



NC Capital Area Metropolitan Planning Organization

Staff Report

One City Plaza
421 Fayetteville Street
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Raleigh, NC 27601

Agenda Date: 8/6/2020
To: Technical C

Agenda Item:

CAMPO SRTS Program - Data Sharing MOA

Kenneth Withrow, MPO Staff

CAMPO staff addressed the Safe Routes to School (SRTS) Subcommittee at their September 20, 2019 meeting to inform them that the SRTS Program will be working with the Wake County Public School System (WCPSS) to conduct and collect bicycle and pedestrian count data in accordance with Task II-B-11 of the UPWP. During the first quarter of FY 2020, a meeting was held with staff representatives from CAMPO, Wake County Public Schools, and Wake County administration to begin work on data collection and creating a data collection agreement to benefit SRTS projects in NCDOT's SPOT process.

The significant issue concerning the data collection process was that CAMPO is subject to the NC Public Records Statute. The Public Records (PR) Statute defines as a "Public Record" just about any information held by CAMPO in pursuance of its official work. Any requesting party is entitled to inspect and copy a public record. So, if the information provided by WCPSS may not be (arguably) exempted from the NC Public Records Statute and (even if there is a Family Educational Rights and Privacy Act {FERPA} pre-emption), CAMPO can't agree to not disclose or share, if requested. As a result, before suggesting some qualifying language for the agreement, the CAMPO attorney needed to meet with the School System's attorney familiar with the student records privacy issue in order to draft an agreement between the two agencies.

The attorneys for both the Wake County Public School System and the Capital Area MPO have worked to complete an initial draft Memorandum of Agreement (MOA) for data sharing. CAMPO staff provided further details concerning the draft MOA to the CAMPO Safe Routes to School (SRTS) Subcommittee at their July 17, 2020 meeting for their review and approval. Following their review, the CAMPO SRTS Subcommittee approved the MOA with some suggested modifications. The MOA with its suggested modifications was presented to the CAMPO attorney; who forwarded the document to the WCPSS attorney for review and approval. The WCPSS attorney has reviewed and approved the modifications to the MOA. The MOA is being presented to the Executive Board for approval for signature by the Executive Director.

Requested Action: Approve the Memorandum of Agreement for Signature.