

Prospectus

for

Continuing Transportation Planning

for the North Carolina

Capital Area Metropolitan Planning Organization

Approved By: Capital Area Transportation Advisory Committee
____Aug 27_____, 2001

Prepared By: N.C. Capital Area Metropolitan Planning Organization
N.C. Department of Transportation - Statewide Planning Branch

In cooperation with:

Town of Apex
Town of Cary
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 Zebulon
County of Wake
Capital Area Transit
North Carolina State University
Raleigh-Durham Airport Authority
Research Triangle Foundation
Triangle Transit Authority
Triangle J Council of Governments
N. C. Department of Transportation
U. S. Department of Transportation

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I. INTRODUCTION

The Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, Zebulon, the City of Raleigh, the County of Wake, and the North Carolina Department of Transportation in cooperation with the various administrations within the U.S. Department of Transportation participate in a continuing transportation planning process in the N.C. Capital Urbanized Transportation Planning Area as required by Section 134 (a), Title 23, United States Code. A Memorandum of Understanding approved by the municipalities, the county, and the North Carolina Department of Transportation establishes the general operating procedures and responsibilities by which short-range and long-range transportation plans are developed and continuously evaluated.

The Prospectus contained herein is primarily a reference document for the transportation planning staff. Its purpose is to provide sufficiently detailed descriptions of work tasks so that staff and agencies responsible for doing the work understand what needs to be done, how it is to be done, and who does it. This Prospectus is the first edition of a revised format developed by North Carolina's Statewide Planning Branch with input from all of North Carolina's MPOs. It is different in that it consolidated 69 tasks (line items) to 44 tasks, with some readjustment of the descriptions for some tasks. Also included in this UPWP is a copy of the Triangle Regional Model Protocol and the Vision Statement, Goals, and Objectives from the most recent Long-Range Transportation Plan (LRTP).

A secondary purpose of the Prospectus is to provide sufficient documentation of planning work tasks and the planning organization and procedures so that documentation is minimized in a required annual Unified Planning Work Program (UPWP). The UPWP identifies the planning works tasks which are to be accomplished in the upcoming fiscal year and serves as a funding document for the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) of the U.S. Department of Transportation.

The Capital Area Metropolitan Planning Organization (CAMPO) is responsible for carrying out the transportation planning process in its urbanized area. The MPO is an organization consisting of the boards of general purpose local government; the North Carolina Department of Transportation; a Transportation Advisory Committee; a Technical Coordinating Committee; and the various agencies and units of local and State government participating in transportation planning for the area.

Policy decisions for local agencies of government are made by the respective governing boards (the City or Town Council or County Board of Commissioners). Policy decisions for the North Carolina Department of Transportation are made by the Board of Transportation. The municipal governing boards and the N.C. Department of Transportation have implementation authority for construction, improvement, and maintenance of the transportation infrastructure.

The Memorandum of Understanding established a Transportation Advisory Committee (TAC) composed of representatives from the governing boards to provide policy direction for the planning process, and to improve communications and coordination between the several governmental jurisdictions. The TAC is responsible for (1) review and approval of the UPWP; (2) review and approval of the Metropolitan Transportation Improvement Program (MTIP) which ensures coordination between local and State programs; (3) review of the National Highway System and review and approval of changes to the Functional Classification Designation (as it pertains to the Surface Transportation Program) and Metropolitan Planning Area Boundary; (4) review and approval of this Prospectus; (5) guidance on transportation goals and objectives; and (6) review and approval of changes to the adopted transportation plan. As required by North Carolina General Statutes 136-66.2, revisions in the Thoroughfare Plan must be jointly approved by the local governing boards and the North Carolina Department of Transportation.

A Technical Coordinating Committee (TCC), also established by the Memorandum of Understanding, is responsible for supervision, guidance, and coordination of the continuing planning process, and for making recommendations to local and State governmental agencies and the Transportation Advisory Committee regarding any necessary action. The TCC is also responsible for review of the National Highway System and for development, review, and recommendation for approval of the Prospectus, UPWP, MTIP, Functional Classification Designation (as it pertains to the Surface Transportation Program), Metropolitan Planning Area Boundary revisions, and technical reports of the transportation study. The membership of the TCC consists of key staff from the North Carolina Department of Transportation, Triangle J COG, Federal Highway Administration, the County, the municipalities and other agencies providing transportation services.

The City of Raleigh is designated as the Lead Planning Agency (LPA) and is primarily responsible for annual preparation of the Unified Planning Work Program and Transportation Improvement Program. The City of Raleigh is the primary local recipient of planning funds received from USDOT for the Capital Urbanized Area. The Triangle J COG serves as the E.O.12372 intergovernmental review agency.

Transportation planning work is divided into two elements in the Prospectus according to type of activity:

- ❑ Continuing Transportation Planning, Chapter II
- ❑ Administration, Chapter III

The major work tasks are those relating to continuing transportation planning and are listed in Chapter II. Administrative work tasks include preparation of the annual Unified Planning Work Program, periodic preparation of a surveillance report to analyze growth trends, documentation required for FTA Title VI compliance, and routine management and operations.

Citizen participation is an important element of the transportation planning process and is achieved by making study documents and information available to the public, and by actively seeking citizen participation during plan reevaluation. Involvement is sought through such techniques as goals and objectives surveys, neighborhood forums, drop-in centers, workshops, seminars, and public hearings. Elected or appointed city and town representatives and municipal and county planning boards should serve as primary sources in gaining public understanding and support for the transportation planning activity. The MPO should be prepared to take a primary role in developing workshops or other public involvement measures as needed, especially during the development of the long-range transportation plan or MTIP.

An organization chart for continuing transportation planning for the Capital Urbanized Area is shown in Figure 1. The history and status of transportation planning is given in Appendix A.


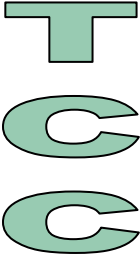
<u>Local Government</u>	<u>Committees</u>	<u>State Government</u>	<u>Federal Government</u>
<ul style="list-style-type: none"> <input type="checkbox"/> One member, Apex Town Board <input type="checkbox"/> One member, Cary Town Council <input type="checkbox"/> One member, Fuquay-Varina Town Board of Commissioners <input type="checkbox"/> One member, Garner Board of Alderman <input type="checkbox"/> One member, Holly Springs Board of Commissioners <input type="checkbox"/> One member, Knightdale Town Council <input type="checkbox"/> One member, Morrisville Town Board of Commissioners <input type="checkbox"/> One member, Raleigh City Council <input type="checkbox"/> One member, Rolesville Town Board of Commissioners <input type="checkbox"/> One member, Wake Forest Town Board of Commissioners <input type="checkbox"/> One member, Wendell Town Board of Commissioners <input type="checkbox"/> One member, Zebulon Town Board of Commissioners <input type="checkbox"/> One member, Wake County Board of Commissioners 	 TRANSPORTATION ADVISORY COMMITTEE	N. C. BOARD OF TRANSPORTATION Area Representative	U. S. DEPT. OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION N.C. Division Administrator (non-voting)
<ul style="list-style-type: none"> <input type="checkbox"/> Town of Apex (1 representative) <input type="checkbox"/> Town of Cary (2 representatives) <input type="checkbox"/> Town of Fuquay-Varina (1 representative) <input type="checkbox"/> Town of Garner (1 representative) <input type="checkbox"/> Town of Holly Springs (1 representative) <input type="checkbox"/> Town of Knightdale (1 representative) <input type="checkbox"/> Town of Morrisville (1 representative) <input type="checkbox"/> City of Raleigh (5 representatives) <input type="checkbox"/> Town of Rolesville (1 representative) <input type="checkbox"/> Town of Wake Forest (1 representative) <input type="checkbox"/> Town of Wendell (1 representative) <input type="checkbox"/> Town of Zebulon (1 representative) <input type="checkbox"/> County of Wake (2 representatives) <input type="checkbox"/> N. C. Department of Transportation (5 representatives) <input type="checkbox"/> Triangle J Council of Governments (1 representative) <input type="checkbox"/> Capital Area Transit (1 representative) <input type="checkbox"/> North Carolina State University (1 representative) <input type="checkbox"/> Triangle Transit Authority (1 representative) <input type="checkbox"/> Research Triangle Foundation (1 representative) <input type="checkbox"/> Raleigh-Durham Airport Authority (1 representative) <input type="checkbox"/> Major Modal Provider (1 representative) 	 TECHNICAL COORDINATING COMMITTEE	<ul style="list-style-type: none"> <input type="checkbox"/> FIFTH HIGHWAY ENGINEER Division Engineer <input type="checkbox"/> TRAFFIC ENGINEERING BRANCH Area Traffic Engineer <input type="checkbox"/> STATEWIDE PLANNING BRANCH Thoroughfare Planning Engineer 	FHWA, N.C. DIVISION <ul style="list-style-type: none"> <input type="checkbox"/> Planning & Research Engineer (non-voting) <input type="checkbox"/> District Engineer (non-voting)
<ul style="list-style-type: none"> <input type="checkbox"/> MPO Administrator <input type="checkbox"/> Transportation Planner II <input type="checkbox"/> Planning Technician <input type="checkbox"/> Budget Analyst (Shared Position) <input type="checkbox"/> Office Assistant (Shared Position) 	MPO STAFF		

Figure 1. Organization and Membership of the Capital Area MPO.

The following are provided for further information about the Metropolitan Planning Organization, and the N.C. Department of Transportation Planning and Operations divisions.

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Capital Area Urban Area Coordinator

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Division Five Engineer

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II. CONTINUING TRANSPORTATION PLANNING **Methodology, Responsibilities and Schedules**

The continuing transportation planning work tasks are described here and following in Chapter III. Appendix A details the history of transportation planning in the area. Appendix B contains the community goals and objectives for the transportation system, while Appendix C shows the latest approved public involvement policy. Appendix D contains the travel modeling agreement between the MPO, NCDOT, the Triangle Transit Authority, and the Durham-Chapel Hill-Carrboro MPO. Appendix E is an important chart indicating the primary and secondary responsibilities of CAMPO stakeholders and members. Finally, Appendix F is a Memorandum of Agreement for Air Quality Conformity.

A. Surveillance of Inventory Data

A number of conditions generally need to be continuously surveyed and compiled annually to determine whether previous projections are still valid or whether plan assumptions need to be changed. Surveillance tasks are described in the following sections and agency responsibilities are listed in Appendix E.

1. Traffic Volume Counts

Annual Average Daily Traffic (AADT) will be estimated on a biennial schedule at specified locations on each segment of the principal arterial, minor arterial, and collector street systems inside the transportation study area. Traffic data will be collected on weekdays for a minimum of 48 hours. Axle counts will be converted to volume counts using adjustment ratios that account for multiple-axle vehicles. Volume counts will be seasonally adjusted and averaged to generate AADT estimates. These estimates will be evaluated for temporal and spatial consistency. Factors for seasonal adjustment will be based on traffic data from permanent traffic monitoring stations located at typical urban settings throughout the State.

Municipalities that perform traffic counts are responsible for obtaining counts at specified locations on their street system and for furnishing the raw daily traffic counts, count information, and location maps to the Statewide Planning Branch by the first week of November each scheduled collection year. The Statewide Planning Branch is responsible for obtaining counts at specified locations on other segments of the major street system, for updating the count location map biannually to reflect any changes made in the major street system, for preparing the Annual Average Daily Traffic Volume Map, and for sending this information to the MPO.

Special counts may be taken to support updates or validations of the Triangle Regional Model, or to support the CAMPO Congestion Monitoring System. These include counts at screen-line stations, external stations, major trip generators, and key intersections as needed. Traffic count types may include daily, hourly, vehicle classification, or turning movements. The Statewide Planning Branch will coordinate traffic data collection for these special counts.

2. Vehicle Miles of Travel (VMT)

Vehicle miles of travel are computed by multiplying the length of each link times the annual average daily traffic volume on that link. Vehicle miles of travel are tabulated annually by county and functional classification by SWP-Road Inventory Section. These VMT estimates are used by DAQ for air quality monitoring. The Capital Area MPO may also choose to estimate VMT for the urban area on a regular basis.

3. Street System Changes

Records on improvements to the state highway system, whether planned, underway, or completed, are maintained by the Division Engineer of the NCDOT. Each municipality should maintain similar records for its municipal street system. The municipalities participating in the Powell Bill Program must certify city street mileage maintained annually. The municipalities in the MPO and NCDOT Division Office are responsible for forwarding this information to the MPO, which shall maintain an inventory of the geometrics and signalization of the existing major street system for the planning area based on this information. Periodically or as changes or additions to the major street system occur, the inventory may be updated. This inventory will need to be current when the travel model is periodically updated.

4. Traffic Accidents

North Carolina law requires that any traffic accident involving personal injury and/or property damage in excess of \$1,000.00 be reported in detail to the Division of Motor Vehicles (DMV) of the NCDOT. The DMV also receives a detailed report on any accident investigated by a law officer. Copies of all these reports are forwarded to the Traffic Engineering Branch of the Division of Highways, where the information is summarized and stored. Annual analyses will compare each year's high accident locations to previous years' high accident locations.

The Traffic Engineering Branch will provide the Annual Highway Safety Program Listing Report on request.

