

MEMORANDUM OF UNDERSTANDING

for

CONTINUING, COOPERATIVE, AND COMPREHENSIVE TRANSPORTATION PLANNING

between

THE GOVERNOR OF THE STATE OF NORTH CAROLINA, THE CITY OF BELMONT, THE CITY OF BESSEMER CITY, THE TOWN OF CRAMERTON, THE TOWN OF DALLAS, THE COUNTY OF GASTON, THE CITY OF GASTONIA, THE CITY OF LOWELL, THE TOWN OF MCADENVILLE, THE CITY OF MOUNT HOLLY, THE TOWN OF RANLO, THE TOWN OF SPENCER MOUNTAIN, THE TOWN OF STANLEY, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH THAT

WHEREAS, Chapter 136, Article 3A, Section 136-66.2 (a) of the General Statutes of North Carolina requires that:

“Each municipality with the cooperation of the Department of Transportation, shall develop a comprehensive plan for a street system that will serve present and anticipated volumes of vehicular traffic in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality and shall provide for the safe and effective use of streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, and other devices. The Department of transportation may provide financial and technical assistance in the preparation of such plans.” and,

WHEREAS, Chapter 136, Article 3A, Section 136-66.2 (b) provides that:

“After completion and analysis of the plan, the plan may be adopted by both the governing body of the municipality and the Department of Transportation as the basis for future street and highway improvements in and around the municipality. As a part of the plan, the governing body of the municipality and the Department of Transportation shall reach an agreement as to which of the existing and proposed streets and highways included in the plan will be 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, Chapter 136, Article 3A, Section 136.66.2(d) provides that:

“Either the municipality 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 municipal governing board”; and,

WHEREAS, Section 134 (a) of Title 23 United States Code states:

“It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities), which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems”; 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 continuing, cooperative, and comprehensive transportation planning process be established in the Gaston area to comply with section 134 of Title 23 United States Code; and Section 3 (a) (2), 4 (a), 5 (g) (1), and 5(1) of the Federal Transit Act of 1964, as amended [49 U. S. C. 1602 (a) (2), 1603 (a), 1604 (g) (1), and 1604 (1)].

NOW THEREFORE the following Memorandum of Understanding is made.

## SECTION 1

It is hereby agreed that THE CITY OF BELMONT, THE CITY OF BESSEMER CITY, THE TOWN OF CRAMERTON, THE TOWN OF DALLAS, THE COUNTY OF GASTON, THE CITY OF GASTONIA, THE CITY OF LOWELL, THE TOWN OF MCADENVILLE, THE CITY OF MOUNT HOLLY, THE TOWN OF RANLO, THE TOWN OF SPENCER MOUNTAIN, THE TOWN OF STANLEY, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuing, cooperative, and comprehensive transportation planning process, with responsibilities and undertakings as related in the following paragraphs.

1. The Metropolitan Planning Organization in the Gaston Urban Area shall include the governing boards of the general purpose local governments (Belmont City Council, Bessemer City Council, Cramerton Board of Commissioners, Dallas Board of Aldermen, Gaston County Board of Commissioners, Gastonia City Council, Lowell City Council, McAdenville Town Council, Mount Holly City Council, Ranlo Board of Commissioners,

Spencer Mountain Board of Aldermen, Stanley Town Council), the North Carolina Department of Transportation, a Transportation Advisory Committee hereinafter defined, and a Technical Coordinating Committee hereafter defined.

2. The area involved, the Gaston Transportation Study Area, shall be the Gaston Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized within a twenty-year planning period. This area is hereinafter referred to the Gaston Metropolitan Area.
3. The Urbanized Area Boundary and the Metropolitan Area Boundary shall be periodically reviewed and revised in light of new developments and basic data projections for the current planning period.
4. The continuing transportation planning process shall be a cooperative one, and all planning discussions shall be reflective of and responsive to the programs of the North Carolina Department of Transportation and to the comprehensive plans for growth and development of the Municipalities and the County.
5. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.
6. Transportation policy decisions within the Metropolitan Area are the responsibility of the North Carolina Board of Transportation, the Belmont City Council, the Bessemer City Council, the Cramerton Board of Commissioners, the Dallas Board of Aldermen, the Gaston County Board of Commissioners, the Gastonia City Council, the Lowell City Council, the McAdenville Town Council, the Mount Holly City Council, the Ranlo Board of Commissioners, the Spencer Mountain Board of Aldermen, and the Stanley Town Council.
7. Transportation plans and programs and land-use policies and programs for the local urbanized area which have regional impacts will be coordinated with the Centralina Council of Governments, an agency established by the municipalities of Region F.
8. A TRANSPORTATION ADVISORY COMMITTEE (TAC) is hereby established with the responsibility for serving as a forum for cooperative transportation planning and decision making for the Metropolitan Planning Organization. The Transportation Advisory Committee shall have the responsibility for 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 ensuring meaningful citizen participation in the transportation planning process.

