

Mecklenburg-Union Metropolitan Planning Organization

Memorandum of Understanding

September 2003

**MEMORANDUM OF UNDERSTANDING
FOR**

COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING

AMONG

THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
THE NORTH CAROLINA BOARD OF TRANSPORTATION,
THE CITY OF CHARLOTTE, TOWN OF CORNELIUS, TOWN OF DAVIDSON,
TOWN OF HUNTERSVILLE, TOWN OF INDIAN TRAIL, TOWN OF MATTHEWS,
MECKLENBURG COUNTY, TOWN OF MINT HILL, CITY OF MONROE, TOWN OF PINEVILLE,
TOWN OF STALLINGS, UNION COUNTY, TOWN OF UNIONVILLE, TOWN OF WAXHAW, TOWN OF
WEDDINGTON, VILLAGE OF WESLEY CHAPEL and TOWN OF WINGATE, IN COOPERATION WITH THE
UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH THAT:

WHEREAS, Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina requires 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, 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 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, 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 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, various sections of the Transportation Efficiency Act of the 21st Century (TEA 21) of 1998 provide for new transportation programs and modifies some existing programs; and,

WHEREAS, it is the desire of these agencies that the previously established continuing, comprehensive, cooperative transportation planning process, as set forth in the Memoranda of Understanding dated June 24, 1965, April 8, 1975 and December 21, 1981 be revised and updated to comply with 23 U.S.C. subsections 134, as amended; the Urban Mass Transportation Act of 1964, as amended; and the Transportation Efficiency Act of the 21st Century (TEA 21) of 1998.

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 HUNTERSVILLE, TOWN OF INDIAN TRAIL, TOWN OF MATTHEWS, MECKLENBURG COUNTY, TOWN OF MINT HILL, CITY OF MONROE, TOWN OF PINEVILLE, TOWN OF STALLINGS, UNION COUNTY, TOWN OF UNIONVILLE, TOWN OF WAXHAW, TOWN OF WEDDINGTON, VILLAGE OF WESLEY CHAPEL, TOWN OF WINGATE, AND THE NORTH CAROLINA BOARD 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 - the Charlotte Transportation Study Planning Area - will consist of the Charlotte Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census and the remainder of Mecklenburg County, in addition to that area beyond the existing urbanized area boundary and Mecklenburg County that is expected to become urban within a twenty-year planning period. This area is hereinafter referred to as the Planning Area.
- 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 Mecklenburg-Union Metropolitan Planning Organization, hereinafter referred to as the MUMPO, 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 from a member of the North Carolina Board of Transportation:

1. Charlotte City Council
2. Cornelius Board of Commissioners
3. Davidson Board of Commissioners
4. Huntersville Board of Commissioners
5. Indian Trail Town Council
6. Matthews Board of Commissioners
7. Mecklenburg County Board of Commissioners
8. Mint Hill Board of Commissioners
9. Monroe City Council
10. Pineville Town Council
11. Stallings Town Council
12. Union County Board of Commissioners
13. Unionville Board of Commissioners
14. Waxhaw Board of Commissioners
15. Weddington Town Council
16. Wesley Chapel Village Council
17. Wingate Board of Commissioners
18. North Carolina Board of Transportation

Each of the above member agencies may also appoint an alternate, in accordance with the rules contained within the MUMPO Bylaws.

E. The duties and responsibilities of the MUMPO are as follow:

1. The MUMPO 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 in the U. S. Department of Transportation Program Manuals and shall develop the planning work programs, Transportation Plan, and Transportation Improvement Program specified in such manuals.
2. The MUMPO shall be the forum for cooperative decision-making by elected officials of General Purpose Local Government and therefore shall function as a Transportation Advisory Committee in conformance with the North Carolina Highway Action Plan. However, this shall not limit the MUMPO'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 Transportation Plan and the Transportation Improvement Programs.
3. The MUMPO shall establish goals and objectives for the transportation planning process reflective of and responsive to comprehensive plans for growth and development in the Planning Area adopted by Boards of General Purpose Local Government.
4. The MUMPO shall annually review and approve the Unified Planning Work Program, Transportation Plan and Transportation Improvement Program.
5. The MUMPO as required shall review, approve, and endorse amendments to the Unified Planning Work Program, the Transportation Plan and the Transportation Improvement Program.
6. The MUMPO shall be responsible for adopting and amending the Thoroughfare Plan component of the Long Range Transportation Plan. Action of the MUMPO 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).

