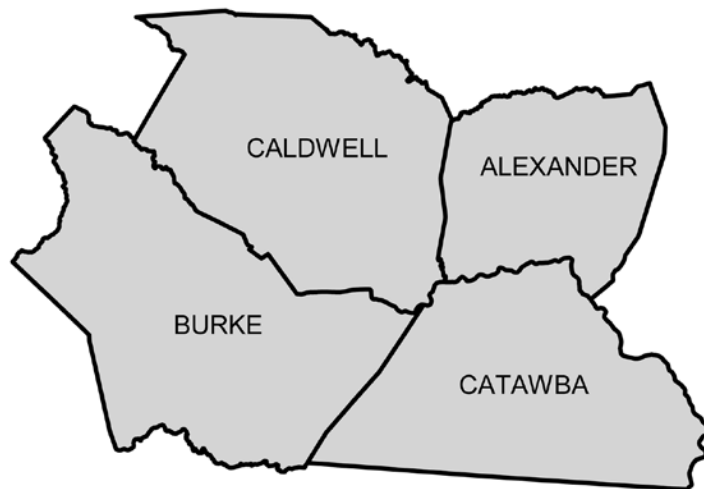


Greater Hickory Metropolitan Planning Organization



Memorandum of Understanding

February, 2003
Amended March 2009
Amended September 2013
Amended May 2015

AMENDED MEMORANDUM OF UNDERSTANDING
FOR
COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING

AMONG

THE COUNTY OF ALEXANDER, TOWN OF BROOKFORD, COUNTY OF BURKE, TOWN OF CAJAH'S MOUNTAIN, TOWN OF TAYLORSVILLE, COUNTY OF CALDWELL, COUNTY OF CATAWBA, TOWN OF CATAWBA, VILLAGE OF CEDAR ROCK, CITY OF CLAREMONT, TOWN OF CONNELLY SPRINGS, CITY OF CONOVER, TOWN OF DREXEL, TOWN OF GAMEWELL, TOWN OF GLEN ALPINE, TOWN OF GRANITE FALLS, CITY OF HICKORY, TOWN OF HILDEBRAN, TOWN OF HUDSON, CITY OF LENOIR, TOWN OF LONG VIEW, TOWN OF MAIDEN, CITY OF MORGANTON, CITY OF NEWTON, TOWN OF RHODHISS, TOWN OF RUTHERFORD COLLEGE, TOWN OF SAWMILLS AND TOWN OF VALDESE, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH THAT:

THAT WHEREAS, the above parties entered into a Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning, last amended in September 2013, regarding the Greater Hickory MPO;

Whereas, each MPO is required to develop a Metropolitan 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 a Comprehensive Transportation Plan as per Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina; and

WHEREAS, the transportation plan, once adopted shall serve as the basis for future transportation improvements within the MPO; and

WHEREAS, it is the desire of these parties that all prior Memoranda of Understanding between the parties be superseded and replaced by this Memorandum of Understanding.

NOW THEREFORE BE IT RESOLVED by the Greater Hickory MPO that the following Memorandum of Understanding (MOU) is made:

SECTION I. It is hereby agreed that the COUNTY OF ALEXANDER, TOWN OF BROOKFORD, COUNTY OF BURKE, TOWN OF CAJAH'S MOUNTAIN, COUNTY OF CALDWELL, COUNTY OF CATAWBA, TOWN OF CATAWBA, VILLAGE OF CEDAR ROCK, CITY OF CLAREMONT, TOWN OF CONNELLY SPRINGS, CITY OF CONOVER, TOWN OF DREXEL, TOWN OF GAMEWELL, TOWN OF GLEN ALPINE, TOWN OF GRANITE FALLS, CITY OF HICKORY, TOWN OF HILDEBRAN, TOWN OF HUDSON, CITY OF LENOIR, TOWN OF LONG VIEW, TOWN OF MAIDEN, CITY OF MORGANTON, CITY OF NEWTON, TOWN OF RHODHISS, TOWN OF RUTHERFORD COLLEGE, TOWN OF SAWMILLS, TOWN OF VALDESE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with THE UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuing transportation planning process with responsibilities and undertakings as related in the following paragraphs:

- A. The area involved - the Greater Hickory Transportation Study Planning Area - will consist of the Hickory 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 in Alexander, Burke, Caldwell and Catawba Counties. This area is hereinafter referred to as the Greater Hickory MPO Metropolitan Planning Area.

