

ITEM 10 - Action
December 19, 2007

Approval of Execution of Memorandum of Understanding (MOU)
Between the TPB, the State DOTs and the Public Transportation
Operators on Metropolitan Transportation Planning Responsibilities for
the National Capital Region

Staff

Recommendation: Receive briefing on the enclosed MOU, and authorize Chair Hudgins to send copies of the MOU to the appropriate official at the state DOTs and public transportation agencies for execution. It is anticipated that all signatures will be received by the January 16 TPB meeting.

Issues: None

Background: At the October 17 meeting, the Board was briefed on a draft memorandum of understanding (MOU) between the TPB, the state DOTs, and the public transportation operators that identifies their responsibilities for carrying out the metropolitan transportation planning process. The October draft MOU has been revised based upon reviews by legal staff of the signatory agencies, the TPB Technical Committee, and the Regional Bus Subcommittee.

**MEMORANDUM OF UNDERSTANDING
ON METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES FOR THE
NATIONAL CAPITAL REGION**

This agreement is made and entered into as of _____ 2008 by and between the National Capital Region Transportation Planning Board (TPB) hereinafter referred to as the **TPB**; the District of Columbia Department of Transportation (DDOT), the Maryland Department of Transportation (MDOT), and the Virginia Department of Transportation (VDOT) hereinafter referred to as the **State DOTs**; and the Commonwealth of Virginia Department of Rail and Public Transportation (DRPT), the Maryland Transit Administration (MTA), the Northern Virginia Transportation Commission (NVTC), and the Washington Metropolitan Area Transit Authority (WMATA) hereinafter collectively referred to as the **Transit Operators**.

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

WHEREAS, the regulations at 23 CFR 450.314 Metropolitan Planning Agreements direct that the metropolitan planning organization (MPO), the States and public transportation operators shall cooperatively determine their mutual responsibilities for carrying out the 3-C process and clearly identify them in a written agreement.

WHEREAS, the regulations at 23 CFR 450.104 define *Public transportation operator* to mean the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak.

WHEREAS, nothing in this MOU shall be construed as limiting or affecting the legal authorities of the parties, or as requiring the parties to perform beyond their respective authorities.

NOW, THEREFORE, the TPB, the State DOTs and the Transit Operators recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region and that their mutual responsibilities for carrying out this process are described in the following eleven articles.

The metropolitan planning activities undertaken by the **TPB** are described in Articles 1 to 11. The planning activities undertaken by the **State DOTs** are described in Articles 3 and 5 through 11, and are coordinated with the state transportation planning processes that are required in regulations at [23 CFR 450 Subpart B--Statewide Transportation Planning and Programming](#).

The planning activities undertaken by the **Transit Operators** are described in Articles 3 and 5 through 10. By participating on the Regional Bus Subcommittee of the TPB Technical Committee, Transit Operators have an opportunity to coordinate bus and other transit planning in the region and to incorporate their plans into the Long-Range Transportation Plan and the Transportation Improvement Program (TIP). Transit Operators provide funding inputs for the TIP based upon each system's annual operating and capital improvement budgets. Transit Operators also provide projections of their system revenues, operating and maintenance costs and major improvement costs for the update of the financially constrained plan based upon each system's operating and capital improvement plans.

Article 1

Scope of the Metropolitan Transportation Planning Process

The TPB, as the metropolitan planning organization (MPO), the State DOTs and the Transit Operators will conduct a metropolitan transportation planning process that is continuous, cooperative, and comprehensive and provide for the consideration of projects, strategies, and services that will address the eight planning factors as specified in [23 CFR 450.306](#): Scope of the Metropolitan Transportation Planning Process. This metropolitan planning process will be carried out in coordination with the three state transportation planning processes that are required in regulations at [23 CFR 450 Subpart B--Statewide Transportation Planning and Programming](#).

