



**MEMORANDUM OF UNDERSTANDING
ON METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES FOR THE
CHARLOTTESVILLE-ALBEMARLE METROPOLITAN PLANNING AREA**

This agreement is made and entered into as of _____, 2016 by and between the Commonwealth of Virginia, hereinafter referred to as the Commonwealth, the Charlottesville-Albemarle Metropolitan Planning Organization hereinafter referred to as the MPO, the City of Charlottesville hereinafter referred to as the City, the Charlottesville Area Transit hereinafter referred to as CAT, the County of Albemarle hereinafter referred to as the County, JAUNT, Inc (rural transit and paratransit operator) hereinafter referred to as JAUNT, (with JAUNT and CAT together hereinafter referred to as the Public Transit Operators), and the Thomas Jefferson Planning District Commission serving as planning and administrative staff to the MPO, hereinafter referred to as the Staff.

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

WHEREAS, the regulations at 23 CFR 450.314(a) direct that the MPO, Commonwealth, and Public Transit Operator(s) responsibilities for carrying out the 3-C process shall be cooperatively determined and clearly identified in a written agreement.

NOW, THEREFORE, it is recognized and agreed that, as the regional transportation planning and programming authority in cooperation with the Staff and Public Transit Operators, the MPO shall serve as the forum for cooperative development of the transportation planning and programming activities and products for the Charlottesville-Albemarle Area. It is also agreed that the following articles will guide the 3-C process.

**Article 1
Planning and Modeling Boundaries**

The MPO is responsible as the lead for coordinating transportation planning and programming in the Charlottesville-Albemarle metropolitan transportation planning area (MPA) that includes the City of Charlottesville and the urbanized portions of the County of Albemarle. It is recognized that the scope of the regional study area used with the transportation demand model may extend beyond the MPA. The boundaries of the MPA shall be subject to approval of the MPO and the Governor.

**Article 2
Metropolitan Transportation Planning and Programming Process**

The Commonwealth, the MPO, the CITY, the COUNTY, the Staff, and Public Transit Operators shall establish continuing, cooperative, and comprehensive transportation planning and programming process as provided for by the Safe Accountable Flexible Efficient Transportation Equity Act of the United States Department of Transportation (SAFETEA-LU) (or as amended by future Federal legislation reauthorizing transportation funding and the 3-C process), and in accordance with the constitution and statutes of the Commonwealth of Virginia. This process shall be followed and result in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and

programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods.

The MPO, designated in accordance with 23 CFR Part 450, shall be responsible for carrying out the metropolitan transportation planning process. The Commonwealth, the CITY, the COUNTY, the Staff, and Public Transit Operators as signatories of this agreement shall coordinate their responsibilities for transportation planning, programming and implementation with those of the MPO.

The Commonwealth shall coordinate its responsibilities for statewide transportation plans and programs with the metropolitan transportation plans and programs. The Commonwealth, the MPO, the CITY, the COUNTY, the Staff, and Public Transit Operators shall cooperate in the reconciliation of such plans and programs as necessary to ensure connectivity with transportation systems.

Details regarding specific functions, duties and responsibilities of the Commonwealth, the MPO, the CITY, the COUNTY, the Staff, and Public Transit Operators in the metropolitan transportation planning and programming process shall be as described in the Unified Planning Work Program (UPWP). Such functions, duties and responsibilities shall be carried out in accordance with all applicable provisions of SAFETEA-LU (or as amended by future Federal legislation reauthorizing transportation funding and the 3-C process), and its implementing federal regulations of 23 CFR 450 and 23 CFR 420.

The MPO will be responsible for complying with the public participation requirements of 49 U.S.C. Section 5307 concerning the applicant's proposed Section 5307 grant program, the MPO will integrate compliance with these requirements with the local MPO's adopted public involvement process associated with the Transportation Improvement Plan (TIP). Charlottesville Area Transit and JAUNT choose to integrate coordination with the Charlottesville-Albemarle MPO and gives formal public notice in this Public Participation Plan that the MPO's TIP development process is being used to satisfy Charlottesville Area Transit's and JAUNT's public participation and public hearing requirements of Section 5307(c). The public notice of public involvement activities and time established for public review and comment on the TIP will satisfy the program-of-projects requirements of the Urbanized Area Formula Program. A project that requires an environmental assessment or an environmental impact statement will involve additional public involvement, as presented in joint FHWA/FTA environmental regulations, "Environmental Impact and Related Procedures," 23 C.F.R. Part 771.

