

NORTH CAROLINA  
COUNTY OF ONSLOW.

THE DEPARTMENT OF TRANSPORTATION, AN AGENCY  
OF THE STATE OF NORTH CAROLINA

AND

CITY OF JACKSONVILLE

DISBURSEMENT AND  
ACCOUNTING OF URBAN  
TRANSPORTATION  
PLANNING FUNDS  
APPROPRIATED UNDER  
SECTION 104(f),  
TITLE 23 UNITED  
STATES CODE

THIS AGREEMENT made and entered into this the 16<sup>th</sup> day of March, 1993 between the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the Department, and the CITY OF JACKSONVILLE, hereinafter referred to as the Municipality;

W I T N E S S E T H:

WHEREAS, Section 134(a) of Title 23 United States Code states:

"It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

WHEREAS, Section 112 of the Federal-Aid Highway Act of 1973, amended Subsection (f) of Section 104 of Title 23, United States Code, and states:

"(1) On October 1, of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section shall set aside not to exceed 1 percent of the remaining funds authorized to be appropriated for expenditure upon programs authorized under this title, for the purpose of carrying out the requirements of section 134 of this title, except that the amount from which such set aside is made shall not include funds authorized to be appropriated for the Interstate construction and Interstate substitute programs.

(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per cent of the amount apportioned.

(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations responsible for carrying out the provisions of section 134 of this title, except that States receiving the minimum apportionment under paragraph (2) may, in addition, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside of urbanized areas. These funds shall be matched in accordance with section 120(j) of this title unless the Secretary determines that the interests of the Federal-Aid highway program would be best served without such matching.

(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to population, status of planning, attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out the requirements of section 134 and other applicable requirements of Federal law; and

(5) DETERMINATION OF POPULATION FIGURES.--For the purposes of determining population figures under this subsection, the Secretary shall use the most recent estimate published by the Secretary of Commerce.

WHEREAS, the Municipality has been designated by the Governor of the State of North Carolina as the Lead Planning Agency for the Metropolitan Planning Organization to be responsible for carrying out the provisions of Section 134, Title 23, United States Code, and to be the recipient of its share of the planning funds apportioned to the State under Section 104(f) Title 23 United States Code, hereinafter referred to as the Section 104(f) planning funds, as determined by the policy adopted by the Board of Transportation for the Department in its meeting of October 2, 1992, which is attached hereto as Attachment A and incorporated herein and made a part of this Agreement;

NOW, THEREFORE, in consideration of the promises and benefits accruing to the Department and the Municipality as the result of performing these planning services, it is agreed as follows:

Section 1. Scope and Purpose of Work

The Municipality and the Department shall in cooperation with other participating agencies perform the planning work as required by Section 134, Title 23, United States Code, in conformance with any related legislation or approved directives, procedures,

agreements, plans, or programs for the purposes established in them. The work to be accomplished in a specific fiscal year shall be that work which is identified in the Planning Work Program prepared by the Municipality and approved by the Transportation Advisory Committee of the Metropolitan Planning Organization, the Department, and the U. S. Department of Transportation.

Section 2. Work Procedure Requirements

(a) The Department will allocate to the Municipality its share of the Section 104(f) planning funds in accordance with the policy adopted by the Board of Transportation on October 2, 1992, (Attachment A), and the Municipality will cooperatively perform required planning work in accordance with said policy.

(b) The Municipality's share of the Section 104(f) planning funds must be matched on an 80-20 basis (80 percent Section 104(f) planning funds, 20 percent local funds). Generally, no portion of the matching funds shall be derived from other federal sources. They shall not consist of services, property or funds used as the non-federal share under other federal programs. The allowability of direct salary cost, payroll additive cost, and travel and transportation cost shall be in conformance with Federal Aid Policy Guide, Part 140, Subpart G, and additions or amendments thereto. Should the municipality elect to recover indirect costs, a cost allocation plan conforming to Office of Management and Budget Circular A-87, dated January 15, 1981, and additions or amendments thereto, shall be prepared and submitted to the Department for approval.

(c) The Municipality will utilize its share of the Section 104(f) planning funds and required matching funds for carrying out the provisions of Section 134, Title 23, United States Code, and related planning requirements.

(d) The provisions of all existing directives, procedures, agreements, plans, or programs related to Section 134, Title 23, United States Code, or any subsequent interpretation or revisions of the above by the Federal Highway Administration, shall apply in the performance of all work under this Agreement.

(e) The Municipality's share of the Section 104(f) planning funds will be provided quarterly on a reimbursable basis upon submission of a quarterly progress report and a quarterly invoice. The total amount of funds to be provided for a fiscal year will be in accordance with the amount specified in the approved Planning Work Program and commensurate with Federal-Aid allocations.

(f) Quarterly progress reports and invoices will be submitted by the Municipality to the Statewide Planning Branch, Division of Highways, North Carolina Department of Transportation, in triplicate at the end of each calendar quarter. The quarterly progress report should include an overall general evaluation of work accomplished on work elements in the Planning Work Program in narrative form and by estimated percentage of the work completed. The invoice should include a statement and certification by the Director of Finance of the City of Jacksonville of the expenditures under the Section

104(f) planning program and other Municipal funds expended during the year for all Municipal work provided for in the Planning Work Program.

(g) The Municipality shall adhere to the standards established by Title 49 Code of Federal Regulations (CFR) Part 18 and additions or amendments thereto, for Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

(h) The Municipality may provide any part or all of these funds to any local, county, regional or State planning agency by mutual agreement and on a reimbursable basis to assist in the accomplishment of work required for the transportation planning process. Such action will be in accordance with the approved Planning Work Program.

(i) The Municipality shall bear all the cost of any work found not to be in compliance and the cost of any work not approved by the Federal Highway Administration.

(j) The Municipality shall save harmless the Department or other agencies of government from all claims and liability due to its negligence or that of its subcontractor.

(k) The Department and Federal Highway Administration shall be permitted to review and inspect study activities as necessary.

### Section 3. Period of Performance

This Agreement will become effective on March 16<sup>th</sup>, 1993 and will remain in effect until revised or until the Section 104(f) planning funds are no longer available or until such time as the Agreement is terminated by the parties hereto. The Agreement may be terminated by either party by giving 30 days written notice to the other party prior to the date of termination.