Article 2

MPO Structure and Planning Boundaries

The TPB has been designated the MPO for the National Capital Region by the Governors of Maryland and Virginia and the Mayor of the District of Columbia. The TPB is composed of representatives from the 19 cities and counties, including the District of Columbia, that are members of the Metropolitan Washington Council of Governments (COG), the City of Manassas, the St. Charles Urbanized Area of Charles County, the General Assemblies of Maryland and Virginia, the state DOTs and the Washington Metropolitan Area Transit Authority (WMATA). The TPB also has ex officio representatives from the Metropolitan Washington Airports Authority (MWAA), the Federal Highway Administration, the Federal Transit Administration, the National Capital Planning Commission, the National Park Service and private transportation service providers.

The TPB has Bylaws that establish its membership, time and place of meeting, officers, voting procedures, committees, staffing and relationship to the Metropolitan Washington Council of Governments (COG), public participation, and procedures for amendments. On October 30, 2003, the State DOTs and COG executed an agreement specifying the COG

responsibilities for supporting the MPO transportation planning process as described in the annually federally approved Unified Planning Work Program (UPWP).

The TPB has established a Technical Committee to advise and assist it in all aspects of the metropolitan planning process. The Technical Committee is comprised of representatives of all TPB member agencies and governments and interested transportation agencies in the region, and provides opportunities for these representatives to participate regularly in the metropolitan planning process.

The TPB has also established the Regional Bus Subcommittee of the Technical Committee which is comprised of representatives of public transportation operators in the region, including those that operate the regional and local jurisdiction bus systems, Metrorail, and the commuter rail systems. The Regional Bus Subcommittee provides opportunities for public transportation operators to participate regularly in the metropolitan planning process.

Figure 2 on page 8 shows the TPB planning boundary for the National Capital Region and the location of each of the participating local jurisdictions. After each Census, the TPB will review this planning boundary in cooperation with the State DOTs and Public Transit Operators to determine if it meets the minimum statutory requirements for new and updated urbanized areas, and will adjust the boundary as necessary.

Article 3 Unified Planning Work Program

Between January and March each year, the TPB, the state DOTs, the Transit Operators, in cooperation with the local jurisdictions and other TPB members will prepare the Unified Planning Work Program (UPWP) as required under 23 CFR 450.308 : Funding for Transportation Planning and Unified Planning Work Programs, including documenting the metropolitan transportation planning activities anticipated within the region during the next year. In March the TPB will approve the UPWP and submit it to the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the State DOTs for approval and funding. When necessary, the TPB can approve amendments to the UPWP subject to approval by the FHWA and FTA and State DOTs.

Article 4 Participation Plan

The TPB will adopt and use a Participation Plan to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process and to review and comment at key decision points as specified in 23 CFR 450.316: Interested Parties, Participation and Consultation. This plan will be coordinated with the State DOTs' public involvement and consultation transportation planning processes.

Article 5 Transportation Planning Studies and Project Development Process Under the National Environmental Policy Act (NEPA)

The TPB, the State DOTs, or the Transit Operators may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning

process. The development of these studies will involve consultation with, or joint efforts among, the TPB, State DOTs, and Transit Operators. The results or decision of these planning studies may be used as part of the overall project development process consistent with NEPA as specified in [23 CFR 450.318: Transportation Planning Studies and Project Development](#) .

Article 6 Congestion Management Process

The TPB, in cooperation with the State DOTs, the Transit Operators and local officials will develop congestion management objectives and performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of goods and people. The transportation planning process will develop and maintain an ongoing congestion management process for monitoring, operating and maintaining the regional transportation system required by [23 CFR 450.320: Congestion Management Process in Transportation Management Areas](#).