5. Transit System Data

Items to be considered are transit patronage, route changes, service miles, load factor, route ridership changes, boarding and alighting counts, headways, frequency, and service hours. This data is updated and maintained by the individual transit operators in the Capital Area, with the assistance of the MPO as needed.

6. Dwelling Unit, Population, and Employment Changes

Changes in population and development across the service area will be identified and evaluated to determine necessary restructuring of transportation services to meet current and forecasted demand. Census data, local parcel, zoning, and tax data records; Employment Security Commission; and private vendors are acceptable sources of information for this purpose. This item may include the development and maintenance of a GIS database and data retrieval mechanism(s).

7. Air Travel

Data may be collected and analyzed to determine influence of local air travel on the area's transportation system and identify needs for additional services. Airport entrance traffic counts would help relate air travel to ground travel in future updates. A ground transportation survey is a good example of this.

8. Vehicle Occupancy Rates (Counts)

Vehicle occupancy counts are collected across the service area to measure effectiveness of transit projects. Information will also be used to comply with the Clean Air Act and is useful in the trip generating process of modeling traffic during the travel modeling phase, as well as other parts of the Long-Range Transportation Plan.

9. Travel Time Studies

Peak and off-peak travel time studies may be conducted for those street segments that are included in the CAMPO Congestion Monitoring System. The travel time studies may be required during the travel model calibration phase as well.

10. Mapping

Creation or maintenance of base maps, zone maps, land use, etc. for the study area. The Capital Area MPO staff is responsible for providing updates to maps contained in the Long-Range Transportation Plan, and will assist with preparation and distribution of the official Thoroughfare Plan. Other mapping documents, such as photogrammetry, project mapping, and land use overlays will be produced by Wake County or municipal agencies.

11. Central Area Parking Inventory

Inventories of both on- and off-street parking supply in the Raleigh central business district are maintained by the Capital Area MPO and City of Raleigh. Periodic updates and inventories of other parking facilities in other areas will be performed as determined by the MPO through the development of the Unified Planning Work Program. Data collected should include number of spaces by parking type (public/private, metered, timed, loading area, etc.), parking policies, and ownership. Parking occupancy rates may be collected by parking type as well.

12. Bicycle and Pedestrian Facilities Inventory

An inventory of significant municipal, state, and federal bicycle and pedestrian transportation facilities shall be maintained. These systems shall be incorporated in the Long-Range Transportation Plan update and analyzed in conjunction with other transportation performance measures.

B. Long-Range Transportation Plan (LRTP)

Federal Law (as updated by TEA-21) and USDOT's Metropolitan Planning Regulations,

require MPOs to have a Long-Range Transportation Plan that is: multi-modal, financially constrained, a minimum of 20 years in outlook, adherent to the MPO's adopted public involvement policy, consistent with latest local land use plan and growth forecasts, and approved by the MPO. In air quality non-attainment and maintenance areas (CAMPO is one of the latter), the LRTP must be updated and proven to conform with the State Implementation Plan (SIP) every three years. The physical product of this LRTP will be in one or more assembled documents containing all plan elements and is the responsibility of the MPO.

Evaluation of the overall Long-Range Transportation Plan should be undertaken at such time that the surveillance items indicate that travel or land development trends have begun to deviate significantly from forecasts or at such time that new data are required for facility design.

For non-attainment or maintenance areas, the Long-Range Transportation Plan must conform to the intent of the State Implementation Plan (SIP). The Statewide Planning Branch and/or the MPO are responsible for the analysis of all elements of a multi-modal transportation plan to ensure that they conform to the intent of the State Implementation Plan. Specifically, any Long-Range Transportation Plan revisions must be analyzed for conformity with the SIP.

Many aspects of the transit plan cannot be separated completely from other elements of the Long-Range Transportation Plan. HOV facilities, and even ridesharing and surface bus routes, may need to be addressed in both the transit and the Thoroughfare Plans. Since transit use depends heavily on land use characteristics and pedestrian accessibility, creating a "mode neutral" model and plan requires special attention to transportation/land use interactions. Realistic assumptions are needed concerning potential travel markets and the likely degree to which existing land use, travel behavior, and pricing policies can be influenced. All plans should be carefully analyzed for internal consistency, uncertainty, and sensitivity to assumptions and errors.

TEA-21 stresses "seven planning factors" that should be considered by the MPOs to guide the development of the LRTP. They are:

- Support the economic vitality of the community, especially by enabling global competitiveness, productivity and efficiency;
- Increase the safety and security of the transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility options available to people and freight;
- Protect and enhance the environment, promote energy conservation, improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operations; and

- Emphasize the preservation of the existing transportation system.

The TCC prepares recommendations for work required for plan reappraisal for review and approval by the TAC. Agency responsibilities for various work tasks in the Long-Range Transportation Plan evaluation elements are given in Appendix E. The following work elements may be required depending upon the depth of the studies needed.

1. Collection of Base Year Data

Collection of the following variables for existing conditions, by traffic zone, is required: (1) population; (2) housing units; and (3) employment. It is expected that re-projection of travel patterns, including transit, would require a re-tabulation of these factors used in developing the travel models. A GIS database may be used to maintain housing and land use information. The MPO will normally be responsible for providing socioeconomic data in spreadsheet form.

2. Collection of Network Data

Collection of the following variables describing the existing street system is necessary to build a base network for the travel model: 1) posted speed limit; 2) width/lanes; 3) segment length; 4) traffic signal locations. These items are generally the standard parameters required, but others may be needed as models become more sophisticated. The network development process is included in this task item.

3. Travel Model Updates (see also Appendix D)

a. *Trip Generation* – This step generally involves analysis of actual and projected socio-economic data including, but not limited to, population, dwelling units, and employment. Based on these and other factors, an approximation of the number of trips generated by sub-area or zone can be determined.

b. *Trip Distribution* - Using formulas based on the gravity model, an approximation of where the specific generated trips are beginning and ending is determined.

c. *Modal Split* – This step is an analysis of mode chosen and factors that lead to those choices. Factors could include actual and perceived travel times, actual and perceived travel costs, as well as availability or convenience of certain modes.

d. *Trip Assignment* - This step loads trips onto the network based on the paths selected for the origins and destinations from above. The effects of congestion and the somewhat random nature of travelers can be taken into account through loading techniques such as incremental restraint, equilibrium, stochastic or all-or-nothing assignments.

e. *Accuracy Checks* – Checks involve comparing or calibrating mathematically generated data to actual field conditions. At a minimum, these involve screenline crossings to within 5% and link group volumes to within 10% of ground counts. Individual link assignments are measured against known ground counts on a direct relationship with the actual volume of the link (i.e., the larger the volume of the roadway, the higher the expected model-to-count accuracy).

A technical summary report of the travel modeling process and results will be provided by the modeling custodian as named in the modeling agreement.

4. Travel Surveys

These surveys may be implemented to attain such items as origins and destinations, travel behavior, transit ridership, commercial vehicle usage, workplace commuting, freight movement, etc. Therefore, these surveys may be home interviews, cordon O/Ds, and on-board transit to name a few.

New surveys will be conducted at such time as is necessary for the reevaluation of travel models. Because these surveys are costly, the survey responsibility and funding sources will be determined at the onset of the study.

5. Forecast of Data to Horizon Year

The travel models determine what planning data must be projected to a new design year. In general, the procedure will be to project population and socio-economic factors independently on an areawide basis, to cross check these projections and convert them to land use quantities if required, and to distribute the projected planning data to traffic zones on the basis of land capabilities, accessibility, and community goals as implemented through land use controls. The MPO will provide the approved socioeconomic forecasts.

6. Community Goals and Objectives

In the evaluation of community goals and objectives, the MPO will formulate policies ensuring local goals and objectives are discerned and addressed during the development and implementation of the Long-Range Transportation Plan.

7. Forecasts of Future Travel Patterns

The forecast of future travel patterns will result from using the forecasted planning data as input to the travel forecast models. The models are sensitive to changes in trip generation, trip purpose, trip length, vehicle occupancy, travel mode, and patterns of daily travel. The forecast of travel patterns will include a review of these factors and comparison to community goals and objectives to determine if changes in assumptions are warranted.

8. Capacity Deficiency Analysis

A system planning level capacity deficiency analysis will be made to determine existing and projected street deficiencies. Link capacities will be calculated in accordance with procedures based on the latest edition of the *Highway Capacity Manual*, Special Report 209, Highway Research Board, National Academy of Sciences, National Research Board.

9. Highway Element of the LRTP

The Thoroughfare Plan (a subset of which is the highway element of the LRTP) will be evaluated in terms of projected travel, capacity deficiencies, travel safety, physical conditions, costs, design, travel time, and possible disruption of people, businesses, neighborhoods, community facilities, and the environment. The evaluation will include an analysis of the Long-Range Transportation Plan and the interrelationship between alternative travel modes. Thoroughfare recommendations should include adequate right-of-way for improvements consistent with the Bicycle & Pedestrian Plan, Transit Plan and other intermodal connection facilities along logical corridors. If major deficiencies are found with the existing plan, alternative plans will be evaluated. It should be noted that any regionally significant Thoroughfare Plan revisions must be analyzed for conformity with the SIP in non-attainment/maintenance areas. Alternatives that may be considered include (1) a Do-Nothing Alternative, (2) Alternative Modes, (3) Travel Demand Management, and (4) Alternative

Design: Types and Standards.

10. Transit Element of the LRTP

Transit planning incorporates all vehicular modes other than trucks and the single occupant automobile, including (but not limited to) fixed-route bus service, ridesharing, fixed-guideway transit, and demand responsive transit. The transit plan describes existing transit service and unmet needs, and identifies any additional potential markets. New types and areas of service may be recommended, as supported by ridership forecasts and other analyses. Assumptions and implications related to land use, travel behavior, parking policies and other variables are clearly defined. Establishing objective measures of effectiveness is critical for evaluating transit alternatives. Measures of transit effectiveness include both the reduction of auto use and congestion, and the broadening of mobility options.

11. Bicycle and Pedestrian Element of LRTP

A bikeway and pedestrian plan is an essential part of the multi-modal LRTP for an urban area. The report entitled, Incorporating Bicycle and Pedestrian Elements into Transportation Plans, produced by the Statewide Planning Branch, describes the essentials of this task. At a minimum, an update to the inventory of existing and proposed bicycle and pedestrian elements should be included in the LRTP.

12. Airport/Air Travel Element of LRTP

The Airport Master Plan may be coordinated with the MPO (where feasible), and be an element of the LRTP. The Raleigh-Durham International Airport Authority shall work with the MPO to develop plans for ground access and intermodal services.

13. Collector Street Element of LRTP

Collector street planning will be conducted as required to develop standards and preliminary locations for collector streets in advance of development. The objective of this planning activity is to ensure optimum traffic operations for the developing street system and transit accessibility to developing areas.

14. Rail, Waterway, or Other Mode of the LRTP

Some MPOs may have additional transportation elements that link to the multi-modal LRTP. The MPO should provide documentation to be included in the LRTP.

15. Freight Movement/Mobility Planning

As one of the TEA-21's seven planning factors, emphasis is placed on increasing accessibility and mobility options available to people and freight. Tasks included in this category may be a survey of freight carriers, recommendations for improving truck mobility or train/truck intermodal movements, and identifying acceptable truck routes.

16. Financial Planning

As required by TEA-21, the LRTP must be fiscally constrained. Project cost estimates and revenue forecasts are required. Federal regulations allow flexibility in the methodologies used for analysis, but they must include estimates for maintenance as well as construction. This item also covers identifying new and alternative funding sources, including new taxing strategies, impact fees, and public-private partnerships.

17. Congestion Management Strategies

The 3-C Transportation Planning Process, as enhanced by TEA-21, stresses efficient system management and operations. Planning for congestion management strategies such as these below are included in this item.

- a. Transportation Demand Management (TDM)
- b. Intelligent Transportation System (ITS)
- c. High Occupancy Vehicle lanes or priorities (HOV)
- d. Access Control and Management
- e. Traffic Operations Improvements, Incident Management
- f. Growth Management

This item covers the costs associated with planning for these items, coordination with public and private stakeholders, and marketing or public education.

18. Air Quality Planning/Conformity Analysis

The transportation sector is a key participant in the development and application of the State Implementation Plan (SIP) for air quality. MPOs have the responsibility to make a determination as to whether or not transportation plans, programs, and projects conform to the intent of the SIP. Tasks involved in this pursuit include, but are not limited to:

- a. Participation in interagency consultation process as part of SIP development and conformity determination development;
- b. Providing assistance to NCDENR in developing and maintaining mobile source emission inventories;
- c. Participating in development of TCMs for the SIP;
- d. Implementation of TCMs as appropriate; and
- e. Performing analysis and approving conformity determination¹ as required; the specific responsibilities of CAMPO and other stakeholder agencies in the conformity determination process are shown as Attachment E.

¹ TAC must approve conformity determination.

III. III. ADMINISTRATION

The administration of the planning process is organized into five areas. The Unified Planning Work Program (for MPOs over 200,000 in population, also known as Transportation Management Areas) is prepared each year and details what work will be completed for the next fiscal year. The Metropolitan Transportation Improvement Program (sometimes referred to as the Local Transportation Improvement Program or LTIP) is prepared on a biennial cycle, and details a seven-year program of transportation improvements that are jointly funded and implemented with the NCDOT. The remaining sections are Civil Rights and Regulatory Compliance, Incidental Planning and Project Development, and Management and Operations. Agency responsibilities for administrative work tasks are given in Appendix E.

