



243 High Street Room 110  
Morgantown, WV 26505  
(304) 291-9571  
[www.plantgether.org](http://www.plantgether.org)

### **Agenda**

MPO Transportation Technical Advisory Committee Meeting  
Conference Room  
MPO Offices  
Monongalia County  
243 High Street Room 110  
Morgantown WV  
January 9, 2018  
1:30 PM

1. Call To Order
2. Approval of Minutes
3. TIP Amendments
4. Highway Safety Improvement Program Performance Measures
5. Traffic Count Report
6. Beechurst Avenue Study
7. Prospectus Update
8. Draft FY 2018-2019 UPWP
9. Other Business
10. Meeting Adjournment



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### Memorandum

**Date:** January 2, 2018  
**To:** Transportation Technical Advisory Committee Members  
**From:** Bill Austin, AICP  
**Subject:** January 9, 2018 TTAC Meeting Agenda Items

This memorandum is to inform you of the action items for the January 9<sup>th</sup> TTAC Meeting.

#### **TIP Amendments**

The West Virginia Department of Transportation-Division of Highways has requested the following TIP amendments

#### **FY 2018 Add**

**-WV 7 Blacksville-Resurface-Begin (MP 9.17) east of Monongalia County Line for a distance of 2.71 miles to MP 11.88 -Project NHPP0007295D-Total Project Cost \$350,000 Federal Funds \$280,000**

**-WV 705-Resurface-Monongahela Boulevard to Stewartstown Road-Project NHPP0705018D-Total Cost \$2,607,917 Federal Funds \$2,086,334**

**-Boparc Trail Equipment-Equipment Purchase-Project NRT2017162D-Total Cost \$18,000 Federal Funds \$14,400**

**-Deckers Creek Trail Slide Correction Project-Design/Construct-Project NRT2017161D-Total Cost \$45,000 Federal Funds \$36,000**

Mountain Line Transit has requested the following TIP Amendment:

#### **FY 2018 Add**

**-Section 5339-Bus and Bus Facility-Bus Purchase-Total Cost \$140,057 Federal Funds \$104,830 Local Funding \$35,227**

## **TIP Adjustments**

**-I-79 Mylan Park Bridge Approach**-Project NHPP0793269D-Move project to FY 2018

**-Deckers Creek Trail Resurfacing**-Project NRT2012693D-Move project to FY 2018

It is requested that the TTAC recommend approval of the TIP Amendments to the MPO Policy Board, The TIP Adjustments do not require approval by the MPO Committees.

**-Highway Safety Improvement Program Performance Measures**-Federal legislation (MAP 21 and the FAST Act) requires that the States and the MPO's adopt performance measures to ensure that transportation investment is meeting state, local and national goals. The State's and MPO's must report how projects in the Transportation Improvement Program and the Metropolitan Transportation Plan address these goals. Performance management goals for our area are required for the following topics, safety, asset management (transit, bridges, and pavement), freight and National Highway System system operations (reliability). The legislation requires states to develop performance measures for each of these items. MPO's may adopt the state goals or their own goals for each measure within 180 days of the state goal adoption. WVDOT has recently adopted the state safety goals identified in the memorandum sent out with the agenda packet. It is anticipated that the MPO will be working on adopting additional performance measures throughout 2018.

MPO staff is recommending that at least preliminarily the MMMPO adopt the State goals. Further experience with the performance measure requirements is needed to determine if it will be beneficial for the MPO to develop its own performance measures. It is respectfully requested that the TTAC recommend adoption of these performance measures to the MPO Policy Board.

**-Traffic Count Report**-Please find enclosed with the agenda packet the MPO's 2017 Traffic Count report. While there are several count locations that need to be verified, it is requested that the TTAC recommend acceptance of the attached report. MPO staff will be reviewing the locations noted in the report and updating the counts as new information about the counts at those locations is verified.

**-Beechurst Avenue Corridor Study**-With the passage of the "Roads to Prosperity" bond referendum WVDOT has moved several projects forward for quick implementation. This initiative includes the Beechurst Avenue Spot Improvement project. WVDOT is in the process of selecting a consultant to perform a "Preliminary Investigation and Engineering Study" (PIE) for this project. The PIE study will include many of the steps including public involvement that were to be undertaken by the MPO's Corridor Study. Upon learning of the WVDOT initiative the Study Steering Committee recommended that the MPO wind down the Study and pass the traffic modeling and other information including alternatives the Steering Committee considered viable developed for the Corridor Study with the WVDOT's

consultant. Please find attached with the agenda packet a memorandum summarizing the work done by the MPO on this project. It is respectfully requested that the TTAC recommend to the MPO Policy Board that they consider this project closed.

**-Prospectus Update**-Please find included in the agenda packet an updated Prospectus that describes the work the MPO is eligible to perform as well as the members agencies primary and secondary responsibilities. This Prospectus is essentially identical to the previous Prospectus with the following exceptions:

- Changed the name of the MPO's Plan from "Long Range Transportation Plan" to "Metropolitan Transportation Plan" (MTP).

- Updated the MTP Planning Factors the MPO is required to consider in the transportation planning process to match the most recent Federal requirements

- Updated graphics

- Added a Line Item for Performance Planning (Line Item III-C-8)

It is respectfully requested that the TTAC recommend the adoption of the updated Prospectus to the Policy Board.

**-Draft 2018-19 UPWP**-The MPO is solicited idea's for planning projects to be included in the upcoming work program. The draft UPWP included in the Agenda packet reflects the input we have received to date. Aside from normal operations the draft UPWP includes the following initiatives:

- Work with the Bike Board to update the regional bike plan.

- Prepare an operational analysis including recommending improvements to the intersection of Willey Street and Richwood Avenue for the City of Morgantown

- Develop a guidebook for working with the MPO. Several recent contacts with stakeholders have suggested the need for this document.

- As recommended in the MTP develop an ongoing bicycle and pedestrian data collection program building on the work performed for the pedestrian plan update to be performed during the spring and summer of 2018 and the bike plan update to be conducted in the upcoming fiscal year.

