

1                                   **DURHAM-CHAPEL HILL-CARRBORO**  
2                                   **METROPOLITAN PLANNING ORGANIZATION**

3  
4                                   **MEMORANDUM OF UNDERSTANDING**  
5                                   **FOR**  
6                                   **COOPERATIVE, COMPREHENSIVE, AND CONTINUING**  
7                                   **TRANSPORTATION PLANNING**

8  
9                                   Between

10  
11                                   THE GOVERNOR OF THE STATE OF NORTH CAROLINA,  
12                                   CITY OF DURHAM, TOWN OF CHAPEL HILL, TOWN OF CARRBORO  
13                                   TOWN OF HILLSBOROUGH, COUNTY OF DURHAM,  
14                                   COUNTY OF ORANGE, COUNTY OF CHATHAM, TRIANGLE TRANSIT, AND  
15                                   THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

**Comment [BE1]:** Added

16  
17                                   in cooperation with

18  
19                                   THE UNITED STATES DEPARTMENT OF TRANSPORTATION

20  
21                                   November 13, 2013

22                                   WITNESSETH THAT

23  
24  
25 **WHEREAS, Section 134(a) of Title 23 United States Codes states:**

**Comment [BE2]:** Reference U.S.C. first as it establishes the basis for MPOs

26  
27                                   Policy – It is in the national interest—

- 28                                   (1) to encourage and promote the safe and efficient management, operation,  
29                                   and development of surface transportation systems that will serve the mobility  
30                                   needs of people and freight and foster economic growth and development  
31                                   within and between States and urbanized areas, while minimizing  
32                                   transportation-related fuel consumption and air pollution through metropolitan  
33                                   and statewide transportation planning processes identified in this chapter; and  
34                                   (2) to encourage the continued improvement and evolution of the metropolitan  
35                                   and statewide transportation planning processes by metropolitan planning  
36                                   organizations, State departments of transportation, and public transit operators  
37                                   as guided by the planning factors identified in subsection (h) and section 135(d).

38  
39 **WHEREAS, Section 134(c) of Title 23 United States Codes states:**

40  
41                                   General Requirements.—

- 42                                   (1) Development of long-range plans and TIPs.— To accomplish the objectives in  
43                                   subsection (a), metropolitan planning organizations designated under subsection  
44                                   (d), in cooperation with the State and public transportation operators, shall

1 develop long-range transportation plans and transportation improvement  
2 programs through a performance-driven, outcome-based approach to planning  
3 for metropolitan areas of the State.

4 (2) Contents.— The plans and TIPs for each metropolitan area shall provide for  
5 the development and integrated management and operation of transportation  
6 systems and facilities (including accessible pedestrian walkways and bicycle  
7 transportation facilities) that will function as an intermodal transportation  
8 system for the metropolitan planning area and as an integral part of an  
9 intermodal transportation system for the State and the United States.

10 (3) Process of development.— The process for developing the plans and TIPs  
11 shall provide for consideration of all modes of transportation and shall be  
12 continuing, cooperative, and comprehensive to the degree appropriate, based  
13 on the complexity of the transportation problems to be addressed.

14  
15 WHEREAS, Chapter 136, Section 66.2(a) of the General Statutes of North Carolina states:

16  
17 Each MPO, with cooperation of the Department of Transportation, shall develop a  
18 comprehensive transportation plan in accordance with 23 U.S.C. Section 134. In  
19 addition, an MPO may include projects in its transportation plan that are not included in  
20 a financially constrained plan or are anticipated to be needed beyond the horizon year  
21 as required by 23 U.S.C. Section 134. For municipalities located within an MPO, the  
22 development of a comprehensive transportation plan will take place through the  
23 metropolitan planning organization. For purposes of transportation planning and  
24 programming, the MPO shall represent the municipality's interests to the Department of  
25 Transportation.

