

# Wilmington Urban Area Metropolitan Planning Organization

In Brunswick County, New Hanover County and Pender County, North Carolina



**Memorandum of Understanding**

**Adopted by the Board  
March 30, 2016**

**MEMORANDUM OF UNDERSTANDING  
FOR**

COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING

AMONG

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

WITNESSETH

**WHEREAS**, Each MPO is required to develop a comprehensive transportation plan in cooperation with NCDOT and in accordance with 23 U.S.C., Section 134, any subsequent amendments to that statute, and any implementing regulations; and Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina,

**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 improvements in and around the municipality or within the MPO. 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**, 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 previously established continuing, comprehensive, cooperative transportation planning process as set forth in a Memorandum of Understanding dated the 6<sup>th</sup> day of August 2007 be revised and updated to comply with 23 U.S.C. 134; any subsequent amendments to that statute, and any implementing regulations; and

**WHEREAS**, the effective date of this document shall be the date on which it was signed by the Governor of the State of North Carolina or his/her designee.

**NOW THEREFORE BE IT RESOLVED** by the Wilmington Urban Area Metropolitan Planning Organization which will serve as the Metropolitan Planning Organization for the Wilmington Urban Area that the following Memorandum of Understanding (MOU) is made:

:

**SECTION I.** It is hereby agreed that the municipalities of City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, the Counties of Brunswick, New Hanover and 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 continuing, coordinated, comprehensive transportation planning process with the responsibilities and undertakings as outlined in the following paragraphs:

- A. The Wilmington Urban Area Metropolitan Planning Organization's planning area will consist of the Wilmington Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, in addition to that area beyond the existing urbanized area boundary that is expected to become urban within a twenty-year planning period. This area is hereinafter referred to as the Metropolitan Planning Area.
- B. The Wilmington Urban Area Metropolitan Planning Organization's planning, hereinafter referred to as the Wilmington Urban Area MPO, shall include the local governments of the Municipalities and the Counties, Cape Fear Public Transportation Authority and the North Carolina Department of Transportation, a Board 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.
- C. The Wilmington Urban Area MPO is an organization that is funded through federal, state and local funds to conduct transportation planning in a continuing, cooperative and comprehensive manner. The Wilmington Urban Area population has exceeded 200,000 and in July 2012 the Federal Highway Administration designated the Wilmington Urban Area as a Transportation Management Area (TMA). This new designation provides for additional requirements. Along with the TMA designation, the additional requirements include the completion and monitoring of a Congestion Management Process, official FHWA/FTA Certification process, additional federal and reporting requirements and the administration of Surface Transportation Block Grant Program.
- D. 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 Metropolitan Planning Area.
- E. 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.



- F. The Urbanized Area Boundary and the Metropolitan Planning Area shall be periodically reviewed and revised in light of new developments and basic data projections.
- G. Transportation plans, programs and data collection will be coordinated with the Lead Planning Agency for the adjacent Rural Planning Organization and shall be conducted according to applicable interagency agreements.

**H. Wilmington Urban Area Metropolitan Planning Organization Board Established**

The Wilmington Urban Area MPO Board [hereinafter referred to as “Board” or “the Board”] is hereby established with the responsibility for cooperative transportation planning decision making for the Wilmington Urban Area MPO. The Board shall have the responsibility for keeping the policy boards of the participating local governments informed of the status and requirements of the transportation planning process; for assisting in the dissemination and clarification of the decisions and policies of the policy boards; and for providing opportunities for citizen participation in the transportation planning process.

The Board, 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 program, Metropolitan Transportation Plan, and Transportation Improvement Program as specified in such manuals.

This shall be the forum for cooperative decision-making by elected officials of the member local governments. However, this shall not limit the Board’s local responsibility for insuring that the transportation planning process, plans and improvement projects which emerge from that process are consistent with the policies and desires of local government. This shall also serve as a forum for the resolution of conflicts which arise during the course of developing the Metropolitan Transportation Plan and the Transportation Improvement Program.