This document is to be brought forward for adoption to the Policy Board at the March meeting. We request any comments you may have on the draft document now and prior to the March meeting.



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## MINUTES

MPO Transportation Technical Advisory Committee  
MMMPO Conference Room  
243 High St. Room 110, Morgantown, WV  
Nov 7, 2018, 1:30 PM

### Members Present

Bill Austin, Rich Wood, Brian Carr, Chris Fletcher, Damien Davis, Dave Bruffy, Bill Oliver

### Others Present

John Whitmore, Jing Zhang

### 1. Call to Order

With a quorum present, Mr. Austin called the meeting of the TTAC to order at 1:30 PM. Mr. Austin introduced Mr. Oliver of WVU and asked everyone to introduce themselves.

### 2. Approval of the Minutes

Mr. Austin noted that the minutes of the last meeting were included in the agenda packet. Mr. Fletcher moved to approve the minutes as presented, seconded by Mr. Wood. With no discussion, the motion was unanimously approved.

### 3. Morgantown Industrial Park Access Project Priority

Mr. Austin noted that after sending out the meeting package to TTAC and CAC, MPO staff was contacted by a policy board member who requests that the MPO's tier one designated projects be amended to include the Morgantown Industrial Park Access Project. In order to meet federal guidelines, tier one projects have to be fiscally constrained. Including the Industrial Access project in the tier one category will require removing one or more projects from the current tier one list. Mr. Austin noted that the MPO staff has no recommendation on this issue.

Mr. Bruffy noted that the new interchange on I-79 in the West Ridge was successfully funded by alternative resources. It might be a better approach for the industrial park access project to pursue similar funding mechanism as the West Ridge interchange did. Mr. Wood noted that the industrial park access project is within the boundary of a TIF district. Mr. Fletcher noted that the access project is of tremendous value to local economic development and he has advocated for this project before. His concern is that amending the project as a tier 1 project at this point could undermine the MPO's 5-year planning process. Tier 1 projects should undergo a more comprehensive community involvement process. Mr. Carr agreed and noted that the access project does not have significant impact to the regional transportation system as other Tier 1 projects currently listed in the MPO's Metropolitan Transportation Plan.

The TTAC recommended that the industrial park access project be amended as a Tier 2 project in the MPO's Metropolitan Transportation Plan.

#### **4. MPO Meeting Calendar**

Mr. Austin noted that the draft MMMPO meeting calendar for 2019 is enclosed in the agenda package. Mr. Wood noted that the West Virginia Day of 2019 will be on Thursday, June 20. The Policy Board meeting will be on the same date. Mr. Austin noted that he will move the Policy Board meeting of that month to June 27 to avoid potential conflicts.

#### **5. Discussion of items for FY 2019-2020 Work Program**

Mr. Austin noted that the MPO staff is preparing for the Unified Planning Working Program of FY 2019-2020 and asked TTAC members for items that should be included in the program. Mr. Bruffy noted that the Mountain Line Transit Authority is to develop a transit strategic plan. He suggested the MPO conduct an initial study to identify potential demand for transit services in the region. Mr. Austin noted that the MPO is capable of conducting such a study and he will add this study in the draft UPWP of FY 2019-2020 for review in the January meeting.

#### **5. Update on Status of Bicycle and Pedestrian Study**

Mr. Austin noted that it is anticipated that the Bicycle and Pedestrian Study will continue into the coming fiscal year and be completed by the fall of 2020. The MPO staff will oversee the planning process and participate in certain data collection tasks, such as sidewalk inventory. Mr. Austin noted that the consultants will conduct initial interviews with key stakeholders in December. The MPO is establishing a steering committee for the study, which will include DOH traffic operation staff and WVU facility planners.

#### **7. WV DOH Update**

Mr. Carr noted that the recently started TWLTL project on Mon Blvd should be completed in next few months, if the weather holds. The intersection improvement project on University Ave and Collins Ferry Rd will go for bid in January. Mr. Carr asked if any consultants had contacted the MPO to request traffic data. Mr. Austin noted that the MPO has been communicating with consultants on several projects, including the West Run Rd project, the Van Voorhis Rd project, the Greenbag Rd project, and the Beechurst Rd study.

## **8. Other Business**

Mr. Davis noted that there has been discussion about electric scooters in the city. The city is working with the pedestrian safety board and the bicycle board to identify appropriate approaches to accommodate electric scooter users. Mr. Davis suggested adding this topic in the ped and bike study. Mr. Austin agreed and noted that he will request the consultants to include this topic during their initial interviews with key stakeholders in December.

## **9. Meeting Adjournment**

The meeting adjourned at 2:50 PM.

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# UNIFIED PLANNING WORK PROGRAM

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*DRAFT FISCAL YEAR 2019 – 2020*



**Adopted:**

**Amended:**

Monongalia County Courthouse  
243 High Street Room 110  
Morgantown, WV 26505  
(304) 291-9571 phone  
(304) 291-9573 fax



