

**DCHC MPO Memorandum of Understanding  
Summary of Comments Received from DCHC Members**

**Note:** Page and line references refer to marked version of MOU.

**Town of Hillsborough Comments – Received 8/28/13**

| <b>Comment</b> | <b>TAC Response</b> |
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| No comments    | N/A                 |

**Chatham County Comments – Received 9/6/13**

| <b>Comment</b>                                                                                                                                                                                                         | <b>TAC Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Page 6, beginning on line 36. The Chatham County Board of Commissioners is unanimously opposed to the weighted voting provisions.                                                                                      | Weighting voting provisions are in the MOU. The number of votes was adjusted so that all local governments have more votes than Triangle Transit and NCDOT. The proposed weighted voting is based on the current MOU, with small adjustments to account for current populations. Population distribution is not the only factor in developing the current weighted voting structure as the City of Durham only represents 42% of the weighted votes yet represents about 58% of the population of the MPO. Weighted voting has been very rarely invoked by MPO Board members. |
| General comment: The Board of Commissioners is also concerned about the 20% local match, citing the population differences between the urbanized area and the planning area of the MPO boundary within Chatham County. | No change. Federal regulations require the MPO to plan and conduct other activities within the entire planning area, not just the urbanized area.                                                                                                                                                                                                                                                                                                                                                                                                                             |

**NCDOT Comments – Received 9/6/13**

| <b>Comment</b>                                                                                                                                                                                                                  | <b>TAC Response</b>                                                                                                                                                                                                                                                                                                             |
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| Page 3, line 13-14. The MPO is required to plan for the entire area, not just the Durham Urbanized Area as defined by the US Census. Change “Durham Urbanized Area” to “Durham-Chapel Hill-Carrboro Metropolitan Planning Area” | Change made                                                                                                                                                                                                                                                                                                                     |
| Page 4, line 21. Change “Planning Area” to “MPO”                                                                                                                                                                                | Change made                                                                                                                                                                                                                                                                                                                     |
| Page 4, line 35. What is MPO policy for PI [public involvement]? Expecting the public to show up in downtown Durham, in the morning, and pay to park may be limiting your PI.                                                   | No change. The MPO approved a revised Public Involvement Policy on 11/14/2012. The Policy prescribes the procedures for disseminating information to the public and receiving public input into the MPO’s decision-making process. The MPO holds meetings and workshops at night and in locations other than downtown Durham as |

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|                                                                                                                                                                                                                                              | appropriate. Public involvement is also part of the Certification Review process.                                                             |
| Page 5, line 13. NC General Statutes require the plan to include MTP projects and says that it may include other projects not in the fiscally constrained plan. Delete “as well as” and add “and may include additional.”                    | Change made                                                                                                                                   |
| Page 5, line 16. NC General Statutes requires that any revisions to the CTP shall be jointly approved by the MPO Board and N.C. Board of Transportation. Change “may be” to “are.”                                                           | Change made                                                                                                                                   |
| Page 5, line 36. Change “Durham Urbanized Area” to “DCHC MPO.”                                                                                                                                                                               | Change made.                                                                                                                                  |
| Page 6, line 2. NCDOT comment: “You’re going to put the management of Durham staff under the MPO board. You may need to remove this or use another word.”                                                                                    | No change. LPA staff and member jurisdictions have a clear understanding of the term oversight as used in the MOU.                            |
| Page 6, line 36. Since you are specifying weighted voting below, you need to be clear about the number of votes under a non-weighted voting scheme.                                                                                          | No change. The MOU at page 6, line 32 states that a majority vote shall be sufficient for approval of matters coming before the committee.    |
| Page 6, line 14. Why does City of Durham have two voting members and no one else does?                                                                                                                                                       | No change. Based on the 2010 census, about 58 percent of the MPO population lives in the City of Durham.                                      |
| Page 6, line 44. Should there be a BOT member for each Division represented (5, 7, and 8)? Is one board member going to be able to represent the other Division counties?                                                                    | No change. There needs to be on-going consultation between the Board of Transportation members for Divisions 5, 7, and 8.                     |
| Page 6, line 32. Simple majority or 2/3rds majority? Can one abstain? And how does that affect the vote?                                                                                                                                     | No change. A simple majority is sufficient. The bylaws address abstentions (abstentions are not included in the tally of the vote).           |
| Page 8, line 17. Need to address votes per [MPO Technical Committee] member.                                                                                                                                                                 | No change. Voting procedures are discussed in the bylaws.                                                                                     |
| Page 8, line 14. Why is DENR a voting member here?                                                                                                                                                                                           | No change. DENR was added to reflect air quality and Merger Process roles.                                                                    |
| Page 8, line 20. What is the purpose of non-voting membership for some agencies? Is this just to define their role and also state they have no voting capacity?                                                                              | No change. Non-voting members have various interests in the transportation planning process and can participate in TCC meetings but not vote. |
| Page 8, line 17. Need to discuss quorum and majority vote for TCC. Simple majority or 2/3rds majority? Would 2/3rds be more appropriate? For example, when the TCC is not sure/split on an action, probably wouldn’t want to forward to TAC. | No change. Voting procedures are discussed in the bylaws.                                                                                     |
| Page 9, line 36. There is nothing in the Federal Planning regulations that address paying of local shares or invalidation of PWP or self-certification.                                                                                      | Change to read as follows: “Funding provided by member agencies will be used to provide the required local match to federal funds. Failure by |

