

MEMORANDUM OF UNDERSTANDING

Comprehensive Federal Transportation Planning

This Memorandum of Understanding (MOU), entered into and effective this 22 day of June, 2005, by and between the State of California acting through its Department of Transportation, hereinafter referred to as Department, and Tulare County Association of Governments, acting as both the federally designated Metropolitan Planning Organization, herein referred to as MPO, of the urbanized County of Tulare in accordance with Title 23 of the United States Code (USC) section 134 (23 USC 134) and 23 Code of Federal Regulations (CFR) 450.104 (23 CFR 450.104) and the Regional Transportation Planning Agency (RTPA) recognized under California Government Code Section 29532, establishes a general transportation planning and programming process codifying the responsibilities of the MPO and the Department.

CHAPTER 1: RECITALS

- 1.1 **Basis for Organization** - MPO is a regional transportation planning agency formed pursuant to California Government Code sections 6500 et seq.
- 1.2 **Ability to Contract and Receive Grants** - MPO is empowered to make and enter into contracts in its own name and to accept grants, gifts, donations and other monies to carry out its statutory purposes and functions.
- 1.3 **State Requirement for Transportation Plan** - In accordance with schedule specified in California Government Code sections 65080 et seq. and the California Transportation Commission's (CTC) Regional Transportation Planning Guidelines, MPO shall prepare, adopt and submit a Regional Transportation Plan (RTP).
- 1.4 **Federal Requirement for Long-Range Transportation Plans** - 23 USC 134 and 49 USC App:1607, as amended by the Transportation Equity Act for the Twenty-first Century (TEA-21) and its successors, require that as a condition of receipt of federal capital or operating assistance, each urbanized area must have a continuing, comprehensive, coordinated transportation planning process, including a Long Range Transportation Plan, of which the MPO RTP is the equivalent. As part of the process, MPO shall fulfill the requirements of the joint Federal Highway (FHWA)/Federal Transit Administration (FTA) planning regulations (23 CFR Part 450 and 49 CFR Part 613) and any amendments thereto when developing the financially constrained Long Range Transportation Plan that conforms to the State Implementation Plan (SIP).
- 1.5 **Federal Requirement for the Federal Transportation Improvement Program (FTIP) and Federal State Transportation Improvement Program (FSTIP)** - 23 USC 134 and 49 USC 5304 require the preparation, adoption and the biennial update of at least a three-year FTIP. The FTIP shall be financially constrained, shall be consistent with the adopted MTP/RTP, and shall conform to the SIP.
- 1.6 **State and Federal Requirement for Congestion Management Program (CMP)** - California Government Code sections 65088 and 65089 require that a Congestion Management Program shall be developed, adopted, and updated for every county that includes an urbanized area, and that includes every city within the county and the entire county area. 23 CFR 500 requires the development of a Congestion Management System (CMS) that provides for effective management of new and existing transportation facilities.

- 1.7 **Federal Clearinghouse Requirements** - Presidential Executive Order 12372, entitled Intergovernmental Review of Federal Programs, requires that federal agencies coordinate the review of proposed federal financial assistance and direct development activities, including transportation programs and projects funded under TEA-21, with affected State and local government entities. In California, the Governor's Office of Planning and Research (OPR) and designated Area-wide Clearinghouses are the entities responsible for implementation of Executive Order 12372.

The Department fulfills this reporting requirement for the Federal State Transportation Improvement Program (FSTIP) and for the Consolidated Planning Grant (CPG). The CPG consists of funds flowing from the FHWA Metropolitan Planning (PL) source, the FTA Metropolitan Planning (Section 5303) source, FHWA State Planning and Research - Partnership Planning Element source, and FTA Statewide Planning and Research source (Section 5313[b]).

1.8 **Planning Area Boundaries**

a) Federal Metropolitan Planning Area Boundaries - For the purposes of meeting the requirements of 23 USC 134 and the agreement between the Governor and MPO, the Metropolitan Planning Area Boundaries include the County of Tulare as shown on Exhibit A.

b) State Regional Transportation Planning Area Boundaries - For purposes of meeting the requirements of California Government Code sections 65080 et seq., the boundaries of MPO, acting as the RTPA, include the County of Tulare as shown on Exhibit A.