A. Unified Planning Work Program

A Unified Planning Work Program (UPWP) will be prepared annually by the Lead Planning Agency in cooperation with other participating agencies and under the guidance of the Technical Coordinating Committee. The UPWP will present the proposed planning work program for the next year and review the recent accomplishments of the planning process. The UPWP will be cross-referenced to the Prospectus to minimize repetitive documentation. The UPWP will be reviewed and approved by the Transportation Advisory Committee, by the State and Regional intergovernmental review process, the North Carolina Department of Transportation, and Federal agencies providing planning funds for continuing transportation planning. These Federal planning funds are provided by FHWA (Section 104(f)) and FTA (Section 5303). Preparation of a Section 5303 Grant application is also required in addition to the UPWP to receive planning funds from FTA.

The MPO must certify their 3-C Transportation Planning Process annually as part of the UPWP adoption.

A. B. Transportation Improvement Program

The Metropolitan Transportation Improvement Program (MTIP) shall have two parts: (1) a metropolitan programming document which is coordinated with the State Transportation Improvement Program (STIP) and (2) a list of prioritized needs.

Prepared every two years, the local programming document shall be a short range, seven-year multi-modal program which identifies transportation improvements recommended for advancement during the program period, identifies priorities, groups improvements into staging periods, includes estimated costs and revenues, and is fiscally constrained.

The MPO Priority Needs List is developed biennially to communicate the MPO's priorities regarding the funding schedule on already programmed projects, the acceleration of long term projects into the program, and the addition of new projects to the STIP. The List may include cost estimates, purpose and need statements, and other supporting materials. The

Priority Needs List is a key step in cooperative TIP development between the MPO, the transit operator, and NCDOT.

C. Civil Rights Compliance (Title VI) and Other Regulatory Requirements

1. Title VI

Provide update of Civil Rights statistics report for submittal to FTA to determine MPO compliance to civil rights provisions. Title VI states: The MPO shall comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (78 Stat. 252), 49 U.S.C. 2000D TO 2000-D-4; the Regulations of DOT issued thereafter in the Code of Federal Regulations (commonly and herein referred to as CFR) Title 49, Subtitle A, Part 21), and the assurance by the MPO pursuant thereto.

2. Environmental Justice

Executive Order (E. O.) 12898, Federal Actions to Address Environmental Justice in Minority Populations, requires all Federal agencies to identify and address Title VI and Environmental Justice requirements. Recipients of federal funds, including NCDOT and the MPOs, must assure compliance with these requirements. As mandated by the FHWA, planning activities should focus on complying with E. O. 12898 and the three basic principles of Environmental Justice as follows:

- a. ensure public involvement of low-income and minority groups in decision making;
- b. prevent disproportionately high and adverse impacts to low-income and minority groups resulting from decisions made; and
- c. assure low-income and minority groups receive a proportionate share of benefits resulting from decisions made.

3. Minority Business Enterprise Planning (MBE)

There is a continuing need to address the Minority Business Enterprise (MBE) as a part of the planning and programming phases of project development. Areas are encouraged to give full consideration to the potential services that could be provided by MBEs in the development of transit plans and programs, and the provision of transit service. Transit properties with established MBE programs are encouraged to work with MPOs, utilizing transportation planning funds to update existing MBE programs as necessary.

4. Planning for the Elderly and Disabled

The Americans with Disabilities Act of 1990 (ADA) ensures that persons with disabilities enjoy access to the mainstream of American life. The ADA expands on the Section 504 program to comprehensively address mobility needs of persons with disabilities.

Joint FHWA and FTA regulations require that the urban transportation planning process include activities specifically emphasizing the planning, development, evaluation and reevaluation of transportation facilities and services for the elderly and disabled, consistent with ADA. This process should include an analysis of inventories of disabled persons, their locations, and special transportation services needed. These regulations emphasize estimation of travel needs through statistical analysis and a self-identification process.

Both thoroughfare and transit planning activities should focus on complying with the key

provisions of the ADA, and include special efforts to plan transportation facilities and services that can be effectively utilized by persons with limited mobility, such as:

- a. Public transit authorities providing fixed route transit service must provide comparable level paratransit service to disabled individuals who cannot otherwise use the fixed route service;
- b. Transit authorities providing elderly and disabled oriented demand responsive service must also buy or lease accessible vehicles unless it can be demonstrated that the system provides a level of service to the disabled equivalent to that provided to the general public;
- c. New facilities built must be accessible and existing facilities with major alterations must be made accessible to the maximum extent feasible; and
- d. Planning for better mobility through such items as wheelchair curb cuts, longer pedestrian crosswalk times at certain intersections, and special parking spaces and rates for cars with one or more transportation disadvantaged occupant(s).

5. Safety/Drug Control Planning

MPOs may pass planning funds through to transit operators for use in performing safety audits and in the resultant development of safety/ security improvement and in alcohol/drug control planning, programming, and implementation. Attention should be given to the development of policies and planning for the proper safety related maintenance of transit vehicles, fire safety, substance abuse where it affects employee performance in critical safety related jobs, emergency preparedness to improve the capability to respond to transit accidents/incidents, security to reduce theft and vandalism of transit property and to counter potential politically motivated terrorism directed against transit users, facilities, and equipment.

6. Public Involvement

An effective public involvement process provides for an open exchange of information and ideas between the public and transportation decision-makers. The overall objective of an area's public involvement process is that it be proactive, provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement (23CFR450.212(a) and 450.316(b)(1)). It also provides mechanisms for the agency or agencies to solicit public comments and ideas, identify circumstances and impacts which may not have been known or anticipated by public agencies, and, by doing so, to build support among the public who are stakeholders in transportation investments which impact their communities. The MPO adopts a formalized, written and adopted public involvement process, the most recent version of which is shown as Attachment C to this document.

7. Private Sector Participation

Federal regulations require that private operators be afforded the "maximum feasible opportunity" to participate in the planning and provision of local transportation services. The purpose of the private sector participation requirement is to give private operators the opportunity to initiate involvement. In an effort to more effectively address this requirement, the evaluation of private sector service alternatives has been incorporated into the transportation planning process.

The general criteria for making public/private service decisions may include but is not limited to:

- a. Comparative cost of private versus public services in similar situations;
- b. Perceived quality and reliability of service;
- c. Local control of services;
- d. Responsiveness and flexibility of operators; and
- e. Private operator financial stability.

D. Incidental Planning and Project Development

1. Transportation Enhancement Planning

This category of federal funding began with ISTEA and was carried through in TEA-21 legislation. MPO assistance to applicants, review of applications, and preparing endorsements is included under this item. The MPO shall approve all proposed enhancement projects for inclusion in the Metropolitan Transportation Improvement Program (MTIP) prior to being forwarded to NCDOT for consideration of inclusion in the State Transportation Improvement Program (STIP). Sponsoring agencies must submit completed application packages to the NCDOT for consideration by the Transportation Enhancement Committee.

2. Environmental Analysis and Pre-TIP Planning

The proposed Thoroughfare Plan and selected alternative plans will be evaluated based on criteria established by the goals and objectives reevaluation study and impact on the environment. The Public Transportation Plan and the Airport Master Plan should also be evaluated on these criteria. It is anticipated that the evaluation will be in the following areas: efficiency in serving travel demands; energy conservation; cost; and impact on the physical, social, and economic environment. The physical environmental evaluation will include air quality, water quality, soils and geology, wildlife and vegetation. The social environmental considerations will include housing and community cohesion, low-income and minority populations, noise, churches and educational facilities, parks and recreational facilities, historic sites, public health and safety, national defense, and aesthetics. Effects on business, employment and income, land development patterns, and public utilities will be studied as part of the economic environmental evaluation.

The TCC, LPA, Statewide Planning Branch and Resource Agencies will jointly recommend projects for Pre-TIP Planning. The TAC will be kept informed concerning the results of these studies. Public review will be incorporated as part of the alternatives analysis.

3. Special Studies

During annual reevaluation of the Long-Range Transportation Plan, there occasionally is a need to make a specific study of a transportation corridor to determine the best solution to a problem. While this may include development of a simple functional design for corridor protection, more detailed studies may include evaluations of alternative modes or alignments for cost, feasibility, environmental impact, and design.

In a similar manner, special problems may arise in relation to major land use changes when large-scale traffic generators (hospitals, regional malls, etc.) will either be developed or closed. These land use changes could significantly affect the regional distribution and/or amount of traffic that could require changes to the Long-Range Transportation Plan to accommodate the newly forecasted growth.

The extent, responsibility, and cost for a corridor or sub-area study should be assessed prior to its initiation during the development of the Unified Planning Work Program to the maximum extent practicable.

4. Regional or Statewide Planning

Coordinate with state and federal agencies involved in transportation planning activities on the regional, state, and national levels. Examples of such activities include: Functional Reclassification of roads, designation of Urban Area Boundaries, National Highway System coordination, Highway Performance Monitoring System activities, and regional transit coordination.

Involvement could include, but is not limited to: collection and compilation of data; participation in related workshops, conferences, and meetings; and review and administrative approval or endorsement of documentation.

E. Management and Operations

The continuing transportation planning process requires considerable administrative time for attending quarterly committee meetings, preparing agendas and minutes to these meetings, training, preparing quarterly progress reports, documenting expenditures for the various planning work items, and filing for reimbursement of expenditures from the PL fund account and other Federal Funds.

It is also necessary to periodically, review and update the Prospectus, Memorandum of Understanding, and other administrative agreements and procedures.

The daily operations require dissemination of planning information to the public or other organizations and coordination with NCDOT and other agencies.

APPENDIX A

NATIONAL TRANSPORTATION PLANNING HISTORY AND STATUS

The development and adoption of a Thoroughfare Plan was provided for in North Carolina General Statutes 136-66 that were enacted by the State Legislature in 1959. These General Statutes require State-municipal cooperative development of a Thoroughfare Plan, provide for State-municipal adoption of the plan, require State-municipal agreement on street and highway system responsibilities, define State and municipal responsibilities, and provide for revision of the plan.

In 1962, Section 134, Title 23 of the United States Code was enacted by Congress which required a continuing and comprehensive transportation planning process carried on cooperatively by states and local communities for all urban areas over 50,000 (3C Planning Process). The Federal Highway Act of 1973 provided for Federal planning funds to be disbursed through the States to MPOs for the purpose of accomplishing the transportation planning, and for the first time, permits limited use of Federal highway funds for urban mass transit projects. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Efficiency Act for the 21st Century of 1998 (TEA-21) respectively created and reaffirmed the need to involve a variety of stakeholders in the transportation planning process. Specific areas of concern were identified in these Acts, and much greater emphasis was placed on involving the public, achieving air quality goals, and making funds available to alternative (non-single occupant vehicle) forms of travel and strategies. In addition, the larger (over 200,000 MPOs) were allowed to draw down 10% of the Surface Transportation Program funding pool to program directly, marking a continuing shift towards a more involved local and regional dynamic.

HISTORY OF THE CAPITAL AREA MPO

The Federal Highway Act of 1962 initiated a requirement that a *continuing, cooperative, and comprehensive* ("3-C") transportation planning process be established for all urban areas over 50,000 in population in order to qualify for federal transportation funds. These urban transportation planning requirements have been administered by the North Carolina Department of Transportation (NCDOT) with the approval of Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) of the U. S. Department of Transportation (USDOT).

There are now 17 urban areas in North Carolina which participate in the "3-C" transportation planning process, including; Asheville, Burlington, Charlotte-Union, Durham, Fayetteville, Gastonia, Goldsboro, Greensboro, Greenville, Hickory, High-Point, Jacksonville, Kannapolis, Raleigh, Rocky Mount, Wilmington, and Winston-Salem. Nearly all of these urban areas also include one or more neighboring smaller municipalities.

The local governments included in the original urban transportation planning area for the greater Raleigh area were the City of Raleigh, the Towns of Cary and Garner and Wake County. In 1985, the Towns of Apex and Morrisville were added at the request of NCDOT. A similar process was established in Durham County, although initially the City of Durham was its only municipality. In 1981, the U. S. Bureau of Census expanded Durham's Urbanized Area Boundary (UAB, the

boundary used to determine urban area population) to include the Towns of Chapel Hill and Carrboro as well as some of Orange County. Consequently, those governments were added to the Durham Urban Area.

During the late 1980's and early 1990's, the Towns of Knightdale, Wake Forest, and Fuquay-Varina expressed interest in becoming MPO members. No actions were taken (beyond adding each to the mailing list for meeting agendas) pending the outcome of the 1990 Census. In early 1992, the U.S. Bureau of Census expanded Raleigh's Urbanized Area Boundary; however, no incorporated areas of any additional local governments were brought in at that time.

In late-1992, the Greater Raleigh Urban Area Transportation Advisory Committee invited the Towns of Fuquay-Varina, Holly Springs, Knightdale, and Wake Forest to become full voting members of the MPO. Official approval of their being incorporated into the expanded MPO was completed in April, 1993 with the joint approval of a revised Memorandum of Understanding signed by all MPO member governments. With this action, the MPO's official name became the ***North Carolina Capital Area Metropolitan Planning Organization (CAMPO)***. The most recent additions to CAMPO have been the Towns of Rolesville, Wendell, and Zebulon, which were officially accepted in 1995. This means that every municipality in Wake County is now a member of CAMPO, which will likely see another expansion to urban areas outside of Wake County sometime after the 2000 decennial census.