**I. Board Membership**

The Wilmington Urban Area MPO Board will consist of the Chief Elected or other elected representative(s) from the following Local Government as well as the appointed member from the North Carolina Board of Transportation. Each agency will have a single representative except as indicated below:

1. Two members of the Wilmington City Council;
2. One member of the Carolina Beach Town Council;
3. One member of the Kure Beach Town Council;
4. One member of the Wrightsville Beach Board of Alderman;
5. One member of the New Hanover County Board of Commissioners;
6. One member of the Belville Board of Commissioners;
7. One member of the Leland Town Council;
8. One member of the Navassa Town Council;
9. One member of the Brunswick County Board of Commissioners;
10. One member of the Pender County Board of Commissioners;
11. One member of the Cape Fear Public Transportation Authority (New Hanover County Representative);
12. One member of the North Carolina Board of Transportation;

Each of the above member agencies may also appoint an alternate, in accordance with the rules contained within the Wilmington Urban Area MPO Bylaws. If alternates attend meetings where the primary representative is present, only the primary representative(s) shall be counted for voting purposes as specified in the Bylaws.

Representatives from each of the following bodies will serve as non-voting members of the Board.

- Federal Highway Administration (North Carolina Division Administrator, or his designee)
- Cape Fear Council of Governments
- North Carolina State Ports Authority
- New Hanover County Airport Authority
- North Carolina Turnpike Authority

At the invitation of the Board, other local, regional, State, or Federal agencies impacting transportation within the Planning Area may serve as advisory, non-voting members of the Board. The Executive Director will serve as secretary to the Board.

#### **J. Board Duties.**

The duties and responsibilities of the Board are as follows:

1. Establish **mission, goals and objectives** for the transportation planning process reflective of and responsive to comprehensive plans for growth and development in the Metropolitan Planning Area adopted by Boards of General Purpose Local Government.
2. Review and approve a **Prospectus** for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process.
3. Review and approve changes to the **Urbanized Area Boundary** and the **Metropolitan Planning Area** as well as review and recommend changes to the **National Highway System** and the Federal Functional Classification System in conformance with Federal regulations.
4. Review and approve the transportation **Unified Planning Work Program**.
5. Review and approve the **Metropolitan Transportation Plan** and adopt the **Comprehensive Transportation Plan** pursuant to G.S. 136-66.2. The Comprehensive Transportation Plan shall be mutually adopted by the Board and the State of North Carolina.
6. Develop and Approve the **Metropolitan Transportation Improvement Program (MTIP)**.
7. Develop prioritized needs list (PNL) for transportation improvements in conjunction with development of the MTIP. This list represents candidate projects for inclusion in the MTIP.



8. Review and approve related **air quality planning** in conformance with Federal regulations.
9. Distribute funds distributed directly to MPO's under the provisions of the FAST Act and any subsequent re-authorization of the FAST Act.
10. The Wilmington Urban Area MPO is responsible for ensuring that their planning process is being carried out in accordance with applicable Federal requirements as outlined in 23 CFR 334.
11. The Wilmington Urban Area MPO shall be responsible for the development and implementation of a performance-based transportation planning process; including the establishment of measures, metrics, targets, the processes for the collection of performance based data, and for identifying the roles and responsibilities for the performance-based planning process.
12. Develop, approve, and implement a **Public Involvement Policy**.
13. The Wilmington Urban Area MPO shall have the primary responsibility for citizen input into the continuing transportation planning process.
14. The Wilmington Urban Area MPO is responsible for conducting public involvement and technical analysis to determine preliminary alignments for all modes of transportation included in the MTP and CTP. These alignments will be used by the MPO and local jurisdictions through their land development ordinances for right of way protection purposes. Once the Wilmington Urban Area MPO has adopted an official alignment, it can be modified only by the official action of the Board. The Wilmington Urban Area MPO adopts the alignment for right of way purposes even if the alternatives are produced through a State or locally funded environmental study process. Adoption of any alignment shall not predetermine a corridor through the state and federal environmental review processes.
15. Develop and approve committee **Bylaws** governing operating policies and procedures. Through the Bylaws, the Board may establish subcommittees and may delegate duties of planning and analysis to these subcommittees as outlined in Section M. below.
16. **Self-Certify** the Long-Range Planning Process.
17. Conduct any other duties identified as necessary to further facilitate the transportation planning process.

