

**NORTH CAROLINA
CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION**

**MEMORANDUM OF UNDERSTANDING
BETWEEN**

**THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
TOWN OF ANGIER, TOWN OF APEX, TOWN OF ARCHER LODGE, TOWN OF
BUNN, TOWN OF CARY, TOWN OF CLAYTON, CITY OF CREEDMOOR, TOWN
OF FRANKLINTON, TOWN OF FUQUAY-VARINA, TOWN OF GARNER, TOWN
OF HOLLY SPRINGS, TOWN OF KNIGHTDALE, TOWN OF MORRISVILLE, CITY
OF RALEIGH, TOWN OF ROLESVILLE, TOWN OF WAKE FOREST, TOWN OF
WENDELL, TOWN OF YOUNGSVILLE, TOWN OF ZEBULON, COUNTY OF
FRANKLIN, COUNTY OF GRANVILLE, COUNTY OF HARNETT, COUNTY OF
JOHNSTON, COUNTY OF WAKE, TRIANGLE TRANSIT AUTHORITY, AND THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
(Hereinafter referred to as the Municipalities, the Agencies, the Counties and the State)**

**IN COOPERATION WITH
THE UNITED STATES DEPARTMENT OF TRANSPORTATION,**

Agreement No. 2005-06-15

WITNESSETH THAT

WHEREAS, Chapter 136, Article 3A, Section 136.66.2(d) provides that:

"For MPOs, either the MPO 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 MPO."; 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

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Memorandum of Understanding (cont.)
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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, Section 134(c) of Title 23 United States Code states:

Development of long-range plans and TIPs.— To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State; and

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

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

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

"After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a 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, 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,

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WHEREAS, it is the desire of these agencies that a continuing, cooperative, and comprehensive transportation planning process as set forth in a Memorandum of Understanding dated January 28, 1993 comply with Title 23 U.S.C. Section 134; and any subsequent amendments to that statute, and any implementing regulations; Title 49 U.S.C. Chapter 53 and any subsequent amendments to these statutes and any implementing regulations; and the clean Air Act of 1970, as amended, [42 U.S.C.7504 and 7506(c)].**NOW THEREFORE**, the following **Memorandum of Understanding** is made:

Section I. Membership

It is hereby agreed that the Municipalities, the agencies, the Counties and the State in cooperation with the United States Department of Transportation, will participate in a continuing, cooperative and comprehensive ("3-C") transportation planning process with responsibilities and undertakings as related in the following paragraphs:

1. The **N. C. Capital Area Metropolitan Planning Area** (as defined by the Metropolitan Area Boundary, also known as the Planning Area Boundary) will be all of Wake County and parts of Franklin, Granville, Harnett, and Johnston Counties.
2. The **N. C. Capital Area Metropolitan Planning Organization (MPO)** shall include the local governments of the Municipalities and the Counties, the North Carolina Department of Transportation, an **Executive Board** hereinafter defined, a **Technical Coordinating Committee** hereinafter defined, and the various agencies and units of local, regional, and state government participating in the transportation planning for the 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.
4. The continuing transportation planning process will be a cooperative one 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 Counties in the Triangle Region with attention being given to cooperative planning with the neighboring metropolitan and rural planning organizations.
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. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of the Clean Air Act of 1970, as amended.
7. Transportation policy decisions within the planning area are the shared responsibility of the North Carolina Board of Transportation, the Executive Board and the governing bodies of the participating local governments.

N. C. Capital Area Metropolitan Planning Organization

Memorandum of Understanding (cont.)

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8. Transportation plans and programs and land use policies and programs having regional impacts will be coordinated with the applicable regional Councils of Governments.
9. **An Executive Board is hereby established** with the responsibility for cooperative transportation planning decision making for the MPO. The **Executive Board** shall have the responsibility for keeping the policy boards of the participating local governments informed of the status and requirements of the transportation planning process; for assisting in the dissemination and clarification of the decisions and policies of the policy boards; and for providing opportunities for citizen participation in the transportation planning process.

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

- a. Establishment of goals and objectives for the transportation planning process.
- b. 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;
- c. Review and approval of changes to the **Metropolitan Area Boundary** as well as review and recommendation for changes to the **National Highway System**;
- d. Review and approval of the transportation **Unified Planning Work Program**;
- e. Review and approval of the adopted **Comprehensive and Metropolitan Transportation Plans**. As specified in General Statutes Section 136-66.2(a), the Comprehensive Transportation Plan shall include the projects in the Metropolitan Area's Transportation Plan as well as projects that are not included in the financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. Section 134. As specified in General Statutes Section 136-66.2(d) certain revisions to the **Comprehensive Transportation Plan** may be required to be jointly approved by the North Carolina Department of Transportation;
- f. Review and approval of the MPO's **Transportation Improvement Program** for multimodal capital and operating expenditures ensuring coordination between local and State capital improvement and operating programs. As specified in 23 U.S.C. Section 134(k), all federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area (excluding projects carried out on the National Highway System) shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator;

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Memorandum of Understanding (cont.)