# DRAFT

## INTRODUCTION

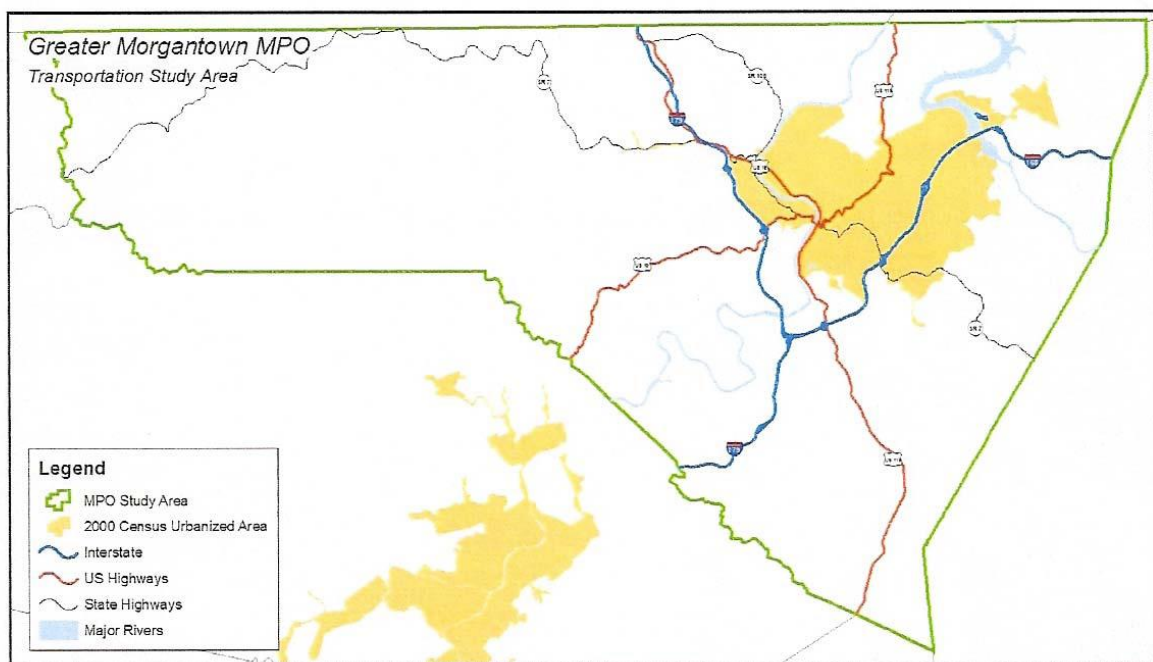
In accordance with Federal Regulations this document outlines the budget for the Morgantown Monongalia MPO for Fiscal Year 2019-2020 which begins July 1, 2019. In addition to identifying the funding sources for work to be performed in the upcoming year it also fulfills the requirement that the MPO provide a summary of the work the MPO has performed in the previous fiscal year.

## STUDY AREA

The Morgantown Monongalia MPO covers Monongalia County including the municipalities of Blacksville, Granville, Morgantown, Star City, and Westover.

The MPO's Policy Board includes representatives from:

1. Monongalia County (pays one half of any local match requirements) - three county commissioners
2. City of Morgantown (pays one half of any local match requirements) - three council members
3. City of Westover — one elected representative
4. Town of Star City — one elected representative
5. Town of Granville — one elected representative
6. Town of Blacksville — one elected representative
7. Mountain Line Transit Authority — one representative
8. Monongalia County Board of Education — one representative
9. West Virginia University — one representative
10. West Virginia Department of Transportation — MPO liaison



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## Accomplishments

During Fiscal Year 2018-2019 the Morgantown Monongalia MPO staff worked with the West Virginia Department of Transportation and the area's local governments to improve transportation in the area. The MPO's efforts were focused on the implementation of the area's 2045 Long Range Transportation Plan and defining the projects identified in that Plan. Please find below a short description of these activities.

The largest undertaking during FY 2018-2019 has been the development of an RFQ and contract for the development of a comprehensive Bicycle and Pedestrian Plan update. This project is an expanded version of the pedestrian plan that was originally proposed in the 2018-2019 UPWP. It was developed in response to much greater community concern about bicycle and pedestrian safety resulting from several incidents. The Plan update is currently underway and it is anticipated that it will be completed in FY 2019-2020.

Other project level work performed by MPO Staff during the FY 2018-2019, included two studies:

The first study was an evaluation of the need for enhanced access to the Morgantown Industrial Park. Work on this study included enhanced traffic counts in the City of Westover and around the industrial park, regional travel demand modeling evaluating the potential network impacts of several alternatives and public involvement. The Study resulted in an amendment of the Metropolitan Transportation Plan to include enhanced access to the Morgantown Industrial Park.

MPO Staff also performed a Study of the intersection of Richwood Avenue and Willey Street as requested by the City of Morgantown. Work performed included enhanced traffic counts in the vicinity of the project, crash data analysis, pedestrian counts, Syncro modeling including warrant analysis of the intersection and the immediate vicinity, public involvement, and report preparation.

In addition to project work MPO staff performed several duties to maintain traffic related databases these databases include an annual traffic count program and an accident database. The 2018 traffic counts were taken in April and October to allow for the development of peak period factors. The accident database was updated using additional data available from the WVDOH.

The MPO has been working to implement Transportation Demand Management programs in coordination with several large employers including WVU, Monongalia General Hospital, NETL, Mylan Pharmaceuticals and WVU Health Services. During FY 2014-2015 MPO staff working with Mountain Lines Mobility Coordinator instituted a coordinated advertising campaign and a redefined incentive package for new van pools. The momentum from this effort continued in FY 2018-2019 when as of this writing two van pools are participating in the van pool program with seven van pools having exhausted their eligibility to receive funding from the MPO's grant. It is our estimation that five of the seven vanpools that completed participation in the MPO's vanpool incentive program are still operating as of this writing.

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MPO Staff worked with WVU Health Policy professional on developing a guidebook to the transportation planning process and how to work with the MPO. Topics to be discussed in the guidebook include the Long Range Planning process, transportation performance measures, MPO operations, and public involvement. The guidebook is aimed at underserved communities.

Other activities undertaken by MPO Staff included coordination with WVDOH on the “Roads to Prosperity Bond initiative Preliminary Investigation and Engineering Studies for projects in our area. These projects are the West Run Widening Project, the Van Voorhis Widening Project, the Greenbag Road Widening Project and the Beechurst Avenue Spot Improvement Project and the I-79 Access Project.

During FY 2018-2019 MPO Staff also assisted Monongalia County, and the City of Morgantown in evaluating the impact of ongoing development on the transportation network as new development is proposed.

MPO Staff continued work begun in 2013-2014 with the other MPO’s across the State to develop an MPO Association to share best practices in transportation planning and to enhance coordination with WVDOT. The MPO Executive Director was the chairman of the WVAMPO in 2018 and he worked to host the Association’s joint Conference with the WV Local Transportation Assistance Program located at WVU. The Conference was held in Morgantown.