Organization

As required by federal law, the "3-C" process in each urban area is carried out by its *Metropolitan Planning Organization* (MPO). A *Memorandum of Understanding* (MOU), signed by the participating local governing boards as well as NCDOT and FHWA, establishes the specific framework for how each MPO operates.

In North Carolina, each urban area's MPO is defined as an "umbrella" organization which includes all member local governments, USDOT, NCDOT, and other providers of transportation services (such as the Raleigh-Durham International Airport Authority). The MPO administrative structure has three main components:

1. ***Transportation Advisory Committee (TAC)*** - is the 14-member governing policy board for the MPO. The TAC's membership includes elected officials representing (and appointed by) each local government, the area's representative on the North Carolina Board of Transportation, an advisory non-voting member representing FHWA, and other members as may be authorized in the MOU. The TAC provides policy direction for the planning process, facilitates communication and coordination between the member jurisdictions, and guides the development of a coordinated, multimodal transportation program for the planning area. The TAC directs the "3-C" process through its annual review and approval of the MPO's Unified Planning Work Program (UPWP) and the MPO's Transportation Improvement Program (TIP) and through review and approval of changes to the Urban Area Thoroughfare Plan.
2. ***Technical Coordinating Committee (TCC)*** - is comprised of 31 staff representatives of the various member governments, NCDOT, FHWA (non-voting), and other agencies such as TJCOG, the Research Triangle Regional Transit Authority (RTA), Research Triangle

Foundation, NCSU, and RDU Airport. The TCC has the responsibility of supervising and coordinating the comprehensive transportation planning process, and for making recommendations to the TAC and respective local and state agencies pertaining to that process.

3. **Lead Planning Agency (LPA)** - provides staff support to the MPO. The LPA develops the draft documents, prepares TAC and TCC meeting materials, schedules meetings, administers the distribution of federal transportation planning (PL) funds to member governments, and carries out the directives of the TCC and TAC. The City of Raleigh Department of Transportation serves as this area's LPA.

Work Activities

It is the responsibility of the TCC to annually develop two documents for review and approval by the TAC, NCDOT and USDOT; a **Unified Planning Work Program (UPWP)** and an **Metropolitan Transportation Improvement Program (MTIP)**, sometimes called a "local" TIP or LTIP).

The UPWP describes all transportation planning work activities to be conducted during the fiscal year by the member agencies as well as the amounts of various federal, state and local funds to be expended. The MPO receives Section 104f (PL Funds) to carry out the required transportation planning functions. These monies (approximately \$258,000 in FY 00-01) are utilized by the MPO as the member agencies see fit. Quarterly invoices are sent to the NCDOT for review and reimbursement. In addition, the Capital Area MPO now utilizes the Surface Transportation Program Direct Apportionment funding (STP-DA) as allowed under both ISTEA and TEA21. Up to \$3.9 million annually could be programmed by the MPO; at this time less than \$250,000 has been programmed each year to supplement planning efforts. The STP-DA funds, unlike the PL 104(f) grant, can be used for construction activities as well as planning. The STP-DA funds do "take away" from available construction monies in the MTIP, but the dollar amounts expended thus far are too small to have a significant impact.

The local TIP (often referred to as the Metropolitan TIP, or MTIP) must include all transportation improvement projects for which federal funds are to be expended. In essence, this requirement constitutes a "veto" power for the MPO over the expenditure of federal transportation funds within the area. Though not required, the local TIP may also include state- and locally-funded transportation projects.

In addition, any changes to the Greater Raleigh Urban Area Thoroughfare Plan must be approved by the TAC. Recent changes in applicable federal laws have expanded the responsibilities of the MPO. For example, requirements of the Clean Air Act Amendments of 1990 have focused greater attention on improving air quality. In reviewing proposed revisions to the Thoroughfare Plan, the TCC and TAC must determine that the proposed change does not negatively affect air quality.

Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991

The approval of ISTEA in 1991, and its successor TEA21 in 1998, placed greater responsibility on the MPO in the development of a comprehensive transportation planning process, requiring elements for transit, bicycling and pedestrians as well as the traditional emphasis on roads. Specifically, the MPO is now responsible for developing, in cooperation with the State and affected transit operators, a

comprehensive, long-range transportation plan and expanded transportation improvement program for the area. The transportation planning process must now include additional considerations such as land use, intermodal connectivity, methods to enhance transit service, and needs identified through the management systems. The MTIP must be consistent with the long-range transportation plan and must include all projects in the metropolitan area that are proposed to be funded with federal funds.

Relationship with NCDOT

Historically, NCDOT has maintained a close, direct working relationship with local governments. The "3-C" MPO process has been a supplement to this relationship, not a substitute for it. MPO member governments are free to continue this direct relationship as they see fit. Primarily, the MPO process facilitates better communications, more informed decision-making processes, and the ability to engender greater regional support for local transportation needs. CAMPO sees itself in a partnership with the state department of transportation, a partnership that is intended to address the transportation needs of all of our customers in the Capital area.

APPENDIX B

TRANSPORTATION SYSTEM GOALS AND OBJECTIVES

Our vision is a multi-modal transportation network that is compatible with our growth, sensitive to the environment, improves quality of life and is accessible to all. The *Transportation Plan Update 2025* commits our region to transportation services and patterns of land use that contribute to a more attractive place where it is easier for people to pursue their daily activities.

GOAL ONE: DEVELOP A REGIONAL TRANSPORTATION NETWORK THAT IMPROVES QUALITY OF LIFE AND THE ENVIRONMENT.

Objective A: Encourage local and state governments to manage growth more proactively by linking land use patterns, plans and policies with transportation networks, plans and policies.

Explanation: *Our region's transportation facilities are not adequate for the existing and planned development patterns. Current growth management policies contribute to transportation problems. Local and state governments are reactive instead of proactive, and there is not enough emphasis on regional coordination between land use and transportation development. Land use policies and the resulting development patterns must better address transportation issues and implications.*

Objective B: Encourage equitable funding from Federal and state sources for a system that satisfies the region's transportation needs.

Explanation: *Due to the area's dramatic growth, there is a substantial need for transportation improvements, especially for highway construction. Primary funding sources for highway construction and improvements are the state and Federal gasoline taxes. A significant amount of the gasoline taxes that are collected here are not used to fund local projects. This objective expresses the desire to increase the proportion of state gasoline tax revenue that is used to fund projects in this MPO. There is also a desire to improve the state distribution formulae to insure that Federal highway funds are spent in areas of critical need.*

GOAL TWO: PROVIDE CONVENIENT, SAFE, RELIABLE AND AFFORDABLE TRANSPORTATION CHOICES, AND PROVIDE PUBLIC EDUCATION ON THOSE CHOICES.

Objective A: Provide policies and infrastructure that make walking and bicycling more viable modes of transportation.

Explanation: *The local land use plans have not adequately integrated the walking and bicycling modes of transportation. The region needs to develop more facilities, policies and programs to make these modes of transportation more viable.*

Objective B: Promote the benefits of walking and bicycling as practical modes of transportation.

Explanation: *The region needs to begin new efforts to realize bicycling and walking as viable modes of transportation. Promoting the health, environmental and economic benefits of these modes of transportation would help the region realize those benefits.*

Objective C: Increase funding for alternative modes of transportation.

Explanation: *Funding for alternative transportation modes (including transit) is inadequate. Alternative transportation modes need more funding to give people a choice of transportation other than the single occupancy vehicle. Innovative ways of providing increased funds should be explored.*

Objective D: Promote land use policies that encourage transit alternatives in local and regional plans.

Explanation: *The local land use plans and policies and their implementation do not adequately accommodate transit-oriented development or other alternative transportation modes. Local and regional plans and policies should support transit alternatives.*

GOAL THREE: ENHANCE CONNECTIVITY BY DEVELOPING A MULTI-MODAL TRANSPORTATION NETWORK THAT PROMOTES ECONOMIC GROWTH THAT IS COMPATIBLE WITH THE ENVIRONMENT AND LAND USE PATTERNS.

Objective A: Improve mobility by planning facilities that enhance interconnectivity and accessibility.

Explanation: *There is a need to plan for and design interconnected facilities due to the region's growth. Facility planning for the region involves the need for interconnecting points to be accessible. These points should be linked to provide timely travel for all people in a seamless manner.*

Objective B: Improve the coordination of the metropolitan area governments, public and private transportation agencies, freight carriers and transportation users in order to plan for a seamless, interconnected transportation network.

Explanation: *There is a need to better coordinate the interconnectivity of the region. Transit needs to aid the roadway system in this region and there should be an effort to seamlessly coordinate the different companies that serve the Triangle. Because there will be transit route redirection due to the rail/transit relationship in the future, some degree of coordinated planning needs to occur. The key element to this issue is regional coordination for people and goods movement. A major reformation of the transit systems in the Triangle should be reviewed. All parties, including the public, should work to achieve a seamless connection between the systems.*

Objective C: Develop a better process for identifying, evaluating and prioritizing transportation projects.

Explanation: *The process for locating and prioritizing transportation improvements is not always successful. It does not adequately address public input, is not equitable and is not always technically defensible. The process for selecting projects to be funded needs to be reviewed and overhauled. The objective is to ensure that appropriate ways of measuring the need for each project are used. It was felt that public input was only received when the project had been under study for some time. It would be better to receive public input from the beginning of the project's conception. The inability to schedule projects equally across the metropolitan area was also recognized as a shortcoming to project selection. The location of these projects needs to be communicated to the public with a more up front approach.*

GOAL FOUR: DEVELOP AN EFFICIENT TRANSPORTATION NETWORK THAT IS BOTH AFFORDABLE AND RELIABLE FOR THE MOVEMENT OF PEOPLE AND GOODS.

Objective A: Identify new and alternative funding sources for constructing and maintaining transportation infrastructure.

Explanation: *Funding sources are inadequate and are not effectively or efficiently meeting the needs for transportation improvements and maintenance. There is too much reliance on state and Federal funds. There is too little promotion of innovative funding sources. There is a need for additional funding sources to handle the tremendous amount of traffic that is increasing in our metropolitan area. These new funding sources can come from locally added revenues, statewide efforts, regional efforts and private initiatives. It may be possible for the users of a facility to consider paying fees for specific improvements. There is a need to research the various methods used to fund new facilities, programs and transportation system management tools.*

Objective B: Maximize the highway system efficiency using means other than adding general-purpose traffic lanes.

Explanation: *When evaluating major expansion of the transportation systems, other methods of improving system efficiency should be addressed. New technologies should be tested in our transportation system. Improvements to transit services and education to the public should work toward common goals to improve transportation efficiency. The metropolitan area needs improvements to provide better access to transportation facilities and programs. There is a need for improved access to facilities that have been constructed. New intelligent transportation technologies should help with allowing balanced access and mobility.*

APPENDIX C

PUBLIC INVOLVEMENT POLICY

The following procedures describe the Capital Area Metropolitan Planning Organization (MPO) public involvement policy. The purpose of this policy is to provide for an open process with free exchange of information and opportunity for input at all stages of the transportation planning process, as well as at scheduled meetings of the full Technical Coordinating Committee (TCC) and Transportation Advisory Committee (TAC). This public involvement process shall be reviewed periodically or as dictated by federal policy to assure that the process provides full and open access to all interested parties and conforms to federal transportation regulations.