### Section 4. Accounting Records

(a) The Municipality will be responsible for the establishment and maintenance of an accounting system for its planning work as set out in this Agreement.

(b) The Municipality shall keep records in such a manner as to show the nature of each cost making up the total cost. All direct costs incurred applicable to work under this Agreement must be supported by documents such as time sheets, travel logs, receipts, invoices, or other suitable evidence. The accounting procedures which are established for planning work as set out in this Agreement must be in accordance with generally acceptable accounting principles and reviewed and approved by the Department and the Federal Highway Administration in accordance with established procedures.

(c) In accordance with OMB Circular A-128, and additions or amendments thereto, the Municipality shall arrange for independent financial and compliance audits of its fiscal operations. The audit is to determine (1) financial operations are conducted properly, (2)

financial statements are presented fairly, (3) the Municipality has complied with laws and regulations affecting the expenditure of Federal funds, (4) internal procedures have been established to meet the objectives of federally assisted programs, and (5) financial reports to the Federal Government contain accurate and reliable information. Such audits usually will be made annually, but not less frequently than every two years. Two copies of the independent audit report are to be submitted to the Statewide Planning Branch, Division of Highways, North Carolina Department of Transportation.

(d) The Municipality and consultants employed by the Municipality shall maintain all books, documents, papers, accounting records and other evidence pertaining to cost incurred for a period of not less than three (3) years from date of final payment. Such records will be available for inspection and audit by the Department or the Federal Highway Administration.

(e) All consultants employed by the Municipality using Section 104(f) Planning Funds as set forth in this Agreement must maintain accounting records in full compliance with the provisions of subparagraphs (b) and (d) above, and be approved by the Department and the Federal Highway Administration.

(f) It is further understood and agreed that in the event the U. S. Department of Transportation fails to participate in any cost of any portion of work provided for herein because of noncompliance with Federal and State regulations, the cost of such work found to be in noncompliance shall be borne fully by the Municipality.

Section 5. Required Contract Provisions for Federal-Aid Contracts

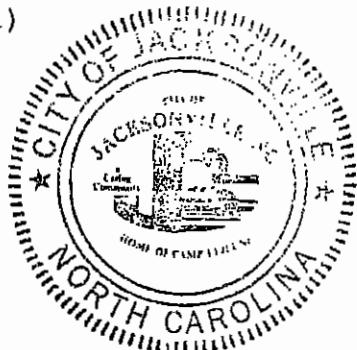
(a) The Municipality shall comply with the Equal Opportunity Provisions of the Required Contract Provisions for Federal-Aid Contracts in accordance with Attachment B, which is attached hereto and incorporated herein and made a part of this Agreement.

(b) The Municipality shall comply with the subcontracting provisions as contained in the Federal Aid Policy Guide, Part 172, and additions or amendments thereto.

IN WITNESS WHEREOF, this Agreement has been executed the day

and year heretofore set out, in triplicate, on the part of the Department and of the Municipality by authority duly given, as evidenced by the attached certified copy of resolution, ordinance, or charter provision, as the case may be.

(Seal)



CITY OF JACKSONVILLE

By George L. Jones  
Mayor

Satrina M. McMurtry  
Attest (Clerk)

(Seal)

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

By Sam Hunt  
Secretary of Transportation

Approved For Execution

By James E. Wagner, Jr.  
Asst. Attorney General

Approved by FEDERAL HIGHWAY ADMINISTRATION

5/13/93 Jeff Green  
Date for Division Administrator

ATTACHMENT A

Policy covering the allocation and use of Federal planning funds provided by Section 104(f) of Title 23, United States Code, to designated planning organizations in North Carolina.

WHEREAS, The Congress of the United States through its enactment of the Federal-Aid Highway Act of 1973 has authorized planning funds to be apportioned to the State and organizations designated by the State for carrying out of a continuing, cooperative, and comprehensive urban transportation planning process; and,

WHEREAS, the Federal-Aid Highway Act of 1973 and subsequent amendments to the Act provides that the Federal planning funds provided by Section 104(f) shall be distributed by the State to the designated planning agencies in accordance with a formula developed by the State and approved by the U.S. Secretary of Transportation and said formula shall be based on consideration of, but not necessarily limited to, population, status of planning, attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out the requirements of section 135 and other applicable requirements of Federal law; and

WHEREAS, it is the sincere desire of the N.C. Board of Transportation and the North Carolina Department of Transportation to do everything possible to assure the accomplishment of effective and efficient urban transportation planning processes for all of the urbanized areas with the State.

NOW THEREFORE, pursuant to the authority granted by G.S. 136-44.2, the Board of Transportation adopts the following policy covering the allocation and use of Federal funds provided by Section 104(f) of Title 23, United States Code:

1. Federal funds provided to the State of North Carolina under Section 104(f) of Title 23 are to be allocated to the planning agency designated by the Governor for each of the urbanized areas.
2. These funds are to be distributed to the planning agency so designated on the basis of the following formula: 50 percent of the funds to be distributed in direct proportion to the population of each of the urbanized areas, and the remaining 50 percent to be distributed equally between the designated urbanized areas.

3. The designated planning agency shall be responsible for the use and administration of these funds and shall be responsible for providing the funds required to match the Federal funds.
4. The funds distributed to the designated planning agencies are to be used for the purpose of carrying out urban transportation planning as required by Section 134, Title 23, U. S. Code.
5. The designated planning agency may provide any part or all of these funds to any local, county, regional, or State planning agency (by mutual agreement and on a reimbursable basis) to assist in the accomplishment of work required for the transportation planning process. Such action will be in accordance with the approved Planning Work Program.
6. In the event any of the designated planning agencies are not able to utilize (obligate) these Section 104 (f) funds within three years, the funds not obligated will be made available to any of the remaining designated planning agencies on the basis of requests received and need as determined by the staff of the Department of Transportation; or will be used by the planning staff of the Department of Transportation for surveys, studies, or research projects that will be of benefit to all urbanized areas in the State.
7. The reallocation of unused Section 104(f) funds or use of these funds by the Department planning staff will be approved by the Board of Transportation.