Operational initiatives undertaken during FY 2018-2019 included work to implement transportation performance measures as required by the FAST Act. Normal operations included MPO consideration of numerous TIP Amendments by the MPO’s committees. MPO Staff also performed other normal administrative functions including financial management, staff technical support to the Pedestrian and Bicycle Board’s, and other similar tasks.

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## FOCUS FOR FISCAL YEAR 2018-2019

### Local initiatives:

Major initiatives to be under taken this year include:

MPO Staff will work continue the ongoing update of the Urban Area Bicycle and Pedestrian element of the Transportation Plan utilizing Alta and Stantec.

The MPO will assist Mountain Line in developing a new operational plan through funding of a consultant and providing staff assistance as needed. This plan is necessitated by the changes to Mountain Lines route system with the relocation of the depot to Westover.

MPO Staff will continue to work with Health Policy professionals to develop a guidebook to the transportation planning process and how to work with the MPO. The guidebook is aimed at underserved communities.

As recommended in the Metropolitan Transportation Plan, MPO Staff will investigate establishing an ongoing bicycle and pedestrian data collection program. Initial discussions of such a program indicate that collecting this data every two to three years at select locations will be adequate in the beginning of the program. These efforts will build on the Pedestrian Plan Update performed in FY 2017-18 and the ongoing Bicycle and Pedestrian Plan Update being completed in this work program. Staff will work with the MPO's Committee's to determine the appropriate locations and time frame for these efforts.

It is proposed that the MPO hire a part-time employee to expand its public outreach efforts as identified in the MPO's Public Involvement Policy. This staff person is to be responsible for developing a newsletter to be issued at least quarterly, website maintenance, and the MPO's social media presence. This person would also augment MPO staff's other technical skills. It is anticipated that this person would be a full-time employee of either Monongalia County or the MPO whose time would be shared between the agencies.

### Other tasks:

The MPO will continue to update the annual traffic count database with counts taken for the MPO as well as counts taken by other local agencies. The first counts for this database were taken in April of 2011 and April 2012. This database provides the MPO with base data, which may be used to project the future growth of traffic, as well as, to provide decision makers with complete information about the existing conditions in the area. This data will continue to be available to the public at large for use in developing business plans and other marketing efforts and to the area's municipalities so they may evaluate the impact of proposed new development in the area. The traffic counts will be of use to the MPO in assessing the Long Range Transportation Plans model as well as in identifying area's where operational improvements to the road network may be needed. The information will also be useful to the Division of Highways when planning operational improvements to the area's transportation facilities.

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MPO Staff will work to implement the process for monitoring and reporting on the impact of transportation decision making in the TIP and the Metropolitan Transportation Plan on the safety and operational performance of the transportation system in accordance with the requirements of the FAST Act and MAP 21. MPO Staff will continue to provide ongoing administrative functions including scheduling and staff meetings, preparation of minutes and other arrangements for the MPO's standing committee meetings. Staff will continue preparation of Transportation Improvement Program amendments, preparation of the budget, performance of human resource functions and intergovernmental relations and public involvement activities. Staff will also continue to provide technical assistance to area municipalities as well as the Bike Board and the Pedestrian Board. Staff will also review the MPO's Public Involvement Policy and the MPO's Bylaws to determine the need for an update to the provisions of those documents. Staff will also continue to work with the statewide MPO Association on issues common to all of the state's MPOs.

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## BUDGET ITEMS BY MAJOR CATEGORY

The Project codes used in this document refer to the work codes identified in the MPO's Prospectus.

### **II-A Continuing Transportation Planning Activities-Surveillance of Inventory Data**

**II-A-1 Traffic Counts-** MPO will continue the annual traffic count program. The initial program included 58 locations counted in the spring of 2012. As of the 2014 counts the MPO has 74 count locations around the urbanized portion of the County. The data collected includes daily directional traffic volumes, peak period traffic volumes and vehicle classification counts at selected locations. These counts supplement traffic counts taken every three years in the area by the Division of Highways and they will be used both as base data for traffic modeling efforts and as information for decision makers as they consider the impact of proposed development in the area. These counts will be performed by a consultant team already on contract with the State of West Virginia to perform these services. The MPO will also seek to augment these counts by upgrading traffic count technology to have the capability to collect data on both bicycle and pedestrian travel at selected points.

**II-A-4 Traffic Accidents-**MPO Staff will continue to collect, quantify and locate traffic accident data as it becomes available.

**II-A-10 Mapping-** The MPO is using ArcGIS to work with Monongalia County to share data. This work will also include supplementing the County's recently acquired aerial photography with additional data.

### **II-B Long Range Transportation Plan Development**

**II-B-10 Transit Element-** The MPO will update the LRTP Transit Element as required.

**II-B-11 Bicycle and Pedestrian Planning-** MPO staff will develop a coordinated Bicycle Plan for the urban area. This work will build on the Morgantown Bicycle Board's Plan. Work to be performed includes an updated facility database, public involvement and outreach. Staff will also continue work with the established Bicycle Board and the Pedestrian Board, to implement the Countywide Bicycle Plan. As a recognized best practice for MPO's, Staff will incorporate Health Impact Assessments into the MPO's planning products. MPO Staff will also develop an ongoing bicycle and pedestrian count program.

**II-B-13 Collector Street Planning-** MPO Staff will provide support to area municipalities in reviewing proposed development to insure that the proposed collector streets are adequate. Staff will also review proposals to insure that the proposed connection between major arterials and collector streets are consistent with the capacity anticipated in the Long Range Transportation Plan. As a recognized best practice for MPO's, Staff will incorporate Health Impact Assessments into the MPO's planning products.

**II-B-16 Financial Planning-** MPO Staff will continue to work for the development of funding streams for transportation in general and especially for implementing the LRTP.

**II-B-17 Congestion Management Strategies-** MPO staff will review and coordinate with WVDOT/DOH on potential congestion mitigation strategies including ongoing TDM activities. MPO staff will also work with Mountain Line staff on the van pool program. MPO Staff will continue to provide information on

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operational improvements that may assist in the mitigation of congestion including an ongoing study of signalization improvements and the operation of the downtown Morgantown street network being conducted by the State.

