

ITEM 7 – Action

May 19, 2021

Administrative Update to the 2004 TPB/FAMPO Agreement

Action: Approve Resolution R18-2021 to approve the 2021 TPB-FAMPO MOU and to authorize Chair Allen to execute the agreement on behalf of the TPB.

Background: The board will be asked to approve the update to the TPB/FAMPO Agreement, which is an administrative agreement to more clearly document current practices and procedures that each MPO is responsible for conducting, specifically for the shared urbanized area (a portion of Stafford County).

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

**RESOLUTION TO APPROVE THE 2021 TRANSPORTATION PLANNING BOARD (TPB)-
FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO)
MEMORANDUM OF UNDERSTANDING**

WHEREAS, metropolitan planning organizations (MPOs) are responsible for carrying out a continuing, cooperative, and comprehensive (3-C) planning process for urbanized areas (UZAs) in the United States; and

WHEREAS, the National Capital Region Transportation Planning Board (TPB) is the federally designated MPO for the Washington (DC-MD-VA) urbanized area and has the responsibility under the provisions of the Fixing America's Surface Transportation (FAST) Act for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, as a result of the 2000 Census, the Washington D.C. urbanized area (UZA) extended into the northern portion of Stafford County which is part of the Fredericksburg Area Metropolitan Planning Organization's (FAMPO) metropolitan planning area; and

WHEREAS, a memorandum of understanding (MOU) was established in 2004 between TPB and FAMPO to determine how the metropolitan planning process would be performed for the portion of the Washington UZA that overlaps with the FAMPO planning area (northern portion of Stafford County); and

WHEREAS, the 2019 Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) certification review of the TPB and FAMPO recommended updating this MOU;

WHEREAS, between September 2019 and February 2021, the TPB and FAMPO have worked in cooperation with legal counsel, the Virginia Department of Transportation, Federal Highway Administration, and staff to develop and refine a draft MOU; and

WHEREAS, the TPB Technical Committee has received regular updates on the status of the development of the draft MOU, received the draft MOU on April 2, 2021, and the committee recommended approval by the TPB at its meeting on May 7; and

NOW, THEREFORE, BE IT RESOLVED THAT the National Capital Region Transportation Planning Board hereby approves the 2021 TPB-FAMPO MOU (Attachment 1) and authorizes its Chair to execute the agreement on behalf of the TPB.



MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Fredericksburg MPO Agreement Update
DATE: April 15, 2021

The National Capital Region Transportation Planning Board (TPB) and the Fredericksburg Area Metropolitan Planning Organization (FAMPO) are two adjacent metropolitan planning organizations (MPOs) which have a special relationship as defined in the “2004 Agreement for Cooperatively Conducting the Metropolitan Transportation Planning and Programming Process in the Portion of the Metropolitan Washington Urbanized Area within the Fredericksburg Area Metropolitan Planning Organization’s Boundaries” (2004 TPB/FAMPO MOU). Simply put, FAMPO and the TPB share the federally prescribed responsibilities for conducting the metropolitan transportation planning process for the Washington D.C. Urbanized area, with FAMPO responsible for the urbanized area portion of Stafford County.

The TPB’s metropolitan transportation planning process was reviewed and certified by Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in Spring of 2019. The FHWA and FTA have strongly recommended that the 2004 TPB/FAMPO MOU be updated by June 2020. Since 2019, FAMPO and TPB staff have been coordinating a draft update to the MOU. FAMPO approved a final draft on March 15, 2021 (see attached FAMPO resolution and updated MOU). The TPB is being asked to review and approve the attached MOU that was approved by FAMPO at the TPB meeting on May 19. The agreement is administrative in nature and provides clearer and updated documentation for current practices and procedures that are already in place.

BACKGROUND

The purpose of the 2004 TPB/FAMPO MOU was to identify roles and responsibilities for cooperatively conducting the metropolitan transportation planning and programming process in the FAMPO portion of the Washington D.C. Urbanized Area (UZA). This became necessary when the Washington D.C. UZA (that the TPB conducts the metropolitan planning process for) expanded with the 2000 census into the northern portion of Stafford County. The U.S. Census Bureau defines (or redefines) urbanized areas typically following a decennial census.