26  
27 WHEREAS, Chapter 136, Section 66.2(b) of the General Statutes of North Carolina states:

28  
29 After completion and analysis of the plan, the plan shall be adopted by both the  
30 governing body of the municipality or MPO and the Department of Transportation as  
31 the basis for future transportation improvements in and around the municipality or  
32 within the MPO. The governing body of the municipality and the Department of  
33 Transportation shall reach agreement as to which of the existing and proposed streets  
34 and highways included in the adopted plan will be a part of the State highway system  
35 and which streets will be a part of the municipal street system. As used in this Article,  
36 the State highway system shall mean both the primary highway system of the State and  
37 the secondary road system of the State within municipalities.

38  
39 WHEREAS, Chapter 136, Section 66.2(d) of the General Statutes of North Carolina states:

40  
41 For MPOs, either the MPO or the Department of Transportation may propose changes  
42 in the plan at any time by giving notice to the other party, but no change shall be  
43 effective until it is adopted by both the Department of Transportation and the MPO.  
44

**Comment [BE3]:** Reference N.C. General Statutes second as it establishes a requirement for MPOs

1 WHEREAS, a transportation planning process includes the operational procedures and working  
2 arrangements by which short and long-range transportation plans are soundly conceived and  
3 developed and continuously evaluated in a manner that will:

- 4  
5 1. Assist governing bodies and official agencies in determining courses of action and in  
6 formulating attainable capital improvement programs in anticipation of community  
7 needs; and,  
8
- 9 2. Guide private individuals and groups in planning their decisions which can be important  
10 factors in the pattern of future development and redevelopment of the area;

11  
12 WHEREAS, it is the desire of these agencies that a continuing, cooperative, and comprehensive  
13 transportation planning process, be established for the Durham-Chapel Hill-Carrboro  
14 Metropolitan Planning Area in compliance with Title 23 U.S.C. Section 134 and any subsequent  
15 amendments to that statute, and any implementing regulations; Title 49 U.S.C. Chapter 53 and  
16 any subsequent amendments to these statutes, and any implementing regulations; and the  
17 Clean Air Act of 1970, as amended, [42 U.S.C. 7504 and 7506(c)].

18  
19 WHEREAS, it is the desire of these parties that all prior Memoranda of Understanding between the  
20 parties be superseded and replaced by this Memorandum of Understanding.

21  
22 NOW THEREFORE, the following Memorandum of Understanding is made:

23  
24 Section I

25  
26 It is hereby agreed that the City of Durham, Town of Chapel Hill, Town of Carrboro, Town of  
27 Hillsborough, County of Durham, County of Orange, County of Chatham, and the North Carolina  
28 Department of Transportation in cooperation with the United States Department of  
29 Transportation will participate in a continuing, cooperative, and comprehensive transportation  
30 planning process with responsibilities and undertakings as related in the following paragraphs:

- 31  
32 1. The Durham-Chapel Hill-Carrboro Metropolitan Planning Area, will consist of the  
33 Durham Urbanized Area as defined by the United States Department of Commerce,  
34 Bureau of the Census, plus that area beyond the existing urbanized area boundary that  
35 is expected to become urbanized or be affected by urban policies within a twenty-year  
36 planning period. This area is hereinafter referred to as the Metropolitan Planning Area.  
37
- 38 2. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) shall  
39 include the boards of general purpose local government – the Durham City Council,  
40 Chapel Hill Town Council, Carrboro Board of Aldermen, Hillsborough Board of  
41 Commissioners, Durham County Board of Commissioners, Orange County Board of  
42 Commissioners, and Chatham County Board of Commissioners; the North Carolina  
43 Department of Transportation; a MPO Board hereinafter defined, a MPO Technical

**Comment [BE4]:** Changed from “Durham Urbanized Area” in response to NCDOT comment.

**Comment [BE5]:** Changed reference from Federal Transit Act of 1991 to the U.S.C. related to Metropolitan Planning and public transportation

**Comment [BE6]:** Added Clean Air Act – references U.S.C. requirements on conformity

**Comment [BE7]:** Added.

**Comment [BE8]:** Metropolitan Planning Area – not Metropolitan Area Boundary – is term used in U.S.C.

**Comment [BE9]:** Changed from Durham-Chapel Hill-Carrboro Urbanized Area. Census uses “Durham Urbanized Area”

**Comment [BE10]:** New name for TAC

1 Committee hereinafter defined, and the various agencies and units of local, regional,  
2 state, and federal government participating in the transportation planning for the area.