## III Administration

### III-A Planning Work Program

MPO staff will monitor the revised Planning Work Program process to insure it is being adequately implemented. Staff will also develop the 2019 Planning Work Program.

### III-B Transportation Improvement Program

MPO staff will update the Transportation Improvement Program and the MPO's TIP Priority List during FY 2018-19. If found to be appropriate for our area, MPO staff will utilize the Federal Highway Administration's INVEST software to evaluate the MPO's project priority list.

### III-C-6 Public Involvement

The MPO will continue to televise Policy Board Meetings. Staff also anticipates increased public involvement activities associated with the TIP, and MTP. MPO Staff will also develop a "Guide to working with the MPO" to facilitate public involvement in the MPO process.

**III-C-7 Private Sector Participation-**The MPO will seek to encourage private sector participation wherever possible with projects as they move forward. This effort will immediately focus on the implementation of the MPO's TDM Project and in freight planning.

**III-C-8 Performance Measures-**MAP 21 and the FAST Act require the States and MPO's to establish and report performance measures to ensure that transportation investments are addressing national, state, and local priorities for safety, air quality, system reliability and transit and highway asset management. The MMMPO will be establishing the performance measures for these facilities during the upcoming fiscal year. These performance measures will need to be reflected in the MPO's Metropolitan Transportation Plan and Transportation Improvement Program no later than 180 days after the establishment of statewide goals by WVDOT. Monitoring progress toward these goals will be an ongoing task.

**III-D-1 Transportation Enhancement Planning-**MPO Staff will provide assistance with enhancement planning activities as requested by area agencies.

**III-D-2 Environmental Coordination-**MPO Staff will work with WVDOH to environmental resource agencies with information on projects proposed in the updated Long Range Transportation Plan to help ensure that environmental concerns are recognized as potential projects move forward to implementation.

**III-D-3 Special Studies-**MPO Staff will conduct an operational study of the intersection of Willey Street and Richwood Avenue from the vicinity of 8<sup>th</sup> Street to the vicinity of the Waterfront Hotel. Work to be performed includes the development of high quality graphics, manual turning movement counts, physical inventory, operational modeling, alternative and plan development.

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**III-D-4 Regional and State Coordination**-Coordinating activities and practices with regional partners.

**III-E Management and Operations** This line item includes normal administrative functions such as the cost of the MPO audit, supplies, insurance and other administrative costs

## Morgantown MMPO Operating Budget FY 2018-19

### Revenues and Expenditures By Major Category Code

	Task Item	Category	Consolidated Fed. Funds	WVDOT	City/County/MPO	Other	Cost Allocation
II-A							
		<b>Inventory of Facilities</b>					
	1	<b>Traffic Counts</b>	12,000	1,500	1,500		\$15,000
	10					\$	
		<b>Mapping</b>	4,000	500	500	-	\$5,000
		<b>Total</b>	<b>16,000</b>	<b>2,000</b>	<b>2,000</b>		<b>\$20,000</b>
II-B	MTP						
						\$	
	6	<b>Community goals</b>	800	100	100	-	\$1,000
	8	<b>Deficiency Analysis</b>	800	100	100		\$1,000
	9	<b>Highway Element</b>	800	100	100		\$1,000
	10	<b>Transit Element</b>	4,000	500	500		\$5,000
						\$	
	11	<b>Bicycle and Ped.</b>	40,000	5,000	5,000	-	\$50,000
						\$	
	13	<b>Collector Street</b>	4,000	500	500	-	\$5,000
	16	<b>Financial Planning</b>	9,600	1,200	1,200		\$12,000
	17	<b>Cong. Mgmt. Strat.</b>	2,400	300	300		\$3,000
		<b>Total</b>	<b>\$62,400</b>	<b>\$7,800</b>	<b>\$7,800</b>		<b>\$78,000</b>
III	Admin.						
	A	<b>Work Program</b>	\$3,200	\$400	\$400		\$4,000
	B	<b>TIP</b>	\$4,800	\$600	\$600		\$6,000
	C-6	<b>Public Involvement</b>	\$36,000	\$4,500	\$4,500		\$45,000
	C-7	<b>Private Sector</b>	\$1,600	\$200	\$200		\$2,000
	C-8	<b>Performance</b>	\$4,800	\$600	\$600		\$6,000
	D-1	<b>Enhancement Plan</b>	\$4,000	\$500	\$500		\$5,000
	D-2	<b>Env. And Pre-TIP</b>	\$8,000	\$1,000	\$1,000		\$10,000
	D-3	<b>Special Studies</b>	\$12,000	\$1,500	\$1,500		\$15,000
	D-4	<b>Regional and State</b>	\$9,600	\$1,200	\$1,200		\$12,000
	E	<b>Management and Ops</b>	\$40,000	\$5,000	\$5,000		\$50,000
		<b>Total</b>	<b>\$124,000</b>	<b>\$15,500</b>	<b>\$15,500</b>		<b>\$155,000</b>
Total All Programs			<b>\$202,400</b>	<b>\$25,300</b>	<b>\$25,300</b>	<b>\$0</b>	<b>\$253,000</b>



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## Morgantown Monongalia MPO Operating Budget FY 2018-19

Cost Allocation Rate Table		
All work performed outside program areas shall be charged at an hourly rate to cover actual expenses. Reimbursement/allocation rates are as follows:		
Position	Hourly Rate	
Executive Director	\$ 56.28	Incl. benefits + Overhead
Planner II	\$ 38.38	Incl. benefits + Overhead
Additional Travel	Monongalia County Rate as adjusted	
Note: The Director and the Planner II are salaried positions. Therefore, all holidays, vacation and sick leave benefits are included in the base wage rate. Hourly rate is calculated using a 2080 hour work year as the base line.		

