

MEMORANDUM OF UNDERSTANDING (MOU) FOR TRANSIT OPERATORS

Background

The Transportation Policy Council approved a Memorandum of Understanding (MOU) in July 2010 that addressed the requirements contained in federal rules for a cooperative agreement between the Metropolitan Planning Organization (MPO), the Texas Department of Transportation (TxDOT) and the providers of public transportation services in the eight-county Houston-Galveston Transportation Management Area (TMA).

The 2010 Census resulted in a new large urbanized area in the TMA, the Conroe-The Woodlands Urbanized Area. The City of Conroe is the designated direct recipient for Federal Transit Administration (FTA) funds for the Enhanced Mobility for Seniors and Persons with Disabilities Program (5310). The Woodlands Township and the City of Conroe are co-designated recipients for the Urban Transit (5307, 5337, 5339) programs in Montgomery County and should be added to the list of Transit Operators in the MOU.

The Moving Ahead for Progress in the 21st Century (MAP-21) was signed into law in July 2012 and included new provisions for the MPOs and other stakeholders to cooperatively develop performance based planning activities relating to transit safety and asset management among other activities. Those requirements were published in a Notice of Proposed Rulemaking (NPRM) in June 2014. They have been part of the Texas Department of Transportation-Public Transportation Division and the Metropolitan Transit Authority of Harris County (METRO) standard operating procedures for several years. The new Transportation Bill, Fixing America's Surface Transportation Act (FAST Act), was signed into law on December 4, 2015 and reinforces those MAP-21 guidelines for transit safety and asset management.

A copy of the proposed revised MOU is included for review and comments to H-GAC staff by February 1, 2016.

Action Requested

For information only

**MEMORANDUM OF UNDERSTANDING
ON
METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES**

BETWEEN

**THE HOUSTON-GALVESTON AREA TRANSPORTATION POLICY COUNCIL
AS THE METROPOLITAN PLANNING ORGANIZATION FOR
THE HOUSTON, TEXAS TRANSPORTATION MANAGEMENT AREA**

AND

**PROVIDERS OF PUBLIC TRANSIT SERVICES IN HARRIS, BRAZORIA, CHAMBERS, FORT BEND,
GALVESTON, LIBERTY, MONTGOMERY AND WALLER COUNTIES**

This agreement is made and entered into by and between the Houston-Galveston area's Transportation Policy Council hereinafter referred to as the **MPO**; the Texas Department of Transportation (**TxDOT**), the Metropolitan Transit Authority of Harris County (**METRO**), Colorado Valley Transit District (**CVT**), the City of Galveston (**Island Transit**), Connect Transit, Fort Bend County Transit, Harris County Community Services Department-Transit Services, the Gulf Coast Rail District, **the City of Conroe and the Woodlands Township**, hereinafter collectively referred to as the **Transit Operators**.

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

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

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

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

NOW, THEREFORE, the **MPO, TxDOT** and the **Transit Operators** recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the Houston-Galveston Transportation Management Area (TMA) and that their mutual responsibilities for carrying out this process are described in the **Unified Planning Work Program, the Transportation Improvement Program, the Regional Transportation Plan** and outlined in the following 11 articles and are coordinated with the state transportation planning processes that are required in regulations at 23 CFR 450 Subpart B--Statewide Transportation Planning and Programming.

Article 1 Scope of the Metropolitan Transportation Planning Process

The MPO, TxDOT, and the Transit Operators will conduct a metropolitan transportation planning process that is continuous, cooperative, and comprehensive and provides for the consideration of projects, strategies, and services that will address planning factors as specified in 23 CFR 450.306 Scope of the Metropolitan Transportation Planning Process. This metropolitan planning process will be carried out in coordination with the state transportation planning process as required in 23 CFR 450 Subpart B--Statewide Transportation Planning and Programming. Transit Operators have an opportunity to coordinate bus and other transit planning in the region and to incorporate their plans into the Long-Range Transportation Plan and the Transportation Improvement Program (TIP). Transit Operators provide funding inputs for the TIP based upon each system's annual operating, planning and capital improvement budgets. Based upon each system's operating and capital improvement plans, Transit Operators also provide projections of their system revenues, operating and maintenance costs and major improvement costs for the update of the financially constrained, regional transportation plan (RTP).

The Moving Ahead for Progress in the 21st Century (2012) and the new transportation bill, Fixing America's Surface Transportation Act (FAST Act) include new provisions for the MPO and other stakeholders to cooperatively develop performance based planning activities relating to safety and asset management among other activities.

Article 2 MPO Structure and Planning Boundaries

The H-GAC's Transportation Policy Council has been designated the MPO policy body for the Houston-Galveston Transportation Management Area (TMA) by the Governor of Texas. The MPO is composed of representatives from cities, counties and public transportation agencies serving the eight county TMA (see Attachment 1).

The MPO has Bylaws that establish its membership, time and place of meeting, officers, voting procedures, ethics policies, committees, staffing and relationship to the Houston-Galveston Area Council of Governments (COG), public participation procedures, and procedures for amendments to its bylaws.

The MPO has established a Technical Advisory Committee (TAC) to advise and assist it in all aspects of the metropolitan planning process. The TAC is comprised of representatives of MPO member agencies and governments and additional interested local governments, transportation agencies and private citizens in the region. The TAC and its standing subcommittees provide opportunities for these representatives to participate regularly in the metropolitan planning process.

The TAC has also established the Regional Transit Coordination Subcommittee (RTCS) which is comprised of representatives of public transportation operators in the region, including those that operate the regional and local jurisdiction bus and rail systems as well as other transportation stakeholders. Membership on the MPO, TAC or RTCS provides opportunities for public transportation operators to participate regularly in the metropolitan planning process.