As adopted by the North Carolina Board of Transportation at their meeting on October 2, 1992.

ATTACHMENT B

EQUAL OPPORTUNITY PROVISIONS  
for FEDERAL-AID CONTRACTS

1. Selection of Labor

During the performance of this Agreement, the Municipality will not discriminate against labor from any other State, possession or territory of the United States.

2. Employment Practices

During the performance of this Agreement, the Municipality agrees to comply with all applicable provisions of 49 CFR 21 through Appendix H and 23 CFR 710.405(b) and the Civil Rights Act of 1964 as amended, and agrees as follows:

- a. The Municipality will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The Municipality will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Municipality agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the State setting forth the provisions of this nondiscrimination clause.
- b. The Municipality will, in all solicitations or advertisements for employees placed by or on behalf of the Municipality, state that all qualified applicants will receive consideration for employment without regard to race, creed, color or national origin.
- c. The Municipality will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State, advising the labor union or workers' representatives of the Municipality's commitments under this Attachment and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The Municipality will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

- e. The Municipality will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60), and will permit access to its books, records, and accounts by the Secretary of Labor for purposes of investigations to ascertain compliance with such rules, regulations and orders.
- f. In the event of the Municipality's noncompliance with the nondiscrimination clauses of this Agreement or with any of such rules, regulations, or orders, this Agreement may be cancelled, terminated, or suspended in whole or in part and the Municipality may be declared ineligible for further Government contracts or Federally-assisted construction Agreements in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60) and such other sanctions may be imposed and remedies invoked as provided in the aforementioned Executive Order and regulations or as otherwise provided by law.
- g. The Municipality will include the provisions of this paragraph 2 in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of the Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor.

3. Selection of Subcontractor, Procurements of Materials and Leasing of Equipment

During the performance of this Agreement, the Municipality, for itself, its assignees, and successors in interest (herein referred to as the "Municipality") agrees as follows:

- a. Compliance with Regulations: The Municipality will comply with the Regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21 through Appendix H and 23 CFR 710.405(b), hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- b. Nondiscrimination: The Municipality with regard to the work performed by them after award and prior to completion of the Agreement work, will not discriminate on the ground of race, color, or national origin, in the selection and retention of subcontractors, including procurements of material and leases of equipment. The Municipality will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the

Regulations, including employment practices when the Agreement covers a program set forth in Appendix B of the Regulations.

- c. **Solicitations:** In all solicitations either by competitive bidding or negotiations made by the Municipality for work to be performed under a subcontract, including procurement of material or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by the Municipality of the Municipality's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.
- d. **Information and Reports:** The Municipality will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the Municipality or a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Municipality will so certify to the State as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. **Sanctions for Noncompliance:** In the event of the Municipality's or Contractor's noncompliance with the nondiscrimination provisions of this paragraph 3, the State shall impose such contract sanctions as it may determine to be appropriate, including, but not limited to:
  - (1) withholding of payments to the Municipality under the Agreement until the Municipality complies, and/or
  - (2) cancellation, termination or suspension of the Agreement in whole or in part.
- f. **Incorporation of Provisions:** The Municipality will include the provisions of this paragraph 3 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, orders, or instructions issued pursuant thereto. The Municipality will take such action with respect to any subcontract, procurement or leases as the State may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event the Municipality becomes involved in, or is threatened with litigation with a subcontractor, or lessor as a result of such direction, the Municipality may request the State to enter into such litigation to protect the interests of the State, and in addition, the Municipality may request the United States to enter into such litigation to protect the interests of the United States.

g. For contracts and subcontracts of amounts in excess of \$100,000 the Municipality will comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (43 USC 1857(h)), Section 508 of the Clean Water Act (33 USC 1386), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15), which prohibit the use under nonexempt Federal contracts, grants or loans of facilities included on the Environmental Protection Agency List of Violating Facilities. The Municipality will report violations to the grantor agency and to the U.S.E.P.E. Assistant Administrator for Enforcement (N-329).

RESOLUTION (1993-07)

RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CITY OF JACKSONVILLE FOR DISBURSEMENT AND ACCOUNTING OF PLANNING FUNDS APPROPRIATED UNDER SECTION 104(f) OF TITLE 23 UNITED STATES CODE

THAT WHEREAS, Section 104(f) of Title 23 United States Code provides planning funds to be apportioned to the State of North Carolina to be made available to metropolitan planning organizations designated by the State for carrying out a continuing, cooperative, and comprehensive urban transportation planning process; and

WHEREAS, the City of Jacksonville has been designated as the Lead Planning Agency for the Jacksonville Metropolitan Area to cooperatively perform the planning work with the Department of Transportation and to be recipient of the planning funds provided by Section 104(f) of Title 23 United States Code; and

WHEREAS, the City of Jacksonville and the Department of Transportation have previously entered into an agreement for disbursement and accounting of the planning funds, said agreement being dated August 17, 1983; and

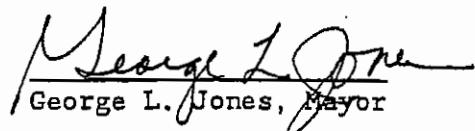
WHEREAS, it has been determined by the City Council of the City of Jacksonville and the Department of Transportation that a revised agreement is desirable as a result of changes in Federal Regulations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE:

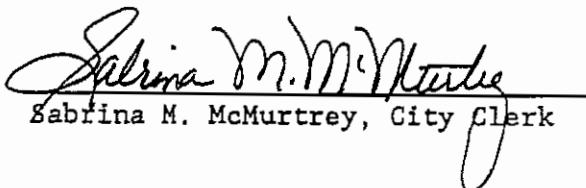
That the revised Agreement for Disbursement and Accounting of Urban Transportation Planning Funds appropriated under Section 104(f), Title 23 United States Code, between the North Carolina Department of Transportation and the City of Jacksonville is hereby approved.

That the City Manager be authorized, designated, and empowered in the name of, on behalf of, the City of Jacksonville to: (1) execute said Agreement; (2) accept any funds extended; (3) make any required assurances; (4) furnish any information and documents that may be required in connection therewith; and (5) execute any necessary documents as may be required.