Line Item Fixed Operating Expenses				
Category	Consolidated Federal Planning Funds	WVDO T	City/County	Total Cost Allocation
<b>Salaries*</b>				
Director	\$ 70,594	\$ 8,824	\$ 8,824	\$88,244
Planner 2	\$ 40,806	\$ 5,100	\$ 5,100	\$51,008
Benefits (see below)	\$ 47,399	\$ 5,924	\$ 5,924	\$59,250
<b>Contract/Cap Expenses</b>				
Contracted Services	\$ 20,000	\$ 2,500	\$ 2,500	\$ 25,000
Consulting Services	\$ 4,000	\$ 500	\$ 500	\$ 5,000
Computer Equipment	\$ 4,000	\$ 500	\$ 500	\$ 5,000
Software	\$ 2,400	\$ 300	\$ 300	\$ 3,000
Public Notices	\$ 2,800	\$ 350	\$ 350	\$ 3,500
<b>Overhead</b>				
Travel & Training	\$ 9,600	\$ 1,200	\$ 1,200	\$ 12,000
Utilities (internet, web site)	\$ 160	\$ 20	\$ 20	\$ 200
Copier lease, supplies, postage	\$ 800	\$ 100	\$ 100	\$ 1,000
<b>Total</b>	<b>\$ 202,560.86</b>	<b>\$25,320</b>	<b>\$ 25,320</b>	<b>\$253,201</b>

2% COLA for Employees

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Employee Benefit Expenditure Detail (Calculated on Total Wages = \$139,252)				
Description	Consolidated Federal Planning Funds	WVDOT	City/County	Total Cost
FICA (6.2%)	\$ 6,906	\$ 863	\$ 863	\$ 8,633
Worker's Compensation (2.3%)	\$ 2,562	\$ 320	\$ 320	\$ 3,202
Medicare (1.45%)	\$ 1,615	\$ 201	\$ 201	\$ 2,019
Retirement (14.0%)	\$ 15,596	\$ 1,949	\$ 1,949	\$ 19,495
Health Insurance (previous years budget)	\$ 18,770	\$ 2,346	\$ 2,346	\$ 23,463
Dental & Vision Insurance (2017 rates+\$500 contingency)	\$ 1,948	\$ 243	\$ 243	\$ 2,435
<b>Total Employee Benefit Package</b>	\$ 47,397	\$ 5,922	\$ 5,922	<b>\$ 59,249</b>
Please note there may be a rounding error				

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## CERTIFICATION

This is to certify that I have reviewed the indirect cost proposal submitted herewith and to the best of my knowledge and belief:

- (1) All Costs included in this proposal dated for the period July 1, 2018 through June 30, 2019 are allowable in accordance with the requirements of the grant(s), contract(s), and agreement(s) to which they apply and which they apply and with the cost principles applicable to those agreements.
- (2) This proposal does not include any costs which are allowable under applicable cost principles, such as (without limitation): Advertising and public relations costs, entertainment costs, fines and penalties, lobbying costs, and defense and prosecution of criminal and civil proceedings.
- (3) All costs included in this proposal are properly allocable to grant(s), contract(s), and agreement(s) on the basis of a beneficial or causal relationship between the expenses incurred and the grant(s), contract(s), and agreement(s) to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently.

I declare under penalty of perjury that the foregoing is true and correct.

Authorized Official: J. William B. Austin  
Executive Director

Signature: \_\_\_\_\_

Organization: MORGANTOWN MONONGALIA METROPOLITAN PLANNING ORGANIZATION

Date: \_\_\_\_\_

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**ASSURANCE CONCERNING NONDISCRIMINATION ON THE  
BASIS OF DISABILITY IN FEDERALLY-ASSISTED PROGRAMS  
AND ACTIVITIES RECEIVING OR BENEFITING FROM  
FEDERAL FINANCIAL ASSISTANCE**

Implementing the Rehabilitation Act of 1973, as amended, and  
the Americans With Disabilities. Act of 1990

(Federal Transit Administration)

Morgantown Monongalia Metropolitan Planning Organization, AGREES THAT, as a condition to the approval or extension of any federal financial assistance from the Federal Transit Administration (FTA) to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research or to participate in or obtain any benefit from any program administered by the FTA, no otherwise qualified person with a disability shall, solely be the reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance administered by the FTA or any entity within the United States Department of Transportation (DOT).

Specifically, the Recipient **GIVES ASSURANCE** that it will conduct any program or operate any facility so assisted in compliance with all applicable requirements imposed by DOT regulations implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (and any subsequent amendments thereto) set forth at 49 FA Parts 27, 37, and 38, as well as all applicable regulations and directives issued pursuant thereto by other federal departments or agencies.

Executed this    day of May , 2018

BY: \_\_\_\_\_  
J. William B. Austin  
Executive Director

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## FEDERAL TRANSIT ADMINISTRATION CIVIL RIGHTS ASSURANCE

The **MORGANTOWN MONONGALIA METROPOLITAN PLANNING ORGANIZATION** HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Administration Act, as amended, it will ensure that:

1. No Person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The MORGANTOWN MONONGALIA METROPOLITAN PLANNING ORGANIZATION will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The MORGANTOWN MONONGALIA METROPOLITAN PLANNING ORGANIZATION will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.
4. A standard DOT Title VI Assurance, signed and dated March, 1978 has been filed with the state.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

J. WILLIAM B. AUSTIN

DATE: May , 2018

EXECUTIVE DIRECTOR

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SIGNATURE OF AUTHORIZED OFFICER

If any complaints of civil rights violations have been received during the last 12 months, a description of the complaints and their disposition or proposed disposition should be attached. (Further information may be requested, if needed.)

## NONDISCRIMINATION ASSURANCE

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex or age and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of the Title VI of the Civil Rights Act, “49

CFR part 21 at 21.7, the Morgantown Monongalia Metropolitan Planning Organization assures that it will comply with all requirements of 49 CFR part 21; FTA Circular 4702.1, “Title VI program Guidelines for Federal Transit Administration Recipients”, and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FTA as follows:

- 1.) The applicant assures that each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project.
- 2.) The applicant assures that it will take appropriate action to ensure that any transferee receiving property financed with Federal assistance derived from FTA will comply with the applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21.
- 3.) The Applicant assures that it will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FTA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements.
- 4.) The Applicant assures that it will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FTA may request.
- 5.) As required by 49 CFR 21.7(a)(2), the Applicant will include in each third party contract or sub agreement provisions to invoke the requirements of 49 U.S.C. 5332 and 49 CFR part 21, and include provisions to those requirements in deeds and instruments recording the transfer of real property, structures, improvements.

