

**MEMORANDUM OF UNDERSTANDING
FOR COORDINATION OF REGIONAL TRANSPORTATION AND
AIR QUALITY PLANNING
IN THE RICHMOND AND TRI-CITIES MPOs**

This agreement is made and entered into as of February 26, 2019 by and between the following:

1. Richmond Area Metropolitan Planning Organization (commonly referred to as the Richmond Regional Transportation Planning Organization, hereinafter referred to as the RRTPO);
2. Tri-Cities Area Metropolitan Planning Organization (hereinafter referred to as the TCMPO);
3. Virginia Department of Transportation (hereinafter referred to as VDOT);
4. Department of Rail and Public Transportation (hereinafter referred to as DRPT);
5. Virginia Department of Environmental Quality (hereinafter referred to as DEQ);
6. Metropolitan Richmond Air Quality Committee (hereinafter referred to as MRAQC);
7. GRTC Transit System (hereinafter referred to as GRTC); and
8. Petersburg Area Transit (hereinafter referred to as PAT).

WHEREAS, the RRTPO, TCMPO, VDOT, DRPT, DEQ, MRAQC, GRTC and PAT have made and entered into this agreement on the date noted above, for the purpose of providing for the coordination of regional transportation and air quality planning and programming, as per federal requirements specified in the Code of Federal Regulations (CFR) Title 23, Part 450 Section 450.310(e) and Section 450.314(d) and (e), for those areas within the RRTPO's and the TCMPO's respective metropolitan planning area boundaries; and

WHEREAS, effective May 1, 2002, the Petersburg, Colonial Heights, and Hopewell urbanized area, and the Richmond urbanized area were merged into one urbanized area based on criteria established by the United States Census Bureau for defining urbanized areas; and

WHEREAS, the merging of these two previously separate urbanized areas into one urbanized area required a review with changes needed to the RRTPO's and TCMPO's agreement with VDOT and others for conducting the federal metropolitan transportation planning and programming process in the RRTPO's and TCMPO's respective metropolitan planning areas; and

WHEREAS, as a result of this review, a determination was made that due to the size and complexity of the federal metropolitan transportation planning and programming process, it is necessary to continue to conduct this federal process by both the RRTPO and the TCMPO for their respective metropolitan planning areas; and

WHEREAS, this review resulted in a new agreement (i.e., Memorandum of Understanding) dated June 27, 2006 and signed by representatives for the RRTPO, TCMPO, VDOT, DEQ and MRAQC; and

WHEREAS, federal requirements specified in CFR Section 450.310(e) require the establishment of an official written agreement when there are two or more MPOs within the same urbanized area with clear identification of areas of coordination and the division of transportation planning responsibilities among these MPOs; and

WHEREAS, federal requirements specified in CFR Section 450.314(e) state that if more than one MPO has been designated to serve an urbanized area, and if any part of the urbanized area is a nonattainment or maintenance area, there shall be a written agreement among the MPOs (RRTPO and TCMPO), the state (VDOT, DRPT and VDEQ), the lead

planning organization (MRAQC), and the public transportation operators (GRTC and PAT) describing how the metropolitan transportation planning process will be coordinated to assure the development of consistent metropolitan transportation plans and transportation improvement programs across the metropolitan planning area boundaries; and

WHEREAS, the previous Memorandum of Understanding for coordination of regional transportation and air quality planning in the Richmond and Tri-Cities MPOs (signed June 27, 2006) needs to be revised and updated to include GRTC and PAT; and

WHEREAS, further additions and changes are needed to provide for a clear identification of areas of coordination and the division of transportation planning responsibilities between the RRTPO and the TCMPO along with provisions describing how the metropolitan transportation planning process will be coordinated to assure the development of consistent metropolitan transportation plans and transportation improvement programs across the metropolitan planning area boundaries;

NOW, THEREFORE, BE IT RESOLVED, that this agreement supersedes and replaces the previous Memorandum of Understanding dated June 27, 2006 signed by the authorized representatives for the RRTPO, TCMPO, VDOT, DEQ and MRAQC; and

BE IT FURTHER RESOLVED, that the RRTPO, TCMPO, VDOT, DEQ, DRPT, MRAQC, GRTC and PAT have made and entered into this agreement on the date first noted in this agreement, for the purpose of describing how the metropolitan transportation and air quality planning process will be coordinated in order to assure the development of complementary transportation plans and programs in the RRTPO's and TCMPO's respective metropolitan planning areas, pursuant to 23 CFR Part 450.310(e) and 23 CFR Part 450.314(e).