**Comment [BE11]:** New name for TCC

**Comment [BE12]:** Added regional. Could refer to TJCOG, Triangle Transit, etc.

3  
4 3. The Metropolitan Planning Area boundary will be periodically reviewed and revised in  
5 light of new developments, basic data projections for the current planning period, and  
6 as may otherwise be required by federal and state laws.

7  
8 4. The continuing transportation planning process will be a cooperative one reflective of  
9 and responsive to the programs of the North Carolina Department of Transportation,  
10 and to the comprehensive plans for growth and development of the Municipalities of  
11 Durham, Chapel Hill, Carrboro, and Hillsborough; and the Counties of Durham, Orange,  
12 and Chatham. Attention will be given to cooperative planning with the neighboring  
13 metropolitan and rural planning organizations.

**Comment [BE13]:** Changed to more inclusive language (previously only referenced CAMPO).

14  
15 5. The continuing transportation planning process will be in accordance with the intent,  
16 procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.

17  
18 6. The continuing transportation planning process will be in accordance with the intent,  
19 procedures, and programs of Clean Air Act of 1970, as amended.

**Comment [BE14]:** Added

20  
21 7. Transportation policy decisions within the MPO are the shared responsibility of the MPO  
22 Board, the N.C. Board of Transportation, and participating local governments.

**Comment [BE15]:** Changed from "Planning Area" in response to NCDOT comment.

23  
24 8. Transportation plans and programs, and land use policies and programs, for the  
25 Planning Area, having regional impacts, will be coordinated with Triangle Transit, the  
26 neighboring metropolitan and rural planning organizations, and Triangle J Council of  
27 Governments.

**Comment [BE16]:** Changed to more inclusive language (previously only referenced CAMPO).

28  
29 9. A MPO Board is hereby established with the responsibility for cooperative  
30 transportation decision-making for the Durham-Chapel Hill-Carrboro Metropolitan  
31 Planning Organization (DCHC MPO). The MPO Board shall have the responsibility for  
32 keeping the policy boards informed of the status and requirements of the  
33 transportation planning process; assisting in the dissemination and clarification of the  
34 decisions, inclinations, and policies of the policy boards, and for providing opportunities  
35 for citizen participation in the transportation planning process.

36  
37 The MPO Board will be responsible for carrying out the provisions of 23 U.S.C. Section  
38 134; Title 49 U.S.C. Chapter 53; and 42 U.S.C. 7504 and 7506(c); including but not  
39 limited to:

**Comment [BE17]:** Updated reference to public transportation U.S.C.

**Comment [BE18]:** Added. References Clean Air Act requirements.

40 a. Establishment of goals and objectives for the transportation planning process;

