

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 27, 2014 AGENDA ITEM NUMBER: 3

**SUBJECT: RESOLUTION ADOPTING A REVISED MEMORANDUM OF UNDERSTANDING FOR TRANSPORTATION PLANNING FOR THE HIGH POINT METROPOLITAN PLANNING ORGANIZATION**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:** Recommend Approval

**SUMMARY OF INFORMATION:**

See attached

ATTACHMENTS:  YES  NO

SIGNATURE:

*J. Kendall Watts, Jr.*  
COUNTY MANAGER

DATE:

October 22, 2014

**RESOLUTION ADOPTING A REVISED MEMORANDUM OF UNDERSTANDING  
FOR TRANSPORTATION PLANNING FOR THE  
HIGH POINT METROPOLITAN PLANNING ORGANIZATION**

**WHEREAS**, after the 2000 Census expanded the boundaries of the High Point Urbanized Area to include portions of Forsyth County, Forsyth County was officially invited to become a member of the Transportation Advisory Committee and the Technical Coordinating Committee for the High Point Metropolitan Planning Organization; and

**WHEREAS**, on September 22, 2003, the Forsyth County Board of Commissioners adopted a Resolution of Intent to Join the High Point Urbanized Area Metropolitan Planning Organization Transportation Advisory Committee and Technical Coordinating Committee; on May 24, 2004, the Forsyth County Board of Commissioners adopted a Resolution Appointing Commissioner Walter Marshall to represent Forsyth County on these committees; and on June 27, 2005, the Forsyth County Board of Commissioners adopted a Resolution Adopting a Revised Memorandum of Understanding for Transportation Planning for the High Point Urbanized Area Metropolitan Planning Organization; and

**WHEREAS**, the attached High Point Metropolitan Planning Organization Memorandum of Understanding for Transportation Planning is being further amended to reflect additional changes in the membership of the Transportation Advisory Committee and the Technical Coordinating Committee to add the City of Lexington and Town of Denton and to reflect modifications and updates in Federal and State law, policies, and personnel; and

**WHEREAS**, the High Point Metropolitan Planning Organization, as revised, will include the City of High Point, City of Thomasville, City of Archdale, City of Trinity, City of Lexington, Town of Denton, Town of Jamestown, Town of Wallburg, County of Davidson, County of Forsyth, County of Guilford, County of Randolph, and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation;

**NOW, THEREFORE, BE IT RESOLVED** by the Forsyth County Board of Commissioners that the attached revised High Point Metropolitan Planning Organization Memorandum of Understanding between the City of High Point, City of Thomasville, City of Archdale, City of Trinity, City of Lexington, Town of Denton, Town of Jamestown, Town of Wallburg, Guilford County, Davidson County, Randolph County, Forsyth County and the North Carolina Department of Transportation is hereby adopted, subject to a pre-audit certificate thereon by the Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

**BE IT FURTHER RESOLVED** that the Forsyth County Board of Commissioners hereby authorizes and ratifies execution by the County Manager or the Chairman and the Clerk to the Board of the said revised Memorandum of Understanding on behalf of Forsyth County as an interlocal agreement for the purposes outlined herein as required by N.C.G.S. 160A-461, subject to a pre-audit certificate thereon by the Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

**BE IT FURTHER RESOLVED** that this resolution ratifying interlocal cooperation by Forsyth County is hereby spread upon the minutes of the Forsyth County Board of Commissioners.

Adopted this the 27<sup>th</sup> day of October 2014.

**MEMORANDUM OF UNDERSTANDING  
FOR  
COOPERATIVE, COMPREHENSIVE, AND CONTINUING  
TRANSPORTATION PLANNING  
AMONG**

**THE GOVERNOR OF THE STATE OF NORTH CAROLINA,  
THE CITY OF ARCHDALE, CITY OF HIGH POINT, CITY OF LEXINGTON, CITY  
OF THOMASVILLE, CITY OF TRINITY, COUNTY OF DAVIDSON, COUNTY  
OF FORSYTH, COUNTY OF GUILFORD, COUNTY OF RANDOLPH, TOWN OF  
DENTON, TOWN OF JAMESTOWN, TOWN OF WALLBURG AND THE NORTH  
CAROLINA DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH  
THE UNITED STATES DEPARTMENT OF TRANSPORTATION**

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**Article I. Purpose of the Agreement**

The purpose of this agreement is to provide the organizational structure needed to fulfill the requirements of 23 U.S.C. §134(b), G.S. §136-66.2 and G.S. §136-200 through 136-202, inclusive. The provisions of the North Carolina General Statutes are intended to supplement the provisions of Federal Law. If provisions of the General Statutes conflict with the requirements of Federal Law then the provisions of Federal Law shall control.