Article 7 Air Quality Transportation Planning

The air quality transportation planning activities for the Washington Metropolitan Region will be described in the annual UPWP. These activities will be designed to ensure that the TPB can make a conformity determination on its annual CLRP and TIP in accordance with the Clean Air Act and the Environmental Protection Agency (EPA) transportation conformity regulations in 40 CFR part 93. The TPB has adopted interagency and public consultation procedures regarding its air quality planning activities which address the preparation of the annual UPWP and the development and amendments to the CLRP and TIP.

Article 8 Update of the Long-Range Transportation Plan and Development of the Transportation Improvement Program (TIP)

The metropolitan transportation planning process is on-going. Each year the TPB will adopt and issue a document to solicit projects and programs to be included in the next year's update of the plan and the next TIP. This document will describe the policy framework and planning priorities that guide project submissions and explain the project submission process and schedule. The State DOTs and Transit Operators will provide their plan and TIP project submission information as requested in this document. In updating the plan, the TPB, with the cooperation of the State DOTs and Transit Operators, will ensure that the plan development process and plan content meet all requirements as specified in [23 CFR 450.322: Development and Content of the Metropolitan Transportation Plan](#). The TPB will approve the updated plan and submit it for information purposes to the State DOTs and FHWA and FTA.

In preparing the new TIP, the TPB, with the cooperation of the State DOTs and Transit Operators, will ensure that the TIP development process and TIP content meet all requirements as specified in [23 CFR 450.324: Development and Content of the Transportation Improvement Program \(TIP\)](#). The TPB will approve the TIP and forward the TIP to the State DOTs for their approval and inclusion in their State Transportation

Improvement Programs (STIP). TIP amendments and administrative modifications will follow the procedures for TIP modifications as adopted by the TPB and as specified in [23 CFR 450.326: TIP Revisions and Relationship to the State Transportation Improvement Program \(STIP\)](#). The selection of projects from the TIP by the TPB, State DOTs, or Transit Operators will be done as specified in [23 CFR 450.330: Project Selection from the TIP](#).

Article 9 Fiscally Constrained Financial Plans for the Long-Range Transportation Plan and TIP

Financial plans are required to be included with the long range transportation plan and TIP that demonstrate the consistency between reasonably available and projected sources of federal, state, local, and private of revenues and the costs of implementing the proposed transportation system improvements. As described in Article 8, the metropolitan transportation planning process is on-going. Each year the TPB will adopt and issue a document to solicit projects and programs to be included in the next year's update of plan and the next TIP. When the plan is amended or updated, the TPB, State DOTs and Transit Operators will cooperatively develop, share, review and adopt estimates of revenues and costs required for the financial plan that demonstrate fiscal constraint for the transportation plan as specified in 23 CFR 450.322(f)(10)). When the TIP is amended, the TPB, State DOTs and Transit Operators will cooperatively develop, share, review and adopt estimates of costs and estimates of funds that are available or committed or reasonably expected to be available that are required for the financial plan that demonstrate fiscal constraint for the TIP as specified in 23 CFR 450.324(h) & (i).

Article 10 Annual Listing of Projects with Federal Funding Obligations

Each year within 90 days after the close of the federal fiscal year, the TPB, State DOTs and Transit Operators will cooperatively develop a listing of projects from the TIP for which federal transportation funds were obligated in the preceding fiscal year. This report will contain the projects and financial information as required in [23 CFR 450.332 Annual Listing of Obligated Projects](#). This report will be made available to the public on the TPB web page.

Article 11 Certification of the Metropolitan Transportation Planning Process

As described in Article 8, the metropolitan transportation planning process is on-going. Each year the TPB will adopt and issue a document to solicit projects and programs to be included in the next year's update of plan and the next TIP. When the TIP is approved, the TPB and State DOTs will certify that the metropolitan planning process for the National Capital Region is being carried out in accordance with all applicable requirements as specified in [23 CFR 450.334 Self-Certification and Federal Certifications](#) and [23 CFR 450.328 TIP Action by the FHWA and the FTA](#).

This Memorandum of Understanding is approved by the respective parties hereto as of the date shown above.

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD

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