At that time, Stafford County had a choice regarding its metropolitan transportation planning process: join the TPB (the designated MPO of the expanded UZA) or remain part of FAMPO with responsibility to conduct some additional metropolitan planning activities. Stafford County expressed a desire to remain part of FAMPO, the MPO for the adjacent Fredericksburg UZA. FAMPO indicated its willingness to accept the additional responsibilities to conduct the metropolitan planning process for the portion of Stafford County found to be contiguous with Washington UZA. TPB responsibilities are slightly different and include more tasks than what FAMPO’s responsibilities are for the rest of its planning area.

Based on discussions with its membership, input from its federal partners, and having determined FAMPO's ability to provide for the planning process for the urbanized portion of Stafford County, the TPB supported the County and FAMPO's request. The MOU outlines these provisions.

2019 FEDERAL CERTIFICATION REVIEW

Every 4 years, large MPOs must be certified by FHWA and FTA. This certification involves a close examination of all products and processes produced and conducted by the MPO to certify if the federal regulations are met. As defined by the 2004 TPB/FAMPO MOU, FAMPO is conducting metropolitan planning for the northern portion of Stafford County that is part of the Washington D.C. UZA. Therefore, FAMPO products and processes were also part of the review.

While the 2004 TPB/FAMPO MOU has been reviewed on a periodic basis through the 4-year certification review cycle in 2006, 2010, and again in 2014, no updates were made. However, the most recent federal transportation authorization (FAST Act) has made changes to MPO requirements, including the addition of a new requirement to provide written provisions on PBPP implementation. Since the 2004 TPB/FAMPO MOU does not reflect these additional requirements, the FHWA and FTA recommended the following be executed by June 4, 2020.

1. The **2004 TPB/FAMPO MOU be updated** to reaffirm and validate the mutually agreed upon roles of each MPO and in consideration of the passage of multi-year Federal surface transportation legislation to ensure that on-going roles and responsibilities are consistent with regional, State, and Federal expectations.
2. The TPB, FAMPO, State, and providers of public transportation, **develop agreed upon specific written provisions** for cooperatively developing and sharing information **related to Performance Based Planning and Programming (PBPP) requirements**, including transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System.

STATUS OF RECOMMENDATIONS

Performance Based Planning and Programming Letter of Agreement

A letter of agreement detailing specific provisions for the TPB and FAMPO to cooperatively develop and share information related to the PBPP requirements was **executed in May 2020**.

2004 TPB/FAMPO MOU Update

Work on an update to the 2004 TPB/FAMPO MOU has proceeded and is now in the final form seeking the TPB's approval.

TPB staff provided a first draft for USDOT, FAMPO staff, FAMPO members and VDOT review. After several iterations, FAMPO and TPB staff agree that this version addresses all of the comments and inputs and best meets the needs of both MPOs, accurately reflects current practices and procedures, and meets the latest federal requirements.

The main changes between the 2004 version and the 2021 version are as follows:

- The preamble was updated to reflect past actions and the justification for having the agreement in place;
- All previous sections in Article 1 that contained reference to the “process” were consolidated into Article 1 Section A “Transportation Management Areas responsibilities and process” and in Article 2;
- Per USDOT recommendation, a new section describing how federal Surface Transportation Block Grant (STBG) Funds and projects are programmed and prioritized by FAMPO (new in Section C “Programming Surface Transportation Block Grant (STBG) Funds” and Section D “Selection of Projects”) has been added;
- Reference to the letter of agreement between FAMPO and TPB for Performance Based Planning and Programming was added; and
- All references to air quality responsibilities have been removed since they no longer apply to FAMPO.

This update is administrative in nature and does not change the coordination process currently in place. Upon execution of this updated MOU, TPB will be in full compliance with the 2019 Federal Certification Review. The FAMPO board approved the attached version of the updated MOU on March 15, 2021 through FAMPO Resolution 21-23. Staff recommends approval of the updated 2021 TPB/FAMPO Agreement at the May 19, 2021 TPB meeting. Upon TPB approval, Chair Allen will sign the MOU and staff will send it back to FAMPO for their final signature to complete the process.



