

MEMORANDUM OF UNDERSTANDING ON METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES FOR THE TRI-CITIES AREA

This agreement is made and entered into as of 7/22, 2018 by and between the Commonwealth of Virginia hereinafter referred to as the State, Tri-Cities Area Metropolitan Planning Organization hereinafter referred to as the MPO, Petersburg Area Transit hereinafter referred to as the Public Transportation Provider, and Crater Planning District Commission serving as planning and administrative staff to the MPO, hereinafter referred to as the Staff.

WHEREAS, joint responsibilities must be met for establishing and maintaining a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process as defined and required by the United States Department of Transportation in regulations at *23 CFR 450 Subpart C*;

WHEREAS, the regulations at *23 CFR 450.314(a)* direct that the MPO, State, and Public Transportation Provider(s) responsibilities for carrying out the 3-C process shall be cooperatively determined and clearly identified in a written agreement;

NOW, THEREFORE, it is recognized and agreed that, as the regional transportation planning and programming authority in cooperation with the Staff, the State and Public Transportation Operators, the MPO shall serve as the forum for cooperative development of the transportation planning and programming activities and products for the Richmond area. It is also agreed that the following articles will guide the 3-C process. Amendments to this agreement may be made by written agreement among the parties of this agreement.

Article 1 Planning and Modeling Boundaries

The MPO is responsible as the lead for coordinating transportation planning and programming in the Tri-Cities metropolitan transportation planning area (MPA) that includes the City of Colonial Heights, the City of Hopewell, the City of Petersburg and portions of the urbanized areas of Chesterfield County, Dinwiddie County, and Prince George County. A map providing a visual and itemized description of the current MPA will be included on the MPO website. It is recognized that the scope of the regional study area used with the travel demand model may extend beyond the MPA. The boundaries of the MPA shall be subject to approval of the MPO and the Governor. The MPA shall, at a minimum, cover the portion of the U.S. Bureau of the Census' designated urbanized area for the Tri-Cities region and the contiguous geographic area expected to become

urbanized for the Tri-Cities region within the 20 year long range plan forecast period. The boundaries will be reviewed by the MPO and the State at least after each Census decennial update, to adjust the MPA boundaries as necessary. Planning funds shall be provided to financially support the MPO's planning activities under 23 CFR 450 and 49 CFR 613, and the latest applicable metropolitan planning funding agreement with the State for the metropolitan planning area. All parties to this agreement shall comply with applicable state and federal requirements necessary to carry out the provisions of this agreement.

Article 2 MPO Structure & Committees

Unless otherwise specified the definitions from 23 U.S.C. 101(a), 49 U.S.C 5302 and 23 CFR §450.104 apply in this memorandum of Understanding for Transportation Planning. The State refers to the Commonwealth of Virginia's Secretary of Transportation who oversees agencies that include the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (VDRPT).

The MPO shall consist of, at least, a Policy Committee and a Technical Advisory Committee. The committees shall establish bylaws defining membership rights and obligations, and the parliamentary authority of the MPO. In addition the MPO shall maintain a record of its meetings and actions as part of the stakeholder participation process. The Policy Committee and Technical Advisory Committee each shall be responsible for electing a chairman with other officers elected as deemed appropriate. These committees, and their roles, are described below. Resignation of an MPO is required when an existing MPO proposes to make substantial changes on membership voting, decision making authority, responsibility, or the procedure of the MPO.

(A) The Policy Committee serves as the MPO's board of directors, and is the chief regional authority responsible for cooperative development and approval of the core transportation planning activities and products for the urbanized region including:

- the MPO work plan and budget (the Unified Planning Work Program - UPWP); and
- the performance based Constrained Long Range Transportation Plan (CLRP); and
- the performance-based Transportation Improvement Program (TIP) including all regionally significant projects regardless of their funding source; and
- the adoption of performance measure targets in accord with federal law and regulations that are applicable to the MPO metropolitan planning area; and
- the reporting of targets and performance to be used in tracking progress toward attainment of critical outcomes for the MPO region (450.314); and

- the Congestion Management Program (CMP); and
- the stakeholder Participation Plan

The Policy Committee will consider, analyze as appropriate, and reflect in the planning and programming process the improvement needs and performance of the transportation system, as well as the federal metropolitan planning factors consistent with 23 CFR 450.306. The Policy Committee of the MPO will comply with and certify compliance with applicable federal requirements. The MPO also shall comply with applicable state requirements such as, but not limited to, the Freedom of Information Act requirements which affect public bodies under the Code of Virginia per § 2.2-3700 et sequel.