**K. Board Voting Policy**

1. Voting representatives of the Municipalities and the Counties shall be designated by their respective governing boards. A quorum is required for the transaction of all business, including conducting meetings or hearings, participation in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of fifty-one percent (51%) of the voting members of the Board, plus as many additional members as may be required to ensure that fifty-one percent (51%) of the total votes are present.



2. Each member shall receive one vote. A simple majority of the members present shall determine all issues.

**L. Metropolitan Transportation Improvement Program (MTIP) Development**

1. The Metropolitan Transportation Improvement Program (MTIP) shall be adopted in accordance with adoption schedules for the State Transportation Improvement Program (STIP). The MTIP shall include all information typically contained in the STIP, including, but not limited to route number, project I.D. number, project limits, project description, proposed implementation schedule, funding source, and projected cost. The MTIP is intended to represent local priorities for transportation improvements. Once it is adopted, any discrepancies between the MTIP and the STIP will be negotiated through established State and Federal processes.
2. For the purpose of implementing its transportation priorities, the Board may develop a supplement to the MTIP containing descriptions of project design. Design information for a particular project will be included in the supplement on an as needed basis at the request of member jurisdictions. For roadway projects, the information may include the preferred alignment, the number of lanes, the inclusion of medians, and the extent and location of pedestrian and bicycle facilities. Other design information will be included in the supplement as needed to establish the general parameters of project design. The supplement shall serve as a planning document to guide MTIP development, and shall be amended as needed. Generally, project design information will not be included in the supplement until a project has completed the NEPA process, design public hearing process, or any other required public involvement process.

**M. Project Prioritization**

The Board shall develop a list of projects for transportation improvements in conjunction with the NCDOT prioritization process as codified in NCGS § 136-18.42. This entails preparing a list of projects to evaluate against NCDOT's quantitative measures, then choosing a subset of projects. The subset of projects chosen will be assigned points by the Board based on locally and regionally developed criteria and submitted to NCDOT and the Wilmington Urban Area MPO Board to compete for available funding in the STIP and MTIP, respectively.

**N. Board Subcommittees**

The Board may establish subcommittees and advisory groups through its bylaws or through a vote at a regularly scheduled meeting. The subcommittees may consist of existing members of the Board, the Technical Coordinating Committee, and other officials and citizens as appropriate to achieve the objectives of the subcommittee. Subcommittees may include, but are not limited to the following groups: Bicycle and Pedestrian Advisory Committee, Citizen Advisory Committee, Transportation Demand Committee and others. Further, the Wilmington Urban Area MPO Board shall allow these groups to establish their own bylaws, meeting schedule, and elected officers. The purpose of the subcommittees will be to provide analysis and recommendations to the Board.

**O. Transit Planning and Programming**

The Wilmington Urban Area MPO will coordinate transit planning and programming within the Metropolitan Planning Area. The duties and responsibilities of the Board with regard to transit planning and programming are as follows:



1. Establish policies for distribution of federal mass transit funds that are provided directly to the Metropolitan Planning Organization. These policies will be reviewed and approved annually by the Board
2. Develop and approve a list of prioritized projects for transit improvements.
3. Program transit improvements in the Metropolitan Transportation Improvement Program (MTIP).

In developing transit plans, programs, and funding formulas, the Board shall consider the following factors: federal mass transit funding formulas, population served by the transit system, ridership, and present and future demand for transit service.