**Article II. Roles and Responsibilities**

The Metropolitan Planning Organization is responsible for carrying out a transportation planning process in accordance with U.S.C. §134, any subsequent amendments to that statute, and any implementing regulations as follows:

- Developing and approving a long range transportation plan for the Metropolitan Planning Area,
- Amending the Metropolitan Transportation Plan to reflect changing conditions,
- Making a determination that the long range transportation plan conforms to the intent of the North Carolina State Air Quality Implementation in parts of its Metropolitan Planning Area that are classified as nonattainment or maintenance for transportation related National Ambient Air Quality Standard,
- Developing and approving a transportation improvement program,
- Amending the transportation improvement program to maintain consistency with the North Carolina State Transportation Improvement Program,
- Making determination that the metropolitan transportation improvement program conforms to the intent of the North Carolina State Air Quality Implementation in parts

of its Metropolitan Planning Area that are classified as nonattainment or maintenance for transportation related National Ambient Air Quality Standard,

- Reviewing, approving, and endorsing a Prospectus for transportation planning that defines work tasks and responsibilities of the agencies participating in the transportation planning process,
- Developing and maintaining an annual budget (the Unified Planning Work Program) intended to produce a transportation plan and transportation improvement program,
- Review, approve, and endorse changes to the Federal Highway Administration Functional Classification System, the Metropolitan Area Boundary, and the Adjusted Urbanized Area Boundary if adopted,
- Approving and distributing any federal funds designated for the High Point Metropolitan Planning Organization under current, and future, transportation authorization(s),
- Adopting the bylaws and procedures necessary for the day to day operation of the Metropolitan Planning Organization, and
- Other transportation related activities necessary to meet the obligations stated above.

G.S. §136-66.2 makes metropolitan planning organizations in North Carolina responsible for:

- Developing a transportation plan in accordance with 23 U.S.C §134, and
- Representing the interests of member governments to the North Carolina Department of Transportation.

## **Section 2.01 Definitions**

This section defines words and terms that have special meanings in the context of this Memorandum that may be different from their definition in common use.

An *ex officio* member is a person whose membership is a result of the position they hold. Unless otherwise stated, in this Memorandum, *ex officio* members have all of the rights and responsibilities of other members.

## **Section 2.02 Additional Rights and Responsibilities of Member Governments**

Member governments shall coordinate zoning and subdivision approval in accordance with the adopted Transportation Plan. 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 for Transportation Planning.

The Lead Planning agency serves as the recipient of federal planning funds under 23 U.S.C Section 104(f). *The High Point Department of Transportation will serve as the Lead Planning Agency for transportation planning in the Planning area.*

### **Section 2.03 Metropolitan Planning Area**

The High Point Urban Metropolitan Planning Area consists of the High Point Urban 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 within a twenty-year planning period. In addition this area also includes all of Davidson County not included in the Winston-Salem Urbanized Area.

This area is hereinafter referred to as the Planning Area.

### **Section 2.04 The Board of Directors (The Transportation Advisory Committee)**

The Board of Directors, hereafter called the Transportation Advisory Committee (or TAC) is the policy board of the MPO. *By definition, in 23 U.S.C. (b) (2), the TAC is the Metropolitan Planning Organization.*

#### **(a) Membership**

The voting Membership of the Board of Directors will consist of one representative of each unit of local government that is a signatory to this agreement and the three Members of the Board of Transportation representing the NCDOT Operating Divisions included in the Metropolitan Planning Boundary. Each agency may also, at its sole discretion; appoint an alternate member to serve in the member's absence. *Voting members, and alternates, must be elected or appointed officials.*

The Federal Highway Division Administrator for North Carolina, or his designee, shall be an *ex officio* non-voting member of the Board of Directors. The executive director of the MPO shall also be an *ex officio* non-voting member of the TAC.

The TAC membership also includes one person representing public transportation. This person is to be determined by the other members.

The Board of Directors may add other, advisory non-voting, members at its discretion as defined in the Bylaws. Each voting member of the TAC shall have one vote as listed in the table below:

<b>Jurisdiction</b>	<b>Votes</b>
City of Archdale	1
City of High Point	1
City of Lexington	1
City of Thomasville	1
City of Trinity	1
Davidson County	1
Forsyth County	1

Guilford County	1
Randolph County	1
Town of Denton	1
Town of Jamestown	1
Town of Wallburg	1
NCDOT Division 7	1
NCDOT Division 8	1
NCDOT Division 9	1
Public Transportation	1
<b>Total</b>	<b>16</b>

**(b) Duties**

The TAC, in cooperation with the North Carolina Board of Transportation, shall carry out the urban transportation planning process specified in the U.S. Department of Transportation Regulations, or Program Manuals and shall develop the work programs, transportation plans, and transportation improvement programs and other documents specified in such regulations or manuals.