Adopted by Jacksonville City Council in regular session on March 16, 1993.

  
George L. Jones, Mayor

ATTEST:

  
Sabrina M. McMurtrey, City Clerk

NORTH CAROLINA  
COUNTY OF ONSLOW  
CITY OF JACKSONVILLE

THE DEPARTMENT OF TRANSPORTATION, AN AGENCY  
OF THE STATE OF NORTH CAROLINA

AND

CITY OF JACKSONVILLE

DISBURSEMENT AND  
ACCOUNTING OF URBAN  
TRANSPORTATION  
PLANNING FUNDS  
APPROPRIATED UNDER  
SECTION 104(f),  
TITLE 23 UNITED  
STATES CODE

THIS REVISED AGREEMENT made and entered into this the 17  
day of August, 1983, between the DEPARTMENT OF TRANSPORTATION,  
an agency of the State of North Carolina, hereinafter referred to  
as the Department, and the CITY OF JACKSONVILLE, hereinafter  
referred to as the Municipality;

W I T N E S S E T H:

WHEREAS, Section 134(a) of Title 23 United States Code  
states:

"It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective, the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No

highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location, and the design of the project."; and

WHEREAS, Section 112 of the Federal-Aid Highway Act of 1973, amended Subsection (f) of Section 104 of Title 23, United States Code, and states:

"(1) On October 1, of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title, except that in the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-half of 1 per centum) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such system.

(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title, except that States receiving the minimum apportionment under paragraph (2) may, in addition, subject to the approval of the Secretary, use the funds apportioned to finance transportation planning outside of urbanized areas. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-Aid highway program would be best served without such matching.

(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to population, status of planning, and metropolitan area transportation needs."; and

WHEREAS, the Municipality has been designated by the Governor of the State of North Carolina as the Lead Planning Agency for the Jacksonville Metropolitan Planning Organization to be responsible for carrying out the provisions of Section 134, Title 23, United States Code, and to be the recipient of its share of the planning funds apportioned to the State under Section 104(f) Title 23 United States Code, hereinafter referred to as the Section 104(f) planning funds, as determined by the policy adopted by the Board of Transportation for the Department in its meeting of January 10, 1974, which is attached hereto as Attachment A and incorporated herein and made a part of this Agreement;

NOW, THEREFORE, in consideration of the promises and benefits accruing to the Department and the Municipality as the result of performing these planning services, it is agreed as follows:

#### Section 1. Scope and Purpose of Work

The Municipality and the Department shall in cooperation with other participating agencies perform the planning work as required by Section 134, Title 23, United States Code, in conformance with any related legislation or approved directives, procedures, agreements, plans, or programs for the purposes established in them. The work to be accomplished in a specific fiscal year shall be that work which is identified in the Unified Work Program prepared by the Municipality and approved by the Transportation Advisory Committee of the Metropolitan Planning Organization, the Department, and the U. S. Department of Transportation.

#### Section 2. Work Procedure Requirements

(a) The Department will allocate to the Municipality its share of the Section 104(f) planning funds in accordance with the policy adopted by the Board of Transportation on January 10, 1974, (Attachment A), and the Municipality will cooperatively perform required planning work in accordance with said policy.

(b) The Municipality's share of the Section 104(f) planning funds must be matched on an 85-15 basis (85 percent Section 104(f) planning funds, 15 percent local funds). Generally, no portion of the matching funds shall be derived from other federal sources. They shall not consist of services, property or funds used as the non-federal share under other federal programs. The allowability of direct salary cost, payroll additive cost, and travel and transportation cost shall be in conformance with Federal-Aid Highway Program Manual, Volume 1, Chapter 4, Section 5, dated January 26, 1981, and additions or amendments thereto. Should the municipality elect to recover indirect costs, a cost allocation plan conforming to Office of Management and Budget Circular A-87, dated January 15, 1981, and additions or amendments thereto, shall be prepared and submitted to the Department for approval.

(c) The Municipality will utilize its share of the Section 104 (f) planning funds and required matching funds for carrying out the provisions of Section 134, Title 23, United States Code, and related planning requirements.

(d) The provisions of all existing directives, procedures, agreements, plans, or programs related to Section 134, Title 23, United States Code, or any subsequent interpretation or revisions of the above by the Federal Highway Administration, shall apply in the performance of all work under this Agreement.

(e) The Municipality's share of the Section 104(f) planning funds will be provided quarterly on a reimbursable basis upon submission of a quarterly progress report and a quarterly invoice. The total amount of funds to be provided for a fiscal year will be in accordance with the amount specified in the approved Unified Work Program and commensurate with Federal-Aid allocations.

(f) Quarterly progress reports and invoices will be submitted by the Municipality to the Planning and Research Branch, Division of Highways, North Carolina Department of Transportation, in triplicate at the end of each calendar quarter. The quarterly progress report should include an overall general evaluation of work accomplished on work elements in the Unified Work Program in narrative form and by estimated percentage of the work completed. The invoice should include a statement and certification by the Director of Finance of the City of Jacksonville of the expenditures under the Section 104(f) planning program and other Municipal funds expended during the year for all Municipal work provided for in the Unified Work Program.

(g) The Municipality shall adhere to the standards established by Office of Management and Budget (OMB) Circular A-102, dated January, 1981, and additions or amendments thereto, for Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

(h) The Municipality may provide any part or all of these funds to any local, county, regional or State planning agency by mutual agreement and on a reimbursable basis to assist in the accomplishment of work required for the transportation planning process. Such action will be in accordance with the approved Unified Work Program.

(i) The Municipality shall bear all the cost of any work found not to be in compliance and the cost of any work not approved by the Federal Highway Administration.

(j) The Municipality shall save harmless the Department or other agencies of government from all claims and liability due to its negligence or that of its subcontractor.

(k) The Department and Federal Highway Administration shall be permitted to review and inspect study activities as necessary.

### Section 3. Period of Performance

This Agreement will become effective on July 1, 1983 and will remain in effect until revised or until the Section 104(f) planning funds are no longer available or until such time as the Agreement is terminated by the parties hereto. The Agreement may be terminated by either party by giving 30 days written notice to the other party prior to the date of termination.

