

**Memorandum of Understanding
for
Cooperative, Comprehensive and Continuing
Transportation Planning
and the Establishment of a
Rural Transportation Planning Organization
for**

Duplin, Greene, Lenoir, and Wayne Counties and the participating municipalities therein and the North Carolina Department of Transportation.

Witnesseth

Whereas, Section 135 of Title 23, United States Code, declares that it is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively; and

Whereas, North Carolina General Statute 136-18 was amended by the North Carolina General Assembly by ratification of Senate Bill 1195 on July 6, 2000, and this same bill was signed by the Governor on July 14, 2000, and subsequently Chaptered, and which Chaptered statute provides for the establishment of Rural Transportation Planning Organizations (RPOs), similar in concept to Metropolitan Planning Organizations (MPOs) for transportation planning in North Carolina's urban areas; and

Whereas, the establishment of a Rural Transportation Planning Organization (RPO), similar in concept to the urban Metropolitan Planning Organizations (MPOs), would provide rural areas the opportunity to work in partnership with the North Carolina Department of Transportation toward the development of sound, short and long-range transportation planning for rural areas; and

Whereas, the establishment of a Rural Transportation Planning Organization for the Eastern Carolina RPO planning area would assist the North Carolina Department of Transportation in complying with the provisions of the Transportation Equity Act for the 21st Century (TEA21), enacted June 9, 1998, relative to the participation of local officials and the public in the transportation planning process; and

Whereas, it is in the best interest and desire of the Eastern Carolina RPO to encourage and promote communications and coordination with adjoining RPOs for a broader, more comprehensive and cooperative long-range transportation planning process through establishing appropriate and timely meetings; and

Whereas, it is the desire of these local governments and agencies to establish a continuing, comprehensive, cooperative transportation planning process with the establishment

of a Rural Transportation Planning Organization for Duplin, Greene, Lenoir, and Wayne Counties, which will be known as the Eastern Carolina RPO.

Now, therefore, the following memorandum of understanding is made.

Section 1. It is hereby agreed, that the Counties of Duplin, Greene, Lenoir, and Wayne; the participating municipalities therein that are not members of an 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 Goldsboro Urban Area Metropolitan Planning Organization (MPO) 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 (RPO) 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 local planning agency for coordinating rural transportation planning in the Eastern Carolina RPO planning area. The RPO hereby authorizes the Eastern Carolina Council of Governments to be the 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 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 four 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 Duplin. One municipal elected official to represent the interest of all the participating municipal governments in Duplin County.
 - B. One County Commissioner representing the County of Greene. One municipal elected official to represent the interest of all the participating municipal governments in Greene County.
 - C. One County Commissioner representing the County of Lenoir. One municipal elected official to represent the interest of all the participating municipal governments in Lenoir County.
 - D. One County Commissioner representing the County of Wayne. One municipal elected official to represent the interest of all the participating municipal governments in Wayne County, except the City of Goldsboro, which is represented by the Goldsboro Urban Area Metropolitan Planning Organization.
 - E. One member of the North Carolina Board of Transportation representing 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 (2) 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.

4. Membership of the RTAC may be altered on the basis of a majority vote of its membership. 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. A 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 (2) consecutive RPO meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member. Ex officio members in the Eastern Carolina RPO will be advisory and non-voting.
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 a majority vote of its membership, the Rural Transportation Advisory Committee may elect a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities.
6. The Executive Director and a Transportation Planner of the Eastern Carolina Council of Governments will serve as staff to the RTAC.