Article 3 Metropolitan Planning Organization

The MPO policy board shall be composed of the following voting representatives designated by and representing their locality or agency:

1. City of Charlottesville 2 representative(s)
2. County of Albemarle 2 representative(s)
3. Commonwealth 1 representative participating on behalf of the Commonwealth, appointed by the Commonwealth of Virginia Secretary of Transportation

The policy board will consider, analyze as appropriate, and reflect in the planning and programming process the metropolitan planning factors and requirements for MPO and Commonwealth certifications as required by sections 23 CFR 450.306, and 450.334, respectively. There shall also be a nonvoting representative designated by and representing each of the following:

1. Federal Highway Administration
2. Federal Transit Administration
3. Federal Aviation Administration
4. Department of Rail and Public Transportation

5. JAUNT
6. Charlottesville Area Transit
7. Thomas Jefferson Planning District Commission
8. University of Virginia
9. Charlottesville Albemarle MPO Citizens' Advisory Committee

The membership, voting and nonvoting, shall be expanded to include additional localities or agencies as may be necessary. Commonwealth elected officials may also serve on the MPO at the discretion of the MPO policy board. The MPO shall elect a chairman and other officers as deemed appropriate, and shall establish rules of order. The MPO constituted hereinafter shall remain in effect until such time the local jurisdictions and the Governor of the Commonwealth of Virginia re-designate the MPO in accordance with 23 CFR Part 450.

The governing body of each member locality or agency, having appointed the appropriate number of representatives to the MPO policy board as indicated in this ARTICLE, whether voting or nonvoting, may appoint an alternate member(s). Voting privileges for alternates shall be the same as for the regular member in the absence of the regular member.

Additional information on the MPO policy board, related committees, structure(s), membership(s), and working methods shall be established in the Bylaws and in a formal, written Public Participation Plan, as required by SAFETEA-LU. The Public Participation Plan shall provide reasonable opportunity for involvement with all interested parties in carrying out the metropolitan area's transportation planning and programming process, providing reasonable opportunities for preliminary review and comment especially at key decision points.

Article 4 Financing the Process

The responsibilities of the MPO shall be supported by planning funds authorized by Section 104(f) of Title 23 of the United States Code, hereinafter referred to as PL Funds, and by Section 1607 (d) of Title 49 of the United States Code, hereinafter referred to as Section 8 Funds. The MPO shall be further supported through Title 49 Section 5303 FTA funds. PL Funds, FTA Funds and Section 8 Funds shall be allocated to work activities in an annual Unified Planning Work Program at the direction of the MPO in cooperation with the Commonwealth, the CITY, the COUNTY, the Staff, and Public Transit Operators. The use of PL Funds, FTA Funds, Section 8 Funds and other funding sources shall continue as additional monies are appropriated. Should all such funds be discontinued, this AGREEMENT may be terminated.

Article 5 Inclusion and Selection of Project Recommendations

Selection of projects for inclusion into the Constrained Long-Range Plan (CLRP)

Recommended transportation investments and strategies to be included in the CLRP shall be determined cooperatively by the MPO, the Commonwealth, and Public Transit Operator(s). Prior to the formal adoption of a final CLRP, the MPO shall provide the public and other interested stakeholders with reasonable opportunities for involvement and comment as specified in 23 CFR §450.316 and in accordance with the procedures outlined in the MPO Public Participation Plan. The MPO shall demonstrate explicit consideration and response to public input received during the development of the CLRP.

