

MEMORANDUM OF UNDERSTANDING

FOR

COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION
PLANNING

Between

THE CITY OF WILMINGTON, TOWN OF CAROLINA BEACH, TOWN OF KURE
BEACH, TOWN OF WRIGHTSVILLE BEACH, COUNTY OF NEW HANOVER,
TOWN OF BELVILLE, TOWN OF LELAND, TOWN OF NAVASSA, COUNTY OF
BRUNSWICK, COUNTY OF PENDER, CAPE FEAR PUBLIC TRANSPORTATION
AUTHORITY AND THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

WITNESSETH

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

“Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality’s interests to the Department of Transportation.”; and,

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

“After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation street and highway improvements in and around the municipality or within the MPO. As a part of the plan, the governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities;” and,

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

“For MPOs, either the MPO or the Department of Transportation may propose

changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO.”; and,

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

It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

To accomplish the objective stated in paragraph (1), metropolitan planning organizations, in cooperation with the state and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the state and the United States.

The process for developing the 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 to be addressed.

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

The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

(A) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(B) Increase the safety of the transportation system for motorized and non-motorized users;

(C) Increase the security of the transportation system for motorized and non-motorized users;

(D) Increase the accessibility and mobility options available to people and for freight;

(E) Protect and enhance the environment, promote energy conservation, and improve quality of life;

(F) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(G) Promote efficient system management and operation; and

(H) Emphasize the preservation of the existing transportation system.

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

Each metropolitan planning organization shall prepare, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long-range transportation plan for its metropolitan area in accordance with the requirements of this subsection. A long-range transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

(A) An identification of transportation facilities (including but not necessarily limited to major roadways, transit, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the long-range transportation plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

(B) A financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the metropolitan planning organization and state shall cooperatively develop estimates of funds that will be available to support plan implementation.

(C) Assess capital investment and other measures necessary to—
(i) ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities; and
(ii) make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(D) Indicate as appropriate proposed transportation enhancement activities.

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

In cooperation with the state and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a Metropolitan Transportation Improvement Program for the area for which the organization is designated.

In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed program.

For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and state shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

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 Memorandum of Understanding dated October 24, 2002, be revised and updated. NOW THEREFORE, the following Memorandum of Understanding is made.

Section 1. It is hereby agreed that the CITY OF WILMINGTON, TOWN OF CAROLINA BEACH, TOWN OF KURE BEACH, TOWN OF WRIGHTSVILLE BEACH, COUNTY OF NEW HANOVER, TOWN OF BELVILLE, TOWN OF LELAND, TOWN OF NAVASSA, COUNTY OF BRUNSWICK, COUNTY OF PENDER, CAPE FEAR PUBLIC TRANSPORTATION AUTHORITY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with

the UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuous planning process as related in the following paragraphs:

1. The Metropolitan Planning Organization in the Wilmington Urban Area includes the boards of general purpose local government: Wilmington City Council; Carolina Beach Town Council; Kure Beach Town Council; Wrightsville Beach Board of Alderman; New Hanover County Board of Commissioners; Belville Board of Commissioners; Leland Town Council; Navassa Town Council; Brunswick County Board of Commissioners; Pender County Board of Commissioners; the Cape Fear Public Transportation Authority; and the North Carolina Board of Transportation; a Transportation Advisory Committee hereinafter defined; a Technical Coordinating Committee hereinafter defined; and the various agencies and units of local and state government participating in the transportation planning for the area.
2. The area involved, the Wilmington Urban Area MPO Metropolitan Area Boundary, will be the Wilmington 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 urban within a 20-year planning period.
3. The projected Metropolitan Area Boundary will be periodically re-assessed and revised in the light of new developments and basic data projections for the current planning period.
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 Wilmington, Carolina Beach, Kure Beach, Wrightsville Beach, Belville, Leland, Navassa, and the counties of New Hanover, Brunswick and Pender.
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 responsibility of the Wilmington City Council; Carolina Beach Town Council; Kure Beach Town Council; Wrightsville Beach Board of Alderman; New Hanover County Board of Commissioners; Belville Board of Commissioners; Leland Town Council; Navassa Town Council; Brunswick County Board of Commissioners; Pender County Board of Commissioners; Cape Fear Public Transportation Authority and the North Carolina Board of Transportation.

7. Transportation plans and programs and land use policies and programs, for the local urbanized area, having regional impacts will be coordinated with the Cape Fear Council of Governments, an agency established by the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, New Hanover County, Town of Belville, Town of Leland, Town of Navassa, Brunswick County, Pender County, and other municipalities and counties of the region.
8. A Transportation Advisory Committee (TAC) is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the Wilmington Urban Area Metropolitan Planning Organization. The Transportation Advisory Committee (TAC) shall have the responsibility for keeping the policy boards informed of the status and requirements of the transportation planning process; assist in the dissemination and clarification of the decisions, inclinations, and policies of the policy boards; and ensuring meaningful citizen participation in the transportation planning process.