- 1 b. Review and approval of a Prospectus for transportation planning which defines  
 2 work tasks and responsibilities for the various agencies participating in the  
 3 transportation planning process;  
 4  
 5 c. Review and approval of the transportation Unified Planning Work Program;  
 6  
 7 d. Review and approval of changes to the National Highway System, Functional  
 8 Classification, and Metropolitan Planning Area boundary;  
 9  
 10 e. Review and approval of the Comprehensive and Metropolitan Transportation  
 11 Plans. As specified in General Statutes Section 136-66.2(a), the Comprehensive  
 12 Transportation Plan shall include the projects in the Metropolitan Transportation  
 13 Plan and may include additional projects that are not included in the financially  
 14 constrained plan or are anticipated to be needed beyond the horizon year as  
 15 required by 23 U.S.C. Section 134. As specified in General Statutes Section 136-  
 16 66.2(d) revisions to the Comprehensive Transportation Plan are required to be  
 17 jointly approved by the North Carolina Department of Transportation and the  
 18 MPO Board;  
 19  
 20 f. Review and approval of the Transportation Improvement Program and changes  
 21 to the Transportation Improvement Program. As specified in 23 U.S.C. Section  
 22 134(k), all federally funded projects carried out within the boundaries of a  
 23 metropolitan planning area serving a transportation management area  
 24 (excluding projects carried out on the National Highway System) shall be  
 25 selected for implementation from the approved TIP by the metropolitan  
 26 planning organization designated for the area in consultation with the State and  
 27 any affected public transportation operator;  
 28  
 29 g. Review and approval of planning procedures for air quality conformity and  
 30 review and approval of air quality conformity determination for projects,  
 31 programs, and plans;  
 32  
 33 h. Review and approval of a Congestion Management Process;  
 34  
 35 i. Review and approval of the distribution and oversight of federal funds designated  
 36 for the DCHC MPO under the provisions of MAP-21 and any other subsequent  
 37 Transportation Authorizations;  
 38  
 39 j. Review and approval of a policy for public involvement for the DCHC MPO;  
 40  
 41 k. Review and approval of an agreement between the MPO, the State, and public  
 42 transportation operators serving the Metropolitan Planning Area that defines  
 43 mutual responsibilities for carrying out the metropolitan planning process in  
 44 accordance with 23 C.F.R. 450.314;

**Comment [BE19]:** Old MOU includes “urban area boundary”. Urbanized area set by Census. Smoothed UZA no longer necessary.

**Comment [BE20]:** Changed from “as well as” in response to NCDOT comment

**Comment [BE21]:** Changed from “may be” in response to NCDOT comment.

**Comment [BE22]:** Updated to reflect current names of plans and legislation.

**Comment [BE23]:** Added reference to specific language for selection of TIP projects in Transportation Management Areas.

**Comment [BE24]:** Added

**Comment [BE25]:** Added

**Comment [BE26]:** Changed from “Durham Urbanized Area” in response to NCDOT comment.

**Comment [BE27]:** Added

**Comment [BE28]:** Added

**Comment [BE29]:** Added

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- l. Oversight of the Lead Planning Agency staff;
- m. Revision in membership of the MPO Technical Committee hereinafter defined;
- n. Development and approval of committee bylaws for the purpose of establishing operating policies and procedures;
- o. Review and approval of cooperative agreements with other transportation organizations, transportation providers, counties, and municipalities.

Comment [BE30]: Added

Comment [BE31]: Added.

The membership of the MPO Board shall include:

- a. Two members of the Durham City Council;
- b. One member of the Chapel Hill Town Council;
- c. One member of the Carrboro Board of Aldermen;
- d. One member of the Hillsborough Board of Commissioners;
- e. One member of the Durham County Board of Commissioners;
- f. One member of the Orange County Board of Commissioners;
- g. One member of the Chatham County Board of Commissioners;
- h. One member of the North Carolina Board of Transportation;
- i. One member of the Triangle Transit Board of Trustees.

Municipal and county public transit providers shall be represented on the MPO Board through their respective municipal and county local government board members.

Comment [BE32]: Added to address MAP-21 requirement that transit providers be voting members of the MPO Board.

It shall be the responsibility of each member jurisdiction to appoint a representative and an alternate(s) to the MPO Board.

A quorum of the MPO Board shall consist of a majority of the voting members whose votes together represent a majority of the possible weighted votes identified in the weighted vote schedule below. A majority vote shall be sufficient for approval of matters coming before the committee with the exception that a committee member may invoke the following weighted vote provisions on any matter:

Government Body	Votes
City of Durham	16*
Town of Chapel Hill	6
Durham County	4
Orange County	4
Town of Carrboro	2
Chatham County	2
Town of Hillsborough	2
N.C. Board of Transportation	1

Triangle Transit	1
Total	38

\* 8 votes per representative

Representatives from each of the following bodies will serve as non-voting members of the MPO Board:

- a. A representative of the Federal Highway Administration;
- b. A representative of the Federal Transit Administration;
- c. Other local, regional, state, or federal agencies impacting transportation in the planning area at the invitation of the MPO Board.