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| This should be removed or reference made to local MPO policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | member agencies to pay the approved share of costs would impact the MPO's ability to match federal funds and could have the effect of invalidating the MPO's Unified Planning Work Program and the annual MPO self-certification, and could also result in the withholding of transportation project funds. Failure by member governments to pay the approved share of costs may also result in the withholding of MPO services and funding." |
| Page 10, line 8. Remove sentence "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." and replace with "Should any authorized local government body chose to adopt or amend a transportation corridor official map for a proposed public transportation corridor pursuant to N.C.G.S. § 136-44.50, the Department may offer assistance by providing mapping, data, inventories or other Department resources that could aid the local government body in adopting or amending a transportation corridor official map." | Change made.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Page 10, line 41. Add "Triangle Transit by its Chair"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Change made.                                                                                                                                                                                                                                                                                                                                                                                                                                  |

#### **Orange County Comments – Received 9/6/13**

| <b>Comment</b>                                                                                                                                       | <b>TAC Response</b>                                                                                                     |
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| Page 7, line 1. Concern over Triangle Transit becoming a voting member of the MPO Board.                                                             | The federal MAP-21 law requires that transit providers be voting members of the MPO Board.                              |
| Page 7, line 30. The phrase "of the transportation study" needs further description or clarification. What transportation study?                     | Change "the transportation study" to "various transportation studies."                                                  |
| Page 9, line 36. The phrase "Failure to pay the approved share of costs...." needs clarification. The members share? The subscribing agencies share? | Change "Failure to pay the approved share of costs" to "Failure by member agencies to pay the approved share of costs." |

#### **Town of Chapel Hill Comments – Received 9/13/13**

| <b>Comment</b>                                                                       | <b>TAC Response</b> |
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| Page 9, line 27. Add "reflected in the annual Planning Work Program" before the word | Change made.        |

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| “approved” in the following sentence: “The municipalities and the counties will participate in funding the portion of the costs of the MPO’s work program not covered by federal or state funding as approved by the MPO Board.”                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                            |
| The remainder of Section II, on page 9-10, attempts to deal with the recently established requirement that local governments provide a portion of the local match required to support MPO staff activities. While the local governments and MPO have agreed to establish an oversight committee that will develop the annual work program and related annual budget Chapel Hill believes the MOU does not address the issue of potential disagreements between the member jurisdictions and the MPO staff over the budget and related local payments. This section needs some improvement. | No change. The MOU is not the appropriate mechanism to address these concerns. Oversight mechanisms have been addressed in the document entitled “FY 2014 Unified Planning Work Program (UPWP) LPA Oversight Structures and Highlights” that was approved as part of the UPWP at the May 2013 TAC meeting. |

#### **Town of Carrboro Comments – Received 9/13/13**

| <b>Comment</b>                                                                                                                                                                                                                                                                                                                           | <b>TAC Response</b>                                                                                                                                                                                                                                                                                      |
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| Page 6-7, line 36-4. The minimum number of weighted votes for all parties should be two (2), except for the N.C. Board of Transportation and Triangle Transit, who should receive one (1) vote, to reflect the fact that they are distinct from the other parties in that they are represented by appointed, and not elected, officials. | Change made. The number of weighted votes for each local government was doubled. Triangle Transit and N.C. Board of Transportation each have one vote.                                                                                                                                                   |
| Page 9, line 36. Language should be added establishing an oversight process for activities conducted under the MPO’s work plan, as has been agreed to by MPO staff and member jurisdiction staff.                                                                                                                                        | No change. The MOU is not the appropriate mechanism to address this concern. Oversight mechanisms have been addressed in the document entitled “FY 2014 Unified Planning Work Program (UPWP) LPA Oversight Structures and Highlights” that was approved as part of the UPWP at the May 2013 TAC meeting. |
| Page 9, line 26. A limitation on the percent annual increase in the UPWP budget should be added.                                                                                                                                                                                                                                         | No change. The MPO Board has the authority to control the level of spending in the UPWP.                                                                                                                                                                                                                 |
| Page 10, line 26. The written notice period for termination of participation in the transportation planning process should be changed from thirty (30) days to ninety (90) days.                                                                                                                                                         | Change made.                                                                                                                                                                                                                                                                                             |

#### **City of Durham Comments – Received on 9/16/13**

| <b>Comment</b>                                  | <b>TAC Response</b> |
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| Page 10, line 26. The written notice period for | Change made.        |

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| termination of participation in the transportation planning process should be changed from thirty (30) days to ninety (90) days. |                                         |
| Add E-Verify Compliance language in response to state law adopted on 9/4/2013                                                    | Change made. Language added on page 10. |

**Durham County Comments – None received as of 9/19/13**

**Triangle Transit Comments – None received as of 9/19/13**