ARTICLE I – COORDINATION OF TRANSPORTATION PLANNING IN THE EPA DESIGNATED NONATTAINMENT/MAINTENANCE AREA

The RRTPO and the TCMPO are the federally designated metropolitan planning organizations that are charged, along with the Commonwealth of Virginia, with carrying out the metropolitan transportation planning and programming process in their (RRTPO and TCMPO) respective metropolitan planning areas. This includes, but is not limited to the following:

- Development, adoption, updates and amendments to the Metropolitan Transportation Plan (MTP);
- Development, adoption and amendments to the Transportation Improvement Program;
- Development, approval and amendments to the Unified Planning Work Program;
- Review and approval of the air quality conformity analysis conducted (when applicable) for the MTP and Transportation Improvement Program (TIP), and providing a finding that the MTP and TIP are consistent with the air quality goals established by the State Implementation Plan (SIP) for the U.S. Environmental Protection Agency (EPA) designated nonattainment or maintenance area that is within the RRTO's and TCMPO's respective metropolitan planning areas.

Primary staff support for conducting these and other requirements of the metropolitan transportation planning and programming process required by provisions of 23 U.S.C. 134, 23 U.S.C. 150, and 49 U.S.C. 5303, as amended, shall be provided by the staff for the Richmond Regional Planning District Commission (for the RRTPO metropolitan planning area) and by the staff for the Crater Planning District Commission (for the TCMPO metropolitan planning area).

Documentation of cooperation between the RRTPO and the TCMPO shall be included in the RRTPO and the TCMPO Unified Planning Work Programs (UPWP). This documentation

will describe how the metropolitan planning and programming process will be coordinated to assure the development of consistent planning products, including MTPs and TIPs, across the metropolitan planning area (MPA) boundaries, which includes, but is not limited to the following:

- methodology and process for development of base year socioeconomic data and forecasts;
- regional travel demand model development and management, including base and horizon years, type of model (four-step, activity based, etc.) and updates;
- methodology and process for development of revenue forecasts required to meet federal MTP and TIP financial capacity analysis requirements;
- development and reporting of federal metropolitan transportation planning performance measures and targets applicable to the MTP and TIP;
- review and update of procedures and processes used to determine the split of federal-aid transportation program funds (e.g., RSTP, CMAQ, TAP, PL, Section 5303, Section 5310, etc.) that are apportioned by federal transportation agencies for the Richmond Urbanized Area; and
- in the event of action by EPA to designate portions of the RRTPO and the TCMPO MPA as nonattainment for national ambient air quality standards identified in the Clean Air Act, as amended, conduct appropriate reviews and updates to the “Consultation Procedures for the Richmond Ozone Nonattainment Area in Support of the Transportation Conformity Regulations” document and process for meeting air quality conformity analysis requirements.

The RRTPO and TCMPO technical advisory committees shall assure that the development of socioeconomic data and forecasts, and the regional travel demand model used to

forecast travel conditions in the RRTPO and the TCMPO respective MPAs, are commensurate in scope and end product to the complexity of the transportation problems and needs in their respective MPAs.

ARTICLE II – COORDINATION OF AIR QUALITY PLANNING IN THE EPA DESIGNATED NONATTAINMENT/MAINTENANCE AREA

The MRAQC shall serve as the Lead Planning Organization (LPO), which is defined under Section 9 Virginia Code – 5-151-10(c) as the organization certified by the state as being responsible for the preparation of control strategy SIP revisions for nonattainment and maintenance areas under Section 174 of the federal Clean Air Act, as amended, for those areas within the RRTPO and the TCMPO metropolitan planning areas. The organization (MRAQC) includes elected officials of local governments in the affected nonattainment area, and representatives of DEQ, VDOT, DRPT the MPOs for the affected area, and other agencies and organizations that have responsibilities for developing, submitting or implementing any of the SIP revisions. MRAQC is the forum for cooperative air quality planning decision-making.

Section 9 Virginia Administrative Code 5 – 151-70 “Consultation” defines the role of the LPO in the SIP review, development and update process as being responsible for the following:

- developing emissions inventories and budgets;
- developing control strategy SIP revisions and maintenance plans;
- providing a staff liaison to the MPOs for conformity and to be responsive to MPO requests for information and technical guidance; and
- involving the MPOs, VDOT, and DRPT continuously in the process.

Upon being advised by DEQ of the need to reconstitute, update, and/or make appointments to the MRAQC, the RRTPO and TCMPO shall prepare and include appropriate

work task(s) in their respective UPWPs for SIP review, development, and/or update. The DEQ shall provide staff support and/or consultant services for MRAQC. The MRAQC may utilize a special joint ad hoc technical advisory committee composed of members from the RRTPO and the TCMPO technical advisory committee to assist MRAQC in carrying out its duties and responsibilities as described above (i.e., Section 9 Virginia Administrative Code 5-151-70).

ARTICLE III – COORDINATION OF TRANSPORTATION AND AIR QUALITY PLANNING IN THE EPA DESIGNATED NONATTAINMENT/ MAINTENANCE AREA

In accordance with the Interagency Consultation Procedures (see Attachment A) developed pursuant to the transportation conformity rule (40 CFR Parts 51 and 93) for the Richmond Nonattainment/Maintenance Area, VDOT with input from the Interagency Consultation Group shall be responsible for preparing any federally-required conformity analysis and coordinating its review.

The VDOT, RRTPO, TCMPO, GRTC and PAT will consult with the MRAQC and DEQ on any transportation plan or program that may potentially impact the status of the SIP for the EPA designated nonattainment/maintenance area.

