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TO: TCC Members
FROM: Nicholas Polimeni
MUMPO Principal Planner
DATE: December 29, 2011

**SUBJECT: Technical Coordinating Committee (TCC) Agenda
January 2012 TCC Meeting—January 5, 2012**

The January TCC meeting is scheduled for **Thursday, January 5 at 10:00 AM in Room 267** of the Charlotte-Mecklenburg Government Center (600 East Fourth Street, 2nd Floor). Attached is a copy of the agenda.

Please call me at (704) 336-8309 if you have any questions.

MUMPO TCC

AGENDA

January 5, 2012

1. Election of Officers

Bill Coxe

ACTION REQUESTED: Elect officers for 2012.

BACKGROUND: TCC bylaws require the election of officers at the first meeting of the calendar year. The bylaws also require the Chair to have served as a TCC member for one full year immediately prior to being elected.

2. Consideration of December Meeting Minutes

ACTION REQUESTED: Approve as presented, or with amendments.

3. CMAQ (10 minutes)

Bjorn Hansen

ACTION REQUESTED: FYI

BACKGROUND: Centralina COG has been contracted to conduct a CMAQ call for projects for MUMPO. A brief background of recent CMAQ activity, and details of the timeline for the call for projects, will be presented. See the attached memorandum for more information.

ATTACHMENT: CMAQ Memorandum

4. Red Line Trail (5 minutes)

Gwen Cook

ACTION REQUESTED: Recommend that the MPO adopt a Resolution of Support for the Red Line Trail.

BACKGROUND: The proposed Red Line Trail is an approximate 30 mile corridor of multi-use, off-road trail connecting downtown Mooresville to Charlotte in the area of the Panthers Stadium. The route of the project mostly parallels the CATS Red Line transit corridor and has tremendous potential to boost and support ridership of the transit system. Yet, the Red Line Trail can also serve communities for local transportation to downtown areas and significant destinations as well as active transportation throughout the 7 jurisdictions served by the project.

ATTACHMENT: Red Line Trail Resolution of Support

5. Sustainable Communities Regional Planning Grant (10 minutes)

Rebecca Yarbrough

ACTION REQUESTED: Recommend that the MPO approve the CONNECT Consortium Agreement to Affirm Membership in the CONNECT Consortium, and Participate in the Sustainable Communities Regional Planning Grant (SCRPG).

BACKGROUND: In May, 2011, MUMPO agreed to participate in the Consortium to support an application both for the NC Sustainable Communities Planning Grant and the HUD Sustainable Communities Regional Planning Grant. The May action specifically outlined participation in the NC Sustainable Communities Grant. The requested action is needed to approve participation in the recently-awarded \$4.9 million HUD Sustainable Communities Regional Planning Grant. The Consortium Agreement (attached) has been modified to focus on this grant.

ATTACHMENT: Consortium Agreement – Sustainable Communities Regional Planning Grant

6. TIP Amendments (15 minutes)

a. Miscellaneous Amendments

Robert Cook

ACTION REQUESTED: Recommend that the MPO approve the attached TIP amendments as presented.

BACKGROUND: The requested amendments involve brief delays in existing local projects and adding statewide projects.

ATTACHMENTS: Resolution; List of proposed TIP Amendments

b. McKee Road TIP Amendment (TIP# 4713B)

Ralph Messera

ACTION REQUESTED: Recommend that the MPO approve the TIP amendment as presented.

BACKGROUND: In order to better reflect the actual activity of the above referenced project, and as suggested by the DOT and the FHWA, the Town of Matthews is requesting a TIP amendment to rename TIP project U-4713B from McKee Road Section "B" to Campus Ridge Road Realignment.

7. NCDOT Title VI Assurances (10 minutes)

Robert Cook

ACTION REQUESTED: Recommend that the MPO endorse the resolution.

BACKGROUND: NCDOT's Office of Civil Rights (OCR) has informed the state's MPOs of the need to comply with Title VI of the Civil Rights Act of 1964. The compliance will take the form of providing assurances that MUMPO will not discriminate on the grounds of race, color, sex, age, national origin or disability. In addition, policies and procedures will be established to address discrimination complaints lodged against MUMPO. This action is separate from efforts now underway to improve MUMPO's outreach to environmental justice communities.

ATTACHMENTS: Resolution; Policy Statement; Assurances; Complaint Procedures; Complaint Form; Complaint Log

8. Functional Classification Changes (5 minutes)

Robert Cook

ACTION REQUESTED: Request that the MPO adopt the attached resolution and revise the Functional Classification map.

BACKGROUND: NCDOT has requested MUMPO to approve changes to the area's Functional Classification map. See the attached memorandum for more information.

ATTACHMENTS: Memorandum and supporting information

9. Prosperity Church Road alignment north of Eastfield Road (15 minutes)

Stuart Basham

ACTION REQUESTED: Recommend that the MPO endorse a feasible route that is preferred by the Town of Huntersville.

BACKGROUND: A developer has requested a minor realignment of the future Prosperity Church Road Extension north of Eastfield Road. Public involvement has occurred and alternate alignments have been created. All alignments meet design parameters but none are fully satisfactory to affected landowners.

10. I-485 & I-77 Project Updates (15 minutes)

Barry Moose

a. I-485 Widening, R-4902

ACTION REQUESTED: FYI

***BACKGROUND:** The scope of this project may be expanded from the current TIP project that proposes to add one lane in each direction from I-77 to Johnston Road. Any deviation from what is described in the TIP and LRTP will require the MPO to amend both documents, as well as to make an air quality conformity determination.*

b. I-77 High Occupancy Toll Lanes

***ACTION REQUESTED:** FYI*

***BACKGROUND:** The 2035 LRTP and 2012-2018 TIP both include a project (I-5405) to convert the existing I-77 HOV lanes to high occupancy toll (HOT) lanes and to extend them to exit 28. The project's scope may be expanded to include two HOT lanes in each direction, and to extend them south to 5th Street and on to the Brookshire Freeway. If the scope is expanded, amendments to the LRTP and TIP, along with an air quality conformity determination, will be needed for two TIP projects: I-3311C and I-5405.*

11. Mobility Fund Candidate Projects (10 minutes)

Nicholas Polimeni

***ACTION REQUESTED:** FYI*

***BACKGROUND:** The NCDOT has issued a call for Mobility Fund candidate projects, and has posted an application on its website for project submissions. The deadline for submitting projects for consideration is February 29, 2012. Each organization is able to submit no more than five candidate projects.*