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- g. Review and approval of planning procedures for air quality conformity and review and approval of air quality conformity determination for projects, programs, and plans;
- h. Review and approval of a Congestion Management Process;
- i. Review and approval of the distribution and oversight of federal funds designated for the Raleigh Urbanized Area under the provisions of MAP-21 and any other subsequent Transportation Authorizations;
- j. Review and approval of a policy for public involvement for the MPO;
- k. Review and approval of an agreement between the MPO, the State, and public transportation operators serving the Metropolitan Planning Area that defines mutual responsibilities for carrying out the metropolitan planning process in accordance with 23 C.F.R. 450.314;
- l. Development and approval of committee by-laws for the purpose of establishing operating policies and procedures;
- m. Oversight of the MPO Staff;
- n. Revisions to membership of Technical Coordinating Committee as defined herein;
- o. Review and approval of cooperative agreements with other transportation organizations, transportation providers, counties, and municipalities.

The membership of the **Executive Board** shall include:

- One member of the Angier Town Board of Commissioners
- One member of the Apex Town Council
- One member of the Archer Lodge Town Council
- One member of the Bunn Town Council
- One member of the Cary Town Council
- One member of the Clayton Town Council
- One member of the Creedmoor Board of Commissioners
- One member of the Franklinton Town Board of Commissioners
- One member of the Fuquay-Varina Town Board of Commissioners
- One member of the Garner Town Council
- One member of the Holly Springs Town Council
- One member of the Knightdale Town Council
- One member of the Morrisville Town Council

N. C. Capital Area Metropolitan Planning Organization

Memorandum of Understanding (cont.)

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- One member of the Raleigh City Council
- One member of the Rolesville Town Board of Commissioners
- One member of the Wake Forest Town Board of Commissioners
- One member of the Wendell Town Board of Commissioners
- One member of the Youngsville Town Board of Commissioners
- One member of the Zebulon Town Board of Commissioners
- One member of the Franklin County Board of Commissioners
- One member of the Granville County Board of Commissioners
- One member of the Harnett County Board of Commissioners
- One member of the Johnston County Board of Commissioners
- One member of the Wake County Board of Commissioners
- Three members of the North Carolina Board of Transportation representing the Highway Divisions (currently 4, 5, and 6) within the Metropolitan Planning Area
- One member of the Triangle Transit Board of Trustees; and
- The Division Administrator of the Federal Highway Administration or his or her representative who shall serve as an advisory, non-voting member.
- The Regional Administrator of the Federal Transit Administration or his or her representative, who shall serve as an advisory, non-voting member.
- The Regional Administrator of the Federal Rail Administration or his or her representative, who shall serve as an advisory, non-voting member.

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

Voting representatives of the Municipalities and the Counties shall be designated by their respective governing boards. Requirements for voting, quorums, and membership in good standing shall be included in the adopted bylaws of the Executive Board. Weighted voting shall be applied as invoked by any voting member of the Executive Board. In the instance of a weighted vote, each member government shall be apportioned weighted voting based on the most recent certified North Carolina Population Estimates for Municipalities and Counties utilizing a vote weighting formula of one vote for each 10,000 of population, or portion thereof. Other voting agencies without population-based representation on the Executive Board shall vote in accordance with the voting schedule in the Executive Board adopted bylaws. The adopted bylaws of the Executive Board shall outline the most current weighted voting schedule.

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Memorandum of Understanding (cont.)
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At the invitation of the **Executive Board**, other local, regional, State or Federal agencies impacting transportation within the planning area may serve as non-voting members of the **Executive Board**.

As established in its adopted bylaws, the **Executive Board** shall meet as deemed appropriate and shall elect officers with the responsibility for coordination of the committee's activities. A member of the MPO staff will serve as secretary to the Committee.

As established in its adopted bylaws, the Executive Board may create an executive committee and/or subcommittees to carry out its responsibilities.

10. **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 Executive Board and to other entities designated by the Executive Board regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review and recommendations of the **Prospectus, Unified Planning Work Program, Transportation Improvement Program, Metropolitan Area Boundary, Urbanized Area Boundary, and National Highway System**, for revisions to the **Transportation Plan**, for planning citizen participation and for documenting reports of the transportation study.