### Section 4. Accounting Records

(a) The Municipality will be responsible for the establishment and maintenance of an accounting system for its planning work as set out in this Agreement.

(b) The Municipality shall keep records in such a manner as to show the nature of each cost making up the total cost. All direct costs incurred applicable to work under this Agreement must be supported by documents such as time sheets, travel logs, receipts, invoices, or other suitable evidence. The accounting procedures which are established for planning work as set out in this Agreement must be in accordance with generally acceptable accounting principles and reviewed and approved by the Department and the Federal Highway Administration in accordance with established procedures.

(c) In accordance with Attachment P, of OMB Circular A-102, dated January, 1981, and additions or amendments thereto, the Municipality shall arrange for independent financial and compliance audits of its fiscal operations. The audit is to determine (1) financial operations are conducted properly, (2) financial statements are presented fairly, (3) the Municipality has complied with laws and regulations affecting the expenditure of Federal funds, (4) internal procedures have been established to meet the objectives of federally assisted programs, and (5) financial reports to the Federal Government contain accurate and reliable information. Such audits usually will be made annually, but not less frequently than every two years. Four copies of the independent audit report are to be submitted to the Planning and Research Branch, Division of Highways, North Carolina Department of Transportation.

(d) The Municipality and consultants employed by the Municipality shall maintain all books, documents, papers, accounting records and other evidence pertaining to cost incurred for a period of not less than three (3) years from date of final payment. Such records will be available for inspection and audit by the Department or the Federal Highway Administration.

(e) All consultants employed by the Municipality using Section 104(f) Planning Funds as set forth in this Agreement must maintain accounting records in full compliance with the provisions of subparagraphs (b) and (d) above, and be approved by the Department and the Federal Highway Administration.

(f) It is further understood and agreed that in the event the U. S. Department of Transportation fails to participate in any cost of any portion of work provided for herein because of noncompliance with Federal and State regulations, the cost of such work found to be in noncompliance shall be borne fully by the Municipality.

Section 5. Required Contract Provisions for Federal-Aid Contracts

(a) The Municipality shall comply with the Equal Opportunity Provisions of the Required Contract Provisions for Federal-Aid Contracts in accordance with Attachment B, which is attached hereto and incorporated herein and made a part of this Agreement.

(b) The Municipality shall comply with the subcontracting provisions as contained in the Federal-Aid Highway Program Manual, Volume 1, Chapter 7, Section 2, dated January 21, 1980, and additions or amendments thereto.

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, in triplicate, on the part of the Department and of the Municipality by authority duly given, as evidenced by the attached certified copy of resolution, ordinance, or charter provision, as the case may be.

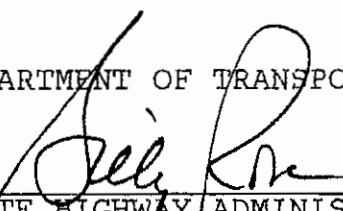
(Seal)

CITY OF JACKSONVILLE

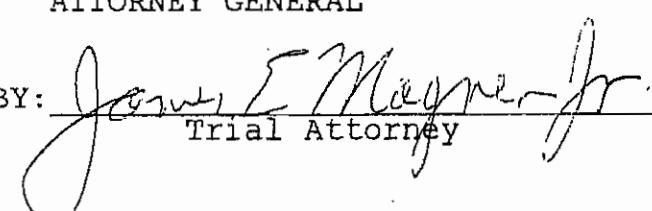
BY:   
\_\_\_\_\_  
Patrick O. Thomas  
Manager

(Seal)

DEPARTMENT OF TRANSPORTATION

BY:   
\_\_\_\_\_  
Del R. Rane  
STATE HIGHWAY ADMINISTRATOR

APPROVED AS TO EXECUTION FOR  
Rufus L. Edmisten  
ATTORNEY GENERAL

BY:   
\_\_\_\_\_  
James E. Meyer, Jr.  
Trial Attorney

RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY FEDERAL HIGHWAY ADMINISTRATION

8/24/83 JLB  
\_\_\_\_\_  
DATE FOR KENNETH L. BELLAMY  
DIVISION ADMINISTRATOR

ATTACHMENT A

Copy of the Policy covering the allocation and use of Federal planning funds provided by Section 112 of the Federal-Aid Highway Act of 1973 to designated planning organizations in North Carolina.

(As adopted by the North Carolina Board of Transportation in its meeting of January 10, 1974)

"WHEREAS, the Congress of the United States through its enactment of the Federal-Aid Highway Act of 1973 has authorized planning funds to be apportioned to the State and to be made available to the metropolitan planning organizations designated by the State for carrying out of a continuing, cooperative, and comprehensive urban transportation planning process; and,

"WHEREAS, the Federal-Aid Highway Act of 1973 provides that the Federal planning funds provided by Section 112 shall be distributed by the State to the designated planning agency in accordance with a formula developed by the State and approved by the U. S. Secretary of Transportation and said formula shall be based on consideration of, but not necessarily limited to, population, status of planning, and metropolitan area transportation; and,

"WHEREAS, it is the sincere desire of the N. C. Board of Transportation and the North Carolina Department of Transportation and Highway Safety to do everything possible to assure the accomplishment of effective and efficient urban transportation planning processes for all of the urbanized areas within the State.

"NOW THEREFORE, pursuant to the authority granted by G. S. 136-44.2, the Board of Transportation adopts the following policy covering the allocation and use of Federal funds provided by Section 112 of the Federal-Aid Highway Act of 1973:

1. Federal funds provided to the State of North Carolina under Section 112 of the Federal-Aid Highway Act of 1973 are to be allocated to the planning agency designated by the Governor for each of the urbanized areas.
2. These funds are to be distributed to the planning agency so designated on the basis of the following formula: 50 percent of the funds to be distributed in direct proportion to the population of each of the urbanized areas, and the remaining 50 percent to be distributed equally between the designated urbanized areas.
3. The designated planning agency shall be responsible for the use and administration of these funds and shall be responsible for providing the funds required to match the Federal funds.