12. NCDOT Complete Streets Planning and Design Guidelines (10 minutes)

Tracy Newsome

***ACTION REQUESTED:** FYI*

***BACKGROUND:** Update on the NCDOT's Complete Streets efforts.*

13. Comprehensive Transportation Plan (CTP) (5 minutes)

Anil Panicker

***ACTION REQUESTED:** FYI*

***BACKGROUND:** Update on the status of the CTP process.*

14. Upcoming Issues

15. Adjourn

MECKLENBURG - UNION TECHNICAL COORDINATING COMMITTEE
Summary Meeting Minutes
Charlotte-Mecklenburg Government Center
Room 280
December 1, 2011

Voting Members: Bill Coxe (Huntersville), Danny Pleasant (CDOT), George Berger (Charlotte Engineering & Property Management), Ken Tippet (CDOT Bicycle Coordinator), Jonathan Wells – alt for Debra Campbell (C-M Planning), Lisa Stiwinter (Monroe), David McDonald (CATS), Barry Moose (NCDOT-Div. 10), Anil Panicker (NCDOT-TPB), Andrew Grant (Cornelius), Dawn Blobaum – alt for Lauren Blackburn (Davidson), Adam McLamb – alt for Scott Kaufhold (Indian Trail), Ralph Messera (Matthews), Shannon Martel – alt for Brian Matthews (Stallings), Kevin Icard (Pineville), Greg Mahar (Waxhaw)

Staff: Robert Cook (MUMPO), Stuart Basham (MUMPO), Nick Polimeni (MUMPO), Gwen Cook (Mecklenburg County Park and Recreation), Tracy Newsome (CDOT), Anna Gallup (CDOT), Andy Grzymiski (CDOT), Norm Steinman (CDOT), Sara Familian (CDOT), Tim Gibbs (CDOT), Jim Loyd (Monroe), Zac Gordon (Huntersville), Geoff Steele (Huntersville), Brandon Watson (Cornelius), Keith Sorensen (Indian Trail), Loretta Barren (FHWA) – phone

Guests: Greg Boulanger (HNTB), Todd Steiss (PB), Carl Gibilaro (Atkins), Rebecca Yarbrough (Centralina COG)

1. Consideration of November Meeting Minutes

Mr. Coxe asked if there were any changes to the minutes needed. Hearing none, the minutes were unanimously approved by acclamation.

2. Comprehensive Transportation Plan

Presenter: Andy Grzymiski, CDOT

Summary/Requested Action:

Prior to Mr. Grzymiski's presentation, Mr. Coxe stated that there is a roadway designation issue for the CTP maps with regard to widening a roadway for motor vehicle improvements, versus widening for bicycle improvements, that remains unresolved. He suggested that the TCC come to a consensus on the issue so the maps are consistent among all jurisdictions. Mr. Pleasant noted that a discussion about which thoroughfares are appropriate for bike lanes needs to take place. Mr. Steinman suggested that all four maps together represent a complete street, and the maps need to be aggregated when reviewed.

Mr. Coxe then asked: If a roadway is widened only for bike lanes, does it need to be included on the highway map? Mr. Pleasant stated that if there is a map intended to represent only changes that affect motor vehicles, then the title of the map should reflect that, and suggested changing the name of the map from highway map to motor vehicle map. Mr. Moose suggested including a note at the bottom of each map that indicates a desire to create a complete street. After further discussion, it was suggested that a fifth map be produced that includes the layers from each of the four modal maps.

Motion:

Mr. Pleasant made a motion to co-name the highway map the motor vehicle map, to only show a needs improvement designation on the bicycle map when widening a roadway to add a bike lane, and to include a

general note on every map noting that each map needs to be referenced to determine the proposed improvements and recommendations for a roadway. The motion was seconded by Mr. Messera. Upon being put to a vote, the motion passed with one abstention from NCDOT's TPB Coordinator.

Following that discussion, Mr. Grzymiski summarized a scope and timeline for completing CTP-related work that had been developed over the course of several transportation staff meetings. He highlighted several tasks outlined in the schedule, including the due dates for each transportation map that will be produced (highway, bicycle, pedestrian and transit/rail). He also reiterated that if the TCC agrees to endorse the timeline then deadlines will need to be met or the overall approval of the CTP will be extended to a later date.

Mr. Coxe noted that the Thoroughfare Plan is out of date, but because all local ordinances still point to the Thoroughfare Plan for right-of-way protection, he suggested amending it to be consistent with the CTP, and completing public involvement for the Thoroughfare Plan and CTP at the same time. Mr. Moose suggested that a discussion regarding the legal implications of maintaining both maps is necessary. Mr. McDonald asked if NCDOT could look into it, and Mr. Panicker stated that NCDOT does not get involved with land use issues. It was determined that more information is necessary, but that the issue will need to be addressed at a future date.

Motion:

Mr. Pleasant made a motion to approve the scope and timeline as presented. Mr. Berger seconded the motion. Upon being put to a vote, the motion passed unanimously.

3. I-485 & I-77 Project Updates

Presenter: Barry Moose

Summary/FYI:

Mr. Moose announced that he will be providing a comprehensive update about what has taken place so far regarding managed lanes on I-77, and I-485, at a staff meeting on December 14. He encouraged all the TCC members to attend. He continued by stating that the let date for the I-485 project is tentatively July 1, 2012, and that a 6 lane cross section has been discussed (from Rea Rd to Johnston Rd), as well as an 8 lane cross section (from Johnston Rd to I-485) as part of TIP project R-4902 to widen I-485. He stated that funding is still not certain and managed lanes are still being discussed as an option. Funding could come from a portion of the I-77 North project if a private public partnership (P3) arrangement is agreed upon. He also stated that equity money could also be requested to complete the widening of I-485. Mr. Moose indicated that he expects a decision in the spring of 2012 regarding the I-77 North project, but also stated that caution must be taken to ensure North Carolina gets a good deal with regard to the financial model of the project. Mr. Coxe announced that an education session regarding P3 financing will be held the last week of January.

4. HUD Sustainable Communities Grant

Presenter: Rebecca Yarbrough, Centralina COG

Summary/FYI:

Ms. Yarbrough provided information to the TCC via a Power Point presentation, the contents of which are incorporated into the minutes [here](#). She started by thanking everyone for their continued efforts in the region, and stated that the Centralina COG got the total grant funds requested (\$4.9 million) to work on a sustainability plan that includes a 14 county region. She emphasized that the plan will address sustainability in multiple ways and that it will answer the fundamental questions: How should we grow? How will it help the economy? Ms. Yarbrough also emphasized that everyone in the region needs to benefit

from the plan, so regional involvement is necessary. She highlighted a “Blueprinting” process as being a key to the success of the plan, which will include scenario-based planning that identifies indicators to study and evaluate. Public involvement will be important to develop consensus and to identify the appropriate indicators to evaluate for this region. It was also noted that other regions around the country have completed similar plans, and that we can use their work as a guide. She concluded by discussing the timeline, and reiterated that regional participation is extremely important. She encouraged MUMPO members to be involved.