**P. Technical Coordinating Committee Established**

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 Metropolitan Planning Area and with the responsibility for making recommendations to the respective local and State governmental agencies and the Board regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review, and recommendation for approval of goals and objectives, the Prospectus, Unified Planning Work Program (UPWP), Urbanized Area Boundary, Metropolitan Planning Area, National Highway System, Metropolitan Transportation Plan, Comprehensive Transportation Plan, Metropolitan Transportation Improvement Program (MTIP), Priority Needs List (PNL), air quality planning, distribution of directly allocated funds, public involvement, and any other duties identified as necessary to facilitate the transportation planning process.

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. Membership to the TCC may be altered on the basis of a majority vote of its membership, provided that any party may appeal decisions regarding TCC membership changes to the Board. The initial TCC voting membership shall include, but not be limited to the following:

1. MPO Executive Director, Wilmington Urban Area MPO
2. Transportation Demand Management Coordinator; Wilmington Urban Area MPO
3. Traffic Engineer, City of Wilmington;
4. Assistant Town Manager, Town of Carolina Beach;
5. Town Clerk, Town of Kure Beach;
6. Director of Planning and Parks, Town of Wrightsville Beach;
7. Director, New Hanover County Planning Department;
8. Deputy Director, Wilmington International Airport;
9. Planner, North Carolina State Ports Authority;
10. Director, Cape Fear Public Transportation Authority
11. Town Administrator, Town of Belville;
12. Planning Director, Town of Leland (Alternate Town Manager)
13. Town Planning Administrator, Town of Navassa;
14. Director, Brunswick County Planning Department;



15. Director, Pender County Planning Department;
16. Planning Director, Cape Fear Council of Governments;
17. Division Engineer, Division of Highways, North Carolina Department of Transportation;
18. Wilmington Urban Area Coordinator, Transportation Planning Branch, North Carolina Department of Transportation;

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

19. Director of Department of Planning, Development and Transportation Services, City of Wilmington;
20. Assistant Manager, New Hanover County;
21. Division Construction Engineer, Division of Highways, North Carolina Department of Transportation;
22. Planning, Development and Transportation Director, City of Wilmington
23. Division Traffic Engineer, Division of Highways, North Carolina Department of Transportation;
24. Transit Planner, Public Transportation Division, North Carolina Department of Transportation;
25. District Engineer, North Carolina Division, Federal Highway Administration, United States Department of Transportation;
26. Transportation Planner, North Carolina Division, Federal Highway Administration, United States Department of Transportation (Advisory and non-voting);
27. General Manager, Brunswick Transit Systems
28. Director, Pender Adult Services

Each TCC member shall have one vote. Through the Wilmington Urban Area MPO's bylaws, the TCC may designate other local agencies, organizations, or individuals as voting and non-voting members of the TCC.

A quorum is required for the transaction of all business, including conducting meetings, participation in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of fifty-one percent (51%) of the voting members of the TCC.

The Board may establish subcommittees and advisory groups through the bylaws or through a vote at a regularly scheduled meeting. The purpose of the subcommittees will be to provide analysis and recommendations to the TCC and Board.

The TCC shall operate as determined by the Wilmington Urban Area MPO's adopted bylaws. Any agency not listed above which wishes representation on the TCC may request such representation for consideration.

**SECTION II.** It is further agreed that the subscribing agencies will have the following responsibilities:

**The Municipalities and Counties**

The Municipalities and the Counties will assist in the transportation planning process by providing assistance, data and inventories in accordance with the Prospectus. The Municipalities and the Counties shall be responsible for any zoning and subdivision approvals that are impacted by adopted Transportation Plans. The City of Wilmington will serve as the Lead Planning Agency for the Wilmington Urban Area MPO.



**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.

**SECTION III.** The rules contained in the current edition of Robert’s Rules of Order, Newly Revised, shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with this “Memorandum of Understanding”, the bylaws and/or any special rules of order the Board may adopt.