Cindy Shelton
Chair
Ian Ollis
FAMPO Administrator

FAMPO RESOLUTION 21-23

APPROVING THE TRANSPORTATION PLANNING BOARD (TPB)-FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) MEMORANDUM OF UNDERSTANDING

WHEREAS, metropolitan planning organizations (MPOs) are responsible for carrying out a continuing, cooperative, and comprehensive (3-C) planning process for urbanized areas (UZAs) in the United States; and

WHEREAS, the National Capital Region Transportation Planning Board (TPB) serves as the MPO for Washington D.C. UZA; and

WHEREAS, as a result of the 2000 Census, the Washington D.C. UZA extended into the northern portion of Stafford County which is part of FAMPO; and

WHEREAS, a memorandum of understanding (MOU) was established in 2004 between TPB and FAMPO to determine how the metropolitan planning process would be performed for the transportation management area (TMA) in Stafford County; and

WHEREAS, the 2018 Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) certification review recommended updating this MOU;

WHEREAS, between September 2019 and February 2021, FAMPO has worked with legal counsel, VDOT, FHWA, and staff to develop and refine a draft MOU in cooperation with the TPB.

NOW, THEREFORE, BE IT RESOLVED that the Fredericksburg Area Metropolitan Planning Organization hereby approves the TPB-FAMPO MOU (Attachment 1) and authorizes its Chair to execute the agreement on behalf of the Policy Committee.

Adopted by the Policy Committee at its meeting on March 15, 2021.

A handwritten signature in black ink that reads "Cindy Shelton". The signature is written in a cursive style and is positioned above a horizontal line.

Cindy Shelton, Chair
Fredericksburg Area Metropolitan Planning Organization
Policy Committee

Attachment 1 – TPB-FAMPO MOU

**AN AGREEMENT FOR COOPERATIVELY CONDUCTING THE METROPOLITAN
TRANSPORTATION PLANNING AND PROGRAMMING PROCESS IN THE
PORTION OF THE METROPOLITAN WASHINGTON, DC-VA-MD URBANIZED AREA
WITHIN THE FREDERICKSBURG AREA METROPOLITAN PLANNING
ORGANIZATION'S BOUNDARIES**

THIS AGREEMENT, made and entered into as of this _____ day of [Month] 2021 by and between the FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION, hereinafter referred to as FAMPO and the NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD, which is the metropolitan planning organization for Northern Virginia (the jurisdictions contained in Virginia Planning District 8), Washington, D.C. and the suburban Maryland jurisdictions, and hereinafter referred to as the TPB, for the purpose of identifying the roles and responsibilities for cooperatively conducting the metropolitan transportation planning and programming process in the FAMPO portion of the metropolitan Washington, DC--VA--MD Urbanized Area (Washington D.C. UZA).

WHEREAS, 23 U.S.C. 134, 23 U.S.C. 150, and 49 U.S.C. 5303 mandate the establishment of a metropolitan planning organization (“MPO”) in each US Bureau of Census defined “urbanized area” with a population of more than 50,000 individuals and as a condition to the receipt of Federal capital or operating assistance, which shall have a continuing, cooperative and comprehensive transportation (3-C) planning process carried out by a MPO in cooperation with the States and their local jurisdictions that results in plans and programs consistent with the planned development of the “urbanized area” pursuant to the foregoing statutes; and

WHEREAS, since 1965 the TPB has been the designated MPO for the Washington, DC-MD-VA UZA, and FAMPO the designated MPO for the Fredericksburg urbanized area, each with its own and distinct metropolitan planning area (MPA) including the respective urbanized areas and its vicinity, as depicted in figure 1, and have, pursuant with 23 CFR 450, independently executed a federal planning agreement (herein referred to as the 3-C agreement) among the MPO, the State(s), and the providers of public transportation serving the planning area identifying their mutual responsibilities in carrying out the metropolitan transportation planning process; and

WHEREAS, based on US Census since the Washington, DC-MD-VA UZA population exceeded 200,000 it was classified as a Transportation Management Area (TMA) with additional metropolitan planning requirements placed on the TPB, while the Fredericksburg urbanized population, thru the 2010 US Census, was below 200,000 and hence was not designed a TMA and FAMPO had no additional metropolitan planning requirements beyond that of a MPO; and