The Transportation Advisory Committee (TAC) will be responsible for carrying out the provisions of 23 U.S.C. 134; and Sections 5(1) and 8(a) and (c) of the Urban Mass Transportation Act of 1964 as amended, (49 U.S.C. 1604(1) and 1607(a) and (c); including:

- a. Review and approval of the transportation Planning Work Program which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- b. Review and approval of the Metropolitan Transportation Improvement Program for multi-modal capital and operating expenditures and to ensure coordination between local and State capital and operating improvement programs;
- c. Endorsement, review and approval of changes to the adopted Long Range Transportation Plan. As required by the General Statutes Section 136-66.2(d) revisions in the Transportation Plan must be jointly approved by the MPO and the North Carolina Department of Transportation;
- d. Endorsement, review and approval of changes to the Federal-Aid Functional Classification System and the Wilmington Adjusted Urbanized Area;
- e. Establishment of goals and objectives for the transportation planning process.

- f. May install bylaws for the purpose of establishing a quorum and operating policies and procedures.

The membership of the Transportation Advisory Committee shall include:

- a. Two members of the Wilmington City Council;
- b. One member of the Carolina Beach Town Council;
- c. One member of the Kure Beach Town Council;
- d. One member of the Wrightsville Beach Board of Alderman;
- e. One member of the New Hanover County Board of Commissioners;
- f. One member of the Belville Board of Commissioners;
- g. One member of the Leland Town Council;
- h. One member of the Navassa Town Council;
- i. One member of the Brunswick County Board of Commissioners;
- j. One member of the Pender County Board of Commissioners;
- k. One member of the Cape Fear Public Transportation Authority (this member shall be the appointee to the Cape Fear Public Transportation Authority from the New Hanover Board of Commissioners); and
- l. One member of the North Carolina Board of Transportation;

Representatives from each of the following bodies will serve as non-voting members of the Transportation Advisory Committee (TAC).

- Federal Highway Administration (North Carolina Division Administrator)
- Cape Fear Council of Governments
- North Carolina State Ports Authority
- New Hanover County Airport Authority
- North Carolina Turnpike Authority
- Other local, 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 majority vote, the Transportation Advisory Committee may appoint a member of the Committee to act as Chairperson with the responsibility for coordination of the Committee's activities. A member of the staff of the Wilmington Department of Development Services, acting as MPO Coordinator, will serve as Secretary to the Committee.

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 and State governmental agencies and the Transportation Advisory Committee (TAC) 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 Planning Work Program, Transportation Improvement Program, Metropolitan Area Boundary, revisions to the Long Range Transportation Plan, planning citizen participation, and documentation reports of the MPO.

Membership of the Technical Coordinating Committee 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. Initially, the membership shall include, but not be limited to, the following:

- a. Director of Department of Development Services, City of Wilmington;
- b. MPO Coordinator and Senior Transportation Planner, City of Wilmington;
- c. Planning Division Manager, City of Wilmington (alternate: Senior Long Range Planner);
- d. Traffic Engineer, City of Wilmington;
- e. Transportation Demand Management Coordinator, Cape Fear Breeze;
- f. Planner, Town of Carolina Beach;
- g. Town Clerk, Town of Kure Beach;
- h. Director of Planning and Parks, Town of Wrightsville Beach;
- i. Assistant Manager, New Hanover County;
- j. Director, New Hanover County Planning Department;
- k. Deputy Director, Wilmington International Airport;
- l. Planner, North Carolina State Ports Authority;
- m. Planner, Town of Belville;
- n. Town Manager, Town of Leland (alternate: Director of Developmental Services);

- o. Town Council Member – Planning Administrator, Town of Navassa;
- p. Director, Brunswick County Planning Department;
- q. Director, Pender County Planning Department;
- r. Planning Director, Cape Fear Council of Governments;
- s. Division Engineer, Division of Highways, North Carolina Department of Transportation;
- t. Division Traffic Engineer, Division of Highways, North Carolina Department of Transportation;
- u. Division Operations Engineer, Division of Highways, North Carolina Department of Transportation;
- v. Division Construction Engineer, Division of Highways, North Carolina Department of Transportation;
- w. Wilmington Urban Area Coordinator, Transportation Planning Branch, North Carolina Department of Transportation;
- x. Transit Planner, Public Transportation Division, North Carolina Department of Transportation;
- y. District Engineer, North Carolina Division, Federal Highway Administration, United States Department of Transportation (Advisory and non-voting member);
- z. Planning and Research Engineer, North Carolina Division, Federal Highway Administration, United States Department of Transportation (Advisory and non-voting);
- aa. Director, Cape Fear Public Transportation Authority
- bb. General Manager, Brunswick Transit Systems
- cc. Director, Pender Adult Services

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 a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities. On the basis of majority vote of its membership, the Technical Coordinating Committee may also appoint a vice-chair to lead meetings in the absence of the chair. Membership to the Technical Coordinating Committee may be altered on the basis of a majority vote of its membership, provided all agencies with TAC membership are represented.

