



MEMORANDUM OF UNDERSTANDING

FOR

CONTINUING, COOPERATIVE AND COMPREHENSIVE TRANSPORTATION PLANNING

Between

THE CITY OF NEW BERN, COUNTY OF CRAVEN, TOWN OF RIVER BEND, TOWN OF TRENT WOODS, TOWN OF BRIDGETON, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH;

THAT WHEREAS, the City of New Bern, County of Craven, the Town of River Bend, the Town of Trent Woods, the Town of Bridgeton and the North Carolina Department of Transportation (NCDOT) desire to enter into a Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning, regarding the New Bern Urban Area Metropolitan Planning Organization (MPO);

WHEREAS, each MPO is required to develop a comprehensive transportation plan in cooperation with NCDOT and in accordance with 23 U.S.C. §134, any subsequent amendments to that statute, and any implementing regulations; and

WHEREAS, the transportation plan, once adopted by the MPO and NCDOT, shall be the basis for future transportation improvements within the MPO.

NOW THEREFORE, the following Memorandum of Understanding is made.

Section 1: Establishment of New Bern Urban Area Metropolitan Planning Organization.

It is hereby agreed that the CITY OF NEW BERN, COUNTY OF CRAVEN, TOWN OF RIVER BEND, TOWN OF TRENT WOODS, TOWN BRIDGETON, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with the UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuous planning process as related in the following paragraphs:

1. The area involved, the New Bern Urban Area MPO Metropolitan Planning Area, will be the New Bern Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, including that area beyond the existing urbanized area boundary that is expected to become urban within a twenty year planning period. This area is hereinafter referred to as the Metropolitan Planning Area (MPA).
2. The Metropolitan Planning Area will be periodically reassessed and revised in the light of new developments and basic data projections.
3. The continuing transportation planning process will be a cooperative one and all planning discussions will 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 Municipality of New Bern, the Town of River Bend, the Town of Trent Woods, the Town of Bridgeton and the County of Craven.
4. 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.
5. Transportation policy decisions within the planning area are the responsibility of the MPO in cooperation with the New Bern City Council, the Town of River Bend Town Council, the Town of Trent Woods Town Council, the Town of Bridgeton Town Council, Craven County Board of Commissioners, and the North Carolina Department of Transportation.
6. Transportation plans and programs and land use policies and programs, for the MPA, having regional impacts will be coordinated with the Eastern Carolina Rural Planning Organization, and other municipalities and counties in the region.
7. **A New Bern Urban Area Transportation Advisory Committee**, hereinafter referred to as the TAC, is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the MPO. The TAC 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.

8. The TAC will be responsible for carrying out the provisions of 23 U.S.C. 134, including, but not limited to:
 - a. Review and approval of the transportation Planning Work Program which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
 - b. Review and approval of changes to the Urbanized Area Boundary and the Metropolitan Planning Area Boundary;
 - c. Review and approval of the **Metropolitan Transportation Improvement Program** (TIP) for multi-modal capital and operating expenditures and to ensure coordination between local and State capital and operating improvement programs;
 - d. Endorsement, review and approval of changes to the adopted **Metropolitan and Comprehensive Transportation Plans**. As required by the North Carolina General Statutes Section 136-66.2(d), revisions to the **Comprehensive Transportation Plan** must be jointly approved by the MPO and the North Carolina Department of Transportation;
 - e. Review and approval of the **Public Involvement Plan** to ensure the public is given ample opportunity to participate in the transportation planning process.
 - f. Endorsement, review and approval of changes to the Federal-Aid Functional Classification System and the New Bern Adjusted Urbanized Area;
 - g. Establishment of goals and objectives for the transportation planning process; and
 - h. Adoption of bylaws for the purpose of establishing operating policies and procedures.

The membership and voting structure of the TAC shall include:

Governmental Body	Regular Votes
City of New Bern	1
County of Craven	1
Town of Bridgeton	1
Town of River Bend	1
Town of Trent Woods	1
NC Department of Transportation Board	1

- i. Representatives from each of the following bodies will serve as non-voting members of the Transportation Advisory Committee.
 - i. Federal Highway Administration (FHWA) North Carolina Division, Planning and Program Development Engineer;
 - ii. Craven Area Rural Transit Service (CARTS)

The Transportation Advisory Committee will meet as often as it is deemed appropriate and advisable as identified in TAC bylaws. On the basis of majority vote, the TAC may appoint a member of the Committee to act as Chairperson with the responsibility for coordination of the Committee's activities. A staff member of the New Bern Development Services Department will serve as Secretary to the Committee. A member of any local elected board may serve as an alternate to the designated TAC member for each member. The MPO Secretary shall be notified of a TAC alternate member each year and as changes are made.

Typically, meetings will be held by an in-person format, with each member agency represented. In the event an in-person meeting cannot be accomplished, meetings may be conducted by one or more means of remote communication through which all of the Members may participate with each other during the meeting, if the number of Members participating is sufficient to constitute a quorum.

As established in its Bylaws, the TAC may create subcommittees to assist it in carrying out its responsibilities.

9. Municipal councils, boards of alderman and county commissioners represented on the TAC shall serve as the primary means for citizen input in the transportation planning process. This citizen involvement will be obtained through goals and objectives surveys, forums, and public meetings.

9. A Technical Coordinating Committee (TCC) shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the respective local and State governmental agencies and the TAC 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 Planning Work Program, Transportation Improvement Program, Metropolitan Planning Area Boundary, revisions to the Metropolitan/Comprehensive Transportation Plan, Public Participation Plan, and documentation reports of the MPO.

