

MEMORANDUM

TO: Brad Richardson
Chair, Charlotte Regional Transportation Planning Organization
Board

FROM: S. Mujeeb Shah-Khan *SM*
Shah-Khan Law, PLLC

SUBJECT: CRTPO Memorandum of Understanding Amendments Needed Due
to PAVE Act

DATE: May 5, 2026

The passage of the Projects for Advancing Vehicle-Infrastructure Enhancements Act (“PAVE Act”) during the 2025 long session of the North Carolina General Assembly, and voter approval of the sales tax referendum in November of 2025, set into place a process where the Metropolitan Transit Commission (“MTC”) would be dissolved and replaced it with the Metropolitan Public Transportation Authority (“MPTA”). The PAVE Act has made revisions to the Memorandum of Understanding and Board Bylaws necessary. The text amendments within both documents are limited to replacing the MTC with the MPTA in relevant portions of both documents. The MPTA will become a voting member of the Board only after the MOU amendment is approved and all MOU signatures from the jurisdictions and the Governor are received. This Memorandum discusses the amendments to the MOU.

WHAT HAPPENS TO THE MTC

The PAVE Act intends for the MTC to be dissolved once the new sales tax is levied, and further requires amendments to the interlocal agreement between the MTPA, Charlotte, Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville that would provide for the termination of the agreement, including the dissolution of the MTC.

The MTPA’s purpose is intended to be:

[T]o finance, provide, operate, and maintain for a safe, clean, reliable, adequate, convenient, energy efficient, economically, and environmentally sound public transportation system for the service area of the authority through the granting of franchises, ownership, and leasing of terminals, buses, and other transportation facilities and equipment, and otherwise through the exercise of the powers and duties conferred upon it, in order to enhance mobility in the region and encourage sound growth patterns.

The MPTA will oversee all public transit within Mecklenburg County, and ends up taking over MTC's role. Since the MTC will no longer exist, the MOU will need to be amended so the governing body for transit issues will have representation on CRTPO. (See PAVE Act Sections 6.4(9) and 6.6.)

However, the PAVE Act does not automatically substitute the MPTA for the MTC. Therefore, it falls to CRTPO to have to amend the MOU to substitute the MPTA as the appointing authority for one seat on the CRTPO Board as well as in other portions of the MOU.

WHAT CHANGES WILL BE NEEDED TO THE MOU?

The following portions of the MOU will need to be amended as indicated (deletions are struck out and additions are underlined):

- Preamble:

MEMORANDUM OF UNDERSTANDING
FOR
COOPERATIVE, COMPREHENSIVE, AND CONTINUING
TRANSPORTATION PLANNING AMONG
THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
THE CITY OF CHARLOTTE, TOWN OF CORNELIUS, TOWN OF
DAVIDSON, TOWN OF FAIRVIEW, TOWN OF HUNTERSVILLE, TOWN
OF INDIAN TRAIL, IREDELL COUNTY, TOWN OF MARSHVILLE,
VILLAGE OF MARVIN, TOWN OF MATTHEWS, MECKLENBURG
COUNTY, TOWN OF MINERAL SPRINGS, TOWN OF MINT HILL, CITY
OF MONROE, TOWN OF MOORESVILLE, TOWN OF PINEVILLE,
TOWN OF STALLINGS, CITY OF STATESVILLE, TOWN OF TROUTMAN,
UNION COUNTY, TOWN OF WAXHAW, TOWN OF WEDDINGTON,
VILLAGE OF WESLEY CHAPEL, TOWN OF WINGATE, ~~and~~ the
METROPOLITAN TRANSIT COMMISSION, and its successor entity, the
METROPOLITAN PUBLIC TRANSPORTATION AUTHORITY,

(hereinafter, the State, the Municipalities, the Counties, ~~and~~ the MTC, and the
MPTA)

- Section I:

SECTION I. It is hereby agreed that the State, the Municipalities, the Counties, ~~and~~ the MTC, and the MPTA, as successor to the MTC, in cooperation with the U.S. Department of Transportation, will participate in a continuing transportation planning process with responsibilities and undertakings as related in the following paragraphs:

A. The Charlotte Regional Transportation Planning Organization, hereinafter referred to as the CRTPO, is hereby established and shall include the State, the Municipalities, the Counties, the MTC, and its successor entity, the MPTA, and the various agencies and units of local, State, and Federal government participating in the transportation planning for the area and listed as a non-voting members in Section I.H below.

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H. The Policy Board shall consist of both voting and non-voting members. The Policy Board shall have a Chairperson and Vice-Chairperson elected in accordance with the CRTPO Bylaws and shall meet in accordance with the Bylaws.

