

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE
MORGANTOWN MONONGALIA METROPOLITAN PLANNING
ORGANIZATION AND THE MONONGALIA COUNTY URBAN MASS
TRANSIT AUTHORITY RELATING TO TRANSPORTATION PLANNING
PROCEDURES

This Memorandum of Understanding ("MOU") is made and effective on this 16TH day of August, 2012, by and between the Morgantown Monongalia Metropolitan Planning Organization ("MPO") and the Monongalia County Urban Mass Transit Authority ("MCUMTA").

WITNESSETH:

WHEREAS, the MPO is an intercity agency which provides continuing, comprehensive and coordinated planning in the area that consists of the municipalities of Morgantown, Star City, Westover, Granville, Blacksville and the unincorporated areas of Monongalia County in West Virginia; and

WHEREAS, representatives on the MPO include appointees of the municipalities and County of Monongalia, the County Board of Education, West Virginia University and the Department of Transportation of the State of West Virginia, area citizens' committees and other interested parties; and

WHEREAS, the United States Department of Transportation ("US DOT") issued a regulation, published at 23 CFR § 450.314(a), which requires that

The [Metropolitan Planning Organization ("MPO")], the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in a written agreement among the MPO, the State(s), and the public transportation operator(s) serving the [Metropolitan Planning Area ("MPA")]; and

WHEREAS, the MPO for the area which includes Monongalia County and its incorporated areas; and

WHEREAS, MCUMTA is a body corporate and politic which operates the publicly- owned transit service within Monongalia County, West Virginia and its incorporated areas; and

WHEREAS, MCUMTA develops projects within the areas over which the MPO has jurisdiction; and

WHEREAS, the MPO and MCUMTA recognize the need for integrated long range planning for public transit services and projects within the territory they share; and

WHEREAS, MCUMTA and the MPO seek to carry out public transit planning in compliance with the regulations and guidelines of US DOT acting through, *inter alia*, the Federal Highway Administration ("FHWA") and Federal Transit Administration ("FTA"); and

WHEREAS, federal guidelines for transit planning encompass the following three stages: transportation systems planning, project planning, and environmental planning and review; and

WHEREAS, MCUMTA and the MPO desire to adopt cooperative procedures that define specific roles and responsibilities for each.

NOW, THEREFORE the parties hereto agree to adopt the following cooperative procedures and to carry out their respective roles and responsibilities specified herein.

1. Incorporation Of Recitals.

The recitals above are hereby incorporated into the body of the MOU.

2. The Parties' General Intent.

The parties will carry out public transit planning (including corridor and subarea planning) in a manner that conforms to guidelines issued by US DOT for transportation systems planning, project planning, and environmental planning and review.

This MOU does not abrogate, infringe upon or modify any current memoranda of understanding, agreements, policies or procedures by and between MCUMTA and the MPO.

3. Transportation Systems Planning.

According to US DOT, transportation systems planning encompasses a holistic approach to evaluating state and regional transportation needs at the broadest level. It is a progression of planning activities which helps establish a context for sound policy decisions and is an avenue for involving the public in transportation plans and projects to support the state and regional visions for the future. Transportation systems planning should lead to tangible products that ensure that local decisions affecting public transit are made in a comprehensive, inclusive manner. Some of these products include a multimodal, long-range transportation plan and a shorter-term transportation

improvement program.

a. Roles And Responsibilities Of the MPO For Transportation Systems Planning.

The MPO shall:

(i) produce in consultation with MCUMTA and interested state, local and regional parties a long range, multimodal, financially constrained transportation plan which identifies all regionally significant proposed facilities and any corridor or subarea studies that may result in such proposed facilities;

(ii) ensure that corridor and subarea studies include development and analysis of appropriate transit options based on consultation with transit operators;

(iii) include MCUMTA in technical oversight of corridor and subarea studies;

(iv) develop and reach consensus on regional forecasts of population, employment, and land use;

(v) coordinate with abutting MPO's (where applicable) and appropriate state agencies in order to ensure consistency with statewide and national forecasts of population, employment, and land use to assure that travel demand forecasts are consistent so that projects remain eligible for Federal funding;

(vi) develop transportation models and perform analysis for the region;

(vii) work with abutting MPO's and other affected transit operators (where applicable) on the development and use of forecasting models and network representations in order to ensure consistency of models and adequacy for multi-modal analysis;

(viii) provide a forum for members to identify travel and transit needs, potential concepts for transportation system improvements, and to identify the appropriate processes for advancing concepts; and

(ix) participate in any evaluation process intended to set priorities for transit projects based on appropriate criteria established collectively by MCUMTA, the MPO and interested state and regional parties which allow for concepts to be identified, defined, screened, and developed in a phased, cost-effective manner that ensures that projects are feasible and meet the needs of the region and the implementing agencies.

b. Roles And Responsibilities Of MCUMTA For Transportation Systems Planning.

MCUMTA, while coordinating with appropriate staff of the MPO and

member organizations of the MPO, shall:

- (i) provide appropriate transit options for consideration in studies by the MPO of corridors and subareas;
- (ii) participate in technical oversight of studies by the MPO of corridors and subareas;
- (iii) provide technical assistance and data to staff of the MPO and member organizations of the MPO in the development of needs statements, concept definitions, and determinations of physical and operational feasibility;
- (iv) perform such studies as are necessary to sustain current operations, comply with federal and state requirements, and ensure integrity of existing operations and services including, but not limited to, operations and capacity studies, market research, customer surveys, definition and development of concepts for transit service and infrastructure improvements and enhancements;
- (v) identify transit services and projects which cross the boundaries of the MPO and require planning and forecasting coordination among other MPO's;
- (vi) help develop models and methods of transit mode-specific forecasting and operations analysis consistent with regional and state projections;
- (vii) apply transit demand models and produce MCUMTA system-wide and project-specific travel demand forecasts;
- (viii) develop a staged process for any advancing transit new start capital projects including: (1) identification of purpose and need; (2) development of problem statements; (3) identification of concepts; (4) development of transit concepts; (5) feasibility screening; and (6) identification of steps to advance into the processes for evaluation and rating under the FTA's New Starts program and the National Environmental Policy Act ("NEPA");
- (ix) fully involve the MPO in the staged project evaluation process, including all aspects of public outreach, as appropriate;
- (x) develop and incorporate into the staged project evaluation process, criteria for transit project evaluation which shall be consistent with FTA New Starts Evaluation, Small Starts Evaluation and Rating Process, transit operational feasibility requirements, and the West Virginia State Plan and Development policies; and
- (xi) provide regular briefings to the MPO on any active transit planning.

4. Project Planning.

According to FTA following the results of transportation systems planning, project planning focuses on a specific transportation need (or set of needs) in a given corridor or

subarea, identifies alternative actions to address the needs, and generates the information needed to select a preferred project for implementation. This analysis is often referred to as "alternatives analysis" and typically addresses such issues as costs, benefits, environmental and community impacts, and financial feasibility. Consequently, an alternatives analysis spans a wide range of technical disciplines, ranging from engineering to patronage forecasting to the natural and social sciences. Project planning continues beyond the selection of a preferred capital investment strategy (or New Start for fixed guideway transit projects funded with discretionary FTA resources) and into further refinement and analysis, including completion of environmental review requirements under NEPA.

a. Roles And Responsibilities Of the MPO For Project Planning.

The MPO shall:

(i) provide assistance in securing approvals for inclusion of transit planning projects in the Unified Planning Work Program ("UPWP"), Transportation Improvement Program ("TIP"), and other planning programs of the MPO;

(ii) participate in and assist MCUMTA in public outreach activities;

(iii) where appropriate, participate in joint planning with MCUMTA, abutting MPO's and other transit operators (where appropriate) to assure consistency of planning assumptions, forecasts and establishment of feasibility for projects planned to serve multiple MPO's; and

(iv) participate in technical oversight of transit studies and provide input to MCUMTA during comment periods and at other points as appropriate.

b. Roles And Responsibilities Of MCUMTA For Project Planning.

MCUMTA shall:

(i) perform project planning and development studies to define transit concepts and advance projects through a staged development process;

(ii) involve the MPO in project studies at the technical level, as appropriate;

(iii) perform Alternatives Analysis ("AA") studies for specific projects in accordance with FTA guidance and regulations;

(iv) prepare or cause to be prepared project specific travel demand forecasts and financial analyses based on travel-demand models of the MPO and adopted regional demographic and employment projections;

(v) consult with the MPO on selection of preferred alternatives at the conclusion of AA studies;

(vi) prepare or cause to be prepared preliminary engineering, final engineering and cost estimates for transit projects;

(vii) identify and define projects that extend beyond the MPO's boundaries in order to facilitate consistency in planning assumptions, forecasts and establishment of project feasibility among affected MPO's;

(viii) conduct public outreach and encourage public participation as required under applicable federal and state laws and regulations;

(ix) prepare information submittals for all types of studies, analyses and projects;

(x) provide regular briefings and opportunities for input from staff of the MPO and members of the MPO; and

(xi) negotiate Full Funding Grant Agreements ("FFGA's") with FTA for selected projects, as necessary.

5. Environmental Planning and Review.

According to FTA as part of the federal grant application process, public transportation agencies work with FTA to consider the social, economic and environmental consequences of proposed projects and activities. The environmental review process required by NEPA and related laws includes environmental impact analyses and the preparation of documentation for public review. Smaller, relatively routine actions that do not individually or cumulatively have a significant environmental impact, are considered to be "categorically excluded" from extensive environmental analysis. For larger capital projects, environmental evaluation typically results in a detailed written statement on the environmental impacts of a proposed project and alternatives to reduce the harm to the community and the natural environment. Typically, environmental reviews for proposed transit projects address the impact areas of air and water quality, noise and vibration, historic and cultural properties, parklands, contaminated lands, displacement of residences and businesses, and community preservation. During the federal environmental review process, public transportation agencies usually work concurrently with state and local agencies to comply with state and local environmental laws.

a. Roles And Responsibilities Of the MPO For Environmental Planning and Review.

The MPO shall:

(i) provide assistance in securing approvals for inclusion of work on

Environmental Assessments ("EA's"), Draft Environmental Impact Statements ("DEIS's"), and Final Environmental Impact Statements ("FEIS's") in UPWP, TIP, and other the MPO planning programs;

(ii) participate in and assist MCUMTA in public outreach activities; and

(iii) provide input to MCUMTA during comment periods and at other points as appropriate.

b. Roles And Responsibilities Of MCUMTA For Environmental Planning And Review.

MCUMTA shall:

(i) prepare EA's, DEIS's, and FEIS's for specific transit projects in accordance with NEPA, West Virginia Department of Environmental Protection, the West Virginia Division of Wildlife Management, the West Virginia Division of History and Culture, and FTA guidance and regulations;

(ii) conduct public outreach and encourage public participation as required under applicable federal and state laws and regulations;

(iii) provide briefings and opportunities for input from the MPO members and staff of the MPO; and

(iv) consult with the MPO on programming and funding for long range project plans.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have executed this Memorandum of Understanding by their duly authorized officers or representatives, as of the date first above written.

By:

David A. Bruffy, General Manager
Monongalia County Urban Mass Transit Authority

Bill Austin, Executive Director
Morgantown Monongalia Metropolitan Planning Organization

Date

Date

Attest

Attest