

GENERAL ASSEMBLY OF NORTH CAROLINA

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Short Title: Establish Metropolitan Planning Boards.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED
AN ACT TO RECOGNIZE METROPOLITAN PLANNING ORGANIZATIONS IN
STATE LAW AND TO PROVIDE A PROCESS FOR VOLUNTARY
EVALUATION OF METROPOLITAN PLANNING ORGANIZATION
BOUNDARIES, STRUCTURE, AND GOVERNANCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-200(2) is rewritten to read:

"(2) 'Department' means the North Carolina Department of Transportation."

Section 2. G.S. 136-200(4) is rewritten to read:

"(4) 'Metropolitan Planning Organization' or 'MPO' means an agency that is
designated or redesignated by a memorandum of understanding as a
Metropolitan Planning Organization in accordance with 23 U.S.C. §
134."

Section 3. Article 16 of Chapter 136 of the General Statutes is amended by
adding a new section to read:

"§ 136-200.1. Metropolitan planning organizations recognized.

1 Metropolitan planning organizations established pursuant to the provisions of 23
2 U.S.C. § 134 are hereby recognized under the law of the State. Metropolitan planning
3 organizations in existence on the effective date of this section continue unaffected until
4 redesignated or restructured in accordance with the provisions of and according to the
5 procedures established by 23 U.S.C. § 134 and this Article. The provisions of this Article
6 are intended to supplement the provisions of 23 U.S.C. § 134. In the event any provision
7 of this Article is deemed inconsistent with the requirements of 23 U.S.C. § 134, the
8 provisions of federal law shall control."

9 Section 4. Article 16 of Chapter 136 of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 136-200.2. Decennial review of metropolitan planning organization boundaries,**
12 **structure, and governance.**

13 (a) Evaluation. – Following each decennial census, and more frequently if
14 requested by an individual metropolitan planning organization, the Governor and the
15 Secretary of Transportation, in consultation with the affected metropolitan planning
16 organization or organizations, shall initiate an evaluation of the boundaries, structure, and
17 governance of each metropolitan planning organization in the State. The goal of the
18 evaluation shall be to examine the need for and to make recommendations for
19 adjustments to metropolitan planning organization boundaries, structure, or governance
20 in order to ensure compliance with the objectives of 23 U.S.C. § 134. The Secretary shall
21 submit a report of the evaluation process to the Governor and to the Joint Legislative
22 Transportation Oversight Committee.

23 (b) Factors for Evaluation. – The evaluation of the area, structure, and governance
24 of each metropolitan planning organization shall include all of the following factors:

- 25 (1) Existing and projected future commuting and travel patterns and urban
26 growth projections.
- 27 (2) Integration of planning with existing regional transportation facilities,
28 such as airports, seaports, and major interstate and intrastate road and
29 rail facilities.
- 30 (3) Conformity with and support for existing or proposed regional transit
31 and mass transportation programs and initiatives.
- 32 (4) Boundaries of existing or proposed federally designated air quality
33 nonattainment areas or air-quality management regions.
- 34 (5) Metropolitan Statistical Area boundaries.
- 35 (6) Existing or proposed cooperative regional planning structures.
- 36 (7) Administrative efficiency, availability of resources, and complexity of
37 management.
- 38 (8) Feasibility of the creation of interstate metropolitan planning
39 organizations.
- 40 (9) Governance structures, as provided in subsection (c) of this section.

41 (c) Metropolitan Planning Organization Structures. – The Governor and Secretary
42 of Transportation, in consultation with existing metropolitan planning organizations and

1 local elected officials, may consider the following changes to the structure of existing
2 metropolitan planning organizations:

- 3 (1) Expansion of existing metropolitan planning organization boundaries to
4 include areas specified in 23 U.S.C. § 134(c).
5 (2) Consolidation of existing contiguous metropolitan planning
6 organizations in accordance with the redesignation procedure specified
7 in 23 U.S.C. § 134(b).
8 (3) Creation of metropolitan planning organization subcommittees with
9 responsibility for matters that affect a limited number of constituent
10 jurisdictions, as specified in a memorandum of understanding
11 redesignating a metropolitan planning organization in accordance with
12 the provisions of 23 U.S.C. § 134.
13 (4) Formation of joint committees or working groups among contiguous
14 nonconsolidated metropolitan planning organizations, with such powers
15 and responsibilities as may be delegated to such joint committees
16 pursuant to their respective memoranda of understanding.
17 (5) Creation of interstate compacts pursuant to 23 U.S.C. § 134(d) to
18 address coordination of planning among metropolitan planning
19 organizations located in this State and contiguous metropolitan planning
20 organizations located in adjoining states.