5. Red Line Trail

Presenters: Gwen Cook, Mecklenburg County Park & Recreation

Summary/FYI:

Ms. Cook provided information to the TCC via a Power Point presentation, the contents of which are incorporated into the minutes [here](#). She indicated that the proposed Red Line Trail project will start in Mooresville and continue into Charlotte, where it will tie into Irwin Creek Greenway. This project would create a north-south off road pedestrian corridor, which currently does not exist in the region. Ms. Cook highlighted several benefits of the project and also discussed next steps for moving forward. She stated that the project has received a great amount of support. Mr. Coxe asked what type of endorsement activity is being done, and Ms. Cook responded that she is presenting the project to each Town Board in which the project is located. Mr. Grant asked Ms. Cook if she has been working with the railroad on the project, to which she replied that she has.

6. Metrolina Regional Travel Demand Model

Presenter: Anna Gallup, CDOT

Summary/FYI:

Ms. Gallup highlighted some of the model activity currently underway in the region, including:

- The Household Travel Survey went out to the public on November 28 – the first round of public surveys will conclude on December 17 due to the holidays, and begin again in January;
- The land use, base year data regional deadline has been extended to the end of February; and
- Two RFPs are scheduled to go out in December – one for vehicle classification counts, and one for the regional totals update.

7. NCDOT Complete Streets Planning and Design Guidelines

Presenter: Tracy Newsome, CDOT

Summary/FYI:

Ms. Newsome provided an update on NCDOT’s Complete Streets initiative, indicating that the first four chapters of the Planning and Design Guidelines were released in the summer for public comment. She noted that the comments that were received are currently under review, and are being categorized to help inform development of the guidelines. She stated that the next chapters are underway, and a release of the full document for public review is expected early next year. She concluded by noting that NCDOT would like to test some pilot projects to determine how the guidelines would be applied, and that the Division is requesting that the TCC nominate projects and send them to the Division Engineer.

8. Environmental Justice

Presenter: Robert Cook

Summary/FYI:

Mr. Cook provided an update on what has been accomplished to enhance how MUMPO accounts for environmental justice issues. He stated that a Limited English Proficiency (LEP) plan is being developed. He also noted that the MPO has endorsed a public involvement effort which will take place after the first of the year. Mr. Cook concluded by mentioning that NCDOT recently performed a desk audit of all MPOs in the state to determine how environmental justice issues are being addressed. Responding to the audit will require additional staff work.

9. Upcoming Issues

Mr. Coxe made the following announcements:

- A Federal Certification Review of MUMPO's activities will take place December 5 and 6, which will include a public meeting on the evening of December 5 from 6:00-8:00 PM in Room 266;
- On December 5 from 4:00-8:00 PM, a public workshop regarding the Monroe Parkway will take place in Monroe;
- On December 13 there will be a Red Line Workshop from 10:00 AM to 2:00 PM in Mooresville;
- An MPO Orientation will be held on January 11 which all MPO and TCC members are encouraged to attend.

Mr. Gibbs announced that on December 13 from 5:00-7:00 PM in Charlotte, a meeting about the North Carolina Railroad Double Track project (TIP# P-5208) will be held.

Mr. Cook announced that new funding opportunities have recently become available, and that an email will be sent that contains more details.

Ms. Yarbrough, with Centralina COG, stated that she would like MUMPO representatives to be a part of the grant process, and that she will attend the January TCC meeting to provide a status update.

Mr. McDonald announced that a call for Mobility Fund projects has been issued. Mr. Polimeni added that projects are due February 29, 2012 and that the item will be placed on a staff meeting agenda for further discussion.

10. Adjourn: The meeting was adjourned at 12:00 PM.

MEMORANDUM

TO: MECKLENBURG-UNION MPO TCC MEMBERS AND INTERESTED PERSONS
FROM: BJORN E. HANSEN, CENTRALINA COUNCIL OF GOVERNMENTS
SUBJECT: FFY 16-17 CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROJECT SOLICITATION
DATE: DECEMBER 19, 2011

MUMPO has contracted with Centralina COG to administer the project selection process for the FFY 16-17 CMAQ funds. The MUMPO tentatively has nearly \$20 million to program for these two fiscal years, although the NCDOT is updating its estimates for the future years of the program. There have been several changes since this topic was last presented to the TCC in November. They are as follows:

1. The NCDOT extended their original deadline of October 31, 2011 to sometime in 2014. At their November TCC meeting, the MUMPO TCC decided to continue with an updated project ranking in the event that another call for projects is announced before 2014.
2. Centralina staff will hold four monthly meetings with MUMPO members to assist with project development, coordination with related initiatives, emissions calculations, and soliciting comments from the NCDOT. These meetings will be held at the Char-Meck building at 2 PM on the fourth Wednesday of each month from January to April.
3. MUMPO has delayed completion of the project ranking process from March to July 2012.

The revised timeline for the process is below.

October 13, 2011: MUMPO opened project solicitation process

January 5, 2012: Brief TCC on revised schedule and process

January 18: Brief MPO on revised schedule and process

January 25: Hold project development meeting. Topic: CMAQ project guidelines and MUMPO ranking process

February 22: Hold project development meeting. Topic: Coordination with adjacent initiatives and projects

March 28: Hold project development meeting. Topic: Coordination with NCDOT

April 25: Hold project development meeting. Topic: Calculating emissions benefits

April 27: Project packets due to MUMPO

Early May: Selection Committee meets to review candidate projects

May 3: TCC apprised of list of submitted projects

May 16: MUMPO apprised of list of candidate projects

Late May: Selection Committee recommends list of projects for funding

June 7: TCC briefed on recommended project list for funding

July 5: TCC recommends project list for funding to MUMPO

July 18: MUMPO approves project list for funding

The ranking and application processes remain unchanged from the previous cycle, with one notable exception. Any project that affects NCDOT right-of-way or facilities must be submitted to the NCDOT Division 10 offices for review. The Division staff will not issue a letter of support or denial,

but will simply identify areas of concern or a need for coordination with adjacent projects. They have committed to providing comments within four weeks of project submittal to their offices. This correspondence and review must be complete when the project packet is submitted on April 27.

REQUESTED ACTION: Information only.