The TAC shall be the forum for *continuing, cooperative, and comprehensive* transportation decision-making by elected officials of general purpose local government and shall function in conformance with the North Carolina Unified Public Involvement Plan (UPEP) and its successor documents. The TAC's responsibilities include (1) ensuring that the Transportation Planning Process and the plans and improvement projects that emerge from that process are consistent with the policies and desires of local government, and (2) serving as a forum for resolving conflicts that arise during the development of the Transportation Plan, the Transportation Improvement Program and Transportation Projects.

The TAC shall review and approve a metropolitan transportation plan as required by federal law and general statute.

The TAC shall review and approve a metropolitan transportation improvement program as required by federal law and general statute.

The TAC shall review and approve the Planning Work Program and Transportation Improvement Program and ensure they comply with the Transportation Plan.

The TAC shall review, approve, and endorse amendments to the Planning Work Program, the Transportation Plan and the Transportation Improvement Program.

The TAC shall review, approve and endorse changes to the Federal-Functional Classification System, Urban Area Boundary and Metropolitan Area Boundary.

The TAC shall review, approve, and endorse a Prospectus for transportation planning defining the work tasks and responsibilities for the agencies participating in the transportation planning process.

The TAC shall review and approve related air quality planning in conformance with federal regulations.

The TAC shall provide policy direction to the technical coordinating committee and the executive director of the MPO as they develop products for the MPO.

TAC members shall have the responsibility for keeping 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.

**Section 2.05      The Technical Coordinating Committee**

Transportation Planning is a specialized field. To give the TAC access to the technical expertise necessary to meet the requirements of federal and state law, a Technical Coordinating Committee, hereinafter referred to as the TCC, shall be established with the responsibility of advising the TAC Board of Directors on the technical aspects of the transportation planning process, performing any technical analysis necessary to support transportation planning, and for making recommendations to the TAC and local and State governmental agencies 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, Transportation Improvement Program, Federal-Aid Urban System and Boundary, revisions to the Transportation Plan, planning citizen participation, and documentation reports on the transportation study. In addition the TCC may prepare MPO comments on other elements of the transportation project development process (e.g., Feasibility Studies, NEPA documents, and the NEPA Merger Process).

**(a) Membership**

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.

Initially, the membership shall include the following or their official designee:

<b>Jurisdiction</b>	<b>Votes</b>
<b>City of Archdale (appointed by the City Manager)</b>	<b>1</b>

Jurisdiction	Votes
<b>City of High Point</b>	
Director of Transportation	1
Director of Planning	1
MPO Administrator	1
General Manager of Hitran	1
<b>City of Lexington (Appointed by the City Manager)</b>	1
<b>City of Thomasville</b>	
(appointed by the City Manager)	1
(appointed by the City Manager)	1
<b>City of Trinity (appointed by the City Manager)</b>	1
<b>Davidson County-Director of Planning</b>	1
<b>Forsyth County-Director of Planning</b>	1
<b>Guilford County-Director of Planning</b>	1
<b>Randolph County-Director of Planning</b>	1
<b>Town of Denton</b>	1
<b>Town of Jamestown (appointed by the City Manager)</b>	1
<b>Town of Wallburg</b>	1
<b>NCDOT Division 7-Division Engineer</b>	1
<b>NCDOT Division 8-Division Engineer</b>	1
<b>NCDOT Division 9-Division Engineer</b>	1
<b>NCDOT Manager - Transportation Planning Branch</b>	1
<b>NCDOT Director of Public Transportation</b>	1
<b>USDOT – FHWA North Carolina Division Administrator (<i>ex officio</i> – nonvoting)</b>	0
<b>USDOT – Federal Transit Administration, Region IV Director of Planning Assistance(<i>ex officio</i>-nonvoting)</b>	0
<b>Piedmont Authority for Regional Transportation – Executive Director</b>	1
<b>Total</b>	<b>23</b>

Other local agencies, upon filing a request, will be informed of all meetings of the TCC and may attend meetings. The TCC may add members in accordance with its adopted Bylaws.