The MPO Board will meet as often as it is deemed appropriate and advisable. On the basis of a majority vote, the MPO Board may appoint members of the Board to act as Chair and Vice-Chair with the responsibility for coordination of the Board's activities. A member of the Lead Planning Agency staff will serve as Secretary to the Board and will work cooperatively with the staff of other jurisdictions.

10. A MPO Technical Committee 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, state, and federal governmental agencies and the MPO Board regarding any necessary actions relating to the continuing transportation planning process. The MPO Technical Committee shall be responsible for development, review and recommendations for approval and changes to the Prospectus, Unified Planning Work Program, Transportation Improvement Program, National Highway System, Functional Classification, Metropolitan Planning Area boundary, Metropolitan Transportation Plan, and Comprehensive Transportation Plan, for planning citizen participation, and for documenting reports of various transportation studies.

Membership of the MPO Technical Committee shall include technical representatives from local and state agencies directly related to and concerned with the transportation planning process for the planning area. Representatives will be designated by the chief executive officer of each represented agency. Departments or divisions within local and state agencies that should be represented on the MPO Technical Committee include, but are not limited to, those responsible for transportation planning, land use planning, transportation operations, public works and construction, engineering, public transportation, environmental conservation and planning, bicycle and pedestrian planning, and economic development. Initially, the membership shall include, but not be limited to, the following:

- a. The City of Durham 5 representatives
- b. The Town of Chapel Hill 3 representatives

**Comment [BE33]:** Proposed Weighted Voting is based on the current MOU, but makes Durham County and Orange County equivalent due to similar populations and increases Chapel Hill due to comparatively larger size. In response to Carrboro's comments, all local governments receive a minimum of two votes. The number of weighted votes for all jurisdictions were doubled from the draft MOU. Quorum is 6 members who represent 20 weighted votes.

**Comment [BE34]:** Current MOU "A Division Administrator(s) of the Federal Highway Administration and/or the Federal Transit Administration, or their representative(s);"

**Comment [BE35]:** Changed from City of Durham Department of Transportation

**Comment [BE36]:** Changed from "the transportation study" in response to Orange County comment.

**Comment [BE37]:** Added.

- 1 c. The Town of Carrboro 2 representatives
- 2 d. The Town of Hillsborough 1 representative
- 3 e. Durham County 3 representatives
- 4 f. Orange County 3 representatives
- 5 g. Chatham County 1 representative
- 6 h. The N.C. Department of Transportation 5 representatives
- 7 i. Triangle J Council of Governments 1 representative
- 8 j. Duke University 1 representative
- 9 k. N.C. Central University 1 representative
- 10 l. The University of North Carolina 1 representative
- 11 m. The Raleigh-Durham Airport Authority 1 representative
- 12 n. Triangle Transit 1 representative
- 13 o. The Research Triangle Park Foundation 1 representative
- 14 p. The N.C. Department of the Environment and 1 representative
- 15 Natural Resources

**Comment [BE38]:** Increased to 3 to be equal with Durham County.

**Comment [BE39]:** Added due to air quality and Merger Process roles

16  
17 The City of Durham’s membership shall not include members of the Lead Planning  
18 Agency staff.

**Comment [BE40]:** Added

19  
20 In addition to voting membership, the following agencies shall have non-voting  
21 membership:

- 22
- 23 a. The Federal Highway Administration 1 representative
- 24 b. The Federal Transit Administration 1 representative
- 25 c. The U.S. Army Corps of Engineers 1 representative
- 26 d. The U.S. Environmental Protection Agency 1 representative
- 27 e. The U.S. Fish and Wildlife Service 1 representative
- 28 f. The N.C. Department of Cultural Resources 1 representative
- 29 g. The N.C. Department of Commerce 1 representative
- 30 h. The U.S. Department of Housing and Urban  
31 Development 1 representative
- 32 i. The N.C. Railroad Company 1 representative
- 33 j. The N.C. Trucking Association 1 representative
- 34 k. The N.C. Motorcoach Association 1 representative
- 35 l. Regional Transportation Alliance 1 representative

**Comment [BE41]:** Current MOU says 2 from USDOT. Proposed MOU specifically requests one from FHWA and one from FTA.

**Comment [BE42]:** Added – all have role in Merger Process

**Comment [BE43]:** Added due to Livability Initiative.

**Comment [BE44]:** Added to incorporate freight interests.

**Comment [BE45]:** Added as a substitute for the Greyhound membership currently in the TCC bylaws. Represents private charter bus operators.