Section 4. Establishment of the Rural-Transportation Coordinating Committee (RTCC). A Rural Transportation 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. County Manager (or his/her designee) from each of the counties of the RPO planning area.
 - B. The Chief Administrative Official (or his/her designee) from each municipality in the Eastern Carolina RPO planning area (excluding representatives from Goldsboro which is represented by the Goldsboro Urban Area Metropolitan Planning Organization, for these seats).
 - C. All Division Engineers for the RPO planning area, serving the Division of Highways, North Carolina Department of Transportation, or his/her designated representative.
 - D. Manager, Statewide Planning Branch, Planning and Environment, North Carolina Department of Transportation, or his/her designated representative.
3. When voting, the Chief Administrative Officials from all the participating municipalities within each county will have one vote per county. They will caucus among themselves within that county group and by a majority vote will choose how to cast their one vote. Ex officio members in the Eastern Carolina RPO will be advisory and non-voting.
 4. Membership of the RTCC may be altered on the basis of a majority vote of its membership and approval of the RTAC of the RPO. 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. A 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 (2) consecutive RPO meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member.
 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 RTCC, plus as many additional members as required to ensure that 51% of possible votes are present. The Rural-Transportation Coordinating Committee (RTCC) shall meet when it is deemed necessary, appropriate and advisable. The Rural Transportation Coordinating Committee will be staffed by an Eastern Carolina Council of Governments Transportation Planner. On the basis of majority vote of its membership, the Rural-Transportation Coordinating Committee may elect a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities.

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 (MOU) 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 (MOU) 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. New memberships will become effective on July 1st of each year.

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

Section 10. In witness whereof, the Parties have been authorized by appropriate and proper resolutions, and/or legislative authority to sign this Amended Memorandum of Understanding, this the 19th day of March, 2009.

BY:

COUNTY OF DUPLIN

Chairman

Clerk to the Board

COUNTY OF GREENE

Chairman

Clerk to the Board

COUNTY OF LENOIR

Chairman

Clerk to the Board

COUNTY OF WAYNE

Chairman

Clerk to the Board

EASTERN CAROLINA COUNCIL OF GOVERNMENTS

Chairman

Executive Director

North Carolina Department of Transportation

Secretary

Assistant Attorney General

DUPLIN COUNTY

This “THE MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL TRANSPORTATION PLANNING ORGANIZATION IN THE EASTERN CAROLINA RPO,” is hereby adopted by the Duplin County Board of Commissioners, this the _____ day of _____, 2009.

Duplin County

By: _____
Chairman

Clerk to Board

GREENE COUNTY

This “THE MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL TRANSPORTATION PLANNING ORGANIZATION IN THE EASTERN CAROLINA RPO,” is hereby adopted by the Greene County Board of Commissioners, this the _____ day of _____, 2009.

Greene County

By: _____
Chairman

Clerk to Board

LENOIR COUNTY

This “THE MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL TRANSPORTATION PLANNING ORGANIZATION IN THE EASTERN CAROLINA RPO,” is hereby adopted by the Lenoir County Board of Commissioners, this the _____ day of _____, 2010.

Lenoir County

By: _____
Chairman

Clerk to Board

WAYNE COUNTY

This “THE MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL TRANSPORTATION PLANNING ORGANIZATION IN THE EASTERN CAROLINA RPO,” is hereby adopted by the Wayne County Board of Commissioners, this the _____ day of _____, 2010.

Wayne County

By: _____
Chairman

Clerk to Board

EASTERN CAROLINA COUNCIL OF GOVERNMENTS

This, “THE MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL TRANSPORTATION PLANNING ORGANIZATION IN THE EASTERN CAROLINA RPO AREA,” is hereby adopted by the Board of the Eastern Carolina Council of Governments this the _____ day of _____, 2010. By the adoption of this resolution, the ECC also agrees to serve as administrative entity for the Eastern Carolina RPO and to receive such funding that is forthcoming.

Eastern Carolina Council of Governments

Clerk: _____

By: _____
Chairman

Memorandum of Understanding
Approved as to form:

NC Department of Transportation

Assistant Attorney General

By: _____
Secretary

MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR DUPLIN, GREENE, LENOIR, AND WAYNE COUNTIES

This Amended Memorandum of Understanding (MOU) for cooperative, comprehensive, and continuing transportation planning and the establishment of a Rural Planning Organization for the Counties of Duplin, Greene, Lenoir, and Wayne and the participating municipalities in each county is hereby adopted by the Town of XXXXXXXXXXXXX, _____ day of _____, 2009.

Mayor, Town of XXXXXXXXXXXXX

Clerk to the Board