The VDOT shall be responsible for preparing the conformity analysis and coordinating its review in accordance with the Interagency Consultation Procedures developed pursuant to the transportation conformity rule (40 CFR Parts 51 and 93) for the EPA designated nonattainment/maintenance area. The RRTPO and the TCMPO shall be responsible for making conformity determinations that their MTPs and TIPs are consistent with the SIP.

The MRAQC, VDOT, RRTPO and TCMPO are mutually responsible for developing and assuring the implementation of any required Transportation Control Measures (TCMs) for the EPA designated nonattainment and/or maintenance area. TCMs adopted in the SIP must be

coordinated with and reflected in the RRTPO and TCMPO MTP and TIP. TCMs requiring funding from federal, state, regional, or local transportation programming and/or implementing agencies will not be included in the SIP without their prior support and commitment by both the RRTPO and TCMPO.

ARTICLE IV – RESOLUTION OF DISPUTES

In order to provide a mechanism for the resolution of potential conflicts in the event a consensus cannot be reached among the participating agencies and organizations involved in the development of transportation and/or air quality plans and programs for the RRTPO and TCMPO metropolitan planning areas, or for the EPA designated nonattainment/maintenance area, the following procedures are established:

1. if the parties involved include only the two MPOs, the Commissioner for the Virginia Department of Transportation shall resolve the issue upon request by one or more of the affected parties;
2. if the parties involved include only the state and the RRTPO and/or the TCMPO, the Secretary of Transportation for the Commonwealth of Virginia shall resolve the issue upon request by one or more of the affected parties;
3. if the parties involved include only the state and the GRTC and/or PAT, the Secretary of Transportation for the Commonwealth of Virginia shall resolve the issue upon request by one or more of the affected parties;
4. if the parties involved include only the state and the MRAQC, the Secretary of Natural Resources for the Commonwealth of Virginia shall resolve the issue upon request by one or more of the affected parties; and

5. If the parties involved include any combination of the above, the Governor of the Commonwealth of Virginia shall resolve the issue upon request by one or more of the affected parties.

ARTICLE V – PERIODIC REVIEW

In order to determine if there is a need for any updates, additions, deletions, or other changes to this Memorandum of Understanding, it will be periodically reviewed. Such reviews will be conducted by staff for the RRTPO, TCMPO, VDOT, DRPT and DEQ. The results of such reviews will be documented as a report prepared by the RRTPO and TCMPO staff and submitted to the RRTPO and TCMPO technical advisory committee and policy board for their review and consideration.

At a minimum, reviews of this Memorandum of Understanding will be conducted based on the following:

- After each decennial census, as part of the process to review the MPO designated urbanized area boundary.
- Upon being notified by EPA that any jurisdiction or portion of the RRTPO and/or TCMPO has been designated as nonattainment for any national ambient air quality standard under the Clean Air Act, as amended.
- Upon action to redesignate the RRTPO and/or TCMPO.
- Following action to amend the RRTPO “Memorandum of Understanding on Metropolitan Transportation Planning Responsibilities for the Richmond Area” and/or the TCMPO “Memorandum of Understanding on Metropolitan Transportation Planning for the Tri-Cities Area”.

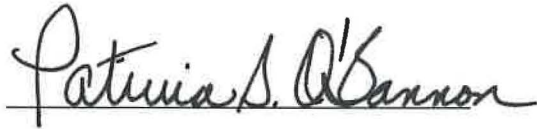
- Upon the request of any agency or organization that is a party to this Memorandum of Understanding.

ARTICLE VI – AMENDMENTS

Amendments to this Memorandum of Understanding may be made by written agreement between all parties to this Memorandum of Understanding.

(Executing signatures on page 11)

IN WITNESS WHEREOF, the parties have executed this MEMORANDUM OF UNDERSTANDING as of this Twenty-sixth day of February, 2019.



Patricia S. O'Bannon
Chairman
Richmond Area Metropolitan
Planning Organization



T. J. Webb
Chairman
Tri-Cities Area Metropolitan
Planning Organization



David K. Paylor
Director
Virginia Department of
Environmental Quality



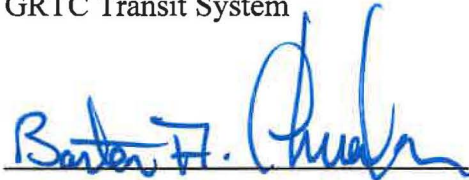
David K. Paylor
Metropolitan Richmond
Air Quality Committee



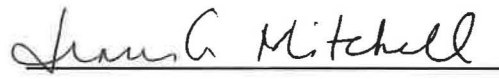
Charles E. Mitchell
Interim Chief Executive Officer
GRTC Transit System



Charles Koonce, Jr.
Transit General Manager
Petersburg Area Transit



Barton A. Thrasher, P.E.
Richmond District Engineer
Virginia Department of
Transportation



Jennifer C. Mitchell
Director
Virginia Department of Rail
and Public Transportation

ATTACHMENT A: Interagency Consultation Procedures