1. **Metropolitan Transportation Improvement Program (MTIP).** The development of the MTIP and all amendments shall meet all current Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and North Carolina Department of Transportation (NCDOT) requirements for public notification and involvement. The following opportunities for public involvement will be undertaken:
 - a) There will be a 30-day minimum public review period for this Public Involvement Process IF there have been changes since the last opportunity for public review and comment OR if the Public Involvement Process has not been reviewed in the past three (3) years;
 - b) 30-day minimum public review period for the Draft MTIP;
 - c) Both (a) and (b) above will include the following outreach methods:
 - i) Legal notice in at least two (2) newspapers with city/countywide coverage prior to initiation of the public comment period(s);
 - ii) Legal notice in at least two (2) newspapers with circulations targeted at minority and/or low-income populations;
 - iii) Summary of MTIP changes will be posted on the Internet; and
 - iv) Summary of MTIP changes will be sent with a press release to the four newspapers above AND the City of Raleigh public information contact list (approximately 30 news agencies covering printed media, television, and radio).
 - d) A timely opportunity for public comment on the Draft MTIP will be made available at one TCC and one TAC meeting, the latter being a public hearing;
 - e) There will be a formal public comment period of no less than 30 days after the development of the draft project priority list and mechanism for evaluating projects has been released. This comment period will not be advertised, but will be an opportunity for those public agencies and interested members of the public to comment on the project priorities and the method(s) used to derive them; and
 - f) When significant written and/or oral comments are received, a summary, analysis, and report on the disposition of comments shall be made part of the final MTIP.
2. **Long-Range Transportation Plan (LRTP).** The complexity of the Long-Range Transportation Plan process and the direct involvement of citizen participation groups in the development of the public involvement makes a generic public involvement process statement difficult and potentially restrictive. Therefore, the task of defining the public involvement plan for all future updates of the LRTP by the Technical Coordinating and Transportation Advisory Committees of the Capital Area MPO shall receive first priority. This public involvement plan shall be open to public review and comment for a minimum of 45 days prior to CAMPO approval. The LRTP public involvement plan shall consider, at a minimum, the following:

- a) Establishment of stakeholder listings, including citizen advisory committees, church organizations, community leaders, housing authorities, chambers of commerce, public and quasi-public organizations, and state, federal, and local government agencies;
- b) Special outreach to low-income and minority populations within the Capital Area MPO that will include a list of church, business, and community leaders in areas with incomes one standard deviation below the CAMPO average and minority populations one standard deviation above the CAMPO average;
- c) Dissemination of newsletters and summaries to stakeholder groups;
- d) Contact information that includes telephone, facsimile, and email listings;
- e) Development of public information on the Internet;
- f) At least three (3) open public meetings to receive public comment, either in conjunction with regularly-scheduled meetings of the Transportation Advisory Committee or at dedicated sessions;
- g) Dissemination of press releases to public news agencies in the Capital Area MPO with a daily circulation in excess of 20,000 copies, monthly publications such as *Independent* and *Spectator*, and minority newspapers;
- h) The public involvement plan for the LRTP shall be open to public review and comment for no less than 45 days prior to approval by the Transportation Advisory Committee. The public involvement plan shall be advertised using the following:
 - i) Legal notice in at least two (2) newspapers with city/countywide coverage prior to initiation of the public comment period(s);
 - ii) Legal notice in at least two (2) newspapers with circulations targeted at minority and/or low-income populations;
 - iii) The public involvement plan will be posted on the Internet;
 - iv) The public involvement plan will be sent with a press release to the four newspapers above AND the City of Raleigh public information contact list (approximately 30 news agencies covering printed media, television, and radio); and
- i) When significant written or oral comments are received, a summary, analysis, and report on the disposition of comments shall be made part of the final Long-Range Transportation Plan.

3. **General.** Any plans, programs or amendments shall be on file at the City of Raleigh Department of Transportation which serves as the Lead Planning Agency (LPA) for the Capital Area MPO. Copies of the proposed plans, programs or amendments shall be distributed to all Technical Coordinating Committee (TCC), and Transportation Advisory Committee (TAC) members. This same information shall be made available to any interested party upon request. Each MPO member jurisdiction shall also have a copy available for public review during the official comment period.

- a) Legal notices (published in at least two local newspapers with county and statewide circulation) shall be advertised indicating that plans, programs or amendments have been prepared and are available for public review and comment at all MPO member jurisdictions. The public review period shall be no less than 30 days. An MPO staff contact person, paper and email address, and telephone number shall be included in the public notice;
- b) Both the TCC and TAC shall have an open formal public comment period at the beginning of each regularly scheduled board meeting. The allowable duration of each speaker's time shall be determined by the chair of the board, recommended not to exceed three (3) minutes per speaker; and
- c) These general guidelines shall apply to the development or amendment of any plan or program administered by the Capital Area MPO with the exception of the Long-Range Transportation Plan and Metropolitan Transportation Improvement Program as described elsewhere in this document. This Public Involvement Policy shall be available for public information upon request and will remain viewable by the public on the Internet.

Date	Description of Revisions
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August 16, 2000	<ol style="list-style-type: none">1. Identifying the Long-Range Transportation Plan and Metropolitan Transportation Improvement Program as unique opportunities for public involvement, and requiring special efforts to be undertaken by CAMPO during the public review and involvement processes.2. Increasing the availability of information to low-income and minority populations within the Capital Area.3. Recognizing CAMPO's public involvement efforts that go beyond the current policy, such as citizen advisory groups and maintaining an Internet site.4. Addition of public comment period at openings of both TCC and TAC meetings.5. Addition of review period for draft project priority listing and evaluation mechanism.
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APPENDIX D

TRIANGLE REGIONAL MODEL PROTOCOL

I. Purpose

The purpose of this protocol is to provide documentation on the continuing development, modification and maintenance of the official Triangle Regional Model (TRM). Specifically, this protocol defines signatories of the protocol, maintenance of the model, modification of the model, distribution of the model, use of the model, amendments to this protocol, and if necessary how to dissolve participation with the TRM. In addition, the purpose of the protocol is to assure consistency of the model set, integrity of the data sets, and the mutual support and buy-in of all member agencies.

II. Official Structure

A. *Signatories*

The signatories to this protocol shall be the Transportation Advisory Committee (TAC) chair for the Capital Area Metropolitan Planning Organization (CAMPO), the TAC chair for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), the chair of the Triangle Transit Authority Board of Trustees (TTA), and the Secretary of the North Carolina Department of Transportation (NCDOT). Each of these signatories may at any time designate an official signee by notice of letter to each of the other signatories.

B. *Model Executive Committee*

The Model Executive Committee shall be composed of one person from each of the signatory members as appointed by each individual signatory. This person will speak for the signatory agency on matters of personnel, budget and resources. This person will also have a designated alternate that may participate on the Committee. This committee shall oversee the development of a common work program and priorities for all aspects of the Triangle Regional Model. In addition, this group is responsible for resolving conflict and disputes related to aspects of the TRM, including but not limited to items associated with the work program, priorities, model team issues and technical differences that arise in the model. This group shall meet quarterly or on an as needed basis.

C. *Model Team*

The Model Team shall be made up of technical staff in a form recommended and approved by the Model Executive Committee. The Model Executive Committee shall also approve a specified level of commitment for each fiscal year. This Model Team is responsible for developing,

modifying, enhancing and maintaining the Triangle Regional Model in accordance with this protocol and with the mutual agreement of the signatory agencies.

D. Model Users Group

The Model Users Group shall be made up of end users of the Triangle Regional Model and shall serve as a forum for issues, problems, concerns and ideas related to the connection between using and developing the TRM. The Model Team shall serve as facilitators for this group. This group shall include but not be limited to MPO and NCDOT member agencies, as well as other end-users. This group shall meet as needed, but not less than quarterly.

III. Triangle Regional Model

1. Model Definition

The official Triangle Regional Model is comprised of a group of files run on a specified computer platform. The most current version of this model is specified by a version number, name and model date. These files define a base year model, a future long-range planning model whose horizon year shall be maintained at no less than twenty years into the future, and one or more intermediate year models, as recommended by the Model Team. Model documentation shall be kept current and made available along with the model's files. All files and documentation that comprise the official model will be maintained in the Triangle Regional Model Technical Manual.

B. Using the Model

Organizations wishing to use the Triangle Regional Model shall apply procedures outlined in the Triangle Regional Model Technical Manual. Any model changes, assumptions or alternative analysis must be documented to show deviations from the official model. It is appropriate for any agency or group that will use the Triangle Regional Model to support major transportation decisions to use the most currently adopted version of the official Triangle Regional Model.

C. Modification of the Model

The Model Team under the supervision of the Model Executive Committee will be responsible for modification of the Triangle Regional Model. Modification of the model includes but is not limited to modifying model structure, updating data files, improving model inputs, correcting errors in the model and adding enhancements to the model structure.

The Model Executive Committee shall collectively develop and maintain a mutually approved list of types of modifications to the official model that can be made by the approval of; (1) the Model Team itself ("minor" changes such as correcting network coding errors or modifying zonal centroid connectors); (2) the Model Executive Committee ("significant" changes such as modifying capacity restrained assignment types or mode choice model parameters); and (3) the signatory agencies ("major" changes such as revisions to population or employment forecasts).

It shall be the goal of the signatories of this protocol to maximize the decision-making authority of both the Model Team and the Model Executive Committee so that only model modifications deemed to be most important to regional travel demand modeling require the direct review and approval of the signatory agencies. Regardless of the type of approval needed, all modifications made to the official model shall be fully documented to the extent sufficient that all changes can be completely replicated or reversed.

D. Work Program

In order to plan, budget, and administer model updates, a two-year work program outlining tasks and priorities shall be developed by the Model Team and approved by the Model Executive Committee, at least once a year. This work program shall identify, at a minimum, the agencies responsible for carrying out each task, the estimated time frame and milestones for completing each task, the resources required to complete each task, and note of any future tasks that are dependent upon its completion. Carrying out the tasks of this work program will be the responsibility of the Model Team and, where clearly specified, the signatory agencies.

Work tasks that are proposed by the signatory agencies, Model Team, or Users Group may require an amendment to the approved work program. Unless the sponsor is the Model Team, proposed amendments are to be submitted to the Model Team and subsequently included in the agenda of the next quarterly meeting of the Model Executive Committee. Descriptions of the proposed amendments are to be prepared by the sponsoring agency in a form to be approved by the Model Team and the Model Executive Committee. The Model Executive Committee will approve or deny proposed amendments to the work program, approve modified versions of the proposed amendments or table proposals for further discussion pending receipt of additional information.

E. Adopting and Distributing the Model

The official Triangle Regional Model shall be adopted by the signatories to this agreement as needed for new versions of the model but not more than every six months. The signatories through their individual approval processes officially adopt the model by letter to the Triangle Model Team. The Model Executive Committee with unanimous approval may approve “significant” model corrections such as modifying capacity restrained assignment types or mode choice model parameters without need of official approval process of the signatories. The Model Team itself can approve “minor” changes such as correcting network coding errors or modifying zonal centroid connectors.

The Model Executive Committee shall appoint a model custodian. The model custodian will be responsible for maintaining the physical computer files related to the Triangle Regional Model. This work will include but not be limited to maintaining a log of changes and current documentation of model work, complete backup of model files, and managing access to the model via FTP site or other medium. The model custodian is further responsible for distribution of model files and documentation to signatories through FTP access or other medium as needed. It is the signatory’s responsibility to supply their contractors or consultants with needed model files.

IV. Amending the Agreement

This document may be revised by mutual agreement of all signatories. Any signatory may resign from the agreement with a written, three-month notice to all other signatories.

During the lifetime of the agreement it may be desirable to add or revise signatories. The approval of all current signatories shall be required to agree to such a change. The Model Executive Committee will then be responsible for revising this document and distributing copies to all signatories.

This agreement shall be automatically renewed on December 31, 2004, and every three years thereafter unless notification is made within 90 days prior to this date of need for review.

Signatories

Signed this ____ day of _____, in the year _____ by _____

Representing Capital Area Metropolitan Planning Organization (CAMPO)

Signed this ____ day of _____, in the year _____ by _____

Representing Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC)

Signed this ____ day of _____, in the year _____ by _____

Representing North Carolina Department of Transportation (NCDOT)

Signed this ____ day of _____, in the year _____ by _____

Representing Triangle Transit Authority (TTA)

APPENDIX F

AIR QUALITY CONFORMITY MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT, made as of the last day written below, by and between the CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (hereinafter, "MPO"), the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter, "NCDOT"), the NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (hereinafter, "NCDENR"), the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (hereinafter "USEPA"), the FEDERAL HIGHWAY ADMINISTRATION (hereinafter, "FHWA"), the FEDERAL TRANSIT ADMINISTRATION (hereinafter, "FTA") and collectively referred to hereinafter as the Parties.

RECITALS

WHEREAS, the Parties enter into this Memorandum of Agreement (hereinafter, "Agreement") for the purpose of implementing interagency consultation procedures for developing State Implementation Plan ("SIP") revisions, regional emissions budget comparisons and conformity determinations of Long Range Transportation Plans ("LRTP"), Metropolitan Transportation Improvement Programs ("MTIP"), and Regionally Significant Projects ("RSP");

WHEREAS, the Parties enter into this Agreement in accordance with Section 176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7506(c)), and the related requirements of Title 23 United States Code (U.S.C.) Sections 109(j), 134 and 135, with respect to the conformity of LRTPs, MTIPs and RSPs, which are developed, funded or approved by the United States Department of Transportation ("USDOT") and by the MPO under Title 23 U.S.C., or the Federal Transit Act (49 U.S.C. 1601 et seq.), with the applicable implementation plan required under Section 110 (42 U.S.C. 7410) and Part D of the CAA (42 U.S.C. 7407(d) and 7505(a) and Title 15A North Carolina Administrative Code ("N.C.A.C."), Subchapter 2D, Section .2000 relating to non attainment and maintenance areas;

WHEREAS, the MPO desires to comply with the aforementioned federal law and regulations and parallel state laws and regulations by preparing, modifying and evaluating LRTPs, MTIPs and RSPs in accordance with the SIP and in order to preserve the integrity of the SIP;

WHEREAS, NCDOT desires to comply with the aforementioned federal laws and regulations and parallel state laws and regulations by assisting the MPO in its conformity determination in accordance with the State Transportation Plan and State Transportation Improvement Program (STIP) and in order to preserve the integrity of the SIP;

WHEREAS, NCDENR desires to assist the MPO in its compliance with the aforementioned federal requirements and must enforce applicable environmental state laws and regulations;

WHEREAS, USEPA desires to effectively enforce the relevant aforementioned federal laws and regulations regarding air quality and compliance with SIP requirements;

WHEREAS, FHWA desires to effectively enforce and administer the relevant aforementioned federal laws and regulations regarding metropolitan and statewide transportation planning;

WHEREAS, FTA desires to effectively enforce and administer the relevant aforementioned federal laws and regulations regarding metropolitan and statewide transportation planning; and

WHEREAS, the Parties wish to work together to perform the duties imposed upon them by law and to coordinate among themselves for efficient and thorough planning for air quality in the geographic area included within the MPO;

NOW, THEREFORE, in consideration of these conditions and for good and valuable consideration and the benefits flowing to the Parties from each other, the receipt of which is hereby acknowledged, and in further consideration of the mutual covenants, terms, conditions and restrictions hereinafter set forth, the Parties hereby agree as follows:

PURPOSE

The purpose of this memorandum of agreement is to satisfy 40 CFR 93.105 of the transportation conformity rule, which requires states to develop detailed procedures for how they will engage in consultation.

