



**CAPE FEAR
COUNCIL OF GOVERNMENTS**

Cape Fear Area RPO

**Brunswick County ♦ Columbus County
Pender County**

**MEMORANDUM OF UNDERSTANDING
FOR
COOPERATIVE, COMPREHENSIVE AND CONTINUING
TRANSPORTATION PLANNING AND THE ESTABLISHMENT
OF A RURAL TRANSPORTATION PLANNING ORGANIZATION
FOR**

The **County of Brunswick** and the participating municipalities therein; the **County of Columbus** and the participating municipalities therein; the **County of Pender** 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), which provide 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 Transportation Planning Organizations (MPOs) would provide rural areas the opportunity to work in partnership with the North Carolina Department of Transportation toward development of sound, short and long-range transportation planning for rural areas; and,

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

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

Section 1. It is hereby agreed, that the County of Brunswick, the County of Columbus, the County of Pender, 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 area 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, which 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 Region O 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 transportation planning in the four county planning area.

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; to assist in the dissemination and clarification of the deci-

sions, inclinations, and policies of the policy boards; and to help 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. Establishment of goals, priorities, and objectives for the rural 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 that support and enhance intra-county transportation within the three county Rural Transportation Planning Organization (RPO).
2. The membership of the Rural Transportation Advisory Committee shall consist of the following:
 - A. Two County Commissioners representing the County of Brunswick. Two municipal elected officials elected by a caucus of the Mayors of those Brunswick County municipalities outside the MPO who join in this agreement by signing this MOU.
 - B. Two County Commissioners representing the County of Columbus. Two municipal elected officials elected by a caucus of the Mayors of those Columbus County municipalities who join in this agreement by signing this MOU.
 - C. Two County Commissioners representing the County of Pender. Two municipal elected officials elected by a caucus of the Mayors of those Towns in Pender County who join in this agreement by signing this MOU.
 - D. A member of the Board of Transportation as determined by the Board members from Divisions 3 and 6,
3. The County Commissioner representing each County on the RTAC shall be elected every two (2) years by the Board of County Commissioners of each County in regular session. The municipal RTAC representatives shall be elected every two (2) years by a caucus of the Mayors of those Towns that join this agreement by signing the MOU. The term of office for all seats on the RTAC is two years. Re-appointment is possible.

4. To facilitate staggered terms and thereby promote continuity, the initial appointments of the municipal and county representatives shall be split, with one being elected for one (1) year, and the other being elected for two (2) years. All subsequent appointments shall be for two (2) years.
5. 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 Transportation Planner of the Region O Council of Governments will serve as staff to the RTAC.
7. An RTAC membership roster will be compiled and updated 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 three consecutive RTAC meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member. When adopted by all member counties this requirement shall include those meetings prior to the MOU's adoption.
8. A quorum is required for the transaction of all business, including conducting meetings or hearing, participating in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of 51% of the members of the TAC, plus as many additional members as may be required to ensure that 51% of possible votes are present.

Section 4. Establishment of 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 RTCC) shall include technical representatives from all local and state governmental agencies directly related to and concerned with the transportation planning process for the RPO planning area. Membership shall include, but may not be limited to, the following:

- A. County Manager (or his/her designee) from each of the three counties of the RPO planning area.
 - B. The Chief Administrative Official (or his/her designee) from each municipality in the Region O, RPO planning area; with two municipalities represented on the RTCC's Executive Committee;
 - C. Executive Director and Transportation Planner, Region O Council of Governments.
 - D. Division Engineer 3rd Division of Highways, North Carolina Department of Transportation, or his/her designated representative.
 - E. Division Engineer, 6th Division of Highways, North Carolina Department of Transportation, or his/her designated representative.
 - F. Manager, Transportation Planning Branch, North Carolina Department of Transportation, or his/her designated representative.
 - G. Area Traffic Engineer, Division of Highways, Traffic Engineering Branch, North Carolina Department of Transportation for both Divisions 3 & 6
 - H. Transportation providers for elderly & disabled passengers in the member counties
 - I. A representative of the Military Ocean Terminal Sunny Point (MOTSU)
 - J. A representative of the North Carolina State Ports Authority
3. The Rural Transportation Coordinating Committee (RTCC) shall meet when it is deemed necessary, appropriate and advisable. The RTCC will be staffed by the Region O Transportation Planner who will act as a Chairperson with the responsibility for coordinating the committee(s) activities. Membership of the RTCC 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.

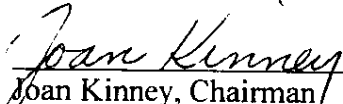
Section 6. Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 90 days written notice to the other parties to the date of termination.

Section 7. 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.

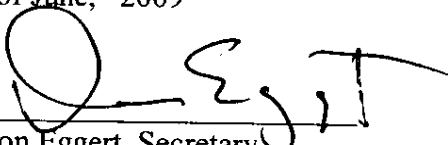
Section 8. Municipalities desiring to join the RPO following the signing of this Memorandum of Understanding must do so no later than 90 days after the date given below in Section 10 by submitting a fully executed Municipal Statement of Adoption. Any municipality desiring to join the RPO after the initial 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. New memberships will become effective July 1st of each year.

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

This Memorandum of Understanding is signed this 19th day of June, 2009



Joan Kinney, Chairman
Cape Fear RTAC



Don Eggert, Secretary
Cape Fear RTAC