

**Item Title:** Memorandum of Agreement for Commuter Rail Portion of Major Investment Study

**Specific Action Requested:**

**That the Board of Commissioners approves entering into a Memorandum of Agreement between Durham County, Wake County, Capital Area Metropolitan Planning Organization (CAMPO), and the Research Triangle Regional Public Transportation Authority D/B/A GoTriangle, for the Commuter Rail Portion of the Major Investment Study, subject to terms and conditions acceptable to the County Attorney.**

**Item Summary:**

On September 6, 2016, the Board of Commissioners approved Wake County entering into a Financial Plan Agreement with GoTriangle, Durham County, Orange County, the Capital Area Metropolitan Planning Organization (CAMPO), the Durham Chapel-Hill, Carrboro Metropolitan Planning Organization (DCHC MPO), and the Burlington-Graham Metropolitan Planning Organization. This Financial Plan Agreement set for the scope and content of the area's respective transit plans, and provided that 100 percent of all transit revenues collected on behalf of Durham and Orange counties would remain solely dedicated and segregated for the benefit of the Durham and Orange Transit Plans. Likewise, all transit revenues collected on behalf of Wake County would be segregated and solely dedicated to fund the Wake Transit Plan. The Agreement clarified that to the extent that there are regional transit projects crossing the jurisdictional boundaries of Wake, Durham, or Orange counties, the Agreement clarifies that nothing restricts the parties from entering into Cost Sharing Agreements for the same.

The Wake Transit Plan recommends 37 miles of commuter rail on the North Carolina Rail Road Company corridor from Garner through Raleigh and RTP to Durham to Duke University. Approximately 2/3 of the proposed mileage is in Wake County and a financial partnership with Durham County is assumed. The Wake Transit Plan states that for the first few years, the commuter rail project would be studied to confirm if the project is the most viable approach and that the project is subject to funds from County partners and successful federal funding.

Both the FY 2018 Triangle Tax District Wake Capital Fund Ordinance and the FY 2018 Triangle Tax District Durham-Orange Fund Ordinance appropriates funds to evaluate and recommend high-capacity transit alternatives for the Commuter Rail Project included in the scope of the Major Investment Study (MIS). The MIS is scoped to include not only the first phase of study for the Commuter Rail Project but the first phase of study for the Wake Transit Plan Bus Rapid Transit (BRT) projects. Work included towards the commuter rail project includes such items as the project management plan, development of the concurrence check process, existing conditions, system level standards and policy framework, alternatives, risk assessment, project sponsor identification, and public involvement plan.

The Memorandum of Agreement memorializes the cost share for the cost incurred for the commuter rail portion of the study only. For commuter rail costs related to the MIS, estimated at \$657,000, 67 percent of each approved invoice shall be paid from Wake Transit Plan Revenues and 33 percent shall be paid from Durham Transit Plan Revenues. This is derived from using estimated track miles of total track mileage of 37.4 miles between West Durham to Greenfield Parkway, where 2/3 of the miles are in Wake County and 1/3 are in Durham County.

The Memorandum of Agreement notes that this Cost Share Agreement is only related to the commuter rail project items to be studied as part of the MIS, and that the cost share methodology is only for this cost share agreement. This is to allow future cost share agreements to be developed and methodology to be confirmed from the results of information derived from the MIS.

The Memorandum of Agreement clarifies that as contract administrator and tax district administrator, GoTriangle agrees to provide MIS updates to the TPAC and to the parties within 30 days of a request, and that it will provide on at least a quarterly basis, financial reports showing the progress of the study each quarter and the expenditure of funds associated with the CRT project and the cost share agreement.

The Durham County Board of Commissioners is scheduled to approve this Memorandum of Agreement on October 23, 2017. The Agreement is scheduled to be approved by CAMPO at their Executive Board Meeting and by GoTriangle at their Board of Trustees Meeting, both scheduled on October 25, 2017.

**Attachments:**

1. Draft Memorandum of Agreement