The Transportation Advisory Committee shall be responsible for carrying out the provisions of 23 U.S.C. 134; Sections 5 (1) and 8 (a) and 8 (c) of the Federal Transit Act of 1964, as amended; and 49 U.S.C. 1604 (1) and 1607 (a) and 1607 (c); including:

- a. review and approval of a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- b. review and approval of the transportation Planning Work Program;
- c. review and approval of the Transportation Improvement Program for multimodal capital and operating expenditures to insure coordination between local and State capital and operating improvement programs;
- d. review and approval of changes to the Urbanized Area Boundary and the Metropolitan Area Boundary; review and comment on the National Highway System.
- e. review and approval of changes to the transportation plan. As required by North Carolina General Statute 136.66(d), revisions to the Thoroughfare Plan must be jointly approved by the local governing boards and the North Carolina Department of Transportation;
- f. establishment of goals and objectives for the transportation planning process;
- g. development and approval of TAC Bylaws for the purpose of establishing a quorum, officers, and operating policies and procedures.

The membership of the Transportation Advisory Committee shall be composed of the following 14 representatives:

- a. One member from the City of Belmont;
- b. One member from the City of Bessemer City;
- c. One member from the Town of Cramerton;
- d. One member from the Town of Dallas;
- e. One member from the County of Gaston;
- f. Two members from the City of Gastonia;
- g. One member from the City of Lowell;
- h. One member jointly from the Town of McAdenville and the Town of Spencer Mountain;
- i. One member from the City of Mount Holly;
- j. One member from the Town of Ranlo;
- k. One member from the Town of Stanley;
- l. One member from the N. C. Board of Transportation.
- m. One ex-officio member from the North Carolina Turnpike Authority

The Transportation Advisory Committee shall meet as often as deemed appropriate and advisable. Meetings shall be regulated within the TAC Bylaws. On the basis of a majority vote of its membership, the Transportation Advisory Committee may appoint a member of the Committee to act as Chairperson with the responsibility for coordination

of the Committee's activities. A member of the staff of the Lead Planning Agency shall serve as secretary to the Committee. The Transportation Advisory Committee shall appoint, from time to time, such subcommittees as needed for the efficient operation of that body.

9. A TECHNICAL COORDINATING COMMITTEE (TCC) shall be established with the responsibility for general review, guidance, and coordination of the transportation planning process for the Gaston Urban Area and for making recommendations to the respective local and State governmental agencies and to the Transportation Advisory Committee regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for the development, review, and recommendations for the Prospectus, Planning Work Program, Transportation Improvement Program, Urbanized Area Boundary, Metropolitan Area Boundary, National Highway System; revisions to the Thoroughfare Plan or other elements of the Transportation Plan; citizen participation in the planning process; and reports documenting the studies.

The membership of the Technical Coordinating Committee shall be initially composed of the following 25 representatives (or their designees):

- a. City Manager, City of Belmont
- b. City Manager, City of Bessemer City
- c. Town Manager, Town of Cramerton
- d. Town Manager, Town of Dallas
- e. Director of Planning, County of Gaston
- f. Director of Central Transportation, County of Gaston
- g. Director of Planning, City of Gastonia
- h. Senior Transportation Planner, City of Gastonia
- i. Director of Public Works & Utilities, City of Gastonia
- j. City Engineer, City of Gastonia
- k. City Traffic Engineer, City of Gastonia
- l. Director of Transit, City of Gastonia
- m. City Manager, City of Lowell
- n. Town Manager, Town of McAdenville
- o. City Manager, City of Mount Holly
- p. Town Manager, Town of Ranlo
- q. Town Manager, Town of Stanley
- r. Director, Gaston Economic Development Commission
- s. Director, Centralina Council of Governments
- t. Thoroughfare Planning Engineer, NCDOT
- u. Urban Area Coordinator, NCDOT
- v. Division Engineer, NCDOT
- w. Division Traffic Engineer, NCDOT
- x. Area Traffic Engineer, NCDOT