Voting membership of the Policy Committee shall consist of the following representatives, designated by and representing their respective governments and agencies:

- One representative participating on behalf of the State appointed by the Commonwealth of Virginia Secretary of Transportation;
- One representative of the Crater Planning District Commission;
- One representative of the Public Transportation Provider(s); and
- Locally elected officials representing each County, independent City, Town or other appropriate representation within the metropolitan transportation planning area.

The individual voting representatives may be revised from time to time as designated by the respective government or agency. State elected officials may also serve on the MPO. Nonvoting members may be added or deleted by the Policy Committee as specified in the MPO's Bylaws. Voting and nonvoting designated membership will be identified and updated on the MPO's website with contact information.

(B) The Technical Advisory Committee provides technical review, supervision and assistance in transportation planning and transportation-related air quality planning. Members are responsible for providing, obtaining, and validating the latest official travel and socio-economic planning data and assumptions for the regional study area. Members are to ensure proper use of the data and assumptions by the MPO with appropriate travel forecasting models. Additional and specific responsibilities may be assigned by the Policy Committee. This committee consists of the designated technical staff of the Policy Committee members, plus other interests deemed necessary and approved by the Policy Committee. The designated voting and nonvoting membership of the Technical Advisory Committee will be updated by the Policy Committee, will be identified online with contact information.

(C)Regular Meetings - the Policy Committee and Technical Advisory Committee

shall be responsible for establishing and maintaining a regular meeting schedule to carry out respective responsibilities and to conduct official business. Meeting policies and procedures shall follow regulations set forth in 23 CFR 450.316. The regular meeting schedule of each committee shall be posted on the MPO's website and all meetings shall be open to the public. Per 2.2 § 3701 of the Code of Virginia, any meeting consisting of 3 or more Policy Committee members that regards the business of the public body must be publicly advertised and open to the public.

Article 3 Unified Planning Work Program

Transportation planning activities anticipated within the region during the next one to two years, regardless of funding sources, shall be documented and prepared annually by the Staff and Technical Advisory Committee in accord with 23 CFR 450.308 and reviewed and adopted by the Policy Committee. Prior to the expenditure of any funds, such UPWP shall be subject to the approval of the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the State for funding the activities. Any changes in transportation planning and related activities, regardless of funding source, shall be accomplished by amendments to the UPWP and adoption by the Policy Committee according to the same, full procedure as the initial UPWP.

Article 4 Stakeholder Participation Plan

The Policy Committee shall adopt and maintain a formal, written Stakeholder Participation Plan. The Participation Plan shall comply with the requirements of 23 CFR § 450.316 or its successors and provide reasonable opportunity for involvement with all interested parties in carrying out the metropolitan area's transportation planning and programming process, providing reasonable opportunities for preliminary review and comment especially at key decision points. Initial or revised participation plan procedures shall undergo a minimum 45 day draft public review and comment period. The Participation Plan shall be published and available on the MPO's website. The State may assist, upon request by the MPO and on a case by case basis, in the provision of documents in alternative formats to facilitate the participation of persons with limited English proficiency or visual impairment.

The MPO also shall, to the extent practicable, develop and follow documented process(es) that outline the roles, responsibilities and key points for consulting with adjoining MPOs, other governments and agencies and Indian Tribal or federal public lands regarding other planning activities, and thereby ensure compliance with 23 CFR § 450.316. The process(es) shall identify procedures for circulating or providing ready access to draft documents with supporting materials that reference, summarize or detail key assumptions and facilitate agency consultations, and public review and comment as well as provide an opportunity

for the Policy Committee to consider such comments before formal adoption of a transportation plan or program.

Article 5 Congestion Management Program

Each MPO, in cooperation with the State, shall develop and adopt performance goals and measures for the regional transportation network. As the Tri-Cities metropolitan planning area is a Transportation Management Area (TMA) or contains a portion of a TMA, it is responsible for developing an ongoing congestion management program for monitoring, operating and maintaining the regional transportation network as required by 23 CFR § 450.322. The Tri-Cities MPO shall work with the Richmond MPO in the development of a congestion management process.

Article 6 Air Quality Planning

As applicable, air quality planning shall be governed by the Memorandum of Understanding for Regional Transportation and Air Quality Planning and Coordination, or its subsequent current update.

