

STATE OF TENNESSEE

AGREEMENT WITH METROPOLITAN PLANNING ORGANIZATION

THIS AGREEMENT is made this 3rd day, of October, 2019, by and between the State of Tennessee, acting through the Tennessee Department of Transportation, called the "Department;" the Johnson City Metropolitan Transportation Planning Organization (MPO), called the "MPO," which has been designated as the MPO of the Johnson City Urbanized Area; and the Johnson City Transit System and the Northeast Tennessee Rural Public Transit, called the "Transit Agencies".

WITNESSETH

WHEREAS, 23 U.S.C. § 134 and 23 Code of Federal Regulations (CFR), Part 450, require that MPOs, in cooperation with the Department and the Transit Agency, carry out a metropolitan planning process for urbanized areas of the State; and

WHEREAS, 23 CFR § 450.314 requires the MPO, the Department, and public transportation operators within each metropolitan planning area to enter into a written agreement to clearly identify the responsibilities of the parties in carrying out the metropolitan planning process; and

WHEREAS, T.C.A. § 54-18-101 authorizes the Department to enter into cooperative planning agreements that provide for a continuing and comprehensive transportation planning process; and

WHEREAS, the MPO is empowered to serve as the lead planning and programming agencies for its Metropolitan Planning Area, and to this end the Department, the MPO, and the Transit Agencies jointly carry out an ongoing continuing, cooperative, and comprehensive multimodal transportation planning process that fully considers the planning factors required by applicable laws and regulations; and

WHEREAS, the Governor of State of Tennessee and the MPO designated the metropolitan planning area, as defined in 23 CFR § 450.312, as the area within which the required metropolitan transportation planning activities shall take place; and

WHEREAS, the Transit Agencies provides public transportation services within the MPO's Metropolitan Planning Area; and

WHEREAS, 23 CFR § 420.117(a) requires that the Department shall monitor all activities performed by its staff or by sub-recipients with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) planning and research funds, as dispersed in the Consolidated Planning Grant (CPG), to ensure that the work is being managed and performed satisfactorily and that time schedules are being met;

NOW THEREFORE, it is agreed as follows:

AGREEMENT

Article 1. Agreement Period

- A. This agreement becomes effective when signed by the last party whose signature makes the agreement fully executed. The Department shall not continue its obligation to the MPO under

this agreement if the Governor's designation of the MPO is withdrawn, if federal funds cease to become available, or if the agreement is terminated.

- B. This agreement shall be reviewed every five (5) years or as needed, such as when a new transportation funding bill is passed by the United States Congress, and/or when new federal regulations are published by FHWA/FTA by the respective agencies' signatories, or their applicable designees or proxies. If all terms and conditions of this agreement remain viable and no amendment to the existing agreement or a new agreement is required, a renewal letter from the Department to the MPO, signed and accepted by the MPO and the Transit Agencies, shall constitute renewal of this agreement subject to all terms and conditions specified in the agreement. However, an amendment or a new agreement may be executed, if necessary. In such case, the signatures of all parties of this agreement would be required to fully execute an amended or new agreement.

Article 2. Responsibilities of the Department

The responsibilities of the Department are as follows:

- A. Maintain staff within the Long Range Planning Division to act as the primary point of contact for MPO coordination.
- B. In compliance with federal regulations, assist in the carrying out of the continuous, cooperative, and comprehensive metropolitan planning process, including, but not limited to, the development of the Unified Planning Work Program (UPWP), a Metropolitan Transportation Plan (MTP), Long Range Transportation Plan (LRTP), and/or Regional Transportation Plan (RTP); and the Transportation Improvement Program (TIP); and, where required by federal law or regulation, monitor the MPO's performance of activities and expenditures of all funds under a UPWP. The Department is responsible for reviewing the MPO's activities and expenditures of funds and will comment on and make suggestions relating to those activities and expenditures.
- C. Distribute federal and/or state transportation planning funds to the MPO based on a formula developed by the Department, in consultation with the MPO, and approved by FHWA, FTA, and other applicable federal agencies.
- D. Provide to the MPO, as appropriate, technical assistance and guidance for the collection, processing, and forecasting of socio-economic data needed for the development of traffic forecasts, plans, programs, and planning proposals within the metropolitan area, including the collection, processing, and forecasting of vehicular travel volume data in cooperation with the MPO.
- E. Consistent with MPO by-laws, jointly promote the development of transportation projects within the metropolitan area by identifying points in the system where access, connectivity, and coordination between the modes and inter-urban facilities would benefit the entire system.
- F. Coordinate with the MPO and Transit Agencies in the preparation and maintenance of a Coordinated Public Transit – Human Services Transportation Plan.
- G. Update the MPO on relevant statewide transportation initiatives and priorities as needed.
- H. Inform the MPO relative to federal and state statutes, policies, regulations, and guidelines which bear upon metropolitan transportation planning and programming activities and contractual arrangements.
- I. Monitor the MPO's transportation planning process, when such monitoring is required by federal law or regulation, to ensure compatibility with state and USDOT programs and objectives and compliance with all applicable federal requirements.

Article 3. Responsibilities of the MPO

The MPO is an organization created to ensure that existing and future expenditures on transportation projects and programs are based on a continuing, cooperative, and comprehensive planning process. The responsibilities of the MPO are as follows:

- A. Document planning activities in a UPWP to indicate who will perform the work, the schedule for completing the work, and all products or deliverables that will be produced, the proposed funding by activity/task, and a summary of the total amounts and sources Federal and matching funds. In cooperation with the Department and public transportation operators as defined by 23 CFR Part 450, the MPO must biennially develop a UPWP, subject to federal approval, that meets federal requirements.
- B. Use funds to develop and maintain a comprehensive regional transportation planning program in conformity with the requirements of 23 U.S.C. § 134, and 49 U.S.C. § 5303.
- C. Develop, adopt, and periodically review a MTP/LRTP/RTP, a TIP, and a UPWP for the Metropolitan Planning Area (MPA), consistent with applicable federal laws. At a minimum, the MPO shall consider in the planning process the applicable factors outlined in 23 U.S.C. § 134.
- D. Create and appoint members to the MPO Policy Board as stipulated by 23 CFR § 450.310. Additionally, for any MPO subject to T.C.A. § 64-8-301, a voting member who resides in the MPA shall be chosen in consultation with the Tennessee County Highway Officials Association to represent county highway departments operating within the planning area.
- E. Coordinate with the Department and the Transit Agencies in the preparation and maintenance of a Coordinated Public Transit – Human Services Transportation Plan including, but not be limited to, an assessment of available services and transportation needs, identification of strategies, actions, and projects to address gaps between services and needs and improve service efficiencies, and identification of priorities for implementation.
- F. Assemble and maintain an adequate, competent staff with the knowledge and experience necessary to perform all appropriate MPO activities as required by law.
- G. Acquire, forecast, and maintain appropriate socio-economic, roadway, and travel data on a timely basis, in cooperation with the Department.
- H. Prepare all required plans, programs, reports, and data, and obtain all required certifications in a timely manner.
- I. Share information and sources of information concerning transportation planning issues with the Department, other jurisdictions and planning agencies, and interested members of the public, in a manner consistent with the provisions set forth in the approved Public Participation Plan.
- J. Ensure that all meetings and records concerning the business of the MPO comply with the requirements prescribed in 23 CFR Part 450 and T.C.A. Title 8, Chapter 44, Part 1.
- K. Comply with the Americans with Disabilities Act of 1990 plan certification procedures as required by 49 CFR § 37.139.
- L. Comply with Title VI of the Civil Rights Act of 1964 and maintain a current Title VI Program as required by FTA's Title VI Circular 4702.1B.
- M. Comply with DOT 5610.2(a) Environmental Justice; National Environmental Policy Act 42 U.S.C. § 4321 et seq.; and Executive Order 12898 Environmental Justice.
- N. Comply with DOT FR 239 Responsibilities to Limited English Proficiency (LEP) Persons.
- O. Ensure that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this agreement or in the employment practices of the MPO on the grounds of handicap or disability, age, race, color, religion, sex,

national origin, or any other classification protected by federal, Tennessee state constitutional, or statutory law. The MPO shall, upon request, produce proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