**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION
RESOLUTION OF SUPPORT**

WHEREAS, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) actively supports sustainability, active transportation and healthy living; and

WHEREAS, the proposed Red Line Trail offers the potential to create an approximately 30-mile trail that would serve as a major north-south bicycle and pedestrian corridor that extends through seven jurisdictions, serving both local and regional active transportation needs and connecting proposed greenways and bikeways proposed by existing, adopted master plans within Iredell County, Mecklenburg County; the Towns of Mooresville, Davidson, Cornelius and Huntersville; and the City of Charlotte; and

WHEREAS, the Red Line Trail Initiative Group, a committed group of transportation planners, engineers, landscape architects, and informed citizens, has been working to study the feasibility of this multi-use bicycle and pedestrian trail concept; and

WHEREAS, this project demonstrates strong collaboration among a broad range of participants and integrates transportation with other public service efforts by enhancing connectivity via an active transportation network to residential areas, businesses, schools, colleges, universities, major employers, health care facilities, and regional attractions; and

WHEREAS, the Mecklenburg-Union Metropolitan Planning Organization acknowledges that transit ridership can be enhanced by complementary multi-use trail access to transit stations, thereby minimizing, as much as reasonably possible, reliance on personal motorized vehicles to access public transit; and

WHEREAS, alternative transportation opportunities also provide key amenities to neighborhoods, provide safe areas for underserved citizens old and young to use for travel, improve the quality of the air by promoting non-motorized transportation, promote healthy lifestyles by offering a place for exercise and recreation, and develop a sense of community through stronger social and family ties and access to community events; now, therefore, be it

RESOLVED that the Mecklenburg-Union Metropolitan Planning Organization endorses the concept of the Red Line Trail and encourages continued study and development of plans for eventual incorporation into local master plans, as well as the collaboration of all relevant agencies and jurisdictions toward realizing this active transportation facility that has the potential to connect participating jurisdictions that include Iredell County, Mecklenburg County; the Towns of Mooresville, Davidson, Cornelius and Huntersville; and the City of Charlotte.

Adopted the ____ day of January, 2012

Clerk to the Board

(MUMPO Seal)

CONNECT Consortium Agreement Amendment

On May 18th, 2011, MUMPO adopted a resolution to join the CONNECT Consortium for purposes of Centralina's application for North Carolina Sustainable Communities Regional Planning Funds, and for similar application for HUD Sustainable Communities Regional Planning Funds.

The Consortium is a collaborative of local governments, MPOs, RPOs, non-profit organizations, housing authorities, universities, community colleges, and for-profit corporations who have agreed to work together in support of sustainable regional economic and community growth, preserving and enhancing quality of life, and preserving and enhancing environmental quality. Their mission is to break down silos that have hampered such planning in the past, and to support each other in their individual as well as collective efforts to build a sustainable, resilient, and healthy region in which the whole diversity of the region's population are stakeholders.

The first effort, the North Carolina Sustainable Communities Regional Planning Grant (NCSCRPG), was funded in late May to develop a Sustainable Revitalization Scorecard system to help communities identify the areas and properties with strongest reinvestment potential that could be catalytic for broader community revitalization. The Scorecard system is almost complete, and will be tested in February, but has already been used to identify over 30 potential revitalization "priority areas" throughout the region.

The work of the NCSCRPG became one of the bases for the HUD Sustainable Communities Regional Planning Grant Application (now called the CONNECT SCRPG), which was submitted to HUD on October 5, 2011. Over 110 partnering agencies, Consortium members, organizations, and supporters submitted letters of support, and the grant request was for \$4,907,544. On November 21, 2011, HUD's Office of Sustainable Housing and Communities announced in Charlotte that Centralina COG, as lead applicant for the CONNECT Consortium, had been awarded the full amount requested to carry out the Consortium-developed work program.

For transportation planning organizations such as MUMPO, a major area of interest in the Grant's work program is Regional Blueprinting, which is a data-driven public engagement process to develop a consensus "Regional Preferred Development Scenario." In our region's case, this work will start with place-based economic development strategies centered on the revitalization "priority areas" identified through the NCSCRPG. The end result is expected to be a more predictable, sustainable, consensus-built and performance-based set of growth projections for the future, that MPOs and RPOs, as well as their membership can use to guide transportation and infrastructure investments. This approach has been used successfully in other areas of the country to literally involve the public in creating regional plans whose long-range outcomes included infrastructure cost savings.

MUMPO at this time is being asked to adopt an amended Memorandum of Understanding, recommitting to the Consortium and agreeing to partner with Consortium members on carrying out the work of the Grant, including the Regional Blueprinting project. This will make MUMPO's May 18th commitment current in light of the Federal grant award.

Proposed Amendment to the Memorandum of Understanding
For CONNECT Consortium Membership
In Support of the
Sustainable Communities Regional Planning Program

WHEREAS, the Sustainable Communities Regional Planning Program (Program) is a partnership of the U.S. Department of Housing & Urban Development, U.S. Environmental Protection Agency, and the U.S. Department of Transportation (with participation by the U.S. Department of Agriculture and U.S. Economic Development Administration) designed to promote greater regional sustainability, livability and efficiencies by breaking down barriers to governmental and private/non-profit collaboration among regional jurisdictions, linking housing, transportation, economic development, and the environment; and

WHEREAS, the Program's foundation is based on six Livability Principles intended to promote sustainability and are closely linked to the CONNECT Regional Vision Core Values and Action Agenda developed by the Centralina Council of Governments (CCOG), Catawba Regional Council of Governments (CRCOG), and the Charlotte Regional Partnership, and adopted by more than 50 jurisdictions in the region; and

WHEREAS, CCOG and CRCOG have established the CONNECT Consortium as a fully-representative body to develop and guide the Program with a general organizational structure outlined in Exhibit A, attached hereto and made a part hereof by reference; and

WHEREAS, the mission of the CONNECT Consortium is to support local governments, non-profits, academic institutions and other groups in their work to further sustainable growth, sound and sustainable economic development, environmental enhancement, and inclusive public engagement and decision-making; and

WHEREAS, in doing so, the Consortium will provide a strong platform for the Mecklenburg-Union Metropolitan Planning Organization (MUMPO)'s work to develop transportation programs that support economic development and align well with land use projections, and to develop a strong multi-modal transportation system for its area of jurisdiction; and will greatly facilitate the MUMPO in its transportation planning/future growth projection and modeling efforts; and

WHEREAS, on May 18, 2011, the MUMPO initially committed to become a member of the CONNECT Consortium for purposes of application for North Carolina Sustainable Communities Regional Planning Grant Funds and for HUD Sustainable Communities Regional Planning Grant Funds; and

WHEREAS, on November 21, 2011, CCOG and the CONNECT Consortium were awarded \$4.9 million to carry out the work program developed by the CONNECT Consortium by HUD, through their Sustainable Communities Regional Planning Grant Program; and

WHEREAS, CCOG is the lead for managing this effort for the Charlotte metropolitan region for federal and State funds under the Program;

