

# **Amended**

## **Memorandum of Understanding**

for

### **Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization**

for

Carteret, Craven, Jones, Onslow, and Pamlico Counties and the participating municipalities contained therein, and the North Carolina Department of Transportation.

#### **Witnesseth**

**Whereas**, on December 2, 2002, the Parties entered into a Memorandum of Understanding which created the Down East Rural Transportation Planning Organization (hereinafter, "RPO"); and,

**Whereas**, the RPO provides rural areas the opportunity to work in partnership with the NCDOT toward development of sound, short and long-range transportation planning for rural areas; and,

**Whereas**, the Parties have agreed to amend the original Memorandum of Understanding.

**Now, therefore**, the following Amended Memorandum of Understanding is made on this the 26 day of May, 2009.

**Section 1.** It is hereby agreed, that the Counties of Carteret, Craven, Jones, Onslow, and Pamlico, the participating municipalities therein that are not members of an Metropolitan Planning Organization (MPO), and the North Carolina Department of Transportation intend to establish and participate in a Rural Transportation Planning Organization created for the general purposes and responsibilities outlined below:

1. To develop long-range local and regional multi-modal transportation plans in cooperation with the Jacksonville Urban Area Metropolitan Planning Organization (JUMPO) and the North Carolina Department of Transportation.
2. To provide a forum for public participation in the rural transportation planning process.

3. To develop and prioritize suggestions for transportation projects that the Rural Transportation Planning Organization believes should be included in the State Transportation Improvement Program.
4. To provide transportation-related information to local governments and other interested organizations and persons.
5. To conduct transportation related studies and surveys for local governments and other interested entities/organizations.
6. To undertake mutually agreed upon transportation related tasks to enhance transportation system development, coordination and efficiency.

**Section 2.** It is hereby further agreed that transportation plans and programs and land use policies and programs for the Rural Transportation Planning Organization will be coordinated by the Eastern Carolina Council of Governments, an agency selected on behalf of participating local governments and the North Carolina Department of Transportation, to be the administrative entity and to serve as the lead planning agency for coordinating transportation planning in the Down East RPO planning area. The Down East RPO hereby authorizes the Eastern Carolina Council of Governments to be the sole recipient of any funds appropriated to the RPO by the North Carolina Department of Transportation pursuant to North Carolina General Statute 136-213(c). If funds provided by the North Carolina Department of Transportation for the Rural Planning Organization are withdrawn at any time, parties to this Memorandum of Understanding shall not be obligated to provide for those missing funds.

**Section 3.** Establishment of a Rural Transportation Advisory Committee (RTAC). A Rural Transportation Advisory Committee (RTAC) is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the Rural Transportation Planning Organization (RPO). The Rural Transportation Advisory Committee (RTAC) shall have the responsibility of keeping the policy boards informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the policy boards; and helping ensure meaningful public participation in the rural transportation planning process.

1. The Rural Transportation Advisory Committee will be responsible for carrying out the following:
  - A. Establish goals, priorities, and objectives for the transportation planning process.
  - B. Review and recommend changes to adopted Transportation Plans for the Rural Transportation Planning Organization.

- C. Review and recommend a work program for transportation planning which defines work tasks and responsibilities for the various agencies participating in the Rural Transportation Planning Organization (RPO).
  - D. Review and recommend transportation improvement projects, which support and enhance intra-county transportation within the five-county Rural Transportation Planning Organization (RPO).
2. The membership of the Rural Transportation Advisory Committee shall consist of the following:
- A. One County Commissioner representing the County of Carteret. One municipal elected official to represent the interest of all the participating municipal governments in Carteret County.
  - B. One County Commissioner representing the County of Craven. One municipal elected official to represent the interest of all the participating municipal governments in Craven County.
  - C. One County Commissioner representing the County of Jones. One municipal elected official to represent the interest of all the participating municipal governments in Jones County.
  - D. One County Commissioner representing the County of Onslow. One municipal elected official to represent the interest of all the participating municipal governments in Onslow County, except the City of Jacksonville, which is represented by the Jacksonville Urban Area Metropolitan Planning Organization.
  - E. One County Commissioner representing the County of Pamlico. One municipal elected official to represent the interest of all the participating municipal governments in Pamlico County.
  - F. A representative from the Jacksonville Urban Area Metropolitan Planning Organization's Transportation Advisory Committee, as ex officio.
  - G. One member of the North Carolina Board of Transportation to represent the Department of Transportation.
3. The Board of County Commissioners of each County shall select the County Commissioner representing that County on the RTAC every two years in a regular session meeting. The Board of County Commissioners representing each County shall select in a regular session meeting a participating municipal elected official from within that county to serve as the RTAC Municipal Representative. The term of office for all seats on the RTAC is two

years. Re-appointment is possible. One alternate may be designated for each member providing they meet the same criteria as the original appointee.