- B. The continuing transportation planning process will be cooperative one and all planning discussions will be reflective of and responsible to the comprehensive plans for growth and development within the Metropolitan 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 Urbanized Area Boundary and Metropolitan Planning Area shall be periodically reviewed and revised in light of new development and basic data projections.
- E. The Greater Hickory Metropolitan Planning Organization Board Established.

A Greater Hickory Metropolitan Planning Organization Board [hereinafter referred to as “Board” or “the Board”] is hereby established with the responsibility for cooperative transportation planning decision making for the Greater Hickory 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 public transportation services, shall be responsible for carrying out the urban transportation planning process as required by Federal and State transportation planning requirements and shall develop the planning work program, Metropolitan Transportation Plan, and Transportation Improvement Program.

This Board shall be the forum for cooperative decision-making by elected officials of the member General Purpose Local Governments. However, this shall not limit the Board’s local responsibility for (1) ensuring 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 Metropolitan Transportation Plan, the Comprehensive Transportation Plan and the Transportation Improvement Program.

- G. The Board is hereby established with the responsibility for coordinating transportation policy decisions of member local governments within the Metropolitan Planning Area and will consist of the Chief Elected Official or a single representative appointed by, and from, the member local government from the following Boards of General Purpose Local Government, public transportation as well as a member of the North Carolina Board of Transportation:
 - 1. Alexander County Commissioners
 - 2. Brookford Board of Aldermen
 - 3. Burke County Commissioners
 - 4. Cahah’s Mountain Town Council
 - 5. Caldwell County Commissioners
 - 6. Catawba County Commissioners
 - 7. Catawba Town Council

8. Cedar Rock Village Council
9. Claremont City Council
10. Connelly Springs Board of Aldermen
11. Conover City Council
12. Drexel Board of Aldermen
13. Gamewell Town Council
14. Glen Alpine Town Council
15. Granite Falls Town Council
16. Hickory Board of Aldermen (2 Members)
17. Hildebran Town Council
18. Hudson Town Commissioners
19. Lenoir City Council
20. Long View Board of Aldermen
21. Maiden Town Council
22. Morganton City Council
23. Newton City Council
24. Rhodhiss Town Commissioners
25. Rutherford College Town Council
26. Sawmills Town Council
27. Taylorsville Town Council
28. Valdese Town Council
29. North Carolina Board of Transportation
30. Western Piedmont Transit Authority Official

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

H. The duties and responsibilities of the Board are as follow:

1. The Board in cooperation with the State, and in cooperation with publicly owned operators of public transportation services, shall be responsible for carrying out the Federal and State transportation planning process and shall develop the planning work programs, Metropolitan and Comprehensive Transportation Plans, and Transportation Improvement Program.
2. The Board shall be the forum for cooperative decision-making by elected officials of General Purpose Local Government. The Board shall have responsibility for (1) ensuring 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; and (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 Board shall establish 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.
4. The Board shall review and approve the Planning Work Program, Transportation Plan and Transportation Improvement Program as necessary.
5. The Board as required, shall review, approve, and endorse amendments to the Planning Work Program, the Transportation Plan and the Transportation Improvement Program.

6. The Board shall be responsible for adopting and amending the Metropolitan and Comprehensive Transportation Plans (CTP). Revisions to the CTP must be jointly approved by the MPO and NCDOT.
7. The Board 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 Board shall review, approve and endorse changes to the Federal Functional Classification System and Urbanized Boundary, in conformance with Federal regulations.
9. The Board 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 Board shall review and approve related air quality planning in conformance with Federal regulations.
11. The Board shall review and approve energy conservation planning and energy contingency planning for the transportation system in conformance with Federal regulations.
12. The Board is responsible for conducting public involvement and technical analyses to determine the preliminary alignments for transportation projects (both road and transit) included in the Metropolitan Transportation Plan. These alignments will be used by local jurisdictions through their land development ordinances for right-of-way protection purposes. Once the Board has adopted an official thoroughfare alignment, the alignment can only be modified by:
 - a. Official Board action; or
 - b. Action of the GHMPOs Technical Coordinating Committee (TCC), (which is described in Section I.O 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.

The Board adopts the alignment for right-of-way purposes even if the alternatives are produced through a State or locally funded environmental study process.