To implement the Equal Employment Provisions of the Americans with Disabilities Act,” (29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.



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- (iv) The Applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the U.S. Department of Transportation, to the end that, in accordance with Title VI of the Act, no persons in the United States shall, on the grounds of race, color, creed, national origin, sex or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant received Federal financial assistance from the Department under Federal Transit Administration Programs; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department under Federal Transit Administration Programs, this certification shall-obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real, property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided this certification shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department under Federal Transit Administration Programs.

THIS CERTIFICATION is given in the consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department under Federal Transit Administration Programs. The Applicant recognizes and agrees, that such Federal financial assistance will be extended in reliance on the representations and agreements made in this certification, and that the United States shall have the right to seek judicial enforcement of this certification. This certification is binding on the Applicant, its successors, transferees, and assignees. The person or persons whose signatures appear on the Declaration page are authorized to sign the certification on behalf of the Applicant.

Executed this    day of May 2018

BY: \_\_\_\_\_

J. William. B. Austin

Executive Director

**MORGANTOWN MONONGALIA METROPOLITAN PLANNING ORGANIZATION**

**TITLE VI PROGRAM CIVIL RIGHTS ACT OF 1964**

**COMPLIANCE REVIEW STATEMENT FOR FY 2012-2013  
OVERALL UNIFIED PLANNING WORK PROGRAM (UPWP)**

**I. Metropolitan Planning Organization Handling Agency Compliance**

- A. To What extent does the MPO Handling Agency employ minority staff personnel in the program area under review?

The MPO only has two fulltime employees with one minority staff. The MPO will continue to ensure that there is no discrimination in hiring practices.

- B. Has the Agency adopted a formal Title VI complaint process?

The Agency will utilize the complaint process identified in the Agency By-Laws for harassment for discrimination complaints. The By-Laws will be amended to identify this process.

- C. Has the MPO received any specific Title VI complaints in the program area under review? If so, what corrective action has been taken?

There have been no complaints to our knowledge.

**II. Consultant Contracts**

- A. What consideration is given to minority contractors in the selection of consultants for the transportation planning work?

Advertisement for potential consultant work includes reference to Title VI compliance and minority contractors are invited to participate in procurements.

1. Does the Agency establish and monitor annual Title VI contracting goals?

No, the agencies contracting opportunities are limited by the small size of the agency. The agency will track and encourage minority participation in contracting opportunities.

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2. Does the consultant selection process include maintenance of records of qualified minority consultants?

Yes

3. What other methods or procedures are utilized to encourage use of qualified minority consultants?

Minority consultants are encouraged to submit proposals.

4. Are Title VI assurances and provisions included on consultant contracts?

Yes

- B. Have consultants made positive efforts to employ qualified minority subcontractors? If so, to what extent?

Not that we are aware of.

- C. What are the MPO's procedures for monitoring consultant compliance with Title VI contract provisions?

The MPO will examine the hours worked by minority contractors and subcontractor on bills submitted for processing.

### **III. Urban Transportation Planning Process**

- A. What techniques and procedures are employed to provide data relative to minority populations, neighborhoods, income levels, physical environment, travel habits, etc.?

The MPO regularly examines the impact of proposed projects on the area's minority community utilizing the most recently available Census data.

- B. To what extent is the data considered in determining that a proposed transportation system will be capable of responding favorably to minority to group requirements? What techniques are used?

MPO staff utilizes GIS to examine the location of low income and minority populations and their location in relation to proposed facilities.

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- C. Do the MPO Transportation Plan and TIP include assessments of the impacts that planned transportation system investments will have on both minority and non-minority areas? Discuss the assessment methodology and resulting documentation.

The MPO utilizes GIS to identify minority and low income populations and to assess the potential impact that any proposed project may have on these communities. The MPO performs these assessments as part of the LRTP update utilizing the most recently available Census Data.

- D. To what extent has the MPO developed a formalized procedure (organization, responsibilities, etc.) to provide for citizen participation in the transportation planning process?

The MPO has a formally adopted citizen participation process.

- E. Are minorities, both individually and through their organizers, represented in the citizen participation effort? If so, how many and in what capacity?

There are no specific minority groups represented in the MPO, outreach efforts seek to reach these communities through outreach to transit dependent and or low income employees.

- F. Are there any further affirmative actions taken by the MPO to enlist the involvement and support of minority populations in the transportation planning process?

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## DISADVANTAGED BUSINESS ENTERPRISE ASSURANCE

In accordance with CFR 26.13(a), the MORGANTOWN MONONGALIA METROPOLITAN PLANNING ORGANIZATION assures that it shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any third party contract, or sub agreement supported with Federal assistance derived from the U.S. DOT or in the administration of its DBE program or the requirements of 49 CFR part 26. The Applicant assures that it shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of all third party contracts and sub agreements supported with Federal assistance derived from the U.S. DOT.

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## LITIGATION CERTIFICATION

I, J. WILLIAM B. AUSTIN, Executive Director hereby certifies that to the best of my knowledge there is no litigation pending or threatened which might affect the performance of this project.

Executed this    day of May, 2018

BY: \_\_\_\_\_

J. William B. Austin  
Executive Director

**DRUG-FREE WORKPLACE ACT CERTIFICATION  
FOR A PUBLIC OR PRIVATE ENTITY**

**1. The Morgantown Monongalia Metropolitan Transportation Planning Organization**  
(Name of Applicant)

Certifies that it will provide a drug-free workplace by:

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- B. Establishing an ongoing drug-free awareness program to inform employees about-
  - 1) The dangers of drug abuse in the workplace
  - 2) The Applicant's policy of maintaining a drug-free workplace
  - 3) Any available drug counseling, rehabilitation, and employee assistance programs
  - 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
- C. Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (A).
- D. Notifying the employee in the statement required by paragraph (A) that as a condition of employment under the grant or cooperative agreement the employee will:
  - 1) Abide by the terms of the statement; and,
  - 2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- E. Notifying the Federal agency in writing, within ten calendar days after receiving notice under subparagraph (D.) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant or cooperative agreement.