Article 4. Responsibilities of the Transit Agencies

The responsibilities of the Transit Agencies are as follows:

- A. Actively participate in the MPO activities to represent public transit interests and ensure awareness and consideration of public transit plans, programs, projects, and policies in MPO decision-making.
- B. Cooperate in the development and maintenance of the MTP/LRTP/RTP and TIP as a participating agency, providing information requested by the MPO in a timely manner relative to public transit projects and services to be deployed within the MPA in order to ensure consideration for inclusion in the MTP/LRTP/RTP and TIP. This includes information relative to the availability, or anticipated availability, of federal and local financial aids for public transit improvements and services within the MPA.
- C. Cooperate in the development and maintenance of the UPWP as a participating agency, providing information requested by the MPO in a timely manner related to transit planning activities or technical assistance to be deployed within the MPA for inclusion in the UPWP. This includes informing the MPO to the availability, or anticipated availability, of federal and state financial aids and technical assistance for public transit planning activities.
- D. Work cooperatively with the MPO and the Department in the preparation of an Annual Listing of Obligated Projects (ALOP) funded under 23 U.S.C. or 49 U.S.C. Chapter 53 to include supplying information about federal obligations of grant funds administered through FTA in a reasonable time following the end of the federal fiscal year.
- E. Cooperate with the Department in the development of the Statewide Long Range Transportation Plan (STIP) pursuant to the provisions of 23 U.S.C. 135.
- F. Coordinate with the MPO and the Department in the preparation and maintenance of a Coordinated Public Transit – Human Services Transportation Plan.
- G. Coordinate with the Department and the MPO on the conduct of short-range transit plans or operational analyses that affect or inform regional or statewide transportation plans and programs.
- H. Prepare and submit applications for federal public transportation capital assistance grants and state operating assistance grants and administer approved grants.
- I. Collect data to meet the requirements of 49 U.S.C. 5335 regarding the National Transit Database.
- J. At least once per year, present to the MPO an update on local public transit initiatives and priorities that either affect regional transportation plans and programs or that should be considered in their development.
- K. Prepare and update paratransit service plans in conformance with the Americans with Disabilities Act of 1990.
- L. Ensure that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this agreement or in the employment practices of the Transit Agencies on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee state constitutional, or statutory law. The Transit Agencies shall, upon request, produce proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

Article 5. Unified Planning Work Program

- A. Every two (2) years, the MPO shall submit to the Department a program of work that includes goals, objectives, and tasks required by each of the relevant agencies involved in the metropolitan transportation planning process. This program of work is to be called the Unified Planning Work Program (UPWP), or any successor name. The UPWP shall be developed and adopted by the MPO Policy Board, in accordance with 23 CFR § 450.314, and must be approved by FHWA prior to the MPO carrying out any work items from the UPWP.
- B. The UPWP shall be prepared for a period of two (2) years. The UPWP shall reflect only the work that can be accomplished during the time period of the UPWP, in accordance with 23 CFR § 420.113 (a) (5) and 23 CFR § 420.115 (a).
- C. The UPWP shall reflect transportation planning work tasks to be funded by federal, state, or local transportation, or transportation-related (e.g., air quality), planning funds. The budget and statement of work will be included in the UPWP. The MPO may not incur costs until final approval of the UPWP by the Department and ultimate federal authorization.