Membership of Technical Coordinating Committee (TCC) shall include technical representatives from local, regional and State governmental agencies; as well as major modal transportation providers directly related to and concerned with the transportation planning process for the planning area. Each member agency's representative(s) shall be designated by the chief administrative officer of that agency. Departments or divisions within local and state agencies that should be represented on the TCC 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. The voting membership shall include, at a minimum, representation from the following agencies/organizations, with specific numbers of members from each agency/organization outlined in the Technical Coordinating Committee's adopted bylaws:

- Town of Angier
- Town of Apex
- Town of Archer Lodge
- Town of Bunn
- Town of Cary
- Town of Clayton

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Memorandum of Understanding (cont.)
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- City of Creedmoor
- Town of Franklinton
- Town of Fuquay-Varina
- Town of Garner
- Town of Holly Springs
- Town of Knightdale
- Town of Morrisville
- City of Raleigh
- Town of Rolesville
- Town of Wake Forest
- Town of Wendell
- Town of Youngsville
- Town of Zebulon
- County of Franklin
- County of Granville
- County of Harnett
- County of Johnston
- County of Wake
- Triangle J Council of Governments
- Capital Area Transit
- Cary Transit
- Raleigh-Durham Airport Authority
- Triangle Transit
- North Carolina Department of Transportation
- Rural Transit Systems Serving Franklin , Granville, Harnett, Johnston and Wake Counties
- North Carolina State University
- Research Triangle Foundation
- Triangle North Executive Airport

The City of Raleigh's membership shall not include members of the MPO staff.

In addition to voting membership, the TCC shall invite officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) to coordinate their planning process, to the maximum extent practicable, with MPO planning activities. Such organizations and agencies may include:

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- a. The Federal Highway Administration
 - b. The Federal Transit Administration
 - c. The Federal Rail Administration
 - d. The U.S. Army Corps of Engineers
 - e. The U.S. Environmental Protection Agency
 - f. The U.S. Fish and Wildlife Service
 - g. The N.C. Department of Cultural Resources
 - h. The N.C. Department of Commerce
 - i. The U.S. Department of Housing and Urban Development
 - j. The N.C. Railroad Company
 - k. The N.C. Trucking Association
 - l. The N.C. Motorcoach Association
 - m. Regional Transportation Alliance
11. The Technical Coordinating Committee shall operate as determined by its adopted bylaws. Any agency not listed above which wishes representation on the TCC may request such representation for consideration under the adopted bylaws of the TCC. As established in its adopted bylaws, the TCC may create an executive committee and/or subcommittees to carry out its responsibilities.
12. The governing boards of the Municipalities and the Counties and the North Carolina Board of Transportation shall serve as the primary means for citizen input to the continuing transportation planning process. Citizen involvement will also be obtained through procedures outlined in the MPO's policy for public involvement and through various special studies and projects undertaken by the MPO.

The Executive Board should also provide opportunities for citizen participation in the transportation planning process.

Section II. Responsibilities

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

The Municipalities and the Counties

The Municipalities and the Counties will assist in the transportation planning process by providing assistance, data and inventories in accordance with the Prospectus. The Municipalities and the Counties shall coordinate zoning and subdivision approval within their respective jurisdictions in accordance with the adopted Metropolitan Transportation Plan. Additionally, the City of Raleigh will serve as the **Lead Planning Agency** for the MPO.

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 (minimum 20%

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match of actual annual expenditures) as approved by the Executive Board. The portion to be paid by each Municipal and County member government will be based upon its pro rata share of population within the MPO Planning Area, utilizing the most recent certified North Carolina Office of State Budget and Management municipal and county population estimates. In addition, MPO members may also voluntarily contribute additional funds for other purposes such as to participate in funding the costs of special studies, or other specialized services as mutually agreed upon.

Failure to pay the approved share of costs shall invalidate the MPO's Unified Planning Work Program and annual MPO self-certification as required by 23 CFR 450.334. Failure to certify shall result in the withholding of transportation project funds to the metropolitan planning area in accordance with federal law. In order to avoid this, the Executive Board shall amend the Unified Planning Work Program.

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

North Carolina Department of Transportation

The Department will 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, will provide assistance in the protection of necessary rights-of-way for those transportation corridors designated on the Transportation Plan.

