

MEMORANDUM OF UNDERSTANDING

Identifying the Continuing, Cooperative, and Comprehensive Transportation Planning Roles and Responsibilities for the Kansas Department of Transportation, Lawrence-Douglas County Metropolitan Planning Organization, and the City of Lawrence

This Memorandum of Understanding (MOU) serves as the Metropolitan Planning Agreement outlined in United States Department of Transportation (USDOT) metropolitan planning regulations (currently 23 USC 450.314). This MOU is entered into and effective this ____ day of ____, 2009, by and between the Secretary of Transportation for the State of Kansas (KDOT), the Lawrence-Douglas County Metropolitan Planning Organization (L-DC MPO), and the City of Lawrence (City). This MOU identifies and documents the roles and responsibilities for each of the partners in the continuing, cooperative, and comprehensive metropolitan transportation planning and programming process.

Partners

Kansas Department of Transportation (KDOT) is a department within the State of Kansas established pursuant to K.S.A. § 75-5001 *et. seq.*

Lawrence-Douglas County Metropolitan Planning Organization (L-DC MPO) is the designated Metropolitan Planning Organization (MPO) for the Lawrence, Kansas urbanized area and, as such, is responsible for regional coordination of federal transportation funds and regional transportation planning. The L-DC MPO metropolitan planning area includes all of Douglas County, consisting of all unincorporated portions of the county and four incorporated municipalities.

Lawrence Transit System (called the T) is a department of the City of Lawrence, Kansas and is responsible for providing fixed route general public and complementary paratransit services funded by the City of Lawrence with assistance from the Federal Transit Administration and the State of Kansas.

MPO Governance/Structure

Lawrence-Douglas County MPO Policy Board (L-DC MPO)

L-DC MPO was re-designated on December 8, 2008. The 2008 MPO Re-Designation Agreement and new L-DC MPO Bylaws adopted on April 16, 2009 specify the membership and basic operating procedures for L-DC MPO. The annually approved Unified Planning Work Program (UPWP) may be used to clarify how L-DC MPO and its staff are to operate from year to year.

Technical Advisory Committee

Technical Advisory Committee (TAC) for L-DC MPO is the main advisory committee and provides recommendations to the Policy Board on significant transportation issues, programs, and projects. New TAC Bylaws were written following the December 2008 MPO Re-Designation and were approved by TAC on May 5, 2009 and approved by L-DC MPO on May 21, 2009. TAC Bylaw changes must be approved by both TAC and L-DC MPO. TAC Bylaws specify the membership for TAC and outlines how this advisory committee is to operate. TAC is a

permanent advisory committee for L-DC MPO. TAC has the responsibility of coordinating recommendations to L-DC MPO including recommendations coming from other advisory committees.

Other Advisory Committees for the L-DC MPO

L-DC MPO may use other advisory committees (e.g., Bicycle Advisory Committee, Public Transit Advisory Committee, etc.) to assist L-DC MPO with setting regional transportation policies, creating regional plans, operating regional programs, and performing other MPO duties. L-DC MPO may review the membership and bylaws of the advisory committees. The advisory committees will coordinate their recommendations to L-DC MPO with TAC and make joint recommendations with TAC to L-DC MPO whenever possible.

Planning Process and Responsibilities

L-DC MPO Metropolitan Planning Area (MPA) Boundary – The MPO process is conducted within a defined Metropolitan Planning Area (MPA). The boundary of the MPA is to reflect the current Urbanized Area (UZA) defined by the US Census Bureau plus areas anticipated to urbanize within the next 20 years. The MPA boundary will be reviewed when new Urbanized Area boundaries are established following each decennial census, and at intermediate intervals as prompted by requests by local or state governments to modify the current boundary. L-DC MPO and KDOT shall approve any changes to the MPA boundary. Since 2002 the MPA used by the L-DC MPO is the entirety of Douglas County. This boundary is defined in the 2008 Re-Designation Agreement for the L-DC MPO. The establishment of the MPA is outlined in United States Department of Transportation (USDOT) regulations (currently 23 USC 450.312).