NOW, THEREFORE, BE IT RESOLVED, that the MUMPO continues its commitment as a member of the CONNECT Consortium and agrees to the following by signing this memorandum of agreement:

1. To participate as a member of the CONNECT Consortium in development of regional efforts supporting sustainable community and economic growth and improved environment and quality of life, with funding provided in part from a HUD Sustainable Communities Regional Planning Grant;

2. To recognize CCOG as Lead Applicant and CRCOG as Lead Partner for the HUD Sustainable Communities Regional Planning Grant program;
3. To assist with reaching out to traditionally-underrepresented groups to engage them in providing input on matters related to sustainable development and related sustainable communities matters;
4. To participate as appropriate in activities related to MUMPO's expertise, it being understood that participation as a Consortium member does not preclude MUMPO from potential eligibility as a subgrantee or subcontractor to the Consortium;
5. To share relevant data with other Consortium members; and
6. To participate as mutually agreed below in the activities of the HUD Sustainable Communities Planning Grant entitled "CONNECT Vision: Connecting Vision to Plan."

Activity	Role
Consortium Participation	Appoint an official organizational representative to the Consortium Participate in Consortium meetings Review and provide input to the development of Consortium work products, including the Regional Plan for Sustainable Development Share MUMPO's plans and projects to foster information-sharing and better understanding of critical regional processes among Consortium members
Work Group Participation	Participate in work groups as appropriate
Provision of Data	Provide data available within organization's capacity to further the planning work of the program
Potential provision of contracted services	MUMPO may be asked to provide staff review of normalized land use data and transportation system maps to ensure consistency with existing MUMPO data. Funds are available within the HUD grant to reimburse additional staff expense related to this activity, and will be provided if needed through a separate contract negotiation and agreement.
Other	Appoint an official organizational representative to the CONNECT Council

AND, be it further resolved, that CCOG agrees to:

1. Recognize MUMPO as a CONNECT Consortium member with full privileges at all Consortium meetings;
2. Include MUMPO in any Consortium activities in which MUMPO desires to engage;
3. Provide MUMPO with access to information and data collected by the Consortium pursuant to this project, provided that such data does not represent proprietary information or trade secrets; and
4. Include MUMPO as a potentially eligible subgrantee or subcontractor for work related to the performance of this project.

Adopted this _____ day of _____, 2011.

MECKLENBURG-UNION MPO:

CCOG:

 Authorized Signature

 Martha Sue Hall, Chairperson

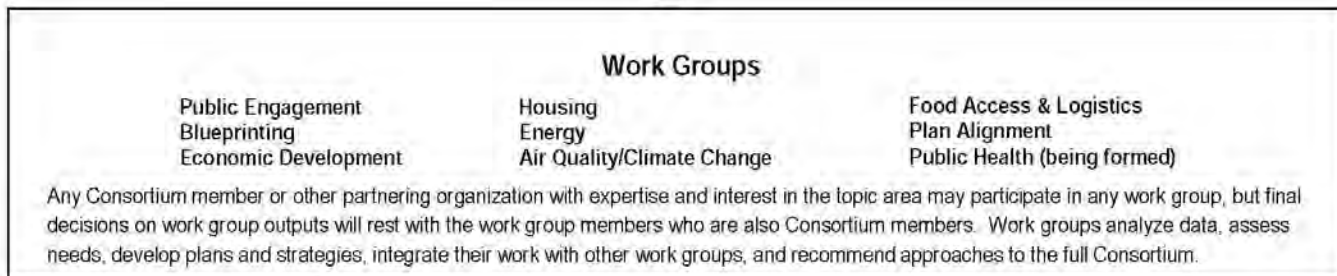
Witness

Jim Prosser, Executive Director

Approved as to Form:

Steve Meckler, CCOG Legal Counsel

Exhibit A: CONNECT Consortium Organizational Structure, Member Roles, and Decision-Making Flow



The chart above describes the roles and information/recommendation flow of the various participants in crafting the Regional Plan for Sustainable Development (RPSD). Final implementation authority, and responsibility for implementation, rests with the actual implementers—local governments, MPOs and RPOs, businesses, non-profit organizations, etc. The final implementers are included in the CONNECT Consortium and its work groups, in which the RPSD is generated. Work groups interact with each other, share information, integrate findings, and align planning strategies both within and apart from Consortium meetings, so that the RPSD is developed as an “aligned plan” as it grows—with one work group specifically charged with that mission. The CONNECT Council provides oversight, quality control, conflict resolution, and may generate plan alignment and project integration functions. CCOG and CRCOG provide project management and oversight, *resolve conflicts related to project management or matters of concern to local governments, and vet through their Executive Boards CONNECT Council and Consortium recommendations that apply to local governments. The RPSD is adopted by the Consortium as a whole, and affirmed by the CONNECT Council. Recommendations to business, academic institutions and non-profits proceed directly to those groups from the Consortium. Strong public engagement of all implementing or affected parties at the regional and local levels, structured project integration, and alignment work from the outset ensure a readily-implementable RPSD.

RESOLUTION

**ADOPTING AMENDMENTS TO THE MECKLENBURG-UNION URBAN AREA
METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM
FOR FY 2012- FY 2018**

A motion was made by _____ and seconded by _____ for the adoption of the resolution and upon being put to a vote was duly adopted.

WHEREAS, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) has reviewed the current FY 2012-FY 2018 Transportation Improvement Program and found the need to amend it; and

WHEREAS, the following amendment to the North Carolina Transportation Improvement Program has been proposed:

WHEREAS, the Technical Coordinating Committee voted to recommend that the MPO approve the TIP amendments; and

WHEREAS, the MPO finds that the proposed amendment conforms to the purpose of the North Carolina State Implementation Plan for maintaining the National Ambient Air Quality Standards in accordance with 40 CFR 51 and 93; and

WHEREAS, the 2035 Long Range Transportation Plan has a planning horizon year of 2035 and meets all requirements of 23 CFR 450.

NOW THEREFORE BE IT RESOLVED by the Mecklenburg-Union Metropolitan Planning Organization that the FY 2012-FY 2018 Metropolitan Transportation Improvement Program for the Mecklenburg-Union Urban Area be amended as listed above on this the 18th day of January, 2012.

I, _____, MUMPO Chairman, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Mecklenburg-Union Metropolitan Planning Organization duly held on the 18th day of January, 2012.

