

ORIGINAL

FILE

MEMORANDUM OF UNDERSTANDING
FOR THE
IMPLEMENTATION OF THE PERFORMANCE MANAGEMENT PROCESS
BY AND BETWEEN

MORGANTOWN MONONGALIA TRANSPORTATION PLANNING ORGANIZATION AND THE
MONONGALIA URBAN MASS TRANSIT SYSTEM

This Memorandum of Understanding (MOU) is made this 16th Day of May, 2018 by and between the Morgantown Monongalia Transportation Planning Organization doing business as the Morgantown Monongalia MPO hereinafter MPO and the Monongalia Urban Mass Transit System hereinafter Transit, and shall serve as the Metropolitan Planning Agreement (MPA) in accordance with 23 CFR 450.

WITNESS THAT

WHEREAS, pursuant to federal statutes, and as a requirement for obtaining federal transportation funds, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have established regulations requiring each metropolitan area, the States and public transportation to utilize a continuing, cooperative, and comprehensive performance based multimodal transportation planning process to engage the citizenry and support metropolitan community development; and

WHEREAS, federal statute and regulations require that the state and **MPO** have fully coordinated transportation planning processes with a minimum twenty-year planning horizon; and

WHEREAS, the **MPO** is responsible for regional transportation and air quality (if applicable) planning on behalf of its member governments within a geographic area boundary of Monongalia County; and

WHEREAS, pursuant to Title 30, Article 28, C.R.S., as amended, the **MPO** is empowered to make and adopt regional plans for physical development within its geographic area, including transportation plans, nothing in this agreement shall be construed to limit its ability under state and federal law to review and take action on all matters within the scope of its statutory responsibilities, and

WHEREAS, the pertinent federal regulations require an agreement between each MPO, the transit provider(s), that specifies the responsibilities for cooperatively carrying out transportation planning and programming, including activities related to transportation system performance; and

WHEREAS, the Agreement creating the MPO requires the MPO to create a PROSPECTUS to "...document the interagency agreements and describe the respective agency roles and responsibilities" and

WHEREAS, the federal regulations require that the MPO, State DOT, and the public transit provider shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to 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 (NHS) and;

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements pursuant to this MOU, nothing in this MOU shall be construed as limiting or affecting the legal authorities of the parties or shall be construed as requiring the parties to perform beyond their respective authorities; and

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The parties to this agreement are the **MPO**, governed by the Policy Board, and the Transit Agency.

The **MPO** has been designated the MPO policy body for the greater **Morgantown** area consisting of Monongalia County. The MPO is composed of representatives from the cities, County, Board of Education, and public transportation agencies serving the area.

The MPO has Bylaws that establish its membership, time and place of meeting, officers, voting procedures, ethics policies, committees, staffing and public participation procedures, a Prospectus to define the responsibilities of agencies participating in the planning process, and procedures for amendments to its bylaws.

B. APPLICABILITY

This MOU applies to the continuing, cooperative and comprehensive performance based multimodal metropolitan transportation planning and programming process required for the **MPO** by 23 USC Section 134 and 135 and 49 USC 5303, et seq. and 43-1 Part 11, C.R.S., as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet state and regional transportation planning requirements.

C. PURPOSE

This MOU is an agreement by **MPO, and TRANSIT**, to follow the metropolitan transportation planning process within the boundaries of the metropolitan planning area, and to implement applicable statutes and regulations, to ensure that a cooperative transportation planning and programming process is established between the **MPO, and TRANSIT** for the metropolitan planning area. This agreement also documents the agencies agreement to participate in the Performance Management process as outlined in the MPO's agreement with the West Virginia Department of Transportation for Performance Management. Each agencies' responsibilities in that process being defined in the MPO's Prospectus as required by the MPO's July 1, 2003 Agreement with the West Virginia Department of Transportation.

D. PARTICIPANT RESPONSIBILITIES

The MPO, in cooperation with the WVDOT and TRANSIT, is responsible for the metropolitan transportation planning and programming process within the boundaries of the MPO. This responsibility includes preparing and adopting, in a manner consistent with this MOU, all required metropolitan transportation plans (MTPs), transportation improvement programs (TIPs), and documents of the metropolitan transportation planning and programming process.

Roles and Responsibilities of the MPO For Transportation Systems Planning.