WHEREAS, the additional responsibilities for a TMA specifically includes responsibilities to have a Congestion Management Process pursuant to 23 U.S.C. 134 and 49 U.S.C. 5303, programming Surface Transportation Program (STP) funds sub-allocated to the TMAs pursuant to 23 U.S.C. section 133, as amended, and a process for selecting projects for receipt of STP funds sub-allocated to a TMA as per 23 C.F.R. 450.332.(c) , as amended; and

WHEREAS, based on the year 2000 census data, the US Bureau of Census updated the urbanized area boundaries and included the northern portion of Stafford County as part of the Washington, DC-MD-VA UZA; and

WHEREAS, the northern portion of Stafford County added to the Washington, DC-MD-VA UZA was of FAMPO's metropolitan planning area (not urbanized area) as depicted in Figure 2; and

WHEREAS, as part of the process of re-evaluation of the MPO planning boundaries after the year 2000 census and as an outcome of discussions between the representatives of the TPB, Commonwealth of Virginia, Maryland, and Washington D.C. transportation department, **Federal Highway Administration (FHWA)**, **Federal Transit Administration (FTA)**, FAMPO and Stafford County held, in 2004; and

WHEREAS, pursuant to provisions of 23 U.S.C. 134, and 49 U.S.C. 5303 and applicable federal regulations and guidance it was collectively agreed to not expand the TPB's planning boundary and instead have the FAMPO continue conducting the metropolitan planning functions for Stafford county with the additional requirement that FAMPO undertake the additional responsibilities TMA applicable to the northern portion of Stafford County that is part the Washington, DC-MD-VA UZA; and

WHEREAS, the parties executed an agreement for cooperatively conducting the metropolitan planning and programming process in the portion of the metropolitan Washington Urbanized area within the FAMPO planning boundary on November 17, 2004 (Attachment A), herein referred to as 2004 TPB-FAMPO agreement; and

WHEREAS, pursuant to provisions of 23 U.S.C. 134, 23 U.S.C. 150, and 49 U.S.C. 5303 and applicable federal regulations, FAMPO has continued to conduct the metropolitan planning process for all of Stafford County, including the additional TMA responsibilities applicable to the northern portion of Stafford County that is part the Washington, DC-MD-VA UZA; and

WHEREAS, the FHWA and FTA MPO certification review process of 2014 and 2018 recommended that the 2004 TPB-FAMPO agreement be updated to reflect, among other things, a description of the additional responsibility for programming Surface Transportation Block Grant (STBG) funds sub-allocated to the TMAs pursuant to 23 U.S.C. section 133, as amended, and a process for selecting projects for receipt of STBG funds sub-allocated to a TMA as per 23 U.S.C. 134, as amended as applicable to the northern Stafford County TMA area; and

WHEREAS, there being, at this time, no change to the metropolitan planning areas of the TPB or the FAMPO and to the arrangement of FAMPO taking additional TMA responsibilities for conducting the metropolitan planning process for the northern Stafford area that is part of the Washington, DC-VA-MD urbanized area; TMA.

NOW, THEREFORE, FAMPO and TPB do hereby agree to the following updated responsibilities:

ARTICLE I

FAMPO AREA TRANSPORTATION PLANNING AND PROGRAMMING PROCESS

- A. Transportation Management Area responsibilities and process: Under federal regulations where an urbanized area has a population greater than 200,000 and is therefore designated a

Transportation Management Area (TMA) by the U.S. Secretary of Transportation, the designated TMA is responsible for meeting additional transportation planning requirements beyond those of Metropolitan Planning Organizations (MPO's) having an urbanized area under 200,000 in population. The Washington, DC-MD-VA UZA exceeds 200,000 in population and the Washington D.C. UZA has been designated a TMA. Because of the action of the U.S. Bureau of the Census in its determinations for the 2010 Census of Population, the Washington, DC-MD-VA UZA extends into the northern portion of Stafford County - a member of FAMPO. The FAMPO Policy Committee has agreed to conduct additional metropolitan planning activities required of a TMA, pursuant to 23 C.F.R § 450 as amended, including those described in sections B, C and D below, for the TMA portion of Stafford County (northern parts of Stafford County as specified in Figure 1 while continuing to provide the general metropolitan transportation planning and programming functions for all of Stafford County pursuant to 23 C.F.R § 450 as amended.