4. An RPO RTAC membership roster will be compiled and updated at least annually, listing each attendee and alternate, if applicable, for each member county or municipality. The membership of a county or municipality member who fails to send the appointee or alternate to two consecutive RPO meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member. To facilitate staggered terms and thereby promoting continuity, the initial County Commissioner appointments shall be for two (2) years and the initial Municipal appointments from the Counties shall be for one (1) year. All subsequent appointments shall be for two (2) years.
5. A quorum is required for the transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of 51% of the members of the RTAC, plus as many additional members as may be required to ensure that 51% of possible votes are present. The Rural Transportation Advisory Committee (RTAC) will meet as often as it is deemed necessary, appropriate and advisable. On the basis of majority vote of its membership, the Rural Transportation Advisory Committee may appoint a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities.
6. The Executive Director of the Eastern Carolina Council of Governments will provide staff to the RTAC.

**Section 4.** Establishment of the Rural Technical Coordinating Committee (RTCC). A Rural Technical Coordinating Committee shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the Rural Transportation Planning Organization (RPO) and the responsibility for making recommendations to the respective local, state, and federal governmental agencies and the Rural Transportation Advisory Committee (RTAC) regarding any necessary actions relating to the continuing transportation planning process.

1. The RTCC shall be responsible for development, review, and recommendation for approval of the rural transportation planning work program for the RPO, the Transportation Improvement Program, and revisions to the Transportation Improvement Program.
2. Membership of the Rural Transportation Coordinating Committee (RTCC) shall include technical representatives from all local and state government agencies directly related to and concerned with the transportation planning process for the RPO planning area. Initially, the membership shall include, but may not be limited to, the following:

- A. The County Manager (or his/her designee) from each of the five counties of the RPO planning area.
- B. The Chief Administrative Official (or his/her designee) from each participating municipality in the Down East RPO planning area (excluding representatives from Jacksonville which is represented by the Jacksonville Urban Area Metropolitan Planning Organization, for these seats).
- C. The Board of County Commissioners representing each County shall select in a regular session meeting either a local or area Transportation Committee member or a Planner from within that county to serve as a RTCC Representative (Specifically excluding representatives from the Jacksonville Urban Area MPO for this seat).
- D. A representative of the Beaufort-Morehead Airport Authority, a representative from the Coastal Carolina Regional Airport Authority and the Director from the Albert J. Ellis Airport (or his/her designee).
- E. A representative from the office of Planning and Development from the North Carolina Ports Authority.
- F. A representative from the Community Plans and Liaison Office at Marine Corps Air Station Cherry Point to represent the military base at Havelock and a representative from the Installations and Environment Department at Marine Corps Base Camp Lejeune to represent the military bases in the Jacksonville area.
- G. All Division Engineer(s) for the RPO planning area, serving the Division of Highways, North Carolina Department of Transportation, or his/her designated representative.
- H. The Manager, Transportation Planning Branch, North Carolina Department of Transportation, or his/her designated representative.
- I. All Area Traffic Engineer(s) for the RPO planning area, Division of Highways, Traffic Engineering Branch, North Carolina Department of Transportation.
- J. The Director of Craven Area Rural Transit Service, (or his/her designee) covering Craven, Jones & Pamlico Counties; the Transportation Coordinator of Carteret County Area Transportation System (or his/her designee); and the Director of Onslow United Transit System, Inc. (or his/her designee).