_____, Chairman

Robert W. Cook, Secretary

Proposed 2012-2018 TIP Amendments

January 2012

TIP Number	Project Type	Project Description	Reason for Amendment	Current FFY	Prop FFY	Cost
C-5554	Statewide	Division of Air Quality School Bus Replacement Program-	Replace buses that meet the new heavy duty diesel truck and bus standards	N/A	2012	\$1,775,000
W-5508	Statewide	Highway System Data Collection	Traffic Engineering Branch to participate in 3-year data collection program	N/A	2012-2014	\$1,500,000
C-4957	CMAQ	Construct sidewalks at selected locations in Indian Trail	Delay construction-town needs additional time to acquire ROW	2011	2012	\$1,327,000
C-5226	CMAQ	Grants to Reduce Aging Diesel Engines (GRADE)	County needs additional time to complete planning	2011	2012	\$375,000
E-4954	Greenway	Torrance Creek Greenway-construct multi-use facility	Additional time needed to complete planning	2009	2012	\$250,000
U-4500	Statewide	Urban Economic Development Program	Add construction funds not previously programmed	N/A	2013	\$5,000,000



M E C K L E N B U R G - U N I O N
METROPOLITAN PLANNING ORGANIZATION

600 East Fourth Street
Charlotte, North Carolina 28202-2853
704-336-2205
www.mumpo.org

CHARLOTTE
CORNELIUS
DAVIDSON
HUNTERSVILLE
INDIAN TRAIL
MATTHEWS
MECKLENBURG
COUNTY
MINT HILL
MONROE
NCDOT
PINEVILLE
STALLINGS
UNION
COUNTY
WAXHAW
WEDDINGTON
WESLEY CHAPEL
WINGATE

TO: Technical Coordinating Committee
FROM: Robert W. Cook, AICP
MUMPO Secretary
DATE: December 12, 2011
SUBJECT: **Title VI Compliance**

BACKGROUND

NCDOT's Office of Civil Rights (OCR) has informed the state's MPOs of the need to comply with Title VI of the Civil Rights Act of 1964. Generally speaking, the compliance will take the form of providing assurances that MUMPO will adhere to the aforementioned legislation by not discriminating on the grounds of race, color, sex, age, national origin or disability. In addition, policies and procedures will be established to address discrimination complaints lodged against MUMPO.

Further compliance with OCR requirements will take place with the adoption of the draft limited English proficiency (LEP) plan later this year.

ATTACHMENTS

- Resolution
- Policy Statement
- Assurances
- Complaint Procedures
- Complaint Form
- Complaint Log

REQUESTED ACTION

Recommend to the MPO that it adopt the attached resolution.

**RESOLUTION ADOPTING TITLE VI OF THE CIVIL RIGHTS
ACT OF 1964 POLICIES AND PROCEDURES, TITLE VI
ASSURANCES, AND IMPLEMENTATION CERTIFICATION OF
SAID POLICIES PROCEDURES FOR THE MECKLENBURG-UNION
METROPOLITAN PLANNING ORGANIZATION**

WHEREAS, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) is conducting transportation planning in a continuous, cooperative, and comprehensive manner in accordance with 23 U.S.C. 134 and 49 U.S.C. 1607; and

WHEREAS, MUMPO has found the transportation planning process to be in compliance with Sections 174 and 176 (c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d)); and

WHEREAS, MUMPO has found the transportation planning process to be in full compliance with Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794; and

WHEREAS, MUMPO has considered how the transportation planning process will affect the involvement of Disadvantaged Business Enterprises in the FHWA and the FTA funded planning projects (Section 1003(b) of ISTEA of 1991 (Pub. L. 102-240), Sec. 105(f), Pub. L. 97-424, 96 Stat. 2100, 49 CFR part 23); and

WHEREAS, the MUMPO has considered how the transportation planning process will affect the elderly and the disabled per the provision of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and the U.S. DOT implementing regulations (49 CFR parts 27, 37, and 38); and

WHEREAS, MUMPO is adding, updating and adopting all necessary policies and procedures to satisfy all requirements of Title VI of the Civil Rights Act of 1964 and related Assurances; and

WHEREAS, MUMPO has met all the requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

NOW, THEREFORE BE IT RESOLVED, that the Mecklenburg-Union Metropolitan Planning Organization certifies compliance with policies, procedures and plans with regard to Title VI of the Civil Rights Act of 1964 (as amended) and additional Assurances as required, on this the 18th day of January, 2012.

I, _____, Chairman of the Mecklenburg-Union Metropolitan Planning Organization, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Mecklenburg-Union Metropolitan Planning Organization, duly held on this the 18th day of January, 2012.

_____, Chairman

Robert W. Cook, Secretary

Title VI Policy Statement

It is the policy of the Mecklenburg-Union Metropolitan Planning Organization to ensure that no person shall, on the ground of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

Name
Title

Date

For more information contact:
Robert W. Cook, AICP, Title VI/EO Coordinator
Mecklenburg-Union Metropolitan Planning Organization
600 E. Fourth St.
Charlotte, North Carolina 28202
704-336-2205
rwcook@charlottenc.gov

Título VI Declaración de Política

Es política del Organización de planeamiento metropolitano de Mecklenburg-Union garantizar que ninguna persona, por motivos de raza, color, sexo, edad, origen nacional, o discapacidad, sea excluido de participar en, sea negado los beneficios de, o ser sujeto de otra manera a discriminación bajo cualquier programa o actividad a lo dispuesto en el Título VI del Acta de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987, y cualquier otra relacionada con la no discriminación, derecho civil y las autoridades.

Name
Title

Fecha

Para más información contactar:
Robert W. Cook, AICP
Organización de planeamiento metropolitano de Mecklenburg-Union
600 E. Fourth St.
Charlotte, North Carolina 28202
704-336-2205
rwcook@charlottenc.gov

Mecklenburg-Union MPO Title VI Assurances

The Mecklenburg-Union Metropolitan Planning Organization (hereinafter referred to as MUMPO or the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the North Carolina Department of Transportation and the US Department of Transportation it will comply with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation. Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23 (b) and 21.23 (e) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The Mecklenburg-Union Metropolitan Planning Organization in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Debra D. Campbell
Director, Charlotte-Mecklenburg Planning Department

Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, age, sex, color, disability, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative nondiscrimination on grounds of race, color, or national origin.

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

(5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the MUMPO and/or the North Carolina Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the MUMPO, North Carolina Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the MUMPO to enter into such litigation to protect the interests of the MUMPO, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the NCDOT will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal-Aid for Highways and the policies and procedures prescribed by Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the state of North Carolina all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto state of North Carolina and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of North Carolina, its successors and assigns.

The state of North Carolina, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, age, sex, color, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the state of North Carolina shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits or similar instruments entered into by the North Carolina Department of Transportation pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the {license, lease, permit, etc.} and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the STATE and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the North Carolina Department of Transportation pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, sex, age, color, disability, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, sex, age, color, disability, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, STATE shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the STATE and its assigns.