**(b) Duties**

The TCC is responsible for general review, guidance, and coordination of the transportation planning process for the planning area and making recommendations to the respective local and State governmental agencies and the TAC regarding any necessary actions relating to the



continuing transportation planning process. The TCC shall be responsible for developing, reviewing, and recommendation for approval of the Prospectus for Transportation Planning, the Transportation Improvement Program, Federal-Aid Urban System and Boundary, the Transportation Plan, revisions to the Transportation Plan, planning citizen participation, and documentation reports on the transportation study.

### **Section 2.06 Executive Director**

Administrative coordination for the TAC and the TCC will be performed by an Executive Director. The Executive Director shall be the Transportation Planning Administrator for the City of High Point and shall report to the High Point Director of Transportation.

The Executive Director:

- Is *ex officio* the Secretary of the Board of Directors (the TAC),
  - Arranges meetings and agendas,
  - Maintains minutes and records,
- Is *ex officio* the Secretary of the TCC,
  - Arranges meetings and agendas,
  - Maintains minutes and records,
- Prepares the Prospectus,
- Prepares the Unified Planning Work Program
- Prepares a Transportation Improvement Program in accordance with Federal and State regulations and requirements,
- Develops a Transportation Plan in accordance with Federal and State regulations,
- Maintains the Transportation Plan,
- Executes the Transportation Planning process in accordance with Federal and State laws and regulations,
- Prepares invoices and progress reports in accordance with federal, state, and local requirements,
- Structures the public involvement process needed to ensure that the UPWP, transportation plan, transportation improvement program, and any transportation conformity determinations meet federal requirements,
- Consults with the Board of Directors and the TCC regarding the best approaches to performing the duties listed above, and
- Serves as the MPO's ethics liaison for compliance with N.S.G.C Ch. 138A.

### **Article III. Payment Schedule**

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 TAC. Administration of funding in support of the Transportation Planning Process on behalf of the TAC will be conducted by the City of High Point who will execute appropriate agreements with funding agencies as provided by the Planning Work Program.

The local match for the Federal Aid planning funds will be determined based on the current federal matching requirements. The signatory general purpose local governments will contribute to the local match requirement based on their percentage of the population within the planning area at the most recent decennial census. Member governments may also be asked to contribute additional local funding for projects wholly within their municipal limits.

### **Article IV. Duration of the Agreement**

This agreement remains in effect until the High Point MPO is redesignated under 23 U.S.C. 134(d) (5), or the agreement is voided by mutual consent.

The document may be amended or voided by a two thirds vote of the TAC.

Agencies subscribing to this Memorandum of Understanding may terminate their participation in the Continuing Transportation Planning Process by giving thirty days written notice to other parties prior to the date of termination.

### **Article V. Signatures**

In witness whereof, the Secretary of Transportation on behalf of the Governor of the State of North Carolina and the other parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Archdale by its Mayor, the City of High Point by its Mayor, the City of Lexington by its Mayor, the City of Thomasville by its Mayor, the City of Trinity by its Mayor, the Town of Denton by its Mayor, the Town of Jamestown by its Mayor, the Town of Wallburg by its Mayor Davidson County by its Chairman of the Board of Commissioners, Forsyth County by its Chairman of the Board of Commissioners, Guilford County by its Chairman of the Board of Commissioners, Randolph County by its Chairman of the Board of Commissioners, and the Department of Transportation by the Secretary of Transportation. This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

(Seal)

CITY OF HIGH POINT

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

Resolution Date \_\_\_\_\_

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(Seal)

CITY OF THOMASVILLE

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

Resolution Date \_\_\_\_\_

(Seal)

CITY OF ARCHDALE

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

Resolution Date \_\_\_\_\_

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(Seal)

CITY OF LEXINGTON

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

(Seal)

CITY OF TRINITY

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

Resolution Date \_\_\_\_\_

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(Seal)

TOWN OF JAMESTOWN

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

Resolution Date \_\_\_\_\_



(Seal)

DAVIDSON COUNTY

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Chairman

Resolution Date \_\_\_\_\_

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(Seal)

FORSYTH COUNTY

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Chairman

Resolution Date \_\_\_\_\_

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(Seal)

GUILFORD COUNTY

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Chairman

Resolution Date \_\_\_\_\_

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(Seal)

RANDOLPH COUNTY

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Chairman

Resolution Date \_\_\_\_\_

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(Seal)

TOWN OF DENTON

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

Resolution Date \_\_\_\_\_

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(Seal)

TOWN OF WALLBURG

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

Resolution Date \_\_\_\_\_

NORTH CAROLINA

DEPARTMENT OF TRANSPORTATION

(Seal)

By \_\_\_\_\_

Secretary of Transportation

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Approved as to form by, Attorney General

\_\_\_\_\_ By \_\_\_\_\_

Date

Attorney General