CHAPTER 2: THE PLANNING AND COORDINATION PROCESS

- 2.1 **Provision for the Planning and Programming Process** - MPO is recognized as the agency responsible for comprehensive regional transportation planning pursuant to State and Federal law, as amended by the most current federal transportation authorization bill, for each MPO County and each incorporated city included in each County. This responsibility shall include, on a regional basis: providing a forum for regional transportation issues, developing and adopting goals and objectives, performing intermodal corridor and sub-area studies, developing and maintaining appropriate management information systems as required by the most current federal transportation authorization bill, providing policy guidance, allocating State and Federal transportation funds in accordance with applicable regulations and laws, assuring prioritization of proposed transportation improvements to be funded with State and Federal funds as required by applicable regulations, determining air quality conformity with the applicable SIP, complying with the California Environmental Quality Act (CEQA), and coordinating the RTP with other plans and programs as appropriate. The parties hereby express their joint intent to mutually carry out the above described transportation planning process for this MPO transportation planning area in a manner which will assure full compliance with the laws referred to in Chapter 1 of this MOU, the RTP Guidelines, and the planning constraints of the United States Department of Transportation (USDOT).
- 2.2 **Cooperation and Coordination** - The planning process employed by MPO will provide for the cooperation of, and coordination with, public transit and paratransit operators, public airport operators, local public works and planning departments, air pollution control districts, passenger and freight rail operators, other federal agencies, as appropriate, and the Department. MPO will provide the level of coordination and cooperation necessary to meet state and federal transportation and air quality laws and regulations. MPO will coordinate with Department's District, MPO's Air Pollution Control Districts, and the other affected air basin MPOs to develop consistency in travel demand modeling, transportation air

emission modeling, air quality conformity determinations on the MTP/RTP and FTIP, transportation control measures, Overall Work Programs (OWP), other interregional issues related to the development of plans, and will, by entering into such agreements and operating procedures with other MPOs as is necessary and appropriate, implement this cooperative provision.

2.3 **Consultation with Native American Tribal Governments** - In accordance with Titles 23 and 49 USC, MPO shall consult with all federally recognized Native American Tribal Governments within or contiguous to MPO in the development of State and Federal transportation plans, programs, and projects, and related studies and environmental assessments.

2.4 **Formal Public Participation** – In accordance with 23 CFR 450.212 and 23 CFR 450.316(b), the MPO planning process shall be conducted in an open manner so members of the public, civic groups, interest groups, businesses and industries, and other agencies can fully participate. Public participation procedures shall be documented, periodically revised, and their effectiveness regularly evaluated. MPO shall take appropriate actions to ensure public participation through such formal means as:

(a) posting of public hearing agendas, (b) appointment of eligible citizen members, where appropriate and allowed, to serve as committee members, (c) innovative and creative outreach efforts targeting particularly the traditionally underserved public (e.g., minorities, senior citizens, and low income citizens), and (d) creation of standing advisory committees. Those committees not composed entirely of citizen members shall post public hearing agendas in accordance with the Brown Act (California Government Code section 54950), when applicable, and all committees shall operate according to their adopted bylaws.

State Cooperation in Transportation Planning - Department has a continuing duty of:

(a) planning transportation systems of statewide significance; (b) identifying potential transportation issues and concerns of overriding statewide interest; and (c) recognizing conflicts in regional transportation improvement programs.

In carrying out its duties, Department will work in partnership with MPO relative to activities within its transportation planning area and include MPO in its dealings with cities, counties, public transit operators, rail operators, and airports. MPO and Department will mutually carry out the transportation planning process for this transportation planning area in a manner which will assure full compliance with the laws referenced in Chapter 1 hereinabove and assure cooperation between all participants.

2.6 **Policy Level Involvement** - There exists within MPO, a Transportation Policy Committee, which consists of members of the Governing Board of Directors, members of the MPO, and the Department's Director, or their designated representatives and alternates.

CHAPTER 3: PARTNERSHIP/COORDINATION

3.1 **MPO Role and Responsibilities** – MPO, in cooperation with Department, the designated air pollution control agency, and public transportation service providers, will be responsible for carrying out the metropolitan transportation planning process. MPO will cooperatively develop plans and programs in accordance with the requirements specified in 23 USC 134 and 135, 23 CFR 450.100 through 600, Title 49 USC, and the Clean Air Act and all Clean Air Act Amendments. In nonattainment or maintenance areas, MPO will establish a consultation procedure and will coordinate the development of the

MTP/RTP and improvement programs with the SIP development process, including the development of transportation control measures.