**SECTION IV.** The Board by a majority vote may invite other municipalities located within the Metropolitan Planning Area Boundary to join the MPO. The municipality may join the MPO by agreeing to become party to this MOU by signing an Addendum to this MOU authorized by appropriate and proper resolution of the municipality to sign the Addendum. The Addendum shall become part of this MOU and shall be distributed to all parties to this MOU.

**SECTION V.** All transportation and related federal aid planning grant funds available to promote the comprehensive transportation planning process will be expended in accordance with the Unified Planning Work Program adopted by the Board. 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. Member governments may be asked to contribute additional local funding for projects.

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.

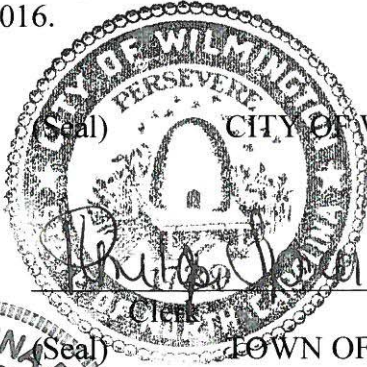
**SECTION VI.** This Amended Memorandum of Understanding supersedes and replaces any prior memorandum(s) of understanding between the parties regarding the Wilmington Urban Area MPO.

**SECTION VII.** Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process of the MPO by giving (60) days written notice to the other parties 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. It is further agreed that these agencies will assist in the transportation planning process by providing planning assistance, data, and other requested information. Additionally, these agencies shall coordinate zoning and subdivision approval in accordance with the adopted Transportation Plan(s). All files, records and planning maps and documents will remain the property of the MPO.

**SECTION VIII.** 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 30 day of June, 2016.



(Seal) CITY OF WILMINGTON

Philip J. Sidbury  
Clerk

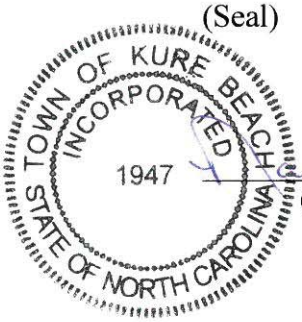
By Bill Epps  
Mayor



(Seal) TOWN OF CAROLINA BEACH

Janet Lee Ward  
Clerk

By [Signature]  
Mayor



(Seal) TOWN OF KURE BEACH

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Clerk

By [Signature]  
Mayor



(Seal) TOWN OF WRIGHTSVILLE BEACH

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Clerk

By [Signature]  
Mayor



(Seal) NEW HANOVER COUNTY

Teresa P. Elmore  
Clerk

By [Signature]  
Chairman of the Board of Commissioners



(Seal)

TOWN OF BELVILLE

[Signature]  
Clerk

By [Signature]  
Mayor



(Seal)

TOWN OF LELAND

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Clerk

By [Signature]  
Mayor

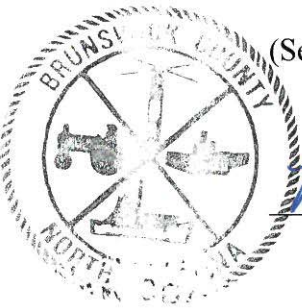


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TOWN OF NAVASSA

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Clerk

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Mayor



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BRUNSWICK COUNTY

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Clerk

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Chairman of the Board of Commissioners

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PENDER COUNTY

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Clerk

By [Signature]  
Chairman of the Board of Commissioners



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CAPE FEAR PUBLIC TRANSPORTATION AUTHORITY

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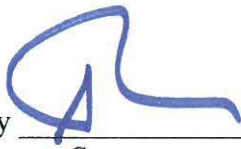


Clerk

Chairman

(Seal)  
OF TRANSPORTATION

NORTH CAROLINA DEPARTMENT

By  \_\_\_\_\_  
Secretary