4. The funds distributed to the designated planning agencies are to be used for the purpose of carrying out urban transportation planning as required by Section 134, Title 23, U. S. Code.
5. These funds are to be made available to the designated planning agency on the condition that these funds shall be used in addition to existing or planned commitments and shall not be used for the replacement of any local funds.
6. The designated planning agency may provide any part or all of these funds to any local, county, regional, or State planning agency (by mutual agreement and on a reimbursable basis) to assist in the accomplishment of work required for the transportation planning process. Such action will be in accordance with the approved Unified Work Program.
7. In the event any of the designated planning agencies are not able to utilize (obligate) these Section 112 funds within the time limitations provided by Federal regulation, the funds subject to lapse will be made available to any of the remaining designated planning agencies on the basis of need as determined by staff of the North Carolina Department of Transportation and approved by the Board of Transportation.

ATTACHMENT B

REQUIRED CONTRACT PROVISIONS  
ALL FEDERAL-AID CONTRACTS

EQUAL OPPORTUNITY

1. Selection of Labor

During the performance of work provided for in this Agreement, the Municipality shall not discriminate against labor from any other State, possession or territory of the United States.

2. Employment Practices

During the performance of work provided for in this Agreement, the Municipality agrees as follows:

(a) The Municipality will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Municipality will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs, or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The Municipality agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Department setting forth the provisions of this nondiscrimination clause.

(b) The Municipality will, in all solicitations or advertisements for employees state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(c) The Municipality will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375, and as supplemented in U. S. Department of Labor regulation Title 41, Code of Federal Regulations, Part 60.

(d) The Municipality will furnish all information and reports required by Executive Order 11246 as amended and required by Title 41, Code of Federal Regulations, Part 60, and will permit access to its books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(e) In the event of Municipality noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations or orders, this Agreement may be cancelled, terminated or suspended in whole or in part and the Municipality may be declared ineligible for further Government contracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 as amended, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

(f) The Municipality will include the provisions of this Attachment in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of the Executive Order 11246 as amended so that such provisions will be binding upon each subcontractor or vendor. The Municipality will take such action with respect to any subcontract or purchase order as the Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the Municipality becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Federal Highway Administration, the Municipality may request the United States to enter into such litigation to protect the interests of the United States.

3. Selection of Subcontractors, Procurement of Materials, and Leasing of Equipment

During the performance of work provided for in this Agreement, the Municipality for itself, its assignees, and successors in interest, agrees as follows:

(a) Compliance with Regulations: The Municipality will comply with the Regulations of the U. S. Department of Transportation relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the Regulations), which are herein incorporated by reference and made part of this Agreement.

(b) Nondiscrimination: The Municipality with regard to the work performed by it after award and prior to completion of the Agreement work, will not discriminate on the ground of race, color, or national origin in the selection and retention of subcontractors, including

procurements of materials and leases of equipment. The Municipality will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Agreement covers a program set forth in Appendix B of the Regulations.

(c) The Municipality will further comply with the Regulations contained in Title 49, Code of Federal Regulations, Part 23, concerning the development of a minority business enterprise affirmative action program.

(d) Information and Reports: The Municipality will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the Municipality is in the exclusive possession of another who fails or refuses to furnish this information, the Municipality shall so certify to the Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(e) Sanctions for Noncompliance: In the event of the Municipality's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- (1) Withholding of payments to the Municipality under the Agreement until the Municipality complies, and/or,
- (2) Cancellation, termination or suspension of the Agreement in whole or in part.

(f) Incorporation of Provisions: The Municipality will include the provisions of this Paragraph 3 in every subcontract, including procurements of materials and leases of equipment, pursuant thereto. The Municipality will take such action with respect to any subcontract, procurement, or lease as the Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Municipality becomes involved in, or is threatened with litigation with a subcontractor, supplier, or

leaser as a result of such direction, the Municipality may request the State to enter into such litigation to protect the interests of the State, and, in addition, the Municipality may request the United States to enter into such litigation to protect the interest of the United States.

RESOLUTION APPROVING REVISED AGREEMENT BETWEEN THE NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION AND CITY OF JACKSONVILLE FOR DISBURSE-  
MENT AND ACCOUNTING OF PLANNING FUNDS APPROPRIATED UNDER SECTION  
104(f) OF TITLE 23 UNITED STATES CODE

THAT WHEREAS, Section 104(f) of Title 23 United States Code provides planning funds to be apportioned to the State of North Carolina to be made available to metropolitan planning organizations designated by the State for carrying out a continuing, cooperative, and comprehensive urban transportation planning process; and

WHEREAS, the City of Jacksonville has been designated as the Lead Planning Agency for the Jacksonville Metropolitan Area to cooperatively perform the planning work with the Department of Transportation and to be recipient of the planning funds provided by Section 104(f) of Title 23 United States Code; and

WHEREAS, the City of Jacksonville and the Department of Transportation have previously entered into an Agreement for disbursement and accounting of the planning funds, said Agreement being dated May 3, 1982; and

WHEREAS, it has been determined by the City Council of the City of Jacksonville and Department of Transportation that a revised Agreement is desirable as a result of changes in Federal Regulations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF JACKSONVILLE:

1. That the revised Agreement for Disbursement and Accounting of Urban Transportation Planning Funds appropriated under Section 104(f), Title 23 United States Code, between the North Carolina Department of Transportation, and the City of Jacksonville is hereby approved.
2. That the City Manager be authorized, designated, and empowered in the name of, and on behalf of, the City to: (1) execute said Agreement; (2) accept any funds extended; (3) make any required assurances; (4) furnish any information and documents that may be required in connection therewith; and (5) execute any necessary documents as may be required.

I move the adoption of the foregoing resolution.