Development of the Transportation Improvement Program (TIP)

To the extent that funds are reasonably available, the projects to be included in the TIP shall be cooperatively determined by the MPO, the Commonwealth and Public Transit Operators. Projects may be included and programmed in the TIP only if they are also consistent with the recommendations in the CLRP. The Commonwealth shall provide the MPO a list of known projects, programs, or grouped obligations by year and phase, for all Virginia Department of Transportation funded projects to assist in the development of the TIP document. The format of the TIP portion of the State Transportation Improvement Plan (STIP) will include funding based on the executed annual agreement between FHWA, FTA, and the Commonwealth. The MPO may

include additional detail or supporting information as deemed appropriate to the TIP document. The MPO may add any additional federally funded projects (i.e. Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP), locally funded projects, or locally/regionally administered projects. Once the TIP is compiled and adopted by the Policy Board, the MPO shall forward the TIP to the Commonwealth. The Commonwealth shall incorporate the TIP into the STIP. Once complete, the STIP will be forwarded to FHWA for review and approval.

Selected Transportation Enhancement (TE) projects shall be reported by the Commonwealth to the appropriate MPO for inclusion in the MPO CLRP and TIP.

The selection of projects from the TIP by the MPO, Commonwealth or Public Transit Operator(s) shall be done in full accordance with 23 CFR 450.330.

Article 6 Financial Planning and Programming, and Obligations

The Commonwealth, the MPO, JAUNT and CAT are responsible for financial planning that demonstrates how metropolitan long-range transportation plans and improvement programs can be implemented consistent with principles for financial constraint. Federal requirements direct that specific provisions be agreed on for cooperatively developing and sharing information for development of financial plans to support the metropolitan transportation plan (23 CFR 450.322(f)(10)) and program (23 CFR 450.324(h) & (i)), as well as the development of the annual listing of obligated projects (23 CFR 450.332).

Fiscal Constraint and Financial Forecasts

The CLRP and TIP shall be fiscally constrained pursuant to 23 CFR §450.322 and §450.324 respectively with project costs inflated to reflect the expected year of expenditure. To support the development of the financial plan for the CLRP, the Commonwealth shall provide the MPO with a long-range forecast of expected Commonwealth and federal transportation revenues for the metropolitan planning area for the planning horizon of the CLRP. The MPO shall review the forecast and add any local or private funding sources reasonably expected to be available during the planning horizon. Recommendations on any alternative financing strategies to fund the projects and programs in the transportation plan shall be identified and included in the plan. In the case of new funding sources, strategies for ensuring their availability shall be identified and documented. If a revenue source is subsequently found removed or substantially reduced (i.e., by legislative or administrative actions) the MPO will not act on a full update or amended CLRP and/or TIP that does not reflect the changed revenue situation.

Annual Obligation Report

Within 90 days after the close of a federal fiscal year, the Virginia Department of Transportation shall provide the MPO with an Annual Obligation Report. To the extent possible, this report will contain the projects (including investments in pedestrian walkways and bicycle transportation facilities) for which federal highway or transit funds were obligated in the preceding program year. It shall include all federally funded projects authorized or revised to increase obligations in the preceding program year, and at a minimum include TIP project description and implementing agency information and identify, for each project, the amount of Federal funds requested in the TIP, the Federal funding that was obligated during the preceding year, and the Federal funding remaining and available for subsequent years. The MPO shall publish the Annual Obligation Report on the Web and in accordance with any other procedures outlined in the Public Participation Plan to ensure adequate access by the public and other interested stakeholders.

ARTICLE 7-AMENDMENTS

Amendments to this AGREEMENT, as mutually agreed to, may be made by written agreement between all parties of this AGREEMENT.

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

Signatures:

Ann Mallek
Chairman
Charlottesville-Albemarle Metropolitan Planning Organization

WITNESS BY _____

for Secretary of Transportation
Commonwealth of Virginia

WITNESS BY _____

Maurice Jones
City Manager
City of Charlottesville, and on behalf of the Charlottesville Area Transit

WITNESS BY _____

Chairman
County of Albemarle Board of Supervisors

WITNESS BY _____

Andrea Wilkinson,
Chairman
Thomas Jefferson Planning District Commission

WITNESS BY _____

Fran Hooper,
President
JAUNT, Inc.

WITNESS BY _____