- 3.2 **MPO Role in the Federal Requirement for Long-range Transportation Plans** - MPO will prepare, adopt and triennially update a long-range transportation plan of which the MPO's RTP is the equivalent. This function will be carried out by MPO in cooperation with the Air Pollution Control District, Department, local government agencies, public transit owners and operators, and Native American Tribal Governments in the region. MPO shall fulfill the requirements of the joint FHWA/FTA planning regulations (23 CFR 250 and 49 CFR 613) and any amendments thereto.
- 3.3 **MPO Role in the State Requirement for Transportation Plan** - MPO will prepare, adopt, and submit a RTP in accordance with the schedule specified in California Government Code section 65080 (3) (d).
- 3.4 **MPO Role in Federal Transportation Improvement Program (FTIP) Development** - MPO shall prepare, adopt, and biennially update at least a three-year FTIP in accordance with the requirements of 23 CFR 450.300 et al. This function will be carried out by MPO in cooperation with MPO's Air Pollution Control District, Department, local government agencies, public transit owners and operators in MPO's County, Native American Tribal Governments in the region, and with the participation of the public.
- 3.5 **Department Role in Federal Transportation Improvement Program (FTIP) Development** - In accordance with the provisions in 23 CFR 450.216, 23 CFR 450.324, and in consultation with the MPO, Department will provide estimates of available Federal and State funds which MPO can utilize in developing the FTIP.
- 3.6 **Department Role in Federal Statewide Transportation Improvement Program (FSTIP) Development** - Department shall prepare and biennially update at least a three-year FSTIP in accordance with the requirements of 23 CFR 450.200 et al. The FSTIP shall include all MPO FTIPs along with a rural non-MPO FTIP developed by the Department. The FSTIP will be financially constrained by year according to the appropriate Code of Federal Regulations. The biennially prepared FSTIP will be submitted to the FHWA and FTA for joint approval.
- 3.7 **MPO Role in Federal Clearinghouse Requirements** - MPO has been designated by the State and OPR as the Area-wide Clearinghouse for its constituent counties to review all transportation projects in accordance with procedures developed by the OPR.
- 3.8 **Department and MPO Roles in Coordination of System Planning** - In conducting its Transportation System Planning Program, Department will coordinate its studies with those being conducted by MPO. As one means of coordinating transportation planning activities, Department will provide information on its system planning activities for MPO's use in development of the OWP, MTP/RTP, RTIP, and FTIP, including required traffic data.
- 3.9 **MPO's Role in the Overall Work Program (OWP)** - MPO will develop, adopt, and submit to FHWA/FTA and Department (the "funding agencies"), an annual OWP intended to provide guidance in the management of work by MPO to develop and implement the State and Federal transportation plans and programs and act as the basis for the MPO budget. The draft OWP, and any amendments thereto, will be subject to review and approval by the funding agencies. As a basis for review of amendment requests, MPO will submit reasons for changes, scope of work revisions, and funding enhancements or reductions. MPO will require the same information from its sub-grantees, if any.

- 3.10 **Department and MPO's Role in the State Highway Operations and Protection Program (SHOPP)**- Under California Government Code section 14526.5, Department is required to prepare a SHOPP for the expenditure of transportation funds for major capital improvements which are necessary to preserve and protect the state highway system. Projects are limited to capital improvements relative to maintenance, safety, operations, and rehabilitation of state highways and bridges which do not add new capacity to the system. The program must be submitted no later than January 31 of each even numbered year. SHOPP is a four year program of projects adopted separately from the State Transportation Improvement Program (STIP) cycle. Prior to submitting the SHOPP, Department will make available to MPO a draft for review and comment.
- 3.11 **Public Transportation Providers' Role in the OWP** - MPO will provide the publicly owned transportation service providers timely notice of plans, programs, and studies and the full opportunity to participate in and comment on OWP development and implementation. Transportation planning activities conducted by public transportation providers may be included in the OWP for informational purposes.
- 3.12 **Public Transportation Providers' Role in RTP and TIP** - MPO will give public transportation service providers the opportunity to propose priority order for projects to be listed in a financially constrained TIP and to actively participate in the development of the RTP and FTIP.
- 3.13 **Data Collection** – Department and MPO will share responsibility for fulfilling the data requirements of 23 CFR 420.105(b). Department will be responsible for data on State Highways and MPO will be responsible for data on local streets and roads of regional significance, as appropriate.
- 3.14 **Project Cost Estimates** – For Department sponsored programs and projects, Department will collect and analyze data to be used in evaluating alternative transportation projects. For these projects, Department will supply MPO with project level cost and other data necessary for MPO to demonstrate in its financial plans that the entire system will be adequately maintained and operated. FHWA guidance for project cost estimates can be found at <http://www.fhwa.dot.gov>. MPO and local project sponsors will collect and analyze data reflecting existing and historical information which will be the basis for local project estimates cost and revenue projections for transportation planning, programs, and projects.