y. Director of Public Transportation & Rail Division, NCDOT

The Technical Coordinating Committee shall meet as often as deemed appropriate and advisable. Meetings shall be regulated within the TCC Bylaws. On the basis of a majority vote of its membership, the Technical Coordinating Committee may appoint a member of the Committee to act as Chairperson with the responsibility for coordinating the Committee's activities. The Committee shall develop and adopt TCC Bylaws for the purpose of establishing a quorum, officers, and operating policies and procedures. The Technical Coordinating Committee shall appoint, from time to time, such subcommittees as needed for the efficient operation of that body. A permanent subcommittee of the Technical Coordinating Committee shall be the Transportation Steering Subcommittee, which shall be the primary instrument for insuring the participation in the planning process of disabled citizens and private-sector transportation providers in compliance with Federal Transit Administration guidelines. Membership of the Technical Coordinating Committee may be altered by an appropriate amendment to the TCC Bylaws.

10. The Belmont City Council, the Bessemer City Council, the Cramerton Board of Commissioners, the Dallas Board of Aldermen, the Gaston County Board of Commissioners, the Gastonia City Council, the Lowell City Council, the McAdenville Town Council, the Mount Holly City Council, the Ranlo Board of Commissioners, the Spencer Mountain Board of Aldermen, and the Stanley Town Council shall be serve as the primary means for citizen input to the continuing transportation planning process. During transportation plan reevaluation, citizen involvement in the planning process shall be encouraged in the goals and objectives and in the plan formation stages. This citizen involvement shall be obtained through goals-and-objectives surveys, neighborhood forums, public hearings, or other procedures deemed appropriate and advisable.
11. The Transportation Advisory Committee shall develop and maintain a process of public input in compliance with Federal and State laws and regulations. The process shall be periodically reviewed to ensure the maximum participation from the public. The method of public participation shall assure appropriate participation from the disabled and minority communities.

## SECTION 2

It is further agreed that the subscribing agencies shall have the following responsibilities, these responsibilities being most logically assumed by the several agencies:

### CITY OF GASTONIA

Gastonia shall serve as the LEAD PLANNING AGENCY for the transportation planning process in the Metropolitan Area and shall assist in this transportation planning process by providing the other participants to this agreement with transportation planning assistance. The Lead Planning Agency shall coordinate highway, mass transportation, and alternative systems planning to maximize the utilization of federal, state, and local resources. In this role, the Lead Planning Agency shall encourage the maximum participation from the public and governmental agencies to ensure ongoing, cooperative transportation programs. The Lead Planning Agency shall provide staff assistance in a fair and uniform manner through the annual Planning Work Program, and all federal-aid planning grant funds available shall be expended in accordance with

the Planning Work Program. Additionally, the Lead Planning Agency shall coordinate zoning and subdivision approvals within the study, area as shown in the approved Metropolitan Area Boundary, in accordance with the adopted Thoroughfare Plan.

CITY OF BELMONT, CITY OF BESSEMER CITY, TOWN OF CRAMERTON, TOWN OF DALLAS, COUNTY OF GASTON, CITY OF LOWELL, TOWN OF MCADENVILLE, CITY OF MOUNT HOLLY, TOWN OF RANLO, TOWN OF SPENCER MOUNTAIN, AND TOWN OF STANLEY

These entities shall assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Additionally, they shall coordinate zoning and subdivision approval within their jurisdictions in accordance with the adopted Thoroughfare Plan.

#### NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

The Department shall assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. The Department, to the fullest extent possible and as permitted by existing State and Federal regulations, shall provide assistance in the protection of necessary rights-of-way for those thoroughfares designated on the adopted Thoroughfare Plan.

#### SECTION 3

Parties to this Memorandum Of Understanding may terminate their participation in the continuing transportation planning process by giving 30 days written notice to the other parties prior to the date of termination.

#### SECTION 4

In witness thereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the Secretary of Transportation on behalf of the Governor of the State of North Carolina, the City of Belmont by its Mayor, the City of Bessemer City by its Mayor, the Town of Cramerton by its Mayor, the Town of Dallas by its Mayor, the County of Gaston by its Chairman of the Board of Commissioners, the City of Gastonia by its Mayor, the City of Lowell by its Mayor, the Town of McAdenville by its Mayor, the City of Mount Holly by its Mayor, the Town of Ranlo by its Mayor, the Town of Spencer Mountain by its Mayor, the Town of Stanley by its Mayor, and the North Carolina Department of Transportation by the Secretary, this the 29th day of November 2005.\*

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- Original adoption date: October 11, 1993
  - Amendment date: November 29, 2005