- B. Congestion Management Process: FAMPO shall maintain a Congestion Management Process (CMP) for the northern portion of Stafford County that is included in the Washington, DC-MD-VA UZA, in accordance with applicable federal law and regulation, including 23 C.F.R. § 450.322, as amended. FAMPO will coordinate its development and update activities with the TPB, including those related to federally-required Performance-Based Planning and Programming (PBPP) process under 23.U.S.C. 150.
- C. Programming Surface Transportation Block Grant (STBG) Funds: FAMPO shall develop and adopt a process for programming decisions for the STBG funds attributable to the northern portion of Stafford County that is included in the Washington D.C. UZA, pursuant to federal law and regulations including 23 U.S.C. 134 (K)(4), as amended. FAMPO shall allocate the TMA-attributed STBG funds for the benefit of the TMA, consistent with 23 U.S.C. § 133.d.(2), as amended.
- D. Selection of Projects: FAMPO shall comply with all applicable federal laws and regulations related to its process for selecting projects to receive federal funds. FAMPO shall adhere to a project selection process for the STBG funds that prioritizes projects that are within or directly benefit the TMA, pursuant to 23 U.S.C §134.j.(5), k.(4), as amended.
- E. Unified Planning Work Program: FAMPO will maintain a Unified Planning Work Program (“UPWP”), developed in cooperation with the State and Providers of Public Transportation, that meets the requirements of 23 C.F.R part 450, subpart C. Implementation of the functions, responsibilities, and duties identified in this agreement shall be described specifically in the annual unified planning work program for FAMPO and the TPB.
- F. Performance Based Planning and Programming: Pursuant with 23 U.S.C. 150, 23 C.F.R. 490 and 23.C.F.R. Subpart G 490.703, the TPB and FAMPO are required to establish performance targets for the traffic congestion component of the National Performance Management Measure for Assessing the Congestion Mitigation and Air Quality Improvement Program established for their respective urbanized areas. As noted in earlier sections of this agreement. the Washington, DC-MD-VA UZA is served by two MPOs, the TPB and FAMPO. Federal regulations (23 CFR §450.314(h)), note that when more than one MPO serves an urbanized area, the MPO(s), TPB and FAMPO in this case, State(s) and Providers of Public Transportation “shall jointly agree upon and develop specific written provisions for cooperatively developing and

sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region.” The TPB and FAMPO have jointly developed and executed a letter of agreement for this purpose and it is included as Attachment B.

ARTICLE 2
COORDINATION OF PLANNING ACTIVITIES

TPB and FAMPO will maintain coordinated, cooperative and continuing planning processes. TPB and FAMPO shall coordinate their planning processes and produce and share required planning documents on the same cycle.

Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the TPB, as a TMA, will undergo a joint certification review by the FHWA and FTA. Such a federal review is intended to ensure full compliance with the metropolitan planning requirements for a UZA. Since the TPB and FAMPO are jointly responsible for the metropolitan planning activities of the Washington, DC-MD-VA UZA, TPB and FAMPO will coordinate and participate in the joint federal certification process. The TPB will also participate and assist FAMPO in its certification review process as required.

ARTICLE 3
TIME FRAME OF THE PROCESS

The metropolitan transportation planning and programming process shall be established as a continuing procedure effective the date of the execution of this AGREEMENT by all participants.

ARTICLE 4
TERMINATION

This AGREEMENT shall be terminated upon the occurrence of any of the following:

There ceases to exist a federal or state requirement for this agreement, such as when the responsibilities to conduct the federal metropolitan planning process for the Washington D.C-VA-MD urbanized area is not shared by the TPB and FAMPO, and/or,

The Commonwealth of Virginia or its designee, the FHWA and FTA, the TPB and FAMPO mutually agree to conclude and thereby terminate this agreement.

In the event of termination of this agreement, by the mutual agreement of the FAMPO and the TPB, a written notice of not less than ninety (90) days shall be provided to the other party and to the FHWA and FTA.

ARTICLE 5
AMENDMENTS

Amendments to this AGREEMENT, as mutually agreed to, may only be made by written agreement between the parties of this AGREEMENT and subject to review and approval by FHWA and FTA.