1.0 DEFINITIONS

1.1 “Conformity” -- refers to the status of transportation plans, programs and projects within a region designated as non attainment or maintenance for transportation related pollutants, as to whether they comply with air emission levels and standards required by existing state and/or federal implementation plans for that region.

1.2 “Consultation” -- means when one Party confers with another identified Party, provides all information necessary to that Party needed for meaningful input, and considers and responds to the views of that party in a timely, substantive written manner prior to any final decision.

1.3 “FHWA/FTA Project” -- means any highway or transit project which is proposed to receive funding assistance and approval through the Federal-Aid Highway program or the Federal mass transit program, or requires some FHWA or FTA approval.

1.4 “Long Range Transportation Plan” (LRTP) -- means the official intermodal metropolitan transportation plan that is developed through the metropolitan planning process for the metropolitan planning area, developed pursuant to 23 C.F.R. part 450.

1.5 “Metropolitan Transportation Improvement Program” (MTIP) -- means a staged, multi-year, intermodal program of transportation projects covering a metropolitan planning area which is consistent with the LRTP and was developed pursuant to 23 C.F.R. 450.

1.6 “Pre-MTIP/LRTP Conformity Determination Meeting” -- refers to an initial meeting called by the MPO and open to all Parties (by invitation of the MPO), designed to establish agreed upon procedures, protocols, and schedule for conducting a conformity analysis and determination. Attendance at the Pre-MTIP/LRTP Conformity Determination Meeting may be by telephone/teleconference so long as all the Parties agree. If not all Parties are represented, a consensus may be established so long as there is a

representative from the MPO, NCDOT, NCDENR and at least one representative from either FHWA or FTA.

1.7 “Recipient of funds designated under title 23 U.S.C. or the Federal Transit Laws” -- means an agency at any level of state, county, city or regional government that routinely receives title 23 U.S.C. or Federal Transit Laws funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners or developers, or contractors or entities that are only paid for services or products created by their own employees.

1.8 “Regionally Significant Project” (RSP) -- means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area’s transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

1.9 “State Implementation Plan” (SIP) -- means documents including, but not limited to, state or locally adopted regulations, submitted by North Carolina to, and approved by, the USEPA, or the most recent revision thereof, in accordance with Sections 110, 301(d) and 175(A) of the Clean Air Act (42 U.S.C. 7409, 7601, and 7505(a)) and regulations promulgated by USEPA pursuant to the provisions of those sections.

1.10 “Statewide Interagency Consultation Meetings” -- refers to regularly scheduled informational meetings, sponsored by NCDOT to which all Parties are invited, including all MPOs throughout the State, which are required to have air quality conformity determinations under Title 15A N.C.A.C. Subchapter 2D, Section .2000

1.11 “Statewide Transportation Improvement Program” (STIP) -- means a staged, multi-year, statewide, intermodal program of transportation projects which is consistent with the statewide transportation plan and planning processes and LRTPs, MTIPs and processes.

1.12 “Transportation Control Measure” (TCM) -- means any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in § 108 of the CAA, or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Notwithstanding the first sentence of this definition, vehicle technology-based, fuel based, and maintenance-based measures, which control the emissions from vehicles under fixed traffic conditions, are not TCMs for the purpose of this Agreement.

1.13 “timely” – means within the timeframe agreed to in the schedule set at the Pre-MTIP/LRTP Conformity Determination Meetings.

1.14 “Transportation Providers” – means public agencies that provide transportation services to the public, these agencies are publicly owned and operated.

1.15 All other terms used herein but not defined in this Agreement shall have the meaning given to them by the CAA, Title 23 and 49 U.S.C. 40 C.F.R. § 93.101, other EPA regulations, or other USDOT regulations.

1.16 “Parties” – means representatives from all signatory agencies to this MOA.

2.0 DUTIES OF THE PARTIES

The roles and responsibilities of each Party are defined below. Each Party member shall determine which staff members will represent the Party in the conformity process and shall take responsibility to see that the appropriate representatives are available to ensure a cooperative process and adequate communication among the Parties. It is the responsibility of each Party to notify the other Parties of changes in their appointed designee(s) or contact(s).

2.1 MPO DUTIES

2.1.1 The Capital Area MPO shall develop and maintain the travel demand model for the MPO area in full cooperation with NCDOT, DCHC MPO, and the Triangle Transit Authority. This cooperative arrangement shall be defined by formal agreement among these parties.

2.1.2 Upon request by the Parties, the MPO shall provide all Parties with travel data needed to determine various transportation emissions budgets if they are responsible for this data.

2.1.3 The MPO shall consult with the Parties to develop LRTPs , MTIPs and amendments thereto.

2.1.4 The MPO shall assist NCDENR and NCDOT in needed modifications or revisions in the State Implementation Plan (SIP), which will include the assessment of effectiveness of existing TCMs and implementation of potential TCMs for inclusion in the SIP, and providing critical input to the SIP development process, such as VMT and speed assumptions for various road classifications should such information be readily available within the resource and budget constraints of the MPO.

2.1.5 Before the MPO conducts conformity analyses and determinations, as initiated under the terms and conditions of this Agreement, the MPO shall initiate and facilitate Pre-MTIP/LRTP Conformity Determination Meetings to consult with all Parties on proposed procedures and protocol for conducting and performing the conformity analysis prior to making a conformity determination. The MPO may also designate such responsibility to a third party, in consultation with NCDOT.

The MPO in consultation with NCDOT shall sponsor the Pre-MTIP/LRTP Conformity Determination Meetings and prepare meeting agendas and meeting materials required for fulfillment of consultation procedures outlined in this Agreement. Any adjacent MPO will be invited to this meeting for purposes of coordination and consultation.

2.1.6 The MPO shall submit concurrently, upon completion, a draft or final LRTP and MTIP document and related conformity determination to the NCDOT, NCDENR, USDOT (FHWA and FTA), and USEPA.

2.1.7 The MPO in consultation with NCDOT shall prepare meeting summaries and conclusions of said Pre-MTIP/LRTP Conformity Determination Meetings and other appropriate meetings it sponsors.

2.1.8 The MPO shall maintain procedures for public involvement in the conformity determination process consistent with its adopted Public Involvement procedures including receiving and responding to public input on conformity findings, consistent with 23 C.F.R. § 450.316(b) and 40 C.F.R. § 93.105(e).

2.1.9 The MPO shall review and provide comments to NCDOT on draft conformity analyses, unless the MPO has authored said conformity analysis report by the dates agreed to in the Pre-MTIP/LRTP Conformity Determination Meeting.

2.2 NCDENR DUTIES

2.2.1 For all SIP budgets developed after 1999, NCDENR shall ensure the emission budgets and the appropriate control measures used for developing the SIP are developed for a minimum 20-year horizon. NCDENR is to develop the applicable motor vehicle emissions budgets in consultation with the Parties and to ensure that the accurate and up-to-date data assumptions are used in the development of SIPs and any associated motor vehicle emissions budgets. NCDENR shall update the SIP at least every 8 years or consistent with Federal Clean Air Act requirements, if more frequent.

2.2.2 NCDENR shall participate in the development and review of transportation system and emissions modeling activities and projection procedures to ensure consistency of air quality and transportation system evaluation.

2.2.3 NCDENR shall keep all Parties apprised of its SIP revision submittals and USEPA's approval thereof and provide for and respond to comments made by the MPO and NCDOT and the other Parties in significant transportation-related SIP development processes.

2.2.4 NCDENR shall obtain MPO approval for the inclusion of transportation related TCMs (for any TCM funded by the federal and state transportation budgets or local funds and where the implementing agency is the MPO) in the SIP, LRTP, and /or MTIP. Prior to inclusion in the SIP, a TCM shall be part of a conforming LRTP/MTIP and the MPO must agree to the schedule for inclusion in the LRTP and MTIP.

2.2.5 NCDENR shall provide applicable transportation-related emission budgets and revisions (at the relevant county or MPO area levels) to the NCDOT, MPO, and USDOT (FHWA and FTA).

2.2.6 NCDENR shall participate in the Pre-MTIP/LRTP Conformity Determination Meetings, Statewide Interagency Consultation Meetings, and other appropriate committees/meetings established to advise all Parties on the SIPs and emissions control strategies and programs particularly as these relate to transportation related issues.

2.2.7 NCDENR shall provide a list of TCMs included in the SIP at the Pre-MTIP/LRTP Conformity Determination Meeting.

2.2.8 NCDENR or its designee shall provide appropriate emission factors to the MPO and NCDOT for completion of conformity analysis on a schedule set at the Pre-MTIP/LRTP Conformity Determination Meetings.

2.2.9 NCDENR shall review and provide comments to the MPO and NCDOT on draft conformity analyses. NCDENR shall also provide timely review comments to the MPO and NCDOT within 21 calendar days of receipt for inclusion in the final report in accordance with the terms and conditions of this Agreement.

2.2.10 NCDENR shall participate in consultations with all Parties to develop LRTPs , MTIPs and amendments thereto.

2.2.11 NCDENR shall consult with NCDOT and MPOs in needed modifications or revisions in the State Implementation Plan (SIP), which will include the assessment of effectiveness of existing TCMs and implementation of potential TCMs for inclusion in the SIP.

2.3 NCDOT DUTIES

2.3.1 NCDOT shall sponsor the Statewide Interagency Consultation Meetings and participate in the Pre-MTIP/LRTP Conformity Determination Meeting and other appropriate committees/meetings established to discuss with all Parties on the development of a revised statewide transportation plan, including programs and projects.

2.3.2 NCDOT shall consult with all Parties to develop the State Transportation Improvement Program (“STIP”) and amendments thereto. Furthermore, NCDOT shall keep the Parties apprised of the status and content of statewide transportation plans and the STIP.

2.3.3 Upon request by the Parties, NCDOT shall provide all Parties with travel data needed to determine various transportation emissions budgets if they are responsible for this data.

2.3.4 NCDOT shall participate in the development and review of transportation system emissions modeling activities and projection procedures to ensure consistency of air quality and transportation system evaluation.

2.3.5 NCDOT shall review and provide comments to the MPO on draft conformity analyses, unless NCDOT has authored said conformity analysis report by the dates agreed to in the Pre-MTIP/LRTP Conformity Determination Meeting.

2.3.6 NCDOT shall also provide information requested by other Parties to track the implementation of transportation control measures (TCMs) included in the SIP by the dates agreed to in the Pre-MTIP/LRTP Conformity Determination Meeting.

2.3.7 NCDOT shall consult with the Parties to develop LRTPs , MTIPs and amendments thereto by the dates agreed to in the Pre-MTIP/LRTP Conformity Determination Meeting.

2.3.8 NCDOT shall assist NCDENR and the MPOs in needed modifications or revisions in the State Implementation Plan (SIP), which will include the assessment of effectiveness of existing TCMs and implementation of potential TCMs for inclusion in the SIP.

2.4 FHWA and FTA (USDOT) DUTIES

2.4.1 FHWA and FTA shall accept, for review, a draft report of conformity analysis by the MPO of an amended and/or adopted transportation plan, program or project subject to conformity analysis and determination according to this Agreement. FHWA and FTA shall provide comments they may have concerning the draft report of conformity to the Parties.

2.4.2 FHWA and FTA shall review and provide timely approval or rejection of the final conformity determination report by the MPO of an amended and/or adopted transportation plan, program or project subject to conformity analysis and determination according to this Agreement by the dates agreed to in the Pre-MTIP/LRTP Conformity Determination Meeting.

2.4.3 FHWA and FTA shall consult with the Parties regarding the Statewide Interagency Consultation Meetings, the Pre-MTIP/LRTP Conformity Determination Meetings and other appropriate committees/meetings established to advise the Parties on the development of transportation plans, programs and projects, particularly as these relate to air quality-related issues.

2.4.4 FHWA and FTA shall advise the Parties of changes to USDOT technical, regulatory and policy guidance as it relates to the planning process and conformity.

2.4.5 FHWA and FTA shall provide comments they may have in writing to the other parties concerning both draft and final conformity findings in accordance with the terms of this Agreement. The final conformity findings made by FHWA and FTA shall be consistent with the requirements of the national conformity memorandum of understanding currently under development.

2.4.6 FHWA and FTA shall assess the MPO’s compliance with public participation policy and procedures which meet the requirements of 23C.F.R.§450.316(b) and 40 C.F.R. § 93.105(e).

2.4.8 FHWA and FTA shall assist NCDENR, NCDOT and the MPOs in needed modifications or revisions in the State Implementation Plan (SIP), which will include the assessment of effectiveness of existing TCMs and implementation of potential TCMs for inclusion in the SIP.