13. Each General Purpose Local Government on the Board will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Prospectus. Additionally, the local government shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.
14. The Board is responsible for the distribution of funds distributed to GHMPO's under the provisions of MAP-21 and any subsequent re-authorizations.
15. The Board shall adopt a set of Bylaws for the Board and the TCC. Amendments to either set of Bylaws shall occur by a $\frac{3}{4}$ vote of the GHMPO.
16. The Board shall maintain a centralized information repository including but not limited to the Metropolitan Transportation Plan including the Comprehensive Transportation Plan; the

Planning Work Program (PWP); air quality conformity analysis; Board 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 GHMPO boundaries; copies of adopted transportation project alignments; the Transportation Improvement Program (TIP) (local and state); and any other appropriate archival information. The GHMPO 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 Board 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.
18. Any other duties identified as necessary to further facilitate the transportation planning process.

I. The Board shall consist of both voting and non-voting members.

Voting membership of the Board will consist of representatives of the following General Purpose Local Government units and the North Carolina Board of Transportation as of September 24, 2014, which shall have the indicated number of votes:

<u>Unit</u>	<u>number of votes</u>
1. Alexander County	1
2. Town of Brookford	1
3. Burke County	1
4. Town of Cajah’s Mountain	1
5. Caldwell County	1
6. Catawba County	1
7. Town of Catawba	1
8. Village of Cedar Rock	1
9. City of Claremont	1
10. Town of Connelly Springs	1
11. City of Conover	1
12. Town of Drexel	1
13. Town of Gamewell	1
14. Town of Glen Alpine	1
15. Town of Granite Falls	1
16. City of Hickory	2
17. Town of Hildebran	1
18. Town of Hudson	1
19. City of Lenoir	1
20. Town of Long View	1
21. Town of Maiden	1
22. City of Morganton	1
23. City of Newton	1
24. Town of Rhodhiss	1
25. Town of Rutherford College	1
26. Town of Sawmills	1
27. Town of Taylorsville	1
28. Town of Valdese	1

29. N.C. Board of Transportation (NCBOT)	1
30. Western Piedmont Transit Authority	1
Total	31

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:

- FHWA – Division Administrator (or designee)

Other local, State, or Federal agencies impacting transportation in the Planning Area, can become non-voting members upon invitation by the Board.

The Board shall have a Chair and Vice-Chair and shall meet in accordance with the rules contained within the GHMPO Bylaws.

J. Board Voting Policy

1. The Board and the Technical Coordinating Committee (TCC), as well as any established sub-committees are responsible for carrying out the provisions on North Carolina G.S. Chapter 143, Article 33C regarding open meetings, and Chapter 132 regarding public records. A quorum is required for transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting public business. A quorum consists of 51% of the members of the TAC or TCC, plus as many additional members as may be required to ensure that 51% of possible votes are present. An alternate may be appointed to attend meetings should the member not be able to attend. Alternates should be identified by name on the meeting attendance log. Vacant seats will not count against the quorum. Electronic meetings and voting are allowed as long as proper public notice is given and meeting materials are available to the public upon request. Any member who does not attend two consecutive TCC/TAC meetings will not be included as part of the membership needed to obtain a quorum after the second meeting. Membership, however, is immediately reinstated by the presence of the most recently appointed member (or his alternate) at any future meeting.
2. When any project is on a road that does not carry an I, US, or NC route designation, and is totally contained within a single municipality's corporate limits or extraterritorial planning jurisdiction, its location shall be determined only with the consent of that municipality.
3. The GHMPO cannot override the position of any individual local municipality on a project for a road that does not carry an I, US, or NC route designation when any portion of the project is within that municipality's corporate limits or extraterritorial planning jurisdiction except by ¾ majority vote of all votes eligible to be cast.

- K. The Transportation Improvement Program (TIP) shall be adopted in accordance with adoption schedules for the State Transportation Improvement Program (STIP). The TIP 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 TIP is intended to represent local priorities for transportation improvements. Once it is adopted, any discrepancies between the TIP and the STIP will be negotiated through established State and Federal processes.

- L. 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 for staff 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 GHMPO Board to compete for available funding in the STIP and TIP, respectively.
- M. 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.
- N. The GHMPO will coordinate transit planning and programming within the 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 Transit Administration 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 Transportation Improvement Program (TIP).
 - 4. In developing transit plans, programs, and funding formulas, the Board shall consider the following factors: Federal Transit Administration funding formulas, State Maintenance Assistance Program formulas, and population served by the transit system, ridership, and present and future demand for transit service.
- O. 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 GHMPO 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 the Prospectus, Planning Work Program (PWP), Transportation Improvement Program, Federal Functional Classification System and Urbanized Area Boundary, revisions to the Metropolitan 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. GHMPO Board approval of TCC membership changes shall be required.