**Comment [BE46]:** Added to incorporate economic development interests.

36  
37 The MPO Technical Committee shall meet when it is deemed appropriate and advisable.  
38 On the basis of a majority vote, the MPO Technical Committee may appoint voting  
39 members of the Committee to act as Chair and Vice-Chair with the responsibility for  
40 coordination of the Committee’s activities.

41  
42 11. The Durham City Council, Chapel Hill Town Council, Carrboro Board of Aldermen,  
43 Hillsborough Board of Commissioners, Durham County Board of Commissioners, Orange  
44 County Board of Commissioners, and Chatham County Board of Commissioners shall

1 serve as the primary means for citizen input to the continuing transportation planning  
2 process. During the Metropolitan Transportation Plan reevaluation, citizen involvement  
3 in the planning process shall be encouraged during re-analysis of goals and objectives  
4 and plan formation. This citizen involvement will be obtained through procedures  
5 outlined in the MPO's policy for public involvement.

**Comment [BE47]:** Deleted "...goals and objectives surveys, neighborhood forums, and public hearings in accordance with..."

6  
7 The MPO Board may also receive public input or hold public hearings as may also be  
8 required by federal or state law.

**Comment [BE48]:** Changed from "North Carolina Highway Action Plan"

9  
10 Section II

11  
12 It is further agreed that the subscribing agencies will have the following responsibilities, these  
13 responsibilities being those most logically assumed by the several agencies:

14  
15 The Municipalities and the Counties

**Comment [BE49]:** Condensed into one section. Current MOU includes identical language for all seven municipalities and counties.

16  
17 The municipalities and the counties will assist in the transportation planning process by  
18 providing planning assistance, data, and inventories in accordance with the Prospectus.  
19 The municipalities and the counties shall coordinate zoning and subdivision approval  
20 within their respective jurisdictions in accordance with the adopted Metropolitan  
21 Transportation Plan and the Comprehensive Transportation Plan.

22  
23 Additionally, the City of Durham will serve as the Lead Planning Agency for the  
24 transportation planning process in the Planning Area.

25  
26 The municipalities and the counties will participate in funding the portion of the costs of  
27 the MPO's work program not covered by federal or state funding as reflected in the  
28 annual Planning Work Program approved by the MPO Board. The portion to be paid by  
29 each municipal and county member government will be based upon its pro rata share of  
30 population within the MPO Planning Area, utilizing the most recent certified North  
31 Carolina Office of State Planning municipal and county population estimates. In  
32 addition, MPO members may also voluntarily contribute additional funds for other  
33 purposes such as to participate in funding the costs of special studies, or other  
34 specialized services as mutually agreed upon.

**Comment [BE50]:** Added in response to Chapel Hill comment.

35  
36 Funding provided by member agencies will be used to provide the required local match  
37 to federal funds. Failure by member agencies to pay the approved share of costs would  
38 impact the MPO's ability to match federal funds and could have the effect of  
39 invalidating the MPO's Unified Planning Work Program and the annual MPO self-  
40 certification, and could also result in the withholding of transportation project funds.  
41 Failure by member governments to pay the approved share of costs may also result in  
42 the withholding of MPO services and funding.

**Comment [BE51]:** Added. Uses same language as CAMPO.

**Comment [BE52]:** Added. This paragraph was rewritten in response to NCDOT and Orange County comment.

1 The municipalities and the counties receiving federal transportation funding designated  
2 for the Durham Urbanized Area as approved by the MPO Board through the Unified  
3 Planning Work Program shall comply with adopted reporting and oversight procedures.