2.4.9 FHWA and FTA shall be responsible for final approval or rejection of the conformity report and determination prepared by the MPO or its designee.

2.5 USEPA DUTIES

2.5.1 USEPA shall advise the Parties of changes to USEPA policy related to air quality and conformity.

2.5.2 USEPA shall participate in the Statewide Interagency Consultation Meetings, the Pre-MTIP/LRTP Conformity Determination Meetings and other appropriate committees/meetings established to advise the Parties on the development of transportation plans, programs and projects, particularly as these relate to air quality-related issues.

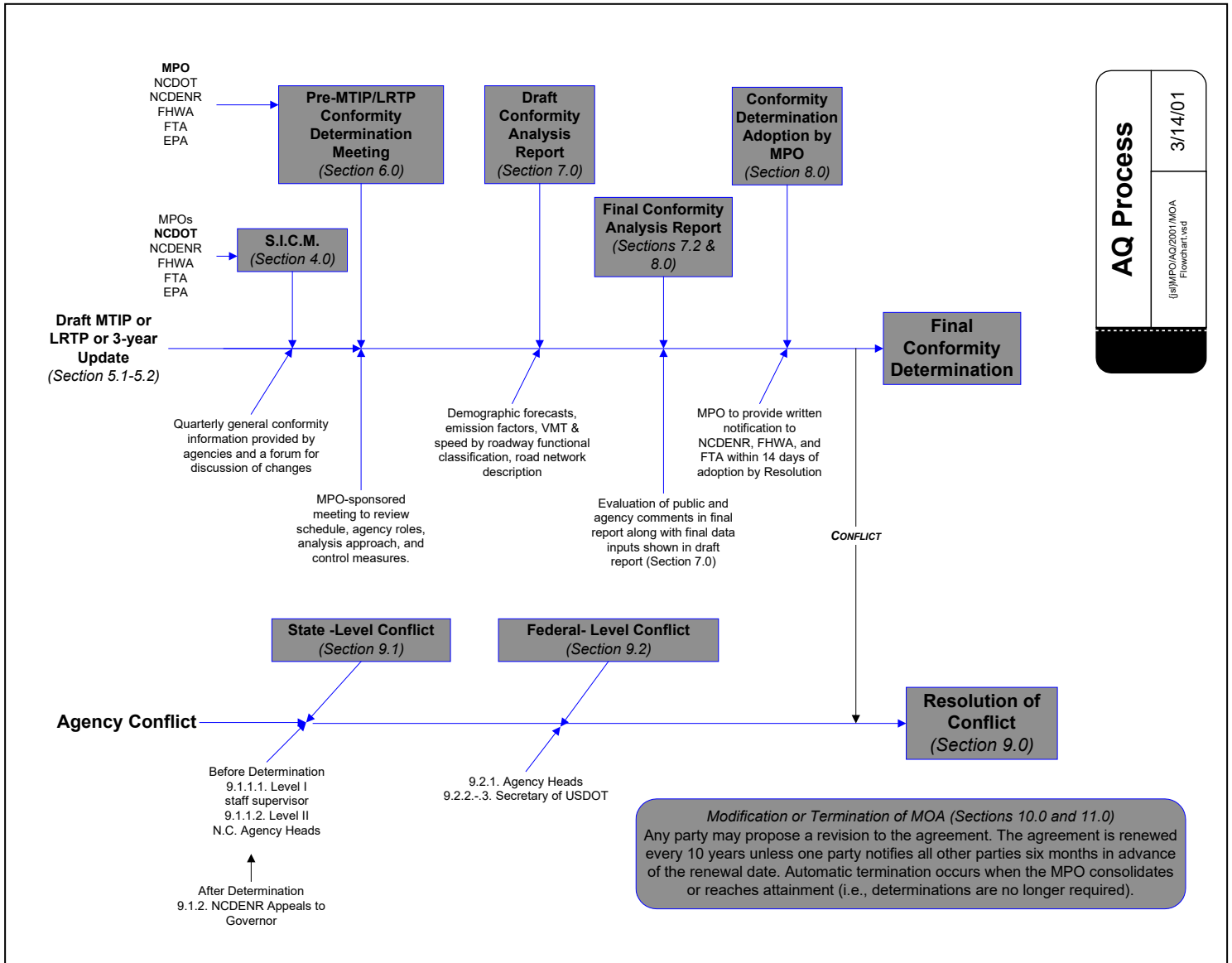
2.5.3 USEPA shall review and comment on draft and final conformity analyses in accordance with the terms of this Agreement and consistent with the requirements of the national conformity memorandum of understanding by the dates agreed to in the Pre-MTIP/LRTP Conformity Determination Meeting.

2.5.4 USEPA shall assist NCDENR, NCDOT and the MPOs in needed modifications or revisions in the State Implementation Plan (SIP), which will include the assessment of effectiveness of existing TCMs and implementation of potential TCMs for inclusion in the SIP.

3.0 CONTENT AND SUBMISSION OF TRANSPORTATION PLANS, PROGRAMS AND PROJECTS

3.1 CONTENT AND DESIGN

The LRTP/MTIP, programs and/or projects to be analyzed for conformity shall meet the requirements of the current federal transportation authorizing legislation and the most current USDOT regulations . At the time that a new or revised plan is proposed, the MPO, in cooperation with NCDOT and local transportation planning agencies, shall prepare a list of new or modified transportation projects and services included in the plan and identify the time frame each new project or service is expected to become operational.



3.2 FISCAL CONSTRAINT

The LRTPs and MTIPs shall be fiscally constrained consistent with 23 C.F.R. § 450.324(e) and 40 C.F.R. § 93.108.

3.3 PUBLIC PARTICIPATION

Conformity determinations for LRTP and TIPs shall follow the specific public involvement process established by the MPO, consistent with the requirements of 23 CFR

Part 450, which provides opportunity for public review and comment prior to formal action on a conformity determination for all LRTP and TIPs. During the public review period this process must provide reasonable public access to technical and policy information considered by the affected parties in making the conformity determination.

Conformity determinations in isolated rural nonattainment and maintenance areas and rural portions of nonattainment and maintenance areas outside the MPO boundaries shall follow the specific public involvement process established by NCDOT, consistent with the requirements of 23 CFR Part 450, which provides opportunity for public review and comment prior to formal action to update the STIP and the statewide transportation plan.

4.0 STATEWIDE INTERAGENCY CONSULTATION MEETINGS

NCDOT shall sponsor a Statewide Interagency Consultation Meeting on a regular basis for the purpose of keeping all Parties and all MPOs abreast of new information concerning transportation planning generally and as it relates to conformity analysis and determination.

4.1 MEETING FREQUENCY

Statewide Interagency Consultation Meetings shall be held at least quarterly. Meeting dates shall be determined by NCDOT after consultation with the Parties. If there are no agenda items submitted to NCDOT at least Seven (7) days prior to the scheduled meeting, - NCDOT shall notify all Parties of the cancellation of said regularly scheduled meeting, indicating the reasons for such cancellation.

4.2 SPECIAL MEETINGS

If any government agency determines a need for an unscheduled Statewide Interagency Consultation Meeting and there is a consensus among the Parties to have an unscheduled meeting, NCDOT must provide prior notice to all Parties, at least 14 calendar days in advance of the meeting. The 14 day advance notice requirement, however, may be waived by the Parties if all Parties agree that an earlier scheduled meeting is in the best interest of the Parties.

4.3 MEETING LOCATION AND AGENDA The Statewide Interagency Consultation Meeting location shall be determined based upon convenience and agreement to by the Parties. NCDOT shall provide all Parties, including all statewide MPOs, advance notice of the meeting time, location and agenda. If necessary and convenient, the Statewide Interagency Consultation Meeting need not be a face-to-face meeting but may occur by telephone, video or some other practical electronic means.

4.4 DISCUSSION OF SIP RELATED ISSUES NCDENR shall use the Statewide Interagency Consultation Meeting as an opportunity to update the Parties on SIPs under development and SIP revisions submitted to USEPA. NCDENR shall allow the Parties to review and comment on transportation-related SIP issues and respond to said comments.

5.0 INITIATING CONFORMITY DETERMINATIONS OR ANALYSIS

The Parties shall make conformity determinations and consultations consistent with this Agreement and in accordance with the conditions described in 40 C.F.R. §§ 51.390(b) and 93.102 as applied to LRTPs, MTIPs, and RSPs.

Geographic Applicability -- The MPO or regional area identified as requiring conformity analysis and determinations in accordance with Title 15A N.C.A.C. Subchapter 2D, Section .2000 shall initiate conformity analysis and determination pursuant to this Agreement and as described herein.

5.1 APPLICABILITY OF CONFORMITY

5.1.1 MPO Action -- The MPO shall initiate conformity determinations and consultation procedures in accordance with this Agreement in response to the following occurrences, except as provided for in 40 C.F.R. 93.102 or 40 C.F.R. 93.126:

5.1.1.1 L RTP Modifications -- Upon adoption or amendment of LRTPs developed pursuant to 23 C.F.R. 450 or 49 C.F.R. 613 by the MPO or USDOT;

5.1.1.2 MTIP Modifications -- Upon adoption or amendment of MTIPs developed pursuant to 23 C.F.R. 450 or 49 C.F.R. 613 by the MPO or USDOT; or

5.1.2 NCDOT Action -- NCDOT or local implementing agencies shall initiate conformity determinations and consultation procedures in accordance with this Agreement in response to initiating or approving RSPs arising from implementation of existing LRTPs or MTIPs, except as provided for in paragraph (c) of 40 C.F.R. 93.102 or 40 C.F.R. 93.126:

5.2 FREQUENCY OF CONFORMITY DETERMINATION

If the MPO takes no action that would otherwise initiate conformity analysis and determination, the MPO shall make conformity determinations according to the following frequency and in accordance with 40 C.F.R. 93.104:

5.2.1 Conformity analysis and determination of the LRTP and MTIP shall be made consistent with 40 CFR 93.104 or as specified by future conformity regulations:

5.3 EXEMPTIONS TO CONFORMITY DETERMINATIONS

Exempt Projects -- no conformity or emission analysis is required under this Agreement if the LRTP or MTIP adds or deletes a project which is explicitly exempt from conformity determinations under 40 C.F.R. §§ 93.126 and 93.127 and as defined by the CAA and current USDOT guidance documents.

5.3.1. Notification of Exempt Status Required -- The MPO shall notify the Parties of adoption or approval of projects determined to be exempt by the MPO and provide a basis for such exempt status. Notification by the MPO shall also be made when the LRTP or MTIP is revised to add or delete exempt projects as defined in 40 C.F.R. §§ 93.126 and 93.127. Notification of deleted projects does not have to be made prior to an MPO action.

5.3.2 Objection to Exempt Determination -- If the Parties disagree with the MPO's finding that a proposed amendment to the LRTP or MTIP contains only exempt projects, the objecting Party shall notify all Parties.

5.4 TREATMENT OF NON-FEDERAL OR STATE AND LOCAL PROJECTS

The Parties shall make conformity determinations and consultations in accordance with the conditions described in 40 C.F.R. §§ 51.390(b) and 93.127 as applied to LRTPs, MTIPs, and RSPs for all non-federal, state or local projects. The Parties shall consult to determine if the projects are regionally significant.

6.0 PRE-MTIP/LRTP CONFORMITY DETERMINATION MEETING (INTERAGENCY CONSULTATION)

When the need for conformity analysis and determination is initiated in accordance with the initiating section of this Agreement and aforementioned regulations, the MPO shall call a Pre-MTIP/LRTP Conformity Determination Meeting to which all Parties of this Agreement shall be invited by the MPO. The Pre-MTIP/LRTP Conformity Determination Meeting shall be held prior to performing any conformity analysis or determination and shall address the specific processes outlined in 40 C.F.R. § 93.105(c). The

purpose of this meeting is to coordinate early with the Parties on information regarding the choice of some major parameters of the conformity analysis and to determine the schedule of preparation and review of the analysis. If during the meeting a conflict arises, the Parties shall follow the conflict resolution procedures as outlined in Section 9.0 of this document.

6.1 NOTICE OF MEETING

The MPO shall provide at least 14 calendar days prior written notice to the Parties that a Pre-MTIP/LRTP Conformity Determination Meeting has been scheduled. Said prior notice shall also be given to transportation providers represented on the MPO.

6.2 MEETING PLACE, TIME AND AGENDA

The meeting shall be scheduled at a time and location that allows representatives from the Parties to participate. The MPO shall distribute to the Parties a draft agenda and meeting materials at least five (5) working days prior to the meeting. The Parties shall have the opportunity to add agenda items and will be responsible for presenting them. If it is agreed among the Parties that additional meetings are required to achieve the duties of the parties, the MPO may schedule such additional meetings.

6.3 CONFORMITY ANALYSIS CRITERIA AND PROCEDURES

The conformity analysis for a LRTP, MTIP or applicable project shall be conducted in accordance with 40 C.F.R. § 93.118 or 119 as appropriate. The regional emissions analysis budget test required under 40 C.F.R. § 93.122 shall be performed as called for and described in the USEPA approved State Implementation Plan.

6.4 CONSULTATION ON CONFORMITY ANALYSIS APPROACH

The MPO shall outline the proposed methodologies to be used in the upcoming conformity analysis. At this meeting the duties of all Parties will be defined and agreed to.