7. The MUMPO 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.
8. The MUMPO shall review, approve and endorse changes to the Federal-Aid Urban Area System and Boundary, in conformance with Federal regulations.
9. The MUMPO 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
10. The MUMPO shall review and approve related air quality planning in conformance with Federal regulations.
11. The MUMPO shall review and approve energy conservation planning and energy contingency planning for the transportation system in conformance with Federal regulations.
12. The MUMPO is responsible for conducting public involvement and technical analyses to determine the preliminary alignments for transportation projects (both road and transitway) included in the Long Range Transportation Plan. These alignments will be used by local jurisdictions through their land development ordinances for right-of-way protection purposes. Once the MUMPO has adopted an official thoroughfare alignment, the alignment can only be modified by:
 - a. Official MUMPO action; or
 - b. Action of the MUMPO's Technical Coordinating Committee (TCC), (which is described in Section I.H of this Memorandum of Understanding) under the following criteria:
 - i. The TCC finds the proposed alignment to be technically reasonable; and,
 - ii. The proposed alignment enters and exits the affected property at the officially approved location and angle or curvature; and
 - iii. The TCC finds that the proposed alignment does not move closer than 500 feet to an adjacent land owner's property boundary; or
 - iv. If the proposed alignment is already within 500 feet of an adjacent property, the shift in the alignment is away from the property.

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

13. The representatives from each General Purpose Local Government on the MUMPO 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 MUMPO when formal action involving the Transportation Plan is taken by his/her local government.
14. The MUMPO is responsible for the distribution of funds distributed to MUMPO's under the provisions of TEA 21.
15. The MUMPO shall adopt a set of Bylaws for the MUMPO and the TCC. Amendments to either set of Bylaws shall occur by a **3/4** vote of the MUMPO.
16. The MUMPO shall maintain a centralized information repository including but not limited to the Long Range Transportation Plan including the Thoroughfare Plan; the Unified Planning Work Program (UPWP); air quality conformity analysis; MUMPO and TCC Bylaws and membership lists; copies of all draft and final environmental studies, public hearing maps, roadway corridor

official maps, and noise reports on projects within the MUMPO boundaries; copies of adopted transportation project alignments; the Transportation Improvement Program (TIP) (local and state); and any other appropriate archival information. The MUMPO 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.

17. The MUMPO shall have the primary responsibility for citizen input into the continuing transportation planning process. During transportation plan reevaluation, citizen involvement in the planning process shall be encouraged for reanalysis 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 outlines in the “North Carolina Highway Action Plan.”

18. Any other duties identified as necessary to further facilitate the transportation planning process.

F. MUMPO shall consist of both voting and non-voting members.

Voting membership in MUMPO will consist of representatives of the following General Purpose Local Government units and the North Carolina Board of Transportation (as of May 17, 2000), which shall have the indicated number of votes:

Unit	number of votes
City of Charlotte	16
Town of Cornelius	1
Town of Davidson	1
Town of Huntersville	2
Town of Indian Trail	1
Town of Matthews	2
Mecklenburg County	2
Town of Mint Hill	2
City of Monroe	2
Town of Pineville	1
Town of Stallings	1
Union County	2
Town of Unionville	1
Town of Waxhaw	1
Town of Weddington	1
Village of Wesley Chapel	1
Town of Wingate	1
N.C. Board of Transportation (NCBOT)	1
Total	39

The NCBOT shall have one voting member.

Cities/Towns within the Planning Area must have at least 5,000 population and must also have local land use plans and development ordinances in place in order to be voting members. A county other than 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 Census reports of the population of each jurisdiction including, in Mecklenburg County, their Spheres of Influence, 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
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 MUMPO.

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

G. MUMPO 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. The MUMPO cannot override the position of any individual local municipality on a project for a road that does not carry an I., U.S., or N.C. route designation when any portion of the project is within that 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 MPO and TCC 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 MUMPO Bylaws.

- 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 MUMPO 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), Transportation Improvement Program, Federal-Aid Urban System and Boundary, revisions to the Transportation Plan, planning citizen participation, and documentation reports on the transportation study.

Membership of the TCC shall include technical representation from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area. MUMPO approval of TCC membership changes shall be required.