Article 6. Metropolitan Transportation Plan (MTP), Long Range Transportation Plan (LRTP), and/or Regional Transportation Plan (RTP)

- A. Every five (5) years, or every four (4) years for MPOs in nonattainment or maintenance areas, the MPO shall develop and adopt a MTP/LRTP/RTP which shall include recommended transportation investments and strategies determined cooperatively by the MPO, the Department, and the Transit Agencies. The MTP/LRTP/RTP shall be adopted by the MPO Policy Board, in accordance with 23 CFR § 450.324.
- B. The investments and strategies put forth in the MTP/LRTP/RTP shall address no less than a 20-year planning horizon.
- C. The MPO shall issue a formal call for projects from local government members and agency partners, including the Transit Agencies, the Department, and local governments, early in the MTP/LRTP/RTP development process. The projects will be considered through the MPO's project selection process.
- D. At the request of the MPO, the Department shall provide data to assist in the development of the MTP/LRTP/RTP.
- E. The Transit Agencies shall provide to the MPO relevant data needed for the evaluation of existing and proposed transit projects and policies, including existing transit services and routes, existing and projected ridership figures, and existing and projected operations and maintenance costs.
- F. The MPO shall, in consultation with the Department, the Transit Agencies, and local government partners, set the inflation rates used to develop year of expenditure (YOE) costs in the MTP/LRTP/RTP.
- G. At the MPO's request, the Department shall provide the MPO with a description of the Department's performance measures and performance targets used in assessing the performance of the transportation system; provide the MPO with a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in 23 CFR § 450.306(d); and inform the MPO on progress achieved by the Department in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data.
- H. Consistent with 23 CFR § 450.324(f), the MPO shall, in consultation with the Department, develop a methodology for financial planning for the MTP/LRTP/RTP, including system-level estimates of costs and revenue sources, estimates of funds that will available to support plan implementation,

additional financing strategies to fund projects and programs, and an inflation rate(s) to reflect year of expenditure (YOE) dollars based on reasonable financial principles and information.

- I. The MPO shall approve revenue forecasts and year of expenditure (YOE) cost estimates.
- J. Prior to the submittal of the first draft of the MTP/LRTP/RTP to the Department, MPOs in nonattainment and maintenance areas shall provide the Interagency Consultation Committee (IAC) with the MTP/LRTP/RTP project list for review and comment.
- K. The MPO must approve the MTP/LRTP/RTP and any subsequent revisions, and shall not delegate the approval authority, except for administrative adjustments. Administrative adjustments do not change the scope of work, result in an increase or decrease in the amount of task funding, or affect the overall budget. Examples include typographical, grammatical, or syntax corrections.

Article 7. Transportation Improvement Program (TIP)

- A. Every three (3) years the MPO, in cooperation with the Department and the Transit Agencies, shall develop and adopt a fiscally-constrained TIP which shall include the federally-funded and/or regionally significant (regardless of funding source) transportation projects anticipated in the MPA over the next four (4) years. Only projects consistent with the MTP/LRTP/RTP are eligible for inclusion in the TIP. The TIP shall be adopted by the MPO Policy Board, in accordance with 23 CFR § 450.326.
- B. The MPO shall issue a formal call for projects from local government members and agency partners, including the Transit Agencies and the Department, early in the TIP development process. The projects will be considered through the MPO's project selection process.
- C. The MPO, in cooperation with the Department, the Transit Agencies, and local government partners, shall evaluate the candidate projects against regional priorities, goals and objectives, and funding availability.
- D. Each project sponsor shall provide cost estimates for any projects proposed or endorsed by the sponsor.
- E. The MPO shall, in consultation with the Department, the Transit Agencies, and local government partners, set the inflation rates used to develop YOE costs in the TIP.
- F. Prior to the submittal of the first draft of the TIP to the Department, MPOs in nonattainment and maintenance areas shall provide the Interagency Consultation Committee (IAC) with the conformity determination report for review and comment.
- G. In accordance with the MPO's established TIP policies and the existing Memorandum of Agreement (MOA) between the Department and the MPO regarding the definition and need for amendments/administrative adjustments to the STIP and TIP, the MPO must approve the TIP and any subsequent revisions, and shall not delegate the approval authority, except for administrative adjustments.
- H. After approval by the MPO and the Governor, the Department shall integrate the approved TIP, without change, into the STIP directly or by reference. Once complete, the STIP shall be forwarded by the Department to FHWA/FTA for review and action.
- I. The Department shall inform the MPO upon FHWA/FTA's initial approval of the STIP.