M.C. (Joe) Choate  
Councilman

SECONDED BY: Morris V. Daughtry  
Councilman

1983 Read, approved and adopted this 2nd day of August,

W.B. Tracy Jr.  
Mayor

Mayor

James O. Nallister  
Deputy City Clerk

(Seal) ::

MEMORANDUM OF UNDERSTANDING

for

COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION  
PLANNING

between

THE CITY OF JACKSONVILLE, COUNTY OF ONSLOW, AND NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE UNITED  
STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH

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

"Each municipality with the cooperation of the Department of Transportation, shall develop a comprehensive plan for a street system that will serve present and anticipated volumes of vehicular traffic in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality and shall provide for the safe and effective use of streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, and other devices. The Department of Transportation may provide financial and technical assistance in the preparation of such plans."; and,

WHEREAS, the said Chapter 136, Article 3A, Section 136-66.2 (b) provides that:

"After completion and analysis of the plan, the plan may be adopted by both the governing body of the municipality and the Department of Transportation as the basis for future street and highway improvements in and around the municipality. As a part of the plan, the governing body of the municipality and the Department of Transportation shall reach an agreement as to which of the existing and proposed streets and highways included in the plan will be a part of the State highway system and which streets will be part of the Municipal street system. As used in this article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities."; and,

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

"Either the municipality or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the municipal governing board."; and,

WHEREAS, Section 134 (a) of Title 23 United States Code states:

"It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project."; and,

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

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

WHEREAS, it is the desire of these agencies to establish a continuing, comprehensive, cooperative transportation planning process to comply with 23 U.S.C. 134; and Sections 3(a)(2), 4(a), 5(g)(1) and 5(l) of the Urban Mass Transportation Act of 1964, as amended, (UMT Act) [49 U.S.C. 1602(a)(2), 1603(a), 1604(g)(1) and 1604(l)]; the following Memorandum of Understanding is made.

Section 1. It is hereby agreed that the CITY OF JACKSONVILLE, ONSLOW COUNTY, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with the UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuing transportation planning process with responsibilities and undertakings as related in the following paragraphs:

1. The Metropolitan Planning Organization in the Jacksonville Urban Area includes the boards of general purpose local government - Jacksonville City Council, Onslow County Board of Commissioners; the North Carolina Department of Transportation; a Transportation Advisory Committee hereinafter defined; a Technical Coordinating Committee hereinafter defined; and the various agencies and units of local, State, and Federal government participating in the transportation planning for the area.
2. The area involved, the Jacksonville Urban Transportation Study Area, will be the Jacksonville Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized within a twenty year planning period. This area is hereinafter referred to as the planning area and will be periodically reassessed and revised in the light of new development.
3. The continuing transportation planning process will be a cooperative one and all planning discussions will be reflective of and responsive to the programs of the North Carolina Department of Transportation, and to the comprehensive plans for

growth and development of Jacksonville, Onslow County, and the United States Camp Lejeune Marine Corps Base.

4. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.
5. Transportation policy decisions within the planning area are the responsibility of the North Carolina Board of Transportation, the Jacksonville City Council, and the Onslow County Board of Commissioners. The United States Camp Lejeune Marine Corps Base will make policy decisions concerning facilities on the military reservation.
6. Transportation plans and programs and land use policies and programs, for the local urbanized area, having regional impacts will be coordinated with the Neuse River Council of Governments, an agency established by the City of Jacksonville, Onslow County and other municipalities and counties of the region. The Neuse River Council of Governments will function as the regional A-95 clearing-house.
7. A Transportation Advisory Committee is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the Metropolitan Planning Organization. The Transportation Advisory Committee shall have the responsibility for keeping the policy boards informed of the status and requirements of the transportation planning process; assist in the dissemination and clarification of the decisions, inclinations, and policies of the policy boards; and ensuring meaningful citizen participation in the transportation planning process.

The Transportation Advisory Committee will be responsible for carrying out the provisions of 23 U.S.C. 134; and Sections 3(a)(2), 4(a), 5(g)(1) and 5(l) of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1602(a)(2), 1603(a), 1604(g)(1) and 1604)(1); including:

- a. Review and approval of the transportation planning work program;
- b. Review and approval of the Transportation Improvement Program for multimodal capital and operating expenditures and to insure coordination between local and State capital and operating improvement programs;

- c. Endorsement, review and approval of changes to the adopted Transportation Plan. As required by General Statutes Section 136-66.2 revisions in the Thoroughfare Plan must be jointly approved by the local governing boards and the North Carolina Department of Transportation;
- d. Endorsement, review, and approval of changes to the Federal-Aid Highway System and Federal-Aid Urbanized Area Boundary;
- e. Endorsement, review, and approval of a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process; and
- f. Establishment of goals and objectives for the transportation planning process.

The membership of the Transportation Advisory Committee shall include:

- a. Two members of the Jacksonville City Council;
- b. Two members of the Onslow County Board of Commissioners; and
- c. One member of the North Carolina Board of Transportation.

It is anticipated that the Division Administrator, Federal Highway Administration, or his representative; Assistant Chief of Staff, Facilities, MCB, Camp Lejeune; Assistant Chief of Staff, Logistics, MCB, Camp Lejeune; S-4 Officer, Marine Corps Air Station (H), New River; and several community leaders will serve as consulting non-voting members to the TAC.

The Transportation Advisory Committee will meet as often as it is deemed appropriate and advisable. On the basis of majority vote of its membership, the Transportation Advisory Committee may appoint a member of the Committee to act as Chairperson with the responsibility for coordination of the Committee's activities. A member of the staff of the Jacksonville Planning Department will serve as secretary to the Committee.

8. A Technical Coordinating Committee shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the respective local, State, and Federal governmental agencies and the Transportation Advisory Committee regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review, and recommendation for approval of the Prospectus, Unified Work Program, Transportation Improvement Program, Federal-Aid Urban Systems and Boundaries, revisions to the transportation plan, planning citizen participation and documentation of reports for the transportation study.

Membership of the Technical Coordinating Committee shall include technical representatives from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area. Initially, the membership shall include, but not be limited to, the following:

- a. City Manager, City of Jacksonville;
- b. City Planner, City of Jacksonville;
- c. City Engineer, City of Jacksonville;
- d. County Manager, Onslow County;
- e. Director of Planning, Onslow County;
- f. Executive Director, Onslow County Economic Development Commission
- g. Division Engineer, Division of Highways, North Carolina Department of Transportation;
- h. Thoroughfare Planning Engineer, Planning and Research Branch, Division of Highways, North Carolina Department of Transportation;
- i. Jacksonville Transportation Study Coordinator, Planning and Research Branch, Division of Highways, North Carolina Department of Transportation;

The Planning and Research Engineer, North Carolina Division, Federal Highway Administration; District Engineer, North Carolina Division, Federal Highway Administration; technical representative, Office of the Assistant Chief of Staff, Facilities, MCB, Camp Lejeune; technical representative, Office of Assistant Chief of Staff, Logistics, MCB, Camp Lejeune; and technical representative, S-4 Officer New River Marine Air Station will serve as advisory, non-voting members to the Technical Coordinating Committee.