Article 7 Inclusion and Selection of Project Recommendations

Selection of projects for inclusion into the financially Constrained Long-Range Plan (CLRP)

Recommended transportation investments and strategies to be included in the CLRP shall be determined cooperatively by the MPO, the State, and public Transportation Provider(s). The CLRP shall be updated at least every five years, and address at least a 20 year planning horizon at the time of adoption. Prior to the formal adoption of a final CLRP, the MPO shall provide the public and other interested stakeholders (including any intercity bus operators) with reasonable opportunities for involvement and comment as specified in 23 CFR §450.316 and in accordance with the procedures outlined in the Participation Plan. The MPO shall demonstrate explicit consideration and response to public input received during the development of the CLRP.

Development of the Transportation Improvement Program (TIP)

The financially constrained TIP shall be developed by the MPO with assistance from the State and Public Transportation Provider(s). The TIP shall cover a minimum four year period and shall be updated at least every four years, or more frequently as determined by the State to coincide and be compatible with the Statewide Transportation Improvement development and approval process.

The State shall assist the MPO and Public Transportation Provider(s) in the development of the TIP by: 1) providing the project listing, planned funding and obligations, and 2) working collaboratively to ensure consistency for incorporation into the STIP. The TIP shall include any federally funded projects as well as any

regionally significant projects regardless of funding source. Projects shall be included and programmed in the TIP only if they are consistent with the recommendations in the CLRP. The State and the Public Transportation Provider(s), assisted by the state, shall provide the MPO a list of project, program, or grouped obligations by year and phase for all the State and public transportation projects to facilitate the development of the TIP document. The TIP shall include a demonstration of fiscal constraint and may include additional detail or supporting information provided the minimum requirements are met. The MPO shall demonstrate explicit consideration and response to public input received during the development of the TIP.

Once the TIP is compiled and adopted by the Policy Committee the MPO shall forward the approved TIP, MPO certification, and MPO TIP resolution to the State. After approval by the MPO and the Governor, the State shall incorporate the TIP, without change, into the STIP (as required under 23 CFR §450.328). The incorporation of the TIP into the STIP demonstrates the Governor's approval of the MPO TIP. Once complete, the State shall forward the STIP to FHWA and FTA for review and approval.

The MPO shall develop a prioritized list of projects eligible for funding with federal Congestion Mitigation and Air Quality (CMAQ) funds. Virginia law requires that projects funded, in whole or part, from federal congestion mitigation and air quality improvement funds shall be selected and obligated in accordance with Virginia Acts of Assembly item 427 C 3.

Selected Transportation Alternative Program projects shall be reported by the State to the appropriate MPO for inclusion in the MPO CLRP and TIP.

The selection of projects from the TIP by the MPO, State or Public transportation Provider(s) shall be done in full accordance with 23 CFR § 450.332.

Article 8 Financial Planning and Programming, and Obligations

The State, the MPO and the Public Transportation Provider(s) are responsible for financial planning that demonstrates how metropolitan long -range transportation plans and improvement programs can be implemented consistent with principles for financial constraint. Federal requirements direct that specific provisions be agreed on for cooperatively developing and sharing information for development of financial plans to support the metropolitan transportation plan (23 CFR 450.324) and program (23 CFR 450.326), as well as the development of the annual listing of obligated projects (23 CFR 450.334).

Fiscal Constraint and Financial Forecasts

The CLRP and TIP shall be fiscally constrained pursuant to 23 CFR 450.324 and 450.326 respectively with highway, public transportation and other transportation

project costs inflated to reflect the expected year of expenditure. To support the development of the financial plan for the CLRP, the State shall provide the MPO with a long-range forecast of expected state and federal transportation revenues for the metropolitan planning area. The Public Transportation Provider(s), similarly, shall provide information on the revenues expected for public transportation for the metropolitan planning area. The financial plan shall contain system-level estimates of the costs and the revenue sources reasonably expected to be available to adequately operate and maintain the federal aid highways and public transportation. The MPO shall review the forecast and add any local or private funding sources reasonably expected to be available during the planning horizon. Recommendations on any alternative financing strategies to fund the projects and programs in the transportation plan shall be identified and included in the plan. In the case of new funding sources, strategies for ensuring their availability shall be identified and documented. If a revenue source is subsequently found removed or substantially reduced (*i.e.*, by legislative or administrative actions) the MPO will not act on a full update or amended CLRP and/or TIP that does not reflect the changed revenue situation.