After each Census, the MPO will review its planning boundary in cooperation with TxDOT and Public Transit Operators to determine if it meets the minimum statutory requirements for new and updated urbanized areas and will adjust the boundary as necessary.

Article 3 Unified Planning Work Program

The Unified Planning Work Program (UPWP) is developed on a two-year cycle by the MPO in cooperation with the State, local governments and public transportation providers as required under 23 CFR 450.308 Funding for Transportation Planning and Unified Planning Work Programs. The UPWP includes documentation of the metropolitan transportation planning activities anticipated within the region during the next two years. The UPWP also identifies the lead agency for the completion of major corridor studies including, alternatives analysis. The MPO will approve the UPWP and submit it to the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and TxDOT for approval and funding. When necessary, the MPO can approve amendments to the UPWP subject to approval by the FHWA, FTA and TxDOT.

Article 4 Public Participation Plan

The MPO will maintain and use its Public Participation Plan to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process including review and comment at key decision points as specified in 23 CFR 450.316: Interested Parties, Participation and Consultation. This plan will be coordinated with the public involvement and consultation planning processes of the local transportation stakeholders including but not limited to the parties in this agreement. The public participation process performed by the MPO in support of Transportation Improvement Program development shall include the proposed program of projects for each transit provider.

Article 5 Transportation Planning Studies and Project Development Process

Under the National Environmental Policy Act (NEPA)

The MPO, TxDOT or the Transit Operators may undertake a multimodal, systems-level corridor or

subarea planning study as part of the metropolitan transportation planning process. The development of these studies will involve consultation with, or joint efforts among, the MPO, TxDOT and Transit Operators. The results or recommendations of these planning studies may be used as part of the overall project development process consistent with NEPA as specified in 23 CFR 450.318: Transportation Planning Studies and Project Development.

Article 6 Congestion Management Process

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

Article 7 Air Quality Transportation Planning

The air quality transportation planning activities for the Houston Transportation Management Area will be described in the UPWP. These activities will be designed to ensure that the MPO can maintain its affirmative conformity finding for the RTP and TIP in accordance with the Clean Air Act and the Environmental Protection Agency (EPA) transportation conformity regulations in 40 CFR part 93. TxDOT and the Transit Operators must provide sufficient description of project and program scopes and timing so that their potential impact on travel demand and vehicle emissions can be reliably estimated. The MPO will determine the consistency of proposed amendments to the Regional Transportation Plan (which is inclusive of the TIP) with the current air quality conformity determination and will initiate adopted interagency consultation procedures should any proposed project appear to be inconsistent with the current conformity determination.

Article 8 Update of the Regional Transportation Plan (RTP) and Development of the Transportation Improvement Program (TIP)

The metropolitan transportation planning process is on-going. Therefore it is necessary to regularly update the policies, programs and projects described in the Regional Transportation Plan in light of latest planning data and assumptions. No later than every four years, the MPO will solicit projects and programs to be included in the next Regional Transportation Plan (RTP). This solicitation will describe the policy framework and planning priorities that guide consideration of a project for inclusion in the RTP and explain the project submission process, project selection criteria and schedule. TxDOT and Transit Operators will provide their plans and project submission information as requested in this solicitation. In updating the plan, the MPO, with the cooperation of TxDOT and Transit Operators, will ensure that the plan development process and plan content meet all requirements as specified in 23 CFR 450.322: Development and Content of the Metropolitan Transportation Plan. The MPO will

approve the updated plan and submit it for informational purposes to TxDOT, FHWA and FTA.

Approximately every other year, the MPO will approve the solicitation of projects and programs to be included in the next TIP. In preparing the new TIP, the MPO, with the cooperation of TxDOT and Transit Operators, will ensure that the TIP development process and TIP content meet all requirements as specified in 23 CFR 450.324: Development and Content of the Transportation Improvement Program (TIP). The MPO will approve the TIP and forward the TIP to the TxDOT for their approval and inclusion in their State Transportation Improvement Programs (STIP). TIP amendments and administrative modifications will follow the procedures for TIP modifications as adopted by the MPO and as specified in 23 CFR 450.326: TIP Revisions and Relationship to the State Transportation Improvement Program (STIP). The selection of projects from the TIP by the MPO, TxDOT, or Transit Operators will be done as specified in 23 CFR 450.330: Project Selection from the TIP.

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

Financial plans are required to be included with the regional, long-range transportation plan (RTP) and the TIP. These fiscal plans must demonstrate that the costs of projects and programs contained in the RTP and TIP (including the costs of implementing, operating and maintaining the proposed transportation system improvements) are consistent with projected sources of federal, state and local revenues reasonably available. As described in Article 8, the metropolitan transportation planning process is on-going. When the plan is amended or updated, the MPO, TxDOT and Transit Operators will cooperatively develop, share, review and adopt estimates of revenues and costs required for the financial plan that demonstrate fiscal constraint for the transportation plan as specified in 23 CFR 450.322(f)(10). When the TIP is amended, the MPO, TxDOT and Transit Operators will also cooperatively develop, share, review and adopt estimates of costs and estimates of funds that are available, committed or reasonably expected to be available that are required for the financial plan that demonstrate fiscal constraint for the TIP as specified in 23 CFR 450.324(h) & (i).

Article 10 Annual Listing of Projects with Federal Funding Obligations

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

Article 11 Certification of the Metropolitan Transportation Planning Process

When the TIP is approved, the MPO and TxDOT will certify that the metropolitan planning process for the Houston-Galveston TMA is being carried out in accordance with all applicable requirements as specified in 23 CFR 450.334 Self-Certification and Federal Certifications and 23 CFR 450.328 TIP Action by the FHWA and the FTA.