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

Chairman, FAMPO

WITNESSED BY: _____
Administrator, FAMPO
Date: _____

Chairman, NCR-TPB

WITNESSED BY: _____
Director, NCR-TPB
Date: _____

Figure 1 Current Washington D.C.-VA-MD and Fredericksburg Urbanized Areas

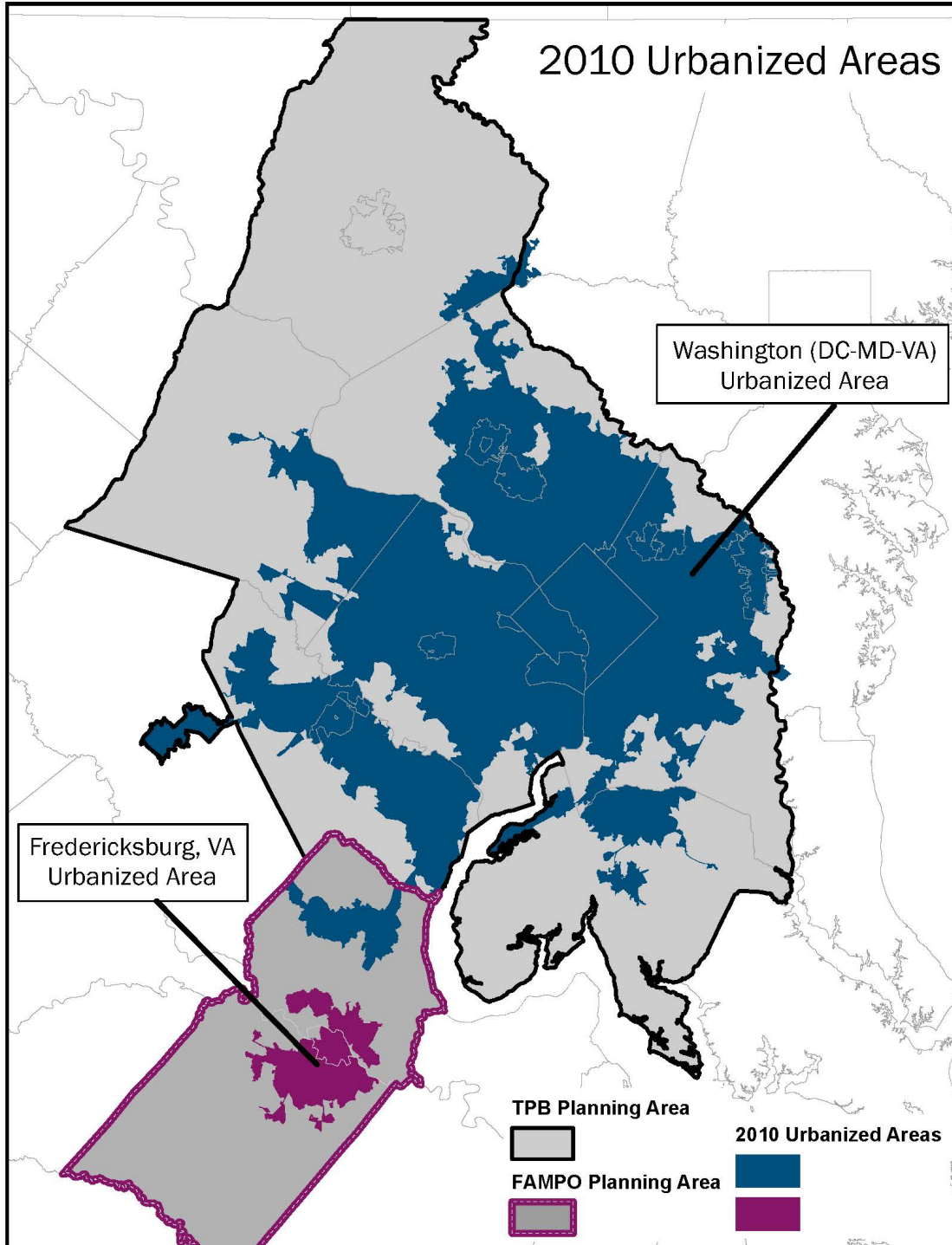


Figure 2 Washington D.C.-VA-MD and Fredericksburg Urbanized Areas - 1990 Vs 2000