Comment [BE53]: Added

#### 4 North Carolina Department of Transportation

5  
6  
7 The Department will assist in the transportation planning process by providing planning  
8 assistance, data, and inventories in accordance with the Prospectus. Should any  
9 authorized local government body choose to adopt or amend a transportation corridor  
10 official map for a proposed public transportation corridor pursuant to N.C.G.S. § 136-  
11 44.50, the Department may offer assistance by providing mapping, data, inventories, or  
12 other Department resources that could aid the local government body in adopting or  
13 amending a transportation corridor official map.

Comment [BE54]: Changed from “The Department, to the fullest extent possible and as permitted by existing state and federal regulations, will provide assistance in the protection of necessary rights-of-way for those transportation facilities designated in the adopted Metropolitan Transportation Plan and Comprehensive Transportation Plan” in response to NCDOT comment.

#### 14 Triangle Transit

15  
16  
17 Triangle Transit will assist in the transportation planning process by providing planning  
18 assistance, data, and inventories in accordance with the Prospectus. Triangle Transit  
19 shall comply with adopted reporting and oversight procedures for the receipt of federal  
20 transportation funding designated for the Durham Urbanized Area as approved by the  
21 MPO Board through the Unified Planning Work Program.

Comment [BE55]: Added.

#### 22 E-Verify Compliance for All Parties to this Agreement

23  
24  
25 Each of the parties covenants that if it enters into any subcontracts in order to perform  
26 any of its obligations under this contract, it shall require that the contractors and their  
27 subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter  
28 64. In this E-Verify Compliance section, the words contractors, subcontractors, and  
29 comply shall have the meanings intended by applicable provisions of NC Gen. Stat.  
30 Chapters 153A and 160A.

Comment [BE56]: Added in response to City of Durham comment.

#### 31 Section III

32  
33  
34 Parties to this Memorandum of Understanding may terminate their participation in the  
35 continuing transportation planning process by giving ninety (90) days written notice to the  
36 other parties prior to the date of termination. If any party should terminate participation, this  
37 Memorandum of Understanding shall remain in force and the Durham-Chapel Hill-Carrboro  
38 Metropolitan Planning Organization shall continue to operate as long as 75% or more of the  
39 population within the Metropolitan Planning Area is represented by the remaining members.  
40 For the purpose of determining 75% representation, the populations within incorporated areas  
41 are represented by the respective municipal governments and the populations within the  
42 unincorporated areas are represented by the respective county governments.

Comment [BE57]: Changed from “thirty (30)” in response to Carrboro and City of Durham comment.

#### 43 Section IV

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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 Durham by its Mayor, the Town of Chapel Hill by its Mayor, the Town of Carrboro by its Mayor, the Town of Hillsborough by its Mayor, Durham County by its Chair, Orange County by its Chair, Chatham County by its Chair, Triangle Transit by its Chair, and the Secretary of Transportation on behalf of the Governor of the State of North Carolina and the North Carolina Department of Transportation, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

**Comment [BE58]:** Current MOU says "City Manager" for City of Durham only

**Comment [BE59]:** Added in response to NCDOT comment.

(Seal) \_\_\_\_\_ City of Durham

\_\_\_\_\_  
Clerk By \_\_\_\_\_  
Mayor

(Seal) \_\_\_\_\_ Town of Chapel Hill

\_\_\_\_\_  
Clerk By \_\_\_\_\_  
Mayor

(Seal) \_\_\_\_\_ Town of Carrboro

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Clerk By \_\_\_\_\_  
Mayor

(Seal) \_\_\_\_\_ Town of Hillsborough

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(Seal) \_\_\_\_\_ County of Orange

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(Seal) \_\_\_\_\_ County of Chatham

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Clerk \_\_\_\_\_ By \_\_\_\_\_  
Chair

(Seal) \_\_\_\_\_ Triangle Transit

\_\_\_\_\_  
Clerk \_\_\_\_\_ By \_\_\_\_\_  
Chair

(Seal) \_\_\_\_\_ North Carolina Department of  
Transportation

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

**Comment [BE60]:** Signature lines will be on separate pages in the final MOU for easier execution.