Voting membership: The voting members of the Policy Board shall consist of the Chief Elected Official (or a single representative designated by the Chief Elected Official) of each Municipality and County, as well as two members from the North Carolina Board of Transportation (as specified below) and one member representing the MTC, and its successor entity, the MPTA. The Chief Elected Official of each Municipality and County is strongly encouraged to designate an alternate, in accordance with the rules contained within the CRTPO Bylaws.

Each voting member shall have the indicated number of votes below for its respective governing body or agency for all voting purposes:

Unit	Number of votes
City of Charlotte	31
Town of Cornelius	2
Town of Davidson	1
Town of Fairview	1
Town of Huntersville	3
Town of Indian Trail	2
Iredell County	3
Town of Marshville	1
Village of Marvin	1
Town of Matthews	2
Mecklenburg County	3
Town of Mineral Springs	1
Town of Mint Hill	2
City of Monroe	2
Town of Mooresville	3
Town of Pineville	1
Town of Stallings	1
City of Statesville	2
Town of Troutman	1
Union County	3
Town of Waxhaw	2

Town of Weddington	1
Village of Wesley Chapel	1
Town of Wingate	1
N.C. Board of Transportation (Division 10)	1
N.C. Board of Transportation (Division 12)	1
Metropolitan Transit Commission <u>Metropolitan Public Transportation Authority</u>	1
Total	74

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J. A Technical Coordinating Committee, also referred to herein as the TCC, shall be established with the responsibility for (1) general review, guidance, and coordination of the transportation planning process for the Planning Area; (2) making recommendations to the respective local and State governmental agencies and the Policy Board regarding any necessary actions relating to the continuing transportation planning process; (3) facilitating coordination and communication between the State, the Municipalities, the Counties, the ~~MTC~~ MPTA, and other member agencies of the TCC; (4) facilitating coordination of transportation planning with other planning efforts, such as those concerning land use, public utilities, and maintenance of air quality; and (5) facilitating public involvement and resident participation regarding transportation planning issues. The TCC shall also be responsible for the development, review, and recommendation for approval of the Prospectus, UPWP, Comprehensive Transportation Plan, Transportation Improvement Program, Federal-Aid Urban System and Boundary, and Metropolitan Transportation Plan, and planning resident participation.

- Section II:

SECTION II. The State, the Municipalities, the Counties, and the ~~MTC~~ MPTA may terminate their participation in the continuing transportation planning process and the CRTPO by giving 30 calendar days written notice to the Policy Board Chairperson prior to the date of termination. When annexation occurs and a Municipality’s boundaries extend beyond the Planning Area, the newly expanded boundaries will automatically become part of the Planning Area and will be so designated on the Comprehensive Transportation Plan within 60 calendar days of the annexation. It is further agreed that the State, the Municipalities, the Counties, and the ~~MTC~~ MPTA will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Additionally, the Municipalities and Counties shall coordinate zoning and subdivision approval in accordance with the adopted Comprehensive Transportation Plan.

- Section III:

SECTION III. In witness whereof, the Division Administrator (Federal Highway Administration), on behalf of the United States Department of Transportation, and the Secretary of Transportation, on behalf of the Governor of the State of North Carolina,

have signed this Memorandum of Understanding and the other parties to this Memorandum of Understanding have authorized appropriate officials to sign the same, the City of Charlotte by its Mayor, the Town of Cornelius by its Mayor, the Town of Davidson by its Mayor, the Town of Fairview by its Mayor, the Town of Huntersville by its Mayor, the Town of Indian Trail by its Mayor, Iredell County by the Chair of its Board of Commissioners, the Town of Marshville by its Mayor, the Village of Marvin by its Mayor, the Town of Matthews by its Mayor, Mecklenburg County by the Chair of its Board of Commissioners, the Town of Mineral Springs by its Mayor, the Town of Mint Hill by its Mayor, the City of Monroe by its Mayor, the Town of Mooresville by its Mayor, the Town of Pineville by its Mayor, the Town of Stallings by its Mayor, the City of Statesville by its Mayor, the Town of Troutman by its Mayor, Union County by the Chair of its Board of Commissioners, the Town of Waxhaw by its Mayor, the Town of Weddington by its Mayor, the Village of Wesley Chapel by its Mayor, the Town of Wingate by its Mayor, ~~and~~ the Metropolitan Transit Commission by its Chair, and the Metropolitan Public Transit Authority, by its Chair, as successor to the Metropolitan Transit Commission.

These changes will require a $\frac{3}{4}$ s supermajority to be approved. Each member of CRTPO will need to approve those changes before the changes go into effect. In light of the most recent comprehensive review and amendments to the MOU in 2024, no other changes to the MOU are recommended by Staff.

If you have any questions concerning this Memorandum, or the MOU changes, please feel free to contact me at your convenience.

SMS/ms

cc: Robert Cook, AICP/Division Manager
Neil Burke, AICP PTP, Deputy Director