Triangle Transit

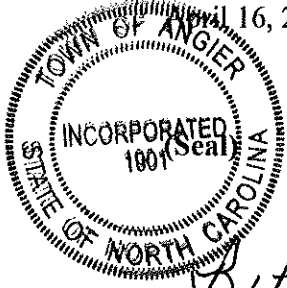
Triangle Transit will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Triangle Transit shall comply with adopted reporting and oversight procedures for the receipt of federal transportation funding designated for the Raleigh Urbanized Area as approved by the Executive Board through the Unified Planning Work Program

Section III. Termination

Parties to this Memorandum of Understanding may terminate their participation in the N. C. Capital Area Metropolitan Planning Organization by giving thirty (30) days written notice to the other parties prior to the date of termination. If any party should terminate participation, this memorandum of understanding shall remain in force and the MPO shall continue to operate as long as 75% or more of the population within the Metropolitan Planning Area is represented by the remaining members.

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Memorandum of Understanding (cont.)

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TOWN OF ANGIER

Betty S. Pearson
Clerk

By R. H. Edington
Mayor

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Memorandum of Understanding (cont.)
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TOWN OF APEX

Donna Hesch

Clerk

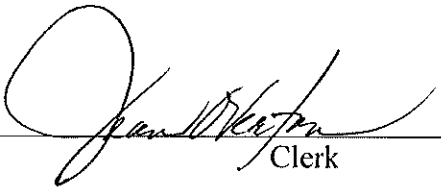
By

William M. Sutton

Mayor

(Seal)

TOWN OF ARCHER LODGE

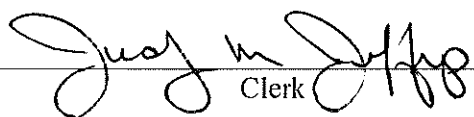

Clerk

By 
Mayor

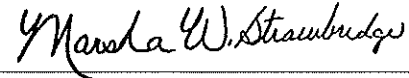
N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 16, 2014

(Seal)

TOWN OF BUNN

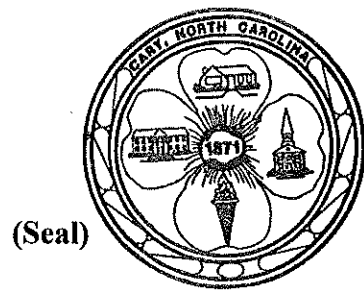


Clerk

By 

Mayor

N. C. Capital Area Metropolitan Planning Organization
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TOWN OF CARY

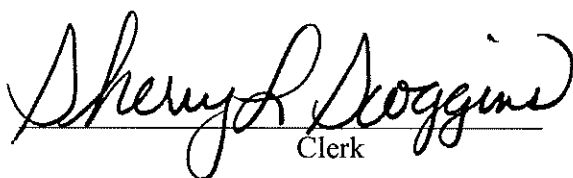
Karen C. Chang
Deputy Clerk

By *David Winters Jr.*
Mayor

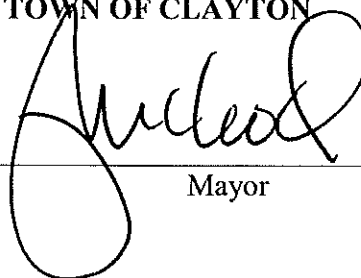
N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 16, 2014

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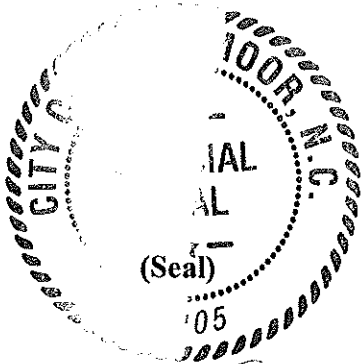
TOWN OF CLAYTON


Clerk

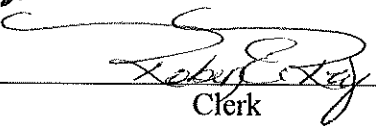
By


Mayor

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
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CITY OF CREEDMOOR



Clerk

By



Mayor

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
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TOWN OF FRANKLINTON

Kim Worley
Clerk

By Elic A. St.
Mayor

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)



Rose H. Rich
Clerk

TOWN OF FUQUAY-VARINA

By John W. Bynum, Jr.
Mayor

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 16, 2014

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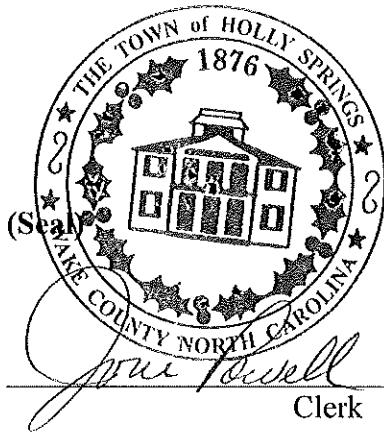
TOWN OF GARNER