Annual Obligation Report

Within 90 days after the close of the federal fiscal year the State and the Public Transportation Provider(s) shall provide the MPO with information for an Annual Obligation Report (AOR). This report shall contain a listing of the projects for which federal highway or transit funds were obligated in the preceding program year. It shall include all federally funded projects authorized or revised to increase obligations in the preceding program year, and at a minimum include TIP project description and implementing agency information and identify, for each project, the amount of Federal funds requested in the TIP, the Federal funding that was obligated during the preceding year, and the Federal funding remaining and available for subsequent years. The MPO shall publish the AOR in accordance with the MPO's public participation plan criteria for the TIP.

Article 9 Performance-Based Metropolitan Planning Process Responsibilities

The MPO

The MPO, in cooperation with the State and Public Transportation Provider(s), shall establish and use a performance-based approach in carrying out the region's metropolitan transportation planning process consistent with 23 CFR 450.306, and 23 CFR 490. The MPO shall integrate into the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in applicable transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. Chapter 53 by providers of public transportation required as part of a performance-based program. The MPO shall

properly plan, administratively account for and document the MPO's performance based planning activities in the MPO UPWP.

The MPO shall develop, establish and update the federally required transportation performance targets that apply for the MPO metropolitan planning area in coordination with the State(s) and the Public Transportation Provider(s) to the maximum extent practicable. The Policy Committee shall adopt federal targets of the MPO after reasonable opportunity for and consideration of public review and comment, and not later than 180 days after the date on which the relevant State(s) and Public Transportation Provider(s) establish or update the Statewide and Public Transportation Provider(s) performance targets, respectively. No later than 21 days of the MPO deadline for the selection of new or updated targets, for each federally required performance measure, the MPO shall formally notify the state(s) and Public Transportation Provider(s) of whether the MPO: 1) has selected "to contribute toward the accomplishment" of the statewide target selected by the state, or 2) has identified and committed to meet a MPO specific quantitative target for use in the MPO's planning area of Virginia.

In the event that a Virginia MPO chooses to establish a MPO-specific federal highway or transit performance measure quantitative target, then the Virginia MPO shall be responsible for its own performance baseline and outcome analyses, and for the development and submittal of special report(s) to the State for the MPO-specific highway and/or transit performance measure(s). Reports from the Virginia MPOs that choose their own MPO-specific highway or transit target(s) will be due to the State no later than 21 days from the date that the MPO is federally required to establish its performance target for an upcoming performance period. The special report(s) for each new or updated MPO-specific highway target shall be sent from the Virginia MPO to the VDOT Construction District Engineer. The special report(s) for each new or updated MPO-specific transit target shall be sent from the Virginia MPO to the Department of Rail and Public Transportation. The special report(s) shall include summary documentation on the performance analyses calculation methods, baseline conditions, quantitative target(s), and applicable outcome(s) regarding the latest performance period for the MPO-specific performance measure(s). For the Virginia MPOs which agree to plan and program projects "to contribute toward the accomplishment" of each of the statewide performance measure targets, the State will conduct the performance analyses for the MPO's metropolitan planning area in Virginia and provide online summaries for each measure such that no special report to the State will be due from these MPOs.

If a Virginia MPO chooses to contribute to achieving the statewide performance target, the MPO shall, at minimum, refer to the latest performance measure analyses and summary information provided by the State, including information that was compiled and provided by the State on the metropolitan planning area's performance to inform the development of appropriate performance targets. The MPO may use State performance measures information and targets to update the required performance status reports and discussions associated with each MPO

CLRP and/or TIP update or non-administrative modification. The MPO's transportation performance targets, recent performance history and status will be identified and considered by the MPO's Policy Committee in the development of the MPO CLRP with its accompanying systems performance report required per 23 CFR 450.324, as well as in the development of the TIP with its accompanying description of the anticipated effect of the TIP toward achieving the performance targets, linking their TIP investment priorities to the performance targets as required per 23 CFR 450.326. The MPO CLRP and its accompanying systems performance report, and/or the MPO TIP and its accompanying description of the anticipated effect of the TIP, shall directly discuss or reference the latest State performance measure status information available and posted online by the State regarding the metropolitan planning area at the time of the MPO's Technical Committee recommendation of the draft MPO long range plan or draft TIP.

The State

Distinct from the roles of the metropolitan Public Transportation Provider(s) with federal performance measures on transit (transit is the subject of the next section), the State is the lead party responsible for continuous highway travel data measurement and collection. The State shall measure, collect highway data and provide highway field data for use in federal highway related performance measure analyses to inform the development of appropriate federal performance targets and performance status reports. MPO information from MPO-specific data analyses and reports might not be incorporated, referenced or featured in computations in the Virginia statewide performance data analyses or reports. The State shall provide highway analyses for recommending targets and reporting on the latest performance history and status not only on a statewide basis but also on the Virginia portions of each of Virginia's MPO metropolitan planning areas, as applicable. The findings of the State's highway performance analyses will inform the development or update of statewide targets.