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- F. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (D) (2), with respect to any employee who is so convicted:
- 1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or Local health, law enforcement, or other appropriate agency.
- G. Making a good faith effort to continue to maintain a drug-free work place through implementation of paragraphs: A), B), C), D), and F).

**2. The Applicants headquarters is located at the following address. The addresses of all Workplaces maintained by the Applicant are provided on an accompanying list.**

**Name of Applicant:** Morgantown Monongalia Metropolitan Planning Organization  
**Address:** 243 High Street Room 110  
**City:** Morgantown  
**County:** Monongalia  
**State:** West Virginia  
**Zip Code:** 26505

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**J. William B. Austin**

Executive Director

**Title of Authorized Official**

Morgantown Monongalia Metropolitan Planning Organization

**Name of Applicant**

**Date**



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## DRUG FREE WORKPLACE POLICY

It is the policy of the **MORGANTOWN MONONGALIA METROPOLITAN PLANNING ORGANIZATION** to maintain a work place that is conducive to efficient and productive work. In order to attain that goal, it is further the policy of the Organization that the unlawful use, manufacture, distribution, dispensing or possession of a controlled substance is prohibited in the Organization's work place.

As an employee of the Organization, I agree to abide by that policy and am aware that violation of the policy regarding substance abuse will result in disciplinary action up to and including dismissal.

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DATE

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SIGNATURE

THIS IS A SAMPLE OF THE DRUG FREE WORK PLACE FORM  
GIVEN TO EACH MORGANTOWN MPO EMPLOYEE  
FOR SIGNATURE AND CERTIFICATION.

COPIES OF SIGNED STATEMENTS ARE ATTACHED.

DRAFT

**CERTIFICATION OF PROVISION OF NECESSARY  
LOCAL MATCHING FUNDS**

The Morgantown Monongalia Metropolitan Planning Organization hereby certifies that the  
(Name of Applicant)

ten percent (10%) local match requirement of the total project cost shall be provided in

(check and complete one) \$ 35,000 \_\_\_\_\_, \_\_\_\_\_; \$ \_\_\_\_\_, \_\_\_\_\_;  
(cash) (total cash amount) (in Kind services) (total in Kind value)

or, \_\_\_\_\_, \$ \_\_\_\_\_ + \$ \_\_\_\_\_ : \$ \_\_\_\_\_  
(combination of both) (cash amount) (in kind value) (total amount)

It is my understanding that if in kind is used as match, proper documentation detailing the cash

Value of those services shall be included with this application. If cash is used as match, the source of

These funds are from Monongalia County, and City of Morgantown.

Executed this    day of May, 2018    By: \_\_\_\_\_

J. William B. Austin  
Executive Director

Morgantown Monongalia Metropolitan Planning Organization

## FISCAL AND MANAGERIAL CAPABILITY CERTIFICATION

**NAME OF APPLICANT:** Morgantown Monongalia Metropolitan Planning Organization

And a review of the Applicant's records, that the Applicant has the requisite legal, financial and managerial capability to apply for, receive, and disburse Federal assistance authorized for 49 U.S.C. 5303; and to implement and manage the project.

## FEDERAL REQUIREMENTS

**NAME OF APPLICANT:** Morgantown Monongalia Metropolitan Planning Organization

Hereby certifies that it will comply with any existing Federal requirements, as well as any changes that occur in the future, in carrying out this project.

## INSPECTION

**NAME OF APPLICANT:** Morgantown Monongalia Metropolitan Planning Organization

Hereby certifies that it shall permit the FTA, the Comptroller General of the United States and, of appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

Executed this     day of May, 2018     BY: \_\_\_\_\_

J. William B. Austin  
Executive Director

**CERTIFICATION  
OF  
RESTRICTIONS ON LOBBYING**

I, J. William B. Austin, Executive Director, hereby certify on behalf of  
(Name and Title of Grantee Official)

the Morgantown Monongalia Metropolitan Planning Organization that:  
(Name of Grantee)

- 1) No federal appointed funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract grant loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract grant loan, or cooperative agreement, the undersigned shall complete and submit standard form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this     day of May, 2018

BY: \_\_\_\_\_

J. William B. Austin  
Executive Director

**CERTIFICATION  
REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS**

As required by U.S. DOT regulations on Government wide Debarment and Suspension (Non procurement) at 49 CFR 29.51 0:

- 1) The Applicant (Primary Participant) certifies to the best of its knowledge and belief, that it and its principles:
  - (a) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal Department or Agency.
  - (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction: violation of Federal or State antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
  - (c) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity, (Federal, State, and Local) with commission of any of the offenses listed in paragraph (2) of this certification.
  - (d) Have not within a three year period preceding this certification had one or more public transactions (federal, State, and Local) terminated for cause or default.
- 2) The Applicant also certifies that if later, it becomes aware of any information contradicting the statements of paragraphs (a) through (d) above; it will promptly provide that information to the Division.
- 3) If the Applicant (Primary Participant) is unable to certify to the statements within paragraphs (1) and (2) above, it shall indicate so on its Signature Page and provide a written explanation to the Division.

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## PROCUREMENT COMPLIANCE

Applicant certifies that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220. 1 D, “Third Party Contracting Requirements”, and other implementing guidance or manuals FTA may issue. The applicant certifies that it will include in its contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations, and will ensure that its contractor(s) will also include in its sub agreements and contracts financed in whole or in part with FTA assistance all applicable clauses required by Federal laws, executive orders, or regulations.

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J. William B. Austin, Executive Director

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Date