the Comprehensive Transportation Plan*, for planning citizen participation, and for documenting reports of the transportation study.

Membership of the Technical Coordinating Committee shall include technical representatives from local and State agencies directly related to and concerned with the transportation planning process for the Planning Area. Representatives will be designated by the chief executive officer of each represented agency. Initially, the membership shall include, but not be limited to, the following:

- a. The City of Durham (5 representatives)
- b. The Town of Chapel Hill (3 representatives)
- c. The Town of Carrboro (2 representatives)
- d. The Town of Hillsborough (1 representative)
- e. Durham County (3 representatives)
- f. Orange County (2 representatives)
- g. Chatham County (1 representative)
- h. The N. C. Department of Transportation (5 representatives)

- i. Triangle "J" Council of Governments (1 representative)
- j. Duke University (1 representative)
- k. N. C. Central University (1 representative)
- l. The University of North Carolina (1 representative)
- m. The Raleigh-Durham Airport Authority (1 representative)
- n. The Triangle Transit Authority (1 representative)
- o. The Research Triangle Park Foundation (1 representative)

In addition to voting membership, the U. S. Department of Transportation shall have two (2) non-voting representatives.

The Technical Coordinating Committee shall meet when it is deemed appropriate and advisable. On the basis of majority vote of its membership, the Technical Coordinating Committee may appoint voting members of the Committee to act as Chair and Vice-Chair with the responsibility for coordination of the Committee's activities.

10. The Durham City Council, Chapel Hill Town Council, Carrboro Board of Alderman, Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange County Board of Commissioners, and Chatham County Board of Commissioners shall serve as the primary means for citizen input to the continuing transportation planning process. During the comprehensive transportation plan reevaluation, citizen involvement in the planning process shall be encouraged during re-analysis of goals and objectives and plan formation. This citizen involvement will be obtained through goals and objectives surveys, neighborhood forums, and public hearings in accordance with procedures outlined in the "North Carolina Highway Action Plan."

The Transportation Advisory Committee may also receive public input or hold public hearings as may also be required by federal or State law.

Section II.

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

City of Durham

The Department of Transportation of the City of Durham will serve as the LEAD PLANNING AGENCY for the transportation planning process in the Planning Area and will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, the City shall coordinate zoning and subdivision approvals within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Town of Chapel Hill

The Town of Chapel Hill will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, the Town shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Town of Carrboro

The Town of Carrboro will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, the Town shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Town of Hillsborough

The Town of Hillsborough will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, the Town shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Durham County

Durham County will assist in the transportation planning process by providing planning assistance, data, and inventories in

accordance with the *Prospectus*. Additionally, Durham County shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Orange County

Orange County will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, Orange County shall, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Chatham County

Chatham County will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the *Prospectus*. Additionally, Chatham County shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan and the mutually 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 thoroughfares designated in the adopted Comprehensive Transportation Plan and the mutually adopted Thoroughfare Plan.

Section III.

Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 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 Durham-Chapel Hill-Carrboro Metropolitan Planning Organization shall continue to operate as long as 75% or more of the population within the Metropolitan Area Boundary is represented by the remaining members. For the purpose of determining 75% representation, the populations within incorporated areas are represented by the respective municipal governments and the populations within the unincorporated areas are represented by the respective county governments.

Section IV.

In witness whereof, the Secretary of Transportation, on behalf of the Governor of the State of North Carolina has signed this Memorandum of Agreement and the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Durham by its City Manager, the Town of Chapel Hill by its Mayor, the Town of Carrboro by its Mayor, the Town of Hillsborough by its Mayor, Durham County by its Chair, Orange County by its Chair, Chatham County by its Chair, and the North Carolina Department of Transportation by the Secretary of Transportation, this 25th day of January, 1994.

(Seal)

Margaret M Bowers
Clerk



CITY OF DURHAM

John Lowell
City Manager

Policy of City of Durham. (a) THE CITY OF DURHAM OPPOSES THE PRACTICE OF APARTHEID IN THE REPUBLIC OF SOUTH AFRICA AND URGES EACH OF ITS CONTRACTORS TO REFRAIN FROM INVESTING OR DOING BUSINESS IN THE REPUBLIC OF SOUTH AFRICA. (b) The City of Durham opposes discrimination on the basis of race and sex and urges all its contractors to provide a fair opportunity for minorities and women to participate in their work force and as subcontractors and vendors under City contracts.



(Seal)

John J. Roberts
Clerk

TOWN OF CHAPEL HILL

By Kenneth S. Brown
Mayor

(Seal)



Paul C. Williamson
Clerk

TOWN OF CARRBORO

By Deen J. Kinross
Mayor

*This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

(Seal)

TOWN OF HILLSBOROUGH

Ronny Ray
Clerk

By *Harvey H. Johnson*
Mayor

(Seal)

COUNTY OF DURHAM

Henry E. Winstead
Clerk

By *Mark V. Williams*
Chair

(Seal)

COUNTY OF ORANGE

Kathleen Baker
Deputy Clerk

By *Moses Carey*
Chair

(Seal)

COUNTY OF CHATHAM

Sandra B. Cape
Clerk

By *Henry W. Dunlap*
Chair

GOVERNOR OF THE STATE OF
NORTH CAROLINA AND THE
NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

By *Samuel J. ...*
Secretary of Transportation

Approved for Execution for Michael Easley, Attorney General

1/21/94
date

By *James E. ...*
Assistant Attorney General