Membership of the TCC shall include technical representatives from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area. The TCC shall be comprised of the following members:

- a. Director of Development Services, City of New Bern;
- b. MPO Coordinator, City of New Bern;
- c. City Engineer, New Bern Engineering Department;
- d. Craven County Planning Director;
- e. Craven County Operations and Facilities Director;
- f. Town Manager, Trent Woods;
- g. Town Manager, Bridgeton;
- h. Town Manager, River Bend;
- i. Craven County Area Rural Transit Service (CARTS);
- j. Airport Authority;
- k. Representative from the New Bern Chamber of Commerce;
- l. New Bern Urban Area Coordinator, Transportation Planning Branch, North Carolina Department of transportation;
- m. Division 2 Engineer and or Division Project Engineer, Division of Highways, North Carolina Department of Transportation;
- n. District 2 Engineer and or Assistant District Engineer, North Carolina Department of Transportation;
- o. Representative, Public Transportation Division, North Carolina Department of Transportation;
- p. Representatives from each of the following bodies will serve as non-voting members of the Technical Coordinating Committee.
 - i. Federal Highway Administration (FHWA) North Carolina Division, Planning and Program Development Planner;
 - ii. Transportation Planner, Eastern Carolina Rural Planning Organization;
 - iii. Other local, State or Federal agencies impacting transportation in the planning area at the invitation of the TCC.

10. The TCC shall meet with it is deemed appropriate and advisable. On the basis of majority vote of its membership, the TCC may appoint a member of the Committee to act as Chairperson with the responsibility of coordination of the Committee's activities. On the basis of majority vote of its membership, the TCC may also appoint a Vice-Chair to lead meetings in the absence of the Chair. Membership to the TCC

may be altered on the basis of a majority vote of its membership, provided all agencies with TAC membership are represented. The New Bern City Council; the Town of River Ben Town Council; the Town of Trent Woods Town Council; the Town of Bridgeton Town Council; Craven County Board of Commissioners; and the North Carolina Department of Transportation shall serve as the primary means for citizen input to the continuing transportation planning process. The TAC may initiate other vehicles to solicit citizen input at its discretion.

11. The Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC), as well as any established sub-committees are responsible for carrying out the provisions of North Carolina General Statute Chapter 143, Article 33C regarding open meetings, and Chapter 132 regarding public records. Any member who does not attend two consecutive 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. A **Quorum** is required for the 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. Vacant seats as defined in the bylaws will not count against the quorum. Electronic meetings are allowed as long as public notice is given and location for listening to the meeting is provided.

Section 2: Agency Responsibility

The City of New Bern shall serve as the Lead Planning Agency and will provide the staff of the MPO, including the Local Area MPO Coordinator and a Secretary to the TAC and the TCC. As such, staff will maintain the official records of the MPO and all state and federal reporting and budgetary requirements in cooperation with the North Carolina Department of Transportation staff. The City will further assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Planning Work Program. Additionally, the City shall coordinate zoning and subdivision approvals within its jurisdiction in accordance with the adopted Transportation Plan. The City will be responsible for the following functions:

- Providing a secretary for the TAC and the TCC
- Arranging meetings and agenda

- Maintaining minutes and records
- Preparing a Prospectus and Planning Work Program
- Serving as custodian of all MPO plans and documents
- Collecting from local governments, minutes and resolutions that document transportation plan revisions, and submitting these for mutual adoption by the North Carolina Department of Transportation
- Monitoring the transportation planning process to insure its execution is in accordance with the MPO goals and objectives
- Performing other coordinating functions as assigned by the TAC from time to time
- Lead responsibility for structuring public involvement in the transportation planning process

Preparation of the PL Expenditure Report and other grant management

The North Carolina Department of Transportation will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Planning Work Program. The transportation Planning Branch will designate a New Bern Urban Area Coordinator to serve as Staff liaison and participant in the New Bern Urban Area MPO planning process. The Department, as permitted by existing State and Federal regulations, will provide assistance in the protection of necessary rights-of-way for those thoroughfares designated in the transportation plan.

Section 3: Cost Sharing

Activities of the MPO, as set forth in the annually adopted Planning Work Program, are funded through Federal Planning funds distributed through the North Carolina Department of Transportation. These funds require a twenty percent (20%) local match. Parties to the Memorandum of Understanding agree to fund the local match in an amount in direct proportion to their share of the total population contained in the approved Metropolitan Planning Area. Population figures for determination of Local Match contribution shall be determined based on the most recent Federal Decennial Census. This funding share shall be invoiced on a regular basis by the City of New Bern, acting as Lead Planning Agency, and as recipient of the Federal Planning funds distributed by the North Carolina Department of Transportation. Annual fees are non-refundable.

Section 4: Withdrawal from NBMPO

Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 180 days written notice to the other parties prior to the date of termination. Notice of termination shall be received by the NBMPO prior to January 1 of the calendar year.

Section 5:

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of New Bern by its Mayor, The Town of River Bend by its Mayor, The Town of Trent Woods by its Mayor, the Town of Bridgeton by its Mayor, and Craven County by its Chairman of the Board of Commissioners and the North Carolina Department of Transportation by the Secretary of Transportation, approved this document on the 12th day of February, 2013.

This document was amended to include electronic meeting verbiage, and approved by the New Bern Area MPO Technical Advisory Committee on the 11th day of June, 2020.



John Kirkland



Jeff Ruggieri