MECKLENBURG-UNION MPO TITLE VI COMPLAINT PROCEDURES

The complaint procedures outlined herein apply to the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) and other primary recipients and sub-recipients of Federal financial assistance. These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, and other nondiscrimination authorities relating to any program, services, or activities administered by the NCDOT and its sub-recipients (e.g., transit systems, MPOs, universities, and counties), consultants, and contractors. **NOTE:** MUMPO will investigate transit related complaints only on the nondiscrimination basis of race, color, and national origin.

MUMPO will make every effort to obtain early resolution of complaints at the lowest level possible. Complaints of alleged discrimination will be investigated by the appropriate authority. The option of informal mediation meeting(s) between the affected parties and the OCR staff may be utilized for resolution. Upon completion of each investigation, the OCR staff will inform every complainant of all avenues of appeal.

PURPOSE

The purpose of the discrimination complaint procedures is to describe the process used by MUMPO for processing complaints under Title VI of the Civil Rights Act of 1964, related statutes and authorities.

FILING OF COMPLAINTS

1. **Applicability** – The complaint procedures apply to the beneficiaries of the MUMPO's programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint with MUMPO's Title VI/Coordinator. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Title VI complaints may be submitted to the following entities:

- **Mecklenburg-Union MPO**, Title VI/EO Coordinator, 600 E. Fourth Street, Charlotte, NC 28202, 704-336-2205
- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070

Federal Highway Administration, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752

Federal Highway Administration, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010

Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590

Federal Aviation Administration, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258

➤ **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages including Braille.
5. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term "basis" refers to the complainant's membership in a protected group category. Allegations against **transit** entities must be based on issues involving **only** race, color, or national origin.

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Women and Men
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic

Complainant Notification

1. When a complaint is received, the Title VI/EO Coordinator will provide written acknowledgment to the Complainant, within ten (10) business days by registered mail.
2. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent/Release form.
3. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 30 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.

4. Within 15 business days from receipt of a complete complaint, the Title VI/EO Coordinator will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Title VI/EO Coordinator will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of MUMPO's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
5. If the complaint is incomplete, the Complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 15 calendars days to respond to the request for additional information.
6. The Complainant will be notified that MUMPO will attempt to resolve complaints within 180 days after NCDOT has accepted the complaint for investigation.

Proceso de Quejas por Discriminación

INTRODUCCIÓN

Los procedimientos de quejas presentadas en este documento se aplican al NCDOT y otros destinatarios principales y los sub-receptores que reciben ayuda Federal. Estos procedimientos se aplicarán a las quejas por discriminación presentadas en virtud del Título VI del Acta de Derechos Civiles de 1964, Ley de Restauración de Derechos Civiles de 1987, la Sección 504 del Acta de Rehabilitación de 1973, y autoridades de la no discriminación en relación con cualquier otro actividades, programa, o servicios administrados por el NCDOT y sus sub-receptores, (sistemas de tránsito, Organización de Planeación Metropolitana, universidades y condados) consultores y contratistas. El Departamento de Transporte de Carolina del Norte solo Investigará quejas relacionadas con el tránsito, basado en la no discriminación de raza, color y origen nacional.

NCDOT hará todo lo posible para obtener pronta resolución de las quejas en el nivel más bajo posible de administración. Denuncias de presunta discriminación serán investigadas por las autoridades competentes. La opción de reunión(es) de mediación informal entre las partes afectadas y el personal de OCR puede ser utilizada para su resolución. Al término de cada investigación, el personal de la OCR informará a cada demandante todas las vías de recurso.

PROPÓSITO

El propósito de los procedimientos de denuncia por discriminación es describir el proceso utilizado por la NCDOT para tramitar las quejas en virtud del Título VI del Acta de Derechos Civiles de 1964, relacionados con los estatutos y las autoridades.

PRESENTACIÓN DE QUEJAS

1. **Aplicación** – Los procedimientos de queja aplican a los beneficiarios de los programas de la NCDOT, actividades y servicios, incluyendo pero no limitando a la opinión pública, contratistas, subcontratistas, consultores y otros sub-receptores de fondos federales y estatales.
2. **Eligibilidad** – Cualquier persona o grupo de personas que crea haber sido objeto de discriminación o represalia prohibida por alguna de las autoridades de Derechos Civiles, basada en la raza, color, sexo, edad, origen nacional o discapacidad, puede presentar una queja por escrito a la Oficina de Derechos Civiles de la NCDOT. La ley prohíbe la intimidación o represalias de ningún tipo. La denuncia podrá ser presentada por la persona afectada o un representante y debe ser por escrito.
3. **Plazos y opciones de presentación** – La queja debe ser presentada a más tardar 180 días naturales después de lo siguiente:
 - La fecha del supuesto acto de discriminación; o
 - La fecha en que la persona(s) se dió cuenta de la supuesta discriminación; o
 - Cuando ha sido un curso continuo de conducta, la fecha en que dicho comportamiento se interrumpió o en el último ejemplo de dicha conducta.

Título VI las quejas podrán presentarse a las siguientes entidades:

- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070

Federal Highway Administration, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752

Federal Highway Administration, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010

Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590

Federal Aviation Administration, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258

➤ **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. **Formato de Quejas** – Las denuncias deberán ser **por escrito y firmadas** por el denunciante (s) o un representante, e incluir el nombre del autor, dirección y número de teléfono. Las denuncias recibidas por fax o correo electrónico serán confirmadas y procesadas. Las denuncias recibidas por teléfono serán transcritas y proporcionadas al denunciante para la confirmación o su revisión antes de ser procesadas. Quejas serán aceptadas en otros lenguajes, incluyendo Braille.
5. **Fundamento de la Queja**– Las denuncias deberán basarse en cuestiones relacionadas con la raza, color, origen nacional, sexo, edad o discapacidad. El término "fundamento" se refiere a la pertenencia del autor de la queja en una categoría del grupo protegido. Denuncias en contra entidades de tránsito deben basarse solo en cuestiones relacionadas con la raza, color u origen nacional.