- 10. The Wilmington City Council; Carolina Beach Town Council; Kure Beach Town Council; Wrightsville Beach Board of Alderman; New Hanover County Board of Commissioners; Belville Board of Commissioners; Leland Town Council; Navassa Town Council; Brunswick County Board of Commissioners; Pender County Board of Commissioners; Cape Fear Public Transportation Authority; and the North Carolina Board of Transportation shall serve as the primary means for citizen input to the continuing transportation planning process. The

Transportation Advisory Committee (TAC) may initiate other vehicles to solicit citizen input at its discretion.”

Section 2. It is further agreed that the subscribing agencies will have the following responsibilities, these responsibilities being those most logically assumed by several agencies:

City of Wilmington

The City of Wilmington shall serve as the Lead Planning Agency and will provide the staff of the MPO, including the MPO Coordinator and Secretary to the TAC. As such, staff will maintain the official record of the MPO and all state and federal reporting and budgeting requirements in cooperation with the North Carolina Department of Transportation staff. The city will further assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, the city shall coordinate zoning and subdivision approvals within its jurisdiction in accordance with the adopted Transportation Plan.

Town of Carolina Beach

The Town of Carolina Beach will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, the town shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

Town of Kure Beach

The Town of Kure Beach will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, the town shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

Town of Wrightsville Beach

The Town of Wrightsville Beach will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, the town shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

New Hanover County

New Hanover County will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, New Hanover County shall, to the extent allowed by state law, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

Town of Belville

The Town of Belville will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, the town shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

Town of Leland

The Town of Leland will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, the town shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

Town of Navassa

The Town of Navassa will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, the town shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

Brunswick County

Brunswick County will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, Brunswick County shall, to the extent allowed by State law, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

Pender County

Pender County will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. Additionally, Pender County shall, to the extent allowed by State law, coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

Cape Fear Public Transportation Authority

The Cape Fear Public Transportation Authority will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Planning Work Program.

North Carolina Department of Transportation

The North Carolina Department of Transportation will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Planning Work Program. The Transportation Planning Branch will designate a Wilmington Urban Area Coordinator to serve as staff liaison and participant in the Wilmington Urban Area MPO planning process.

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 transportation plan.

Section 3.Activities of the Wilmington Urban Area MPO, as set forth in the annually adopted Planning Work Program, are funded through federal planning funds distributed through the North Carolina Department of Transportation. These funds require a twenty percent (20%) Local Match. Parties to this 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 Area Boundary. 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 City of Wilmington, acting as Lead Planning Agency, and as recipient of the federal planning funds distributed by the North Carolina Department of Transportation.

Section 4.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.

Section 5.In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Wilmington by its mayor, the Town of Carolina Beach by its mayor, the Town of Kure Beach by its mayor, the Town of Wrightsville Beach by its mayor, New Hanover County by its chairman of the Board of Commissioners, the Town of Belville by its mayor, the Town of Leland by its mayor, the Town of Navassa by its mayor, Brunswick County by its chairman of the Board of Commissioners, Pender County by its chairman of the Board of Commissioners, the Cape Fear Public Transportation Authority by its Chairman and the North Carolina Department of Transportation by the Secretary of Transportation, this _____ day of _____ 2006.

(Seal)

CITY OF WILMINGTON

Clerk

By _____
Mayor

(Seal)

TOWN OF CAROLINA BEACH

Clerk

By _____
Mayor

(Seal)

TOWN OF KURE BEACH

Clerk

By _____
Mayor

(Seal)

TOWN OF WRIGHTSVILLE BEACH

Clerk

By _____
Mayor

(Seal)

NEW HANOVER COUNTY

Clerk

By _____
Chairman of the Board of Commissioners

(Seal)

TOWN OF BELVILLE

Clerk

By _____
Mayor

(Seal)

TOWN OF LELAND

Clerk

By _____
Mayor

(Seal)

TOWN OF NAVASSA

Clerk

By _____
Mayor

(Seal)

BRUNSWICK COUNTY

Clerk

By _____
Chairman of the Board of Commissioners

(Seal)

PENDER COUNTY

Clerk

By _____
Chairman of the Board of Commissioners

(Seal)

**CAPE FEAR PUBLIC
TRANSPORTATION AUTHORITY**

Clerk

By _____
Chairman

(Seal)

**NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION**

Asst. Attorney General

By _____
Secretary