TCC Membership:

- 1. Alexander County
- 2. Town of Brookford

3. Burke County
4. Town of Cahah's Mountain
5. Caldwell County
6. Catawba County
7. Town of Catawba Town
8. Village of Cedar Rock
9. City of Claremont
10. Town of Connelly Springs
11. City of Conover
12. Town of Drexel
13. Town of Gamewell
14. Town of Glen Alpine
15. Town of Granite Falls
16. City of Hickory – 2 Representatives
17. Town of Hildebran
18. Town of Hudson
19. City of Lenoir
20. Town of Long View
21. Town of Maiden
22. City of Morganton
23. City of Newton
24. Town of Rhodhiss
25. Town of Rutherford College
26. Town of Sawmills
27. Town of Taylorsville
28. Town of Valdese
29. NCDOT – Transportation Planning Branch
30. NCDOT - Division 11 Engineer, or his/her designated representative
31. NCDOT - Division 12 Engineer, or his/her designated representative
32. NCDOT - Division 13 Engineer, or his/her designated representative
33. NCDOT – Public Transportation Division (non-voting)
34. Western Piedmont Regional Transit Authority (Greenway Transit)
35. Area Traffic Engineer, Division of Highways, Traffic Engineering Branch, NCDOT
36. Director of Planning, Western Piedmont Council of Governments
37. Alexander County Chamber of Commerce
38. Burke County Chamber of Commerce
39. Caldwell County Chamber of Commerce
40. Catawba County Chamber of Commerce
41. FHWA, MPO Contact (non-voting)

Representatives of the municipalities shall be the chief administrative officers (managers/administrator/clerks), planning directors or their designees. Other entities may be represented by their chief administrative officers or their designees. Each TCC member shall have one vote.

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.

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.

The Board and the Technical Coordinating Committee (TCC), as well as any established sub-committees are responsible for carrying out the provisions on North Carolina G.S. Chapter 143, Article 33C regarding open meetings, and Chapter 132 regarding public records. A quorum is required for transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting public business. A quorum consists of 51% of the members of the TAC or TCC, plus as many additional members as may be required to ensure that 51% of possible votes are present. An alternate may be appointed to attend meetings should the member not be able to attend. Alternates should be identified by name on the meeting attendance log. Vacant seats will not count against the quorum. Electronic meetings and voting are allowed as long as proper public notice is given and meeting materials are available to the public upon request. Any member who does not attend two consecutive TCC/TAC meetings will not be included as part of the membership needed to obtain a quorum after the second meeting. Membership, however, is immediately reinstated by the presence of the most recently appointed member (or his alternate) at any future meeting.

- P. Administrative coordination for the GHMPO and for the TCC will be performed by the Western Piedmont Council of Governments Planning Director, who shall report to the Chair of the GHMPO. Administrative support shall be furnished by the Western Piedmont Council of Governments' planning staff. The Planning Director shall supervise additional GHMPO staff as necessary and approved in the annual work program. The Planning Director will serve as the Secretary for the GHMPO 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 Planning Work Program (PWP)
 5. Assembling and publishing the Transportation Improvement Program
 6. Serving as custodian of the Metropolitan and Comprehensive Transportation Plans
 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 GHMPO or local governments involved
 8. Monitoring the transportation planning process to ensure its execution is in accordance with goals and objectives
 9. Performing other coordinating functions as assigned by the GHMPO from time to time
 10. Taking lead responsibility for structuring public involvement in the transportation planning process
 11. Preparing the quarterly PL Expenditure Report

The Planning Director shall be hired by the Western Piedmont Council of Governments.

- Q. All transportation and related Federal Aid planning grant funds available to promote the cooperative transportation planning process will be expended in accordance with the Planning Work Program adopted by GHMPO. As part of the development of the Planning Work program, the MPO shall review the process for sharing the funding of MPO activities and establish funding responsibility for each local government.

Administration of funding in support of the transportation planning process on behalf of the GHMPO will be conducted by Western Piedmont Council of Governments, the lead planning agency, which

will execute appropriate agreements with funding agencies as provided by the 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 GHMPO 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 Transportation 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 Secretary of Transportation on behalf of the North Carolina Department of Transportation has signed this Memorandum of Understanding and the other parties have adopted this Memorandum of Understanding.

DEPARTMENT OF TRANSPORTATION

By _____
Secretary of Transportation