CHAPTER 4: AIR QUALITY AND CONFORMITY

- 4.1 **Conformity** - In accordance with Title 42, section 176(c) (4)(C) of the Clean Air Act and the final rule on U.S. EPA Transportation Conformity (40 CFR, Parts 51 and 93, hereafter "the Final Rule"), and the U.S. DOT Planning Regulations (23 CFR 450.310), MPO, in cooperation with MPO's Air Pollution Control District, will make air quality conformity determinations. Department will fully participate and carry out its responsibilities as defined in the Final Rule, including public and interagency consultation, making project level conformity analysis for Department sponsored projects, and facilitating statewide discussion of SIP revisions and other conformity related issues. MPO will collect and analyze data necessary to carry out its responsibilities under the Final Rule. The Air Quality Conformity determination will be made in accordance with the rules of MPO's Air Pollution Control District and consistent with the MOU among air basin MPOs and/or RTPAs where applicable, and MPOs Air Pollution Control District.

CHAPTER 5: NATIONAL ENVIRONMENTAL PROTECTION AND STREAMLINING COORDINATION

- 5.1 **Environmental Protection and Streamlining** – MPO will be an equal partner with Department to promote environmental stewardship in planning and programming projects for California's transportation systems. MPO and Department will work to streamline the environmental review and wetlands permitting process and expedite the development of transportation projects. MPO and Department agree to comply with all applicable environmental laws, regulations and policies, and cooperatively address any informational needs associated with such statutes. MPO will consult with Federal and State resource agencies to seek their input, coordinate environmental protection issues with its constituents and any other entities for which it has assumed federal planning and programming responsibilities in the most current transportation authorization bill, and resolve any disputes using the processes defined in the most current federal regulations. Department will assist MPO in developing its plans and programs by making available existing resources to MPO, participating in appropriate planning activities and, wherever possible, improving the available environmental data.

CHAPTER 6: CERTIFICATION


- 6.1 **Certification Requirement** - Federal Metropolitan Transportation Planning Regulations require that MPO, undergo certification that the planning process is being carried out in conformance with all applicable requirements of 23 CFR 450.334.
- 6.2 **Certification Process** - For purposes of certification, MPO will establish a process which includes the following:
- a) Fully executed copies of both FHWA Certifications and Assurances and FTA Certifications and Assurances are to be included as part of the final adopted and approved OWP.
 - b) MPO will provide Department with documentation (e.g. quarterly reports, public notices, finished work element products, etc.) to support MPO's planning process.

CHAPTER 7: GENERAL PROVISIONS

- 7.1 **Review** - This MOU has been reviewed and endorsed by both parties to assure its continued effectiveness. Any proposed amendments shall be submitted in writing for the consideration of both parties.
- 7.2 **Amendment** - This MOU constitutes an expression of desire and a means of accomplishing the general requirements for a comprehensive transportation planning process for the MPO. It may be modified, altered, revised or expanded as deemed appropriate to that end by written agreement of both parties.
- 7.3 **Rescission of Prior Agreements** - This MOU supersedes any existing MOU designed to serve as a statement of the transportation planning relationship between Department and MPO.
- 7.4 **Monitoring** - MPO and Department jointly agree to meet periodically to address and review issues of consistency with this MOU. Meetings will be held as often as is mutually agreed. Other issues and activities of mutual interest or concern may also be addressed. During the term of the MOU, MPO and Department mutually agree to notify the other of events which have a significant impact upon the MOU.

- 7.5 **Termination** - Either party may terminate this understanding upon written notice provided at least ninety (90) days prior to the effective date of termination and specifying that effective date of termination.

IN WITNESS WHEREOF the parties hereto have cause this Memorandum of Understanding to be executed by their respective officers duly authorized.