The Technical Coordinating Committee shall meet when it is deemed appropriate and advisable. On the basis of majority vote of its membership, the Technical Coordinating Committee may appoint a member of the Committee to act as Chairperson with the responsibility for coordination of the Committee's activities. Membership to the Technical Coordinating Committee may be altered on the basis of a majority vote of its membership.

9. The Jacksonville City Council, and the Onslow County Board of Commissioners shall serve as the primary means for citizen input to the continuing transportation planning process. During transportation plan reevaluation, citizen involvement in the planning process shall be encouraged during reanalysis of goals and objectives and plan formation. This citizen involvement may be obtained through goals and objectives surveys, neighborhood forums, and public hearings in accordance with procedures outlined in the "North Carolina Highway Action Plan."

Section 2. It is further agreed that the subscribing agencies will have the following responsibilities, these responsibilities being those most logically assumed by the several agencies:

City of Jacksonville

The City will serve as the Lead Planning Agency for transportation planning in the planning area and will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Additionally, the City shall coordinate zoning and subdivision approvals in accordance with the adopted Transportation Plan.

Onslow County

Onslow County will assist in the transportation planning process by providing planning assistance, data, and inventories

in accordance with the Prospectus. Additionally, Onslow County shall coordinate zoning and subdivision approval within its jurisdiction in accordance with the adopted Transportation Plan.

North Carolina Department of Transportation

The Department will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. The Department to the fullest extent possible and as permitted by existing State and Federal regulations, will provide assistance in the protection of necessary rights-of-way for those thoroughfares designated in the transportation plan.

Section 3. Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 30 days written notice to the other parties prior to the date of termination.

Section 4. In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions, or legislative authority to sign the same, the City of Jacksonville by its' Mayor, Onslow County by its' Chairman, and the Department of Transportation by the State Highway Administrator, This 13 day of July, 1982.

(Seal)

Robert H. Pennington  
Clerk

CITY OF JACKSONVILLE

By W. B. Teachey Jr.  
Mayor

(Seal)

Belinda H. Pennington  
Clerk

ONSLOW COUNTY

By Malice C. B. Rice  
Chairman

Approved for Execution

Department  
BOARD OF TRANSPORTATION  
By Kelly Rose  
State Highway Administrator

By James E. Magne, Jr.  
Asst. Attorney General

APPROVED BY FEDERAL HIGHWAY ADMINISTRATION

JUL 20 1982

DATE

J. E. Swell

FOR RONALD E. HEINZ  
DIVISION ADMINISTRATOR

The following resolution was offered by Councilman Daughtry and seconded by Councilman Choate and upon being put to a vote was carried unanimously on the 20th day of April, 1982:

THAT WHEREAS, it is recognized that the proper movement of travel within and through the Jacksonville urban area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area; and

WHEREAS, there are a number of governmental jurisdictions within the Jacksonville urban area which have been authorized implementation and regulatory responsibilities for transportation by North Carolina General Statutes; and

WHEREAS, it is desirable that a coordinated, comprehensive, and cooperative transportation planning process be maintained in the Jacksonville urban area to insure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety, and welfare; and

WHEREAS, a Memorandum of Understanding between the City of Jacksonville, County of Onslow, and North Carolina Department of Transportation has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation planning process; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, NORTH CAROLINA,

That the Memorandum of Understanding between the City of Jacksonville, County of Onslow, and North Carolina Board of Transportation, be approved and that the City and County Clerk are hereby directed to execute the Memorandum of Understanding.

Adopted: April 20, 1982

ATTEST:

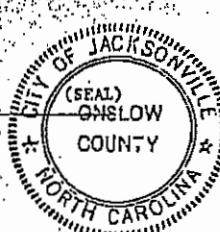
*C.W. Hemmingway*  
C.W. Hemmingway, City Clerk

I, C.W. Hemmingway, Clerk of the City of Jacksonville, North Carolina, do hereby certify that the above is a true and correct copy of excerpts from the minutes of the 20th of April, 1982 of said meeting.

WITNESS my hand and the official seal of the City of Jacksonville this the 20th day of April, 1982.

ATTEST

*C.W. Hemmingway*  
C.W. Hemmingway, City Clerk



RESOLUTION

STATE OF NORTH CAROLINA:

COUNTY OF ONSLOW:

The following resolution was offered by Commissioner Paul Starzynski and seconded by Commissioner J Luther Midrett and upon being put to a vote was carried unanimously on the 19th day of April, 1982.

WHEREAS, it is recognized that the proper movement of travel within and through the Jacksonville urban area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area; and

WHEREAS, there are a number of governmental jurisdictions within the Jacksonville urban area which have been authorized implementation and regulatory responsibilities for transportation by North Carolina General Statutes; and

WHEREAS, it is desirable that a coordinated, comprehensive, and cooperative transportation planning process be maintained in the Jacksonville urban area to insure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare; and

WHEREAS, a Memorandum of Understanding between the City of Jacksonville, County of Onslow, and North Carolina Department of Transportation has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation planning process; and

NOW, THEREFORE, BE IT RESOLVED by the Onslow County Board of Commissioners that the Memorandum of Understanding between the City of Jacksonville, County of Onslow, and North Carolina Board of Transportation, be approved and that the City and County Clerk are hereby directed to execute the Memorandum of Understanding.

I, Belinda H. Formyduval, Clerk to the Onslow County Board of Commissioners, do hereby certify that the above is a true and correct copy of excerpts from the minutes of the April 19, 1982, meeting of the Onslow County Board of Commissioners.

WITNESS my hand and the official seal of the County of Onslow this the 19th day of April, 1982.

ATTEST:

ONSLOW COUNTY BOARD  
OF COMMISSIONERS

Chairman