

RESOLUTION

MEMORANDUM OF AGREEMENT BETWEEN THE BURLINGTON-GRAHAM METROPOLITAN PLANNING ORGANIZATION (BGMPO) AND THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION (DCHC MPO) FOR PLANNING RESPONSIBILITY AND AUTHORITY TRANSFER IN THE PORTIONS OF THE BURLINGTON-GRAHAM URBANIZED AREA (UZA) IN ORANGE COUNTY

WHEREAS, 23 USC 134 and Section 8 of the Federal Transit Act require a designated Metropolitan Planning Organization (MPO) for each urbanized area and that, if necessary, the boundaries of the MPO expand after each decennial Census to cover the Census defined urbanized area (UZA); and

WHEREAS, The 2020 Census established portions of the Burlington-Graham UZA in Orange County. The Orange County portion of the Burlington-Graham UZA is in the DCHC MPO Planning Area Boundary (PAB); and

WHEREAS, BGMPO and DCHC MPO mutually agree to perform federal planning requirements for the UZA currently within their PABs, pursuant to 23 USC 134, 49 USC 5305 and 23 CFR Part 450, as follows:

1. DCHC MPO, in cooperation with BGMPO, must provide federal transportation planning requirements for the portion of the Burlington-Graham UZA in Orange County, and thus in the DCHC MPO PAB; and
2. BGMPO's federal planning (PL) funds apportionment and distribution are based upon the 2020 Census Burlington-Graham UZA and may be utilized anywhere within the BGMPO PAB; and
3. DCHC MPO's federal planning (PL) and Surface Transportation Block Grant-Direct Allocation (STBG-DA) funds apportionment and distribution are based upon the 2020 Census Durham-Chapel Hill-Carrboro UZA and may be utilized anywhere within the DCHC MPO PAB; and
4. BGMPO's federal transit planning funds apportionment and distribution are based upon the 2020 Census Burlington-Graham UZA and may be utilized anywhere within the BGMPO PAB.
5. DCHC MPO's federal transit planning funds apportionment and distribution are based upon the 2020 Census Durham-Chapel Hill-Carrboro UZA and may be utilized anywhere within the DCHC MPO PAB.
6. BGMPO, DCHC MPO, the North Carolina Division of Air Quality, North Carolina Department of Transportation, US Environmental Protection Agency, Federal Highway Administration and Federal Transit Administration completed a Memorandum of Agreement to satisfy the requirement in Clean Air Act section 176(c)(4)(E) to create a state conformity State Implementation Plan containing the following Federal Transportation Conformity Rule 40 CFR part 93 subpart A:
 - (1) *40 CFR 93.105, which addresses consultation procedures;*
 - (2) *40 CFR 93.122(a)(4)(ii), which states that conformity SIPs must require written commitments to control measures to be obtained prior to a conformity determination if the control measures are not included in a Metropolitan Planning*

Organization's transportation plan and transportation improvement program, and that such commitments be fulfilled; and

- (3) *40 CFR 93.125(c), which states that conformity SIPs must require written commitments to mitigation measures to be obtained prior to a project-level conformity determination, and that project sponsors comply with such commitments.*

NOW, THEREFORE, it is resolved that the DCHC MPO hereby adopts the Memorandum of Agreement with the BGMPO to transfer planning responsibility and authority for the portions of the Burlington-Graham UZA in Orange County.

SIGNATURES OF AGREEMENT

Mayor Leonard Williams, Chair Date
BGMPO Transportation Advisory Committee

Commissioner Karen Howard, Chair Date
DCHC MPO Policy Board