21 (d) Optional Governance Provisions. – In addition to any other provisions
22 permitted or required pursuant to 23 U.S.C. § 134, the memorandum of understanding,
23 creating, enlarging, modifying, or restructuring a metropolitan planning organization may
24 also include any of the following provisions relating to governance:

- 25 (1) Distribution of voting power among the constituent counties, municipal
26 corporations, and other participating organizations on a basis or bases
27 other than population.
28 (2) Membership and representation of regional transit or transportation
29 authorities or other regional organizations in addition to membership of
30 counties and municipal corporations.
31 (3) Requirements for weighted voting or supermajority voting on some or
32 all issues.
33 (4) Provisions authorizing or requiring the delegation of certain decisions or
34 approvals to less than the full-voting membership of the metropolitan
35 planning organization in matters that affect only a limited number of
36 constituent jurisdictions.
37 (5) Requirements for rotation and sharing of officer positions and
38 committee chair positions in order to protect against concentration of
39 authority within the metropolitan planning organization.
40 (6) Any other provision agreed to by the requisite majority of jurisdictions
41 constituting the metropolitan planning organization.

1 (e) Effect of Evaluation. – Upon completion of the evaluation required under this
2 section, a metropolitan planning organization may be restructured in accordance with the
3 procedure contained in 23 U.S.C. § 134(b)(5).

4 (f) Assistance. – The Department may provide staff assistance to metropolitan
5 planning organizations in existence prior to January 1, 2001, that are considering
6 consolidation on or after January 1, 2001. In addition, the Department may provide
7 funding assistance to metropolitan planning organizations considering consolidation,
8 upon receipt of a letter of intent from jurisdictions representing seventy-five percent
9 (75%) of the affected population, including the central city, in each metropolitan planning
10 organization considering consolidation."

11 Section 5. Article 16 of Chapter 136 of the General Statutes is amended by
12 adding a new section to read:

13 "**§ 136-200.3. Additional provisions applicable to consolidated metropolitan**
14 **planning organizations.**

15 Beginning with the 2004 State Transportation Improvement Program, neither the
16 State nor a metropolitan planning organization created by a memorandum of
17 understanding on or after January 1, 2001, by consolidation of two or more metropolitan
18 planning organizations in existence prior to that date shall have a basis to object to a
19 project that is proposed for funding in the Transportation Improvement Plan, provided
20 that the project does not affect projects previously programmed, if the project is included
21 in a mutually adopted plan developed pursuant to G.S. 136-66.2, and is consistent with
22 the project selection criteria contained in the memorandum of understanding creating the
23 consolidated metropolitan planning organization."

24 Section 6. Article 16 of Chapter 136 of the General Statutes is amended by
25 adding a new section to read:

26 "**§ 136-200.4. Additional requirements for metropolitan planning organizations**
27 **located in nonattainment areas.**

28 (a) Consultation and Single Conformity Plan Required. – When the boundaries of
29 any area designated as nonattainment under the federal Clean Air Act (42 U.S.C. § 7401
30 et seq.) encompass, in whole or in part, the area of more than one metropolitan planning
31 organization, the affected metropolitan planning organizations shall consult on
32 appropriate emissions reduction strategies and shall adopt a single, unified plan for
33 achieving conformity. The strategies set forth in the unified plan shall be incorporated by
34 each affected metropolitan planning organization into its respective long-range
35 transportation plan developed pursuant to 23 U.S.C. § 134(g).

36 (b) Effect of Failure to Adopt Required Plan. – If a metropolitan planning
37 organization does not comply with the provisions of subsection (a) of this section, the
38 Department shall not allocate any of the following funds to projects within the
39 metropolitan planning organization area:

- 40 (1) One-hundred percent (100%) State-funded road construction funds.
- 41 (2) State matching funds for any road construction or transit capital project.
- 42 (3) Federal congestion mitigation and air quality improvement program
43 funds.

1 (c) Mandatory Evaluation and Report. – Each metropolitan planning organization
2 located in whole or in part in areas designated as nonattainment under the federal Clean
3 Air Act (42 U.S.C. § 7401 et seq.) shall complete the evaluation process provided for in
4 G.S. 136-200.2 and submit its findings and recommendations to the Department of
5 Transportation within one year of the effective date of designation as nonattainment. A
6 metropolitan planning organization may request and be granted by the Department an
7 extension if the metropolitan planning organization can show cause for the extension.
8 Extensions shall be granted in no more than one year increments."

9 Section 7. This act becomes effective January 1, 2001.