- K. The Transportation Planner for the Jacksonville Urban Area Metropolitan Planning Organization, as ex officio.
3. One alternate may be designated for each member providing they meet the same criteria as the original appointee. Membership may be further defined in the duly adopted bylaws. An RPO RTCC membership roster will be compiled and updated at least annually, listing each attendee and alternate, if applicable, for each member county or municipality. The membership of a county or municipality member who fails to send the appointee or alternate to two consecutive RPO meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member.
  4. A quorum is required for the transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of 51% of the members of the RTCC, plus as many additional members as required to ensure that 51% of possible votes are present. The Rural Technical Coordinating Committee shall meet when it is deemed necessary, appropriate and advisable. The Rural Technical Coordinating Committee will be staffed by an Eastern Carolina Council of Governments Executive Director or his/her designated staff representative. On the basis of majority vote of its membership, the Rural Transportation Coordinating Committee may appoint a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities. Membership of the Rural Technical Coordinating Committee may be altered on the basis of a majority vote of its membership and approval of the Rural Transportation Advisory Committee of the RPO.

**Section 5.** It is further agreed that all participating agencies will assist in the Rural Transportation planning process by providing planning assistance (where possible), data, and inventories in accordance with the approved work program. In addition, the lead planning agency will coordinate with each participating local government agency and the adjoining Rural Planning Organizations.

**Section 6.** Each county and its RPO member jurisdictions shall have the support of the RPO staff in developing local transportation projects and priorities. Each member agrees to coordinate its transportation plans with those of other RPO members. Additionally, by consensus, the RPO may identify projects of a regional nature for development and presentation to NCDOT for consideration.

**Section 7.** Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 90 days written notice to the other parties to the date of termination.

**Section 8.** Municipalities desiring to join the RPO following the signing of this Memorandum of Understanding must do so no later than 90 days after the date given below in Section 10, by submitting a fully-executed Municipal Statement of Adoption. Any municipality desiring to join the RPO after the initial 90-day period must notify the lead planning agency and the other members of the RPO in writing of its intent to join, and provide each with a copy of a fully-executed Municipal Statement of Adoption.

**Section 9.** This Amended Memorandum of Understanding supersedes and replaces any prior memorandum(s) of understanding between the Parties regarding the RPO.

**Section 10.** In witness whereof, the parties of the Memorandum of Understanding have been authorized by appropriate and proper resolutions, and /or legislative authority to sign this Memorandum of Understanding, which becomes effective as of the last day signed. The following pages comprise the signature pages from each party to this memorandum.

BY:

COUNTY OF CARTERET

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chairman of Board of County  
Commissioners

COUNTY OF CRAVEN

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chairman of Board of County  
Commissioners

COUNTY OF JONES

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chairman of Board of County  
Commissioners

COUNTY OF PAMLICO

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chairman of Board of County  
Commissioners

COUNTY OF ONSLOW

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chairman of Board of County  
Commissioners

Eastern Carolina Council of Governments

\_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Executive Director

NCDOT

Approved as to Execution

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Assistant Attorney General



**CARTERET COUNTY**

This **“Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization”**, is hereby adopted by the Carteret County Board of Commissioners, this the 14<sup>th</sup> day of December, 2009.

Seal

Carteret County

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk to the Board

**CRAVEN COUNTY**

This **“Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization”**, is hereby adopted by the Craven County Board of Commissioners, this the 16<sup>th</sup> day of November, 2009.

Craven County

Seal

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk to the Board

**JONES COUNTY**

This **“Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization”**, is hereby adopted by the Jones County Board of Commissioners, this the 5<sup>th</sup> day of October, 2009.

Seal

Jones County

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk to the Board

**ONslow COUNTY**

This **“Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization”**, is hereby adopted by the Onslow County Board of Commissioners, this the 7<sup>th</sup> day of December, 2009.

Seal

Onslow County

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk to the Board

**PAMLICO COUNTY**

This **“Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization”**, is hereby adopted by the Pamlico County Board of Commissioners, this the 5<sup>th</sup> day of October, 2009.

Seal

Pamlico County

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk to the Board

**EAST CAROLINA COUNCIL OF GOVERNMENTS**

**This, “Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization,”** is hereby adopted by the Board of the East Carolina Council of Governments, this the 11th day of March, 2010. By the adoption of this resolution, the East Carolina Council of Governments also agrees to serve as administrative entity for the Down East RPO and to receive such funding that is forthcoming.

East Carolina Council of Governments

Clerk: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman

Memorandum of Understanding  
Approved as to form:

**NC Department of Transportation**

\_\_\_\_\_  
Assistant Attorney General

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