Information regarding proposed statewide targets for highway safety and non-safety federal performance measures will be presented to the Commonwealth Transportation Board (CTB) at the CTB's public meetings and related documents, including, but not limited to, presentations and resolutions, will be made publicly available on the CTB website. The MPO and Public Transportation Provider(s) shall ensure that they inform the State of any special data or factors that should be considered by the State in the recommendation and setting of the statewide performance targets.

All statewide highway safety targets and performance reports are annually due from the State to FHWA beginning August 31, 2017 and each year thereafter. The MPO shall report their adopted annual safety performance targets to the State for the next calendar year within 180 days from August 31st each year. The statewide highway non-safety performance two and/or four year targets are due for establishment from the State initially no later than May 20, 2018 for use with the state biennial baseline report that is due by October 1, 2018. The subsequent state

biennial report, a mid-period report for reviews and possible target adjustments, is due by October 1, 2020. Thereafter, State biennial updates are cyclically due by October 1st of even numbered years with a baseline report to be followed in two years by a mid-period report. Using information cooperatively compiled from the MPOs, the State and the Public Transportation Providers, the State shall make publicly available the latest statewide and (each) MPO metropolitan planning area's federally required performance measure targets, and corresponding performance history and status.

The Public Transportation Provider(s)

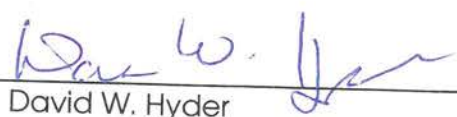
For the metropolitan areas, Public Transportation Providers are the lead agencies responsible for continuous public transit data measurement and collection, establishing and annually updating federal performance measure targets for the metropolitan transit asset management and public transportation agency safety measures under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d), respectively, as well as for updates that report on the public transit performance history and status. The selection of the performance targets that address performance measures described in 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d) shall be coordinated, to the maximum extent practicable, between the MPO, the State and Public Transportation Provider(s) to ensure consistency with the performance targets that Public Transportation Providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d). Information from the Public Transportation Provider(s) on new or updated public transit asset management and safety performance targets, and data-reports on the public transit performance history and status relative to the targets is necessary for use and reference by the affected State(s) and the MPO(s). The Public Transportation Provider(s) that receive federal funds shall annually update and submit their transit asset management targets and data-reports to the FTA's National Transit Database consistent with FTA's deadlines based upon the applicable Public Transportation Provider's fiscal year. The Public Transportation Provider(s) shall notify, and share their information on their targets and data-reports electronically with the affected State(s) and MPO(s) at the time that they share the annual information with FTA, and coordinate, as appropriate, to adequately inform and enable the MPO(s) to establish and/or update metropolitan planning area transit target(s) no later than 180 days thereafter, as required by performance-based planning process.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first written above.




William D. Chavis
Chairman Tri-Cities Metropolitan
Planning Organization

Witness By
Date

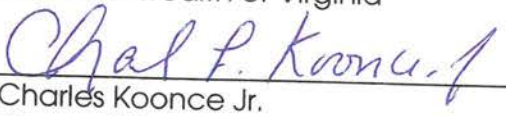


David W. Hyder
June 14, 2018



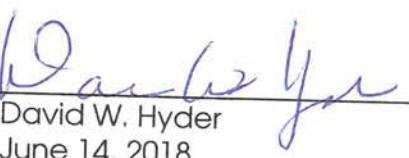
Secretary of Transportation
Commonwealth of Virginia

Witness By
Date

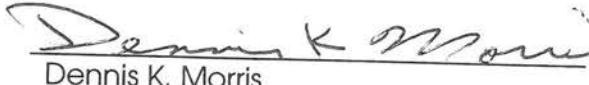


Charles Koonce Jr.
General Manager
Petersburg Area Transit

Witness By
Date

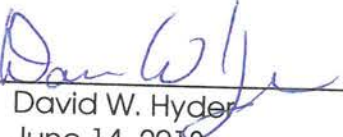


David W. Hyder
June 14, 2018



Dennis K. Morris
Executive Director
Crater Planning District Commission

Witness By
Date



David W. Hyder
June 14, 2018