Grupo Protegido	Definición	Ejemplos
Raza	Un individuo perteneciente a uno de los grupos raciales aceptados; o la percepción, basada generalmente en las características físicas de que una persona es miembro de un grupo racial.	Afro Americano, Hispano/Latino, Asiático, Indio Americano/Nativo de Alaska, Nativo de Hawai/Islas del Pacífico, Blanco.
Color	Color de piel, incluyendo tono de piel dentro de un grupo racial.	Negro, blanco, moreno claro, moreno oscuro, etc.
Origen Nacional	Lugar de Nacimiento. La ciudadanía no es un factor. La discriminación basada en el idioma o acento de una persona también está cubierta por el origen nacional.	Mexicanos, cubanos, japoneses, vietnamitas, chinos.
Sexo	Género.	Mujer y hombre.
Edad	Personas de cualquier edad.	Personas de 21 años
Discapacidad	Disabilidad física o mental, permanente o temporal, o percibida.	Ciego, alcohólico, para-amputado, epilépticos, diabéticos, artríticos

Complainant Notification

1. Cuando se recibe una queja, el título VI sección proporcionará confirmación escrita al demandante, dentro de diez (10) días hábiles por correo certificado.
2. Si la denuncia es completa y no se necesita ninguna información adicional, el autor se enviará una carta de aceptación, junto con el formulario de la versión/consentimiento del autor.
3. Si una reclamación se considerará incompleta, se le pedirá información adicional, y el autor se proporcionará 30 días para presentar la información requerida. No hacerlo puede considerarse buena causa para una determinación de ningún mérito de investigación.

4. Dentro de 15 días hábiles desde la recepción de una queja completa, la sección de título VI determinará su competencia en la búsqueda de la materia y si la queja tiene mérito suficiente para justificar la investigación. Dentro de los cinco (5) días de la presente decisión, la sección de título VI le notificará el demandante y el demandado, por correo certificado, informándoles de la disposición.
 - a. Si la decisión no es investigar la queja, la notificación indicará específicamente la razón de la decisión.
 - b. Si la denuncia es ser investigado, la notificación indicará los motivos de la jurisdicción de NCDOT, mientras que informar a las partes a que se necesitarán su plena cooperación en la recopilación de información adicional y ayudar al investigador.
5. Si la denuncia es incompleta, se comunicará con el autor de la queja por escrito o por teléfono para obtener la información adicional. El demandante será determinado calendarios de 15 días para responder a la solicitud de información adicional.
6. Se notificará a la organización querellante que NCDOT intentará resolver quejas dentro de 180 días después de NCDOT ha aceptado la queja para investigación.

'O gemgpdwt i / Wpkp 'O RQ DISCRIMINATION COMPLAINT FORM

Last Name:		First Name:			<input type="checkbox"/> Male
					<input type="checkbox"/> Female
Mailing Address:		City	State	Zip	
Home Telephone:	Work Telephone:	E-mail Address			
Identify the Category of Discrimination:					
<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> AGE		
<input type="checkbox"/> RELIGION	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> SEX/GENDER			
Identify the Race of the Complainant					
<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian American		
<input type="checkbox"/> American Indian	<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> Other _____		
Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.					
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons where treated differently from you. (Attached additional page(s), if necessary).					
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.					
Names of individuals responsible for the discriminatory action(s):					
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).					
<u>Name</u>		<u>Address</u>		<u>Telephone</u>	
1. _____		_____		_____	
2. _____		_____		_____	
3. _____		_____		_____	
4. _____		_____		_____	

DISCRIMINATION COMPLAINT FORM

Page 2

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- US Equal Employment Opportunity Commission _____
- Federal Highway Administration _____
- US Department of Transportation _____
- Federal or State Court _____
- Other _____

Have you discussed the complaint with any MUMPO representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:

**Title VI/EO Coordinator
Mecklenburg-Union MPO
600 E. Fourth St.
Charlotte, NC 28202**

704-336-2205

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: FHWA USDOT DOJ Date Referred: _____



M E C K L E N B U R G - U N I O N
METROPOLITAN PLANNING ORGANIZATION

600 East Fourth Street
 Charlotte, North Carolina 28202-2853
 704-336-2205
 www.mumpo.org

CHARLOTTE

CORNELIUS

DAVIDSON

HUNTERSVILLE

INDIAN TRAIL

MATTHEWS

MECKLENBURG
 COUNTY

MINT HILL

MONROE

NCDOT

PINEVILLE

STALLINGS

UNION
 COUNTY

WAXHAW

WEDDINGTON

WESLEY CHAPEL

WINGATE

TO: TCC Members
FROM: Robert W. Cook, AICP
 MUMPO Secretary
DATE: December 15, 2011
SUBJECT: Functional Classification Map Changes

NCDOT has requested that MUMPO approve a revision to the Functional Classification System for the area. The proposed revision affects Martin Luther King, Jr. Boulevard in Monroe and is necessary because of the completion of TIP project U-3412.

Road Name/TIP Project: Martin Luther King, Jr. Boulevard/U-3412

From	To	Current Functional Class	Proposed Functional Class
Charlotte Avenue	Lancaster Avenue (NC 200)	New Construction-Minor Arterial & New Construction-Major Collector	Minor Arterial

Functional classification is the process by which streets and highways are grouped according to the character of service they are intended to provide. It is used primarily for assessing the extent, conditions and performance of the highway system, as a planning tool, for appropriation of funds and to establish jurisdictional responsibility and design criteria.

RESOLUTION ADOPTING A REVISION TO THE FUNCTIONAL CLASSIFICATION SYSTEM FOR MARTIN LUTHER KING, JR. BOULEVARD (TIP U-3412)

WHEREAS, Functional Classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide; and

WHEREAS, classifications are based on whether the area is rural or urban and are grouped into arterials, collectors and local streets; and

WHEREAS, a revision has been proposed for the Functional Classification System in the planning area of the Mecklenburg-Union Metropolitan Planning Organization; and

WHEREAS, the revision is necessary in order to reflect the completion of Martin Luther King, Jr. Boulevard, TIP project U-3412, in Monroe; and

WHEREAS, the revision will result in the current classifications of “New Construction-Minor Arterial” and “New Construction-Major Collector” being changed to “Minor Arterial; and

WHEREAS, the Technical Coordinating Committee has reviewed the proposed revision and has recommended to the Metropolitan Planning Organization that it be approved.

NOW THEREFORE BE IT RESOLVED by the Mecklenburg-Union Metropolitan Planning Organization that it approves the proposed revision to the Functional Classification System for Martin Luther King Jr. Boulevard (TIP project U-3412) in Monroe on this the 18th day of January, 2012.

I, _____, MUMPO Chairman, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Mecklenburg-Union Metropolitan Planning Organization duly held on the 18th day of January, 2012.

_____, Chairman

Robert W. Cook, Secretary

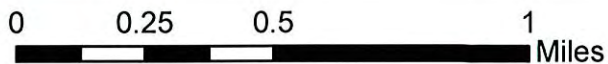
Functional Classification Change SR 2143 in Monroe, Union County (TIP U-3412)

This section is on Both the Charlotte Urbanized & Union County FC Maps

City of Monroe
in Union County

Change from "New Construction" Minor Arterial (within the urbanized area) & "New Construction" Major Collector (within the rural area) to a Minor Arterial (3.3 mi)

Charlotte Urbanized
Boundary



September 29, 2011