The MPO shall:

- (i) produce in consultation with TRANSIT and interested state, local and regional parties a long range, multimodal, financially constrained transportation plan which identifies all

regionally significant proposed facilities and any corridor or subarea studies that may result in such proposed facilities;

- (ii) ensure that corridor and subarea studies include development and analysis of appropriate transit options based on consultation with transit operators;
- (iii) include MCUMTA in technical oversight of corridor and subarea studies;
- (iv) develop and reach consensus on regional forecasts of population, employment, and land use;
- (v) coordinate with appropriate state and local agencies in order to ensure consistency with statewide and national forecasts of population, employment, and land use to assure that travel demand forecasts are consistent so that projects remain eligible for Federal funding;
- (vi) develop transportation models and perform analysis for the region;
- (vii) work with other affected transit operators on the development and use of forecasting models and network representations in order to ensure consistency of models and adequacy for multi-modal analysis;
- (viii) provide a forum for members to identify travel and transit needs, potential concepts for transportation system improvements, and to identify the appropriate processes for advancing concepts; and
- (ix) participate in any evaluation process intended to set priorities for transit projects based on appropriate criteria established collectively by MCUMTA, the MPO and interested state and regional parties which allow for concepts to be identified, defined, screened, and developed in a phased, cost-effective manner that ensures that projects are feasible and meet the needs of the region and the implementing agencies.
- (x) the MPO will work with TRANSIT to develop an annual list of federally funded projects that are obligated for implementation

b. Roles And Responsibilities Of TRANSIT For Transportation Systems Planning.

TRANSIT, while coordinating with appropriate staff of the MPO and member organizations of the MPO, shall:

- (i) provide appropriate transit options for consideration in studies by the MPO of corridors and subareas;
- (ii) participate in technical oversight of studies by the MPO of corridors and subareas;
- (iii) provide technical assistance and data to staff of the MPO and member organizations of the MPO in the development of needs statements, concept definitions, and determinations of physical and operational feasibility;

(iv) perform such studies as are necessary to sustain current operations, comply with federal and state requirements, and ensure integrity of existing operations and services including, but not limited to, operations and capacity studies, market research, customer surveys, definition and development of concepts for transit service and infrastructure improvements and enhancements;

(v) identify transit services and projects which cross the boundaries of the MPO and require planning and forecasting coordination among other MPO's;

(vi) help develop models and methods of transit mode-specific forecasting and operations analysis consistent with regional and state projections;

(vii) apply transit demand models and produce TRANSIT system-wide and project-specific travel demand forecasts;

(viii) develop a staged process for any advancing transit new start capital projects including: (1) identification of purpose and need; (2) development of problem statements; (3) identification of concepts; (4) development of transit concepts; (5) feasibility screening; and (6) identification of steps to advance into the processes for evaluation and rating under the FTA's New Starts program and the National Environmental Policy Act ("NEPA");

(ix) fully involve the MPO in the staged project evaluation process, including all aspects of public outreach, as appropriate;

(x) develop and incorporate into the staged project evaluation process, criteria for transit project evaluation which shall be consistent with FTA New Starts Evaluation, Small Starts Evaluation and Rating Process, transit operational feasibility requirements, and the West Virginia State Plan and Development policies; and

(xi) provide regular briefings to the MPO on any active transit planning.

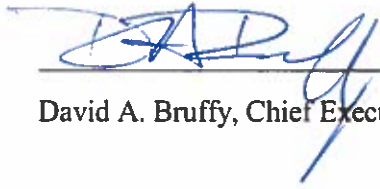
(xii) annually develop a list of obligated projects utilizing federal funds for the MPO's use in required reporting

(xiii) work with the MPO and appropriate state agencies to develop and adopt performance measures as required by Federal regulations

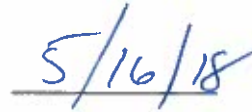
(xiv) provide financial data and forecasts needed for the MPO to develop required financial reports and fiscally constrained transportation plans, transportation improvement programs and or prioritized project lists

The parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of MTPs and TIPs, may change in order to respond to changes in the law, restructuring within their respective organizations, or to reflect prior experience. Any required changes will be fully accommodated through a negotiated process between the agencies which will be documented in the MPO's duly adopted PROSPECTUS.

For the Monongalia County Urban Mass Transit Authority:

A handwritten signature in blue ink, appearing to read "D. Bruffy", written over a horizontal line.

David A. Bruffy, Chief Executive Officer

A handwritten date "5/16/18" in blue ink, written over a horizontal line.

Date

For the Morgantown Monongalia Transportation Planning Organization:

A handwritten signature in blue ink, appearing to read "J. Will B. Austin", written over a horizontal line.A handwritten date "5/23/18" in blue ink, written over a horizontal line.

Date