PHIL COX, Chairperson
Tulare County Association of Governments

5-4-05

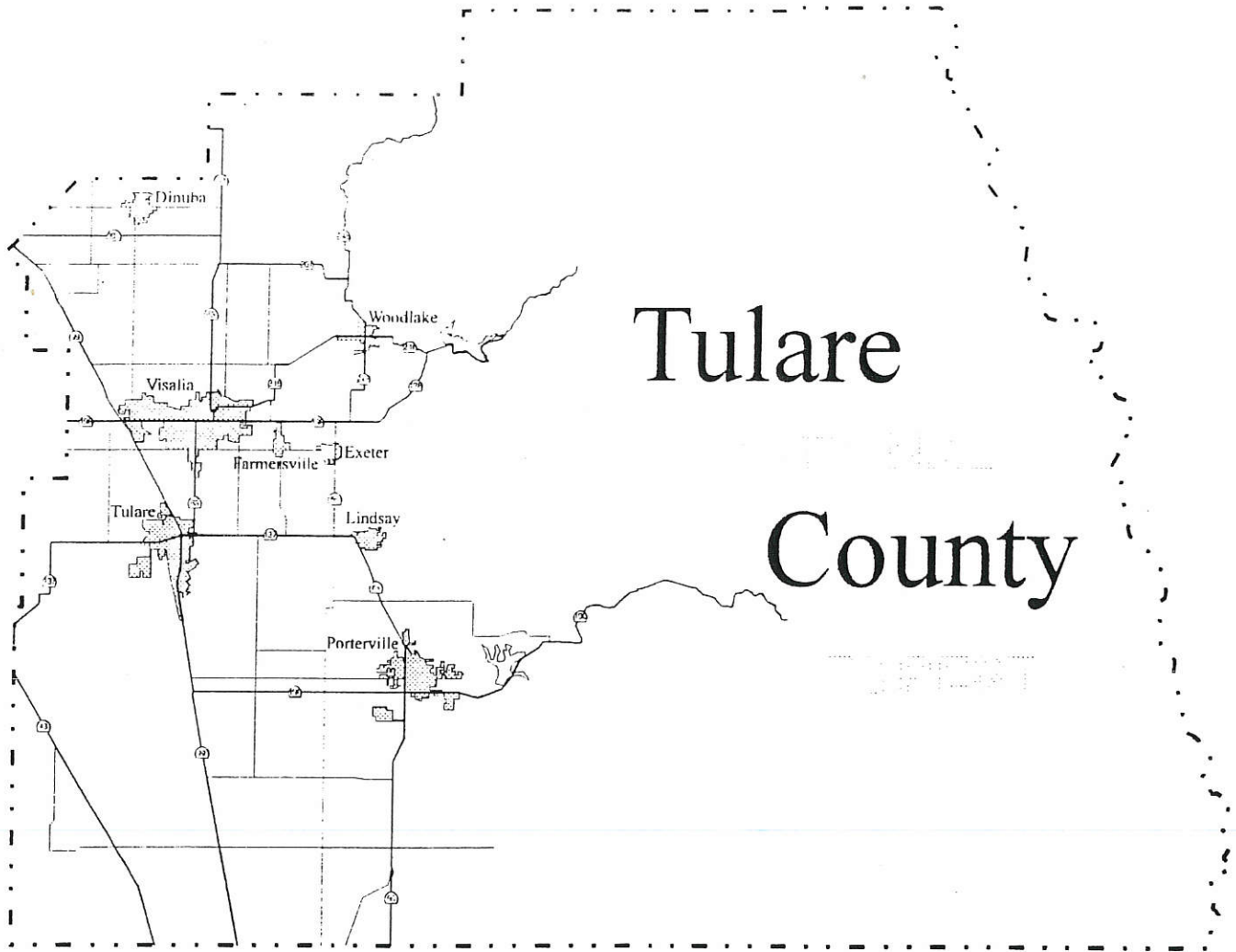
Date



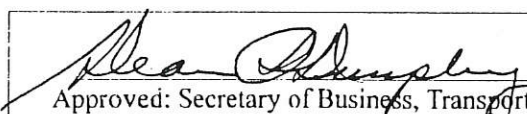
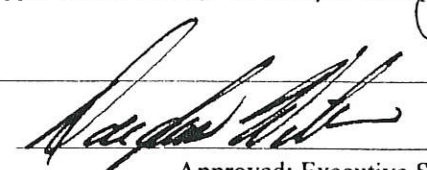
WILL KEMPTON, Director
Department of Transportation

6/22/05

Date



Legend	
.....	County Line
.....	MPO Boundary

 Approved: Secretary of Business, Transportation, & Housing	Tulare County Association of Governments Transportation Planning Agency Metropolitan Planning Organization MPO Boundary
 Approved: Executive Secretary TCAG/TPA	
1-13-95 Date	
11-1-99 Date	