6.4.1 Interagency Consultation Procedures -- The issues listed in 40 C.F.R. § 93.105 (c) shall be reviewed and discussed at this meeting, including but not limited to, the following activities:

- 6.4.1.1 Evaluating and choosing an appropriate model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;
- 6.4.1.2 Determining which minor arterial and other transportation projects should be considered Regionally Significant Projects (RSPs);
- 6.4.1.3 Evaluating whether projects otherwise exempted from meeting the requirements of 40 C.F.R. §§ 93.126 and 93.127 should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason;
- 6.4.1.4 Discussing whether or not adopted TCMs are on schedule and performing as anticipated; and
- 6.4.1.5 Choosing conformity tests and methodologies for areas outside the MPO boundary but within the nonattainment or maintenance area.
- 6.4.1.6 Latest planning assumptions for developing emission factors for the conformity analysis.
- 6.4.1.7 Projects without a determined design concept and scope shall be discussed at the Pre-MTIP/LRTP Conformity Determination Consultation Meeting. Parties must agree on sufficient details of the design concept and scope for the project to be included in the conformity analysis and determination.

6.4.2 TCM Analysis and Implementation -- The Pre-MTIP/LRTP Conformity Determination Meeting shall be used for assuring implementation of TCMs, which shall be a joint responsibility of NCDENR, the MPO and NCDOT. NCDENR shall submit (at the Pre-MTIP/LRTP Conformity Determination Meeting) a list of the TCMs, which are in the applicable implementation plan, to be included in the LRTP or MTIP.

6.4.3 Scheduling Implementation -- The MPO or its designee shall provide a list of transportation system elements from the most recent conforming LRTP for inclusion in the current MTIP in order to be completed in the time frame established in the LRTP. NCDENR or its designee shall provide the emission factors to the MPO within a time agreed upon during the interagency consultations and to allow the MPO sufficient time to complete the conformity analysis on schedule. Due to the difficulty in assembling all Parties at one time, these subsequent meetings may involve various subsets of the larger group. However, pertinent information discussed in these sub-meetings shall be shared with the other Parties.

6.4.4 MTIP Conformity Analysis and Determination -- The MPO shall also discuss the MTIP as it relates to conformity-related issues. If the MTIP is a subset of a currently conforming LRTP, the discussion of the MTIP conformity analysis and determination may be made via E-mail or postal mail unless a Party member identifies sufficient reasons for including such discussions in a scheduled face-to-face meeting. If E-mail or postal mail is used, the MPO shall outline the manner in which the upcoming MTIP conformity determination is to be carried out. The MPO shall inform the participants of proposed changes in the procedures. If a face-to-face meeting is needed then it shall be conducted as described herein in the Pre-MTIP/LRTP Conformity Determination Meeting.

7.0 CONFORMITY ANALYSIS RESULTS AND REPORTING

After the Pre-MTIP/LRTP Conformity Determination Meeting, the draft report of the conformity analysis shall be circulated to the other Parties defined during the Pre-MTIP/LRTP conformity Determination Meeting for their review prior to releasing said draft report for public review as required by Title 15A N.C.A.C. 2D.2003. After the required state agency review period, the MPO shall provide public review and comments of the draft report in accordance with the MPO's public participation policies and procedures. The MPO shall not make conformity determination or plan adoption or approval until after the required review period and after public participation.

7.1 DOCUMENTATION OF CONFORMITY ANALYSIS

The conformity analysis shall document all assumptions and relevant information used to determine the impact of the project on travel and emissions in the region, such that any person not directly involved in the analysis can understand how the conformity finding was made.

Contents of Conformity Analysis Report -- The conformity analysis report shall include, but not be limited to, following documentation:

- 7.1.1 Forecasts of population, household and employment in the analysis;
- 7.1.2 Inputs used to develop emissions factors and emission factors used; and
- 7.1.3 VMT (Vehicle Miles Traveled) and Average speed for each federal functional classification.

7.2 COMMENTS BY THE PARTIES AND THE PUBLIC

The Parties may comment upon the analysis results after receiving the results of the draft conformity analysis and report. The results shall also be made available to the public for review and comment in accordance with the MPO's public participation policy and procedures and 23 C.F.R. § 450.316(b) and 40 C.F.R. § 93.105(e).

7.2.1 Evaluation of Comments from the Public -- After the completion of the public comment period, the comments received from the public on the conformity analysis, shall address in the final report and may be raised in an additional meeting between the Parties. Comments may be addressed individually or in summary form at the discretion of the MPO.

7.2.2 Evaluation of Comments from the Parties -- If the Parties disagree with the conclusions of the analysis, the MPO shall convene a meeting or consult with the Parties via an electronic communication means (telephone, teleconference, e-mail, etc.) if agreed to by the Parties, to consider and discuss the comments and determine whether further conformity-related analysis is needed. The MPO shall report on the disposition of comments as required under 23 C.F.R. § 450.316(b)(1)(vii) and 40 C.F.R. § 93.105(b)(2)(v) and (e).

8.0 CONFORMITY DETERMINATION ADOPTED BY MPO RESOLUTION

The MPO may make a conformity determination and approval/adoption of the LRTP, MTIP, RSP or applicable transit project after receiving comments from both the public and the Parties and resolving conformity related objections and concerns raised by the public and Parties.

8.1 NOTIFICATION OF MPO RESOLUTION

The MPO shall provide NCDENR with written notification of conformity determination by MPO resolution within a time period agreed upon during agency consultation meetings. The notification of conformity determination sent to NCDENR and the federal agencies (FHWA and FTA) shall be via some verifiable receipt means such as certified mail or return receipt requested. The MPO shall include, along with the notification, a copy of the final conformity analysis and report.

8.2 NCDENR OBJECTION TO CONFORMITY DETERMINATION

If the MPO makes a conformity determination by resolution without addressing NCDENR's comments (to NCDENR's satisfaction), NCDENR may appeal the MPO determination within Fourteen (14) days of receiving notification of the MPO's determination. The appeal process and procedure to be followed shall be in accordance with the Conflict Resolution section of this Agreement. Notwithstanding NCDENR's right of appeal, NCDENR may waive any part of the Fourteen (14) day appeal period, if NCDENR has supported the final conformity determination.

8.3 USDOT REJECTION OF CONFORMITY DETERMINATION

If the MPO makes a conformity determination by resolution without addressing USEPA, FHWA or FTA comments (to USDOT's satisfaction), USDOT may reject the MPO determination within 45 days of receiving notification of the MPO's determination. The MPO may appeal said objection to the Secretary of the U.S. Department of Transportation. The rejection of conformity determination and appeal procedure and process shall be in accordance with the Conflict Resolution section of this Agreement.

9.0 CONFLICT RESOLUTION

The purpose of this Agreement is to ensure that necessary conformity analyses and determinations are made effectively with the least conflicts possible. The Parties believe this Agreement establishes a means and protocol for consultation and document review opportunities that will avoid conflicts and disagreements among the Parties regarding final conformity determinations. Nevertheless, a means must be established to address the possibility that certain conflicts may arise that cannot be resolved among the designated representatives of the Parties. It is the purpose of this section to address such situations.

9.1 RESOLUTION OF CONFLICTS AT THE STATE LEVEL

9.1.1 Conflicts Arising Prior to Conformity Determination -- Any conflict or disagreement between NCDOT, NCDENR and the MPO causing a lack of consensus among the state Parties as to acceptance of MPO conformity analysis and approach may be resolved by escalation of the conflict among the Parties. If NCDOT or NCDENR objects to the proposed conformity analysis and approach prior to the MPO making a conformity determination by resolution, the issue may be resolved by the following procedure:

- 9.1.1.1 **Level I Resolution** -- After the objecting Party gives five (5) days written notice to the other Party members explaining the reasons for objection, each staff level Party member shall forward said written objection and explanation to their superior as follows:
NCDOT -- the Statewide Planning Manager
NCDENR -- the Division of Air Quality Director
MPO -- the Chair of the MPO Technical Coordinating Committee or its designee,

The Level I Resolution negotiators shall have five (5) working days, from notice, to resolve the matter by mutually agreed upon meeting forum, including, but not limited to, face-to-face meetings, telephone and E-mail.

- 9.1.1.2 **Level II Resolution** -- If, after said five (5) working days the Level I Resolution negotiators are unable to resolve the dispute, it may be raised to Level II Resolution negotiators, namely:
NCDOT -- The Secretary of the NCDOT
NCDENR -- The Secretary of NCDENR
MPO -- the Chair of the MPO Transportation Advisory Committee or its designee.

The Level II Resolution negotiators shall have ten (10) working days to resolve the matter by mutually agreed upon meeting forum, including, but not limited to face-to-face meetings, telephone and E-mail.

9.1.2 Conflicts Arising After MPO Conformity Determination -- After the MPO has made its conformity determination by resolution and adoption/approval, NCDENR may appeal said conformity determination by resolution and adoption/approval to the Governor of North Carolina within fourteen (14) days of notice. As stated herein, the MPO shall notify NCDENR (and all other Parties) of its conformity determination by resolution and adoption/approval within a time period agreed to by the Parties during interagency consultations. NCDENR shall have fourteen (14) days from said notification to provide the Governor of North Carolina a letter appealing the MPO decision with an explanation. If NCDENR appeals to the Governor, the final conformity analysis and determination must have the concurrence of the Governor of North Carolina. NCDENR shall provide written notice of appeal under this subsection to the Chairperson of the MPO, the Secretary of NCDOT, the FHWA North Carolina Division Administrator, and the FTA Region 4 Administrator. Notwithstanding NCDENR right of appeal, if NCDENR supports of the final conformity determination, NCDENR may voluntarily waive its right of appeal.

- 9.1.2.1 **Resolution of NCDENR Appeal** -- The Governor may delegate his or her role in this appeals process to another official or agency within the State, but not to the head or staff of NCDENR, NCDOT, MPO, the North Carolina Board of Transportation, or any agency that has responsibility for any one of these functions.

If the NCDENR does not appeal to the Governor within 14 days of the MPO's notification of conformity on the MPO LRTP, MTIP, RSP or transit project, the MPO may continue submission of its conformity determination to USDOT for their final review and conformity determination.

9.2 RESOLUTION OF CONFLICTS AT THE FEDERAL LEVEL

It is the affirmative responsibility of federal agencies to raise issues prior to the end of any agreed upon review period. If a federal agency determines there is a significant issue, it is that agency's affirmative responsibility to arrange a meeting with the Parties to resolve the issue prior to writing negative comments or finding that the LRTP or MTIP in question does not conform to the intent of the North Carolina SIP.

If, after fourteen (14) day prior notice of the MPO's final conformity determination by resolution and approval/adoption, NCDENR has not appealed said final conformity determination (or waived it's right to appeal earlier), FHWA and FTA may provide written approval or rejection said final conformity determination within forty-five (45) days of notice of final conformity determination.

9.2.1 Consensus Among Federal Parties -- If, within the forty-five (45) day period the federal Parties are in disagreement over the approval or rejection of said final conformity determination, the Parties may escalate the conflict among their respective agencies in an attempt to resolve the issue within the forty-five (45) day time period.

9.2.2 Rejection by the Federal Agencies -- If the FHWA and FTA reject the final conformity determination, the MPO, NCDOT or NCDENR may appeal said rejection to the Secretary of USDOT.

9.2.3 No Action after Forty-Five (45) Days -- If after forty-five (45) days, no written approval or rejection has been provided by FHWA and FTA, the Secretary of NCDOT, the Chairperson of the MPO or the Secretary of NCDENR may provide written request of review by the Secretary of the USDOT seeking a resolution among the federal parties.

10.0 MODIFICATIONS OF AGREEMENT

The Parties may propose revision(s) to the Agreement, and request that Parties meet to consider such a revision. A change in duties will require this agreement to be reviewed. The Agreement incorporates by reference the cited provisions of the United States Code and Code of Federal Regulations.

11.0 TERMINATION OF AGREEMENT

11.1 TERMINATION AND AUTOMATIC RENEWAL

The natural term of this Agreement is ten (10) years from the date of execution. Notwithstanding the natural term of the Agreement and modification section, the Agreement will be automatically renewed every ten (10) years from the date of execution. A Party may, however, cancel the automatic renewal with sufficient prior notice. If a Party desires to cancel the automatic renewal and re-negotiate a new agreement, the canceling Party must provide prior written notice to all other Parties at least six (6) months before the automatic renewal date and during the last year of the natural term of the Agreement.

11.2 AUTOMATIC TERMINATION

The Agreement will automatically terminate when the subject county or region of the MPO has reached attainment for air quality standards AND is no longer required to perform conformity analyses and determinations. The Agreement will also automatically terminate if the MPO parties no longer exist due to consolidation or other action.

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT on
this the _____ day of _____, 2001.

MPO

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT on
this the _____ day of _____, 2001.

NCDOT

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT on
this the _____ day of _____, 2001.

NCDENR

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT on
this the _____ day of _____, 2001.

USEPA

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT on
this the _____ day of _____, 2001.

FHWA

By: _____

Name: _____

Title: _____

IN WITNESS WHEREOF, the Parties have executed this AGREEMENT on
this the _____ day of _____, 2001.

FTA

By: _____

Name: _____

Title: _____

(MPO MOA .25094)