TCC Membership:

1. Charlotte Department of Transportation Key Business Executive
2. Charlotte-Douglas International Airport Aviation Director
3. Charlotte Engineering and Property Management Key Business Executive

4. Charlotte-Mecklenburg Bicycle Coordinator
5. Charlotte-Mecklenburg Planning Commission Key Business Executive
6. City of Monroe
7. Mecklenburg County Engineering and Building Standards Department Director
8. Mecklenburg County Department of Environmental Protection Director
9. The Metropolitan Transit Commission's Chief Transit Officer
10. N.C. Department of Transportation (NCDOT) Division 10 - Division Engineer
11. NCDOT Public Transportation Division Director
12. NCDOT Statewide Planning Branch Manager
13. Town of Davidson
14. Town of Cornelius
15. Town of Huntersville
16. Town of Indian Trail
17. Town of Matthews
18. Town of Mint Hill
19. Town of Pineville
20. Town of Stallings
21. Town of Unionville
22. Town of Waxhaw
23. Town of Weddington
24. Village of Wesley Chapel
25. Town of Wingate
26. Union County

A TCC member (or alternate) cannot be an elected official holding office in any MUMPO 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. 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 MUMPO 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.

Other local agencies, organizations, and individuals, upon filing a request with the TCC Secretary, will be informed of the time, date, and location of all meetings of the TCC and may attend meetings. Such agencies would include (but not be limited to):

1. Cabarrus/S. Rowan Metropolitan Planning Organization (MPO) Coordinator
2. Centralina Council of Governments
3. Charlotte Center City Partners
4. Charlotte-Mecklenburg Schools
5. City of Charlotte departments/offices
6. City of Monroe departments/offices
7. Federal Highway Administration (FHWA) NC Administrator
8. Federal Transportation Administration (FTA) – Region IV Planning Assistance Director
9. Gaston MPO Coordinator
10. Mecklenburg County departments/offices
11. Monroe Regional Airport
12. NCDOT District Engineers
13. NCDOT Division and Area Traffic Engineers
14. Rock Hill Fort Mill Area Transportation Study MPO Coordinator
15. Union County Schools

16. Union County departments/offices
17. Union County local municipalities' departments/offices

Notification will also be furnished to any private transportation operator, upon receipt of a request.

The TCC shall meet in accordance with schedules set forth in the TCC Bylaws. The Chairperson may cancel a regular meeting if there is insufficient business on the TCC's tentative agenda.

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

1. Arranging meetings and agendas
2. Maintaining minutes and records
3. Maintaining Policy Manual
4. Preparing a Prospectus and Unified Planning Work Program (UPWP)
5. Assembling and publishing the Transportation Improvement Program
6. Serving as custodian of the Transportation Plan
7. 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 MUMPO or local governments involved.
8. Monitoring the transportation planning process to insure its execution is in accordance with goals and objectives
9. Performing other coordinating functions as assigned by the MUMPO from time to time
10. Taking lead responsibility for structuring public involvement in the transportation planning process
11. Preparing the annual PL Expenditure Report
12. Supervising MPO staff

The Program Manager shall be hired by the Charlotte-Mecklenburg Planning Commission's Key Business Executive with the concurrence of the Chairs of the MUMPO and TCC. The Program Manager shall regularly report to the TCC and MUMPO on coordination activities and shall electronically or in writing inform interested parties of actions scheduled for consideration by the TCC and MUMPO.

- J. 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 MUMPO. The MUMPO agrees to raise additional funds necessary through an annual fee paid by Union County and Mecklenburg County. This fee shall be sufficient to cover the cost of staffing of two full-time engineers. The fee shall be apportioned between the two counties based on the dollar amount allocated in the seven-year NC TIP to the MUMPO planning area in each county. During the first quarter of every even-numbered year as part of the development of the Unified Planning Work program, the MPO shall review the process for sharing the funding of MPO activities and establish funding responsibility for each county. For Mecklenburg County, the share required for each voting member will be proportional to the number of votes for that Mecklenburg County member. Similarly, for Union County, the share required for each voting member will be proportional to the number of votes for that Union County member. Any member not providing their share of the funding by the beginning of the next Federal Fiscal Year shall forfeit their 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 MUMPO 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 MUMPO 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 Thoroughfare Plan within 60 calendar days of the annexation. After two (2) years from the date of adoption 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 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 Huntersville by its Mayor, the Town of Indian Trail by its Mayor, the Town of Matthews by its Mayor, Mecklenburg County by the Chair of its Board of Commissioners, the Town of Mint Hill by its Mayor, the City of Monroe by its Mayor, the Town of Pineville by its Mayor, the Town of Stallings by its Mayor, Union County by the Chair of its Board of Commissioners, The Town of Unionville by its Mayor, the Town of Waxhaw by its Mayor, the Town of Weddington by its Mayor, the Village of Wesley Chapel by its Mayor, and the Town of Wingate by its Mayor.