Judy Bass
Clerk

By

Ronnie Williams
Mayor

N. C. Capital Area Metropolitan Planning Organization
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TOWN OF HOLLY SPRINGS

By *Dan Sear*
Mayor

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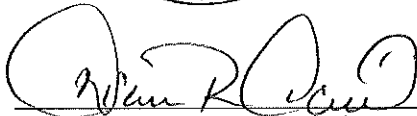
TOWN OF KNIGHTDALE

Suzanne McQuatters By [Signature]
Clerk Mayor

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 16, 2014



TOWN OF MORRISVILLE


Clerk

By


Mayor

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
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(Seal)

CITY OF RALEIGH

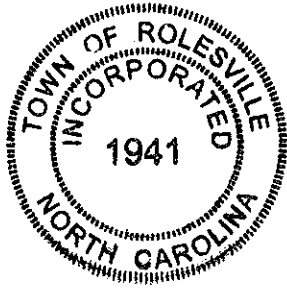
Eric Shedd Clerk By *Nancy McFarland* Mayor

THIS INSTRUMENT APPROVED AS TO FORM

Cheryl Johnson ABA Paralegal
FOR CITY ATTORNEY



N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 16, 2014



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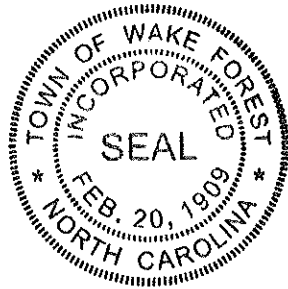
TOWN OF ROLESVILLE

Leslie Budd
Clerk

By C. Frank Geyer
Mayor

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 16, 2014

(Seal)



TOWN OF WAKE FOREST

Deeda W. Harris
Clerk

By

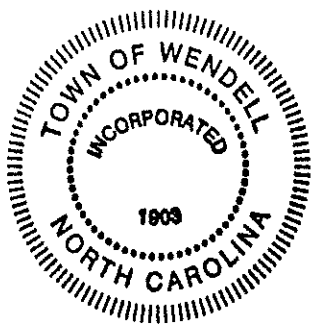
Virgil D. Jones
Mayor

N. C. Capital Area Metropolitan Planning Organization

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April 16, 2014

(Seal)



TOWN OF WENDELL

Jonnie S. Driver
Clerk

By Timothy A. Hiss
Mayor

N. C. Capital Area Metropolitan Planning Organization
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TOWN OF YOUNGVILLE

Emily Hurd
Clerk

By Terri B. Stowers
Mayor

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 16, 2014



(Seal)

[Signature]
Clerk

TOWN OF ZEBULON

By

[Signature]
Mayor

N. C. Capital Area Metropolitan Planning Organization
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April 16, 2014

(Seal)

TRIANGLE TRANSIT AUTHORITY

Michelle Coakley By [Signature]
Clerk Chair

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 16, 2014



(Seal)

FRANKLIN COUNTY

Angel L. Hall

County Manager

By

[Signature]

Chairman

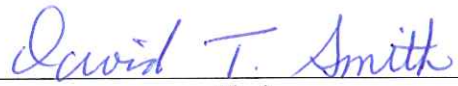
N. C. Capital Area Metropolitan Planning Organization
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(Seal)



GRANVILLE COUNTY


County Manager

By 
Chairman

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(Seal)

HARNETT COUNTY



County Manager

By


Chairman



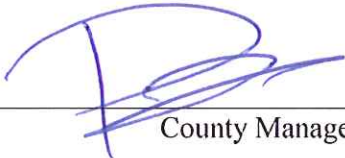
THIS INSTRUMENT HAS BEEN
PREAUDITED IN THE MANNER REQUIRED
BY THE LOCAL GOVERNMENT BUDGET
AND FISCAL CONTROL ACT


HARNETT COUNTY FINANCE

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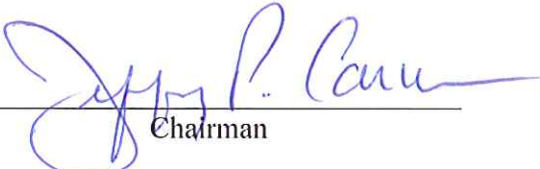
(Seal)

JOHNSTON COUNTY



County Manager

By



Chairman



N. C. Capital Area Metropolitan Planning Organization
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April 16, 2014



WAKE COUNTY



County Manager


By  _____
Chairman

**N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)**

Adopted by CAMPO TAC on April 16, 2014

(Seal)

**STATE OF NORTH CAROLINA AND
DEPARTMENT OF TRANSPORTATION**

By 
Secretary of Transportation

as to form of
Approved for Execution

By 
Assistant Attorney General