Article 8. Annual Listing of Obligated Projects

In accordance with 23 CFR § 450.334, within ninety (90) days after the close of the federal fiscal year, the MPO shall publish an Annual Listing of Obligated Projects (Listing). An obligation report shall be provided by the Department in funds obligated under 23 U.S.C. § 134 for the MPO area such that the MPO has sufficient time to develop and publish the Listing by the prescribed deadline.

Article 9. Congestion Management Process

In accordance with 23 CFR § 450.322, every four (4) or five (5) years, as applicable, concurrent with the update to the MTP/LRTP/RTP, MPOs that are designated as TMAs shall, in cooperation with the Department and the Transit Agencies, develop a Congestion Management Process (CMP).

Article 10. Public Participation Plan

In accordance with 23 CFR § 450.316, the MPO shall adopt and maintain a formal, written Public Participation Plan. The Plan shall provide reasonable opportunity for involvement with all interested parties in carrying out the MPO's transportation planning and programming processes, including opportunities for preliminary review and comment at key decision points. Initial or revised Public Participation Plan procedures shall undergo a minimum forty-five (45) day draft public review and comment period.

Article 11. Performance Based Metropolitan Planning Process Responsibilities

In accordance with 23 CFR § 450.314 (h), the MPO, the Department, and the Transit Agencies shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see 23 CFR § 450.306(d)), and the collection of data for the state asset management plan for the National Highway System (NHS).

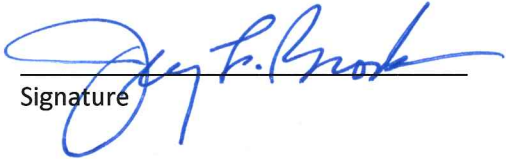
These terms were formally agreed upon in the MOU for cooperatively developing, sharing, and reporting information related to performance measures and performance targets which was signed by the Department Commissioner, the MPO, and the Transit Agencies on June 1, 2018.

Article 12. Travel Demand Modeling and Coordination on State Planning

The MPO is responsible for maintaining and updating the regional transportation model for all roadways of significance, including all interstates, freeways, and arterials, within the MPO study area. The model shall be developed and reviewed in a manner consistent with the guidance outlined in *Minimum Travel Demand Model Calibration and Validation Guidelines for the State of Tennessee*.

THIS AGREEMENT IS EXECUTED by the Department, the MPO, and the Transit Agencies.

THE MPO (JOHNSON CITY MTPO)



Signature

The Honorable Jenny Brock

Chair
Johnson City MTPO Executive Board

Date

THE TRANSIT AGENCY (JOHNSON CITY TRANSIT SYSTEM)

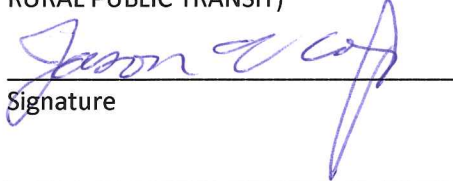
Signature


M. Denis Peterson

City Manager
City of Johnson City

Date


THE TRANSIT AGENCY (NORTHEAST TENNESSEE RURAL PUBLIC TRANSIT)



Signature

Jason Cody

Executive Director
First Tennessee Human Resource Agency



Date


THE DEPARTMENT (TENNESSEE DEPARTMENT OF TRANSPORTATION)



Signature

Clay Bright

Commissioner
Tennessee Department of Transportation



Date