- a. L-DC MPO Responsibility – L-DC MPO will prepare and maintain a description and map of the current MPA boundary, and make it available to the other planning partners. L-DC MPO will initiate a review of the MPA boundary following each decennial census.
- b. KDOT Responsibility – KDOT will use the current MPA boundary in planning activities to accurately reflect the area within which L-DC MPO planning, programming, and decision-making processes are to be followed. KDOT will actively participate in each review of the MPA boundary.

Urbanized Area (UZA) Boundary – UZA boundaries are established following each decennial census. The boundary distinguishes between urban and rural places for funding and system classification purposes. L-DC MPO and KDOT, working together cooperatively, may adjust the census-defined UZA boundary to create a smooth, definable boundary between urban and rural places.

- a. L-DC MPO Responsibility – L-DC MPO will prepare and maintain descriptions and maps of the current census-defined and adjusted UZA boundaries, and make them available to the other planning partners. L-DC MPO will initiate the process to adjust the census-defined boundary following each decennial census.
- b. KDOT Responsibility – KDOT will actively participate in each review of the UZA boundary. After KDOT approves the adjustments to the UZA boundary, it will submit them to the USDOT for final approval.

Roadway Functional Classification System – Roadways are functionally classified according to federal guidelines to identify the role each facility plays in the overall transportation network, and to establish eligibility for using federal transportation funds. L-DC MPO and KDOT, working together, will determine how all roadways within L-DC MPO planning area are functionally classified.

- a. L-DC MPO Responsibility – L-DC MPO will establish and maintain policies to guide the maintenance of the roadway functional classification system within the MPA. L-DC MPO will coordinate changes to the functional classification system with local jurisdictions within L-DC MPO metropolitan planning area.
- b. KDOT Responsibility – KDOT will actively participate in each review of the roadway functional classification system within the MPA, including cooperation with L-DC MPO in meeting state and federal guidelines. After KDOT approves any changes to the roadway functional classification system, KDOT will forward those changes to the Federal Highway Administration (FHWA) for final approval. KDOT will reflect the federally approved roadway functional classification system in their mapping products and statewide systems.

Financial Planning – The Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) must include a financial plan that demonstrates how the MTP and TIP will be implemented. The financial plan will be based on estimates of revenue reasonably expected to be available during the time period covered by the MTP and TIP. Estimates of revenue are to be prepared cooperatively between the parties to this MOU.

- a. L-DC MPO Responsibility – L-DC MPO will develop and maintain procedures and methodologies for generating revenue forecasts consistent with federal guidance for financial forecasting in cooperation with KDOT. L-DC MPO will generate estimates of local funds to be available to support transportation investments within the MPA. L-DC MPO will convene the partners as necessary to review methodologies, assumptions, and estimates to be used in MTP and TIP documents and amendments.
- b. KDOT Responsibility – KDOT will provide historical information regarding funding levels and expenditures within the MPA and any estimates KDOT has prepared for future state and federal revenues. KDOT will actively participate in revenue forecasting efforts for L-DC MPO planning process and preparation of L-DC MPO products.
- c. City Responsibility – The City will provide historical information regarding funding levels and expenditures for transit services within the MPA and any estimates they have prepared for future local, state, and federal revenues.

Metropolitan Transportation Plan (MTP) Development and Maintenance – One of the primary products of L-DC MPO regional transportation planning process is the creation and maintenance of a MTP. The MTP includes long and short-range strategies/actions that lead to the development of an integrated, multi-modal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand. The MTP notes recent transportation investments in the region, and identifies

projected investments to be implemented during the planning period covered by the MTP. The MTP is updated according to intervals set in federal regulations (currently every 5 years for attainment areas per 23 USC 450.322), but may be amended more frequently.

- a. L-DC MPO Responsibility – L-DC MPO will establish a schedule to ensure that each update of the plan is completed by the established federal deadline. L-DC MPO will monitor plans, studies, and other activities in the MPA that might warrant intermediate amendments to the MTP. L-DC MPO will lead the development of the MTP in cooperation with the other parties to this MOU.
- b. KDOT Responsibility – KDOT will coordinate the statewide long-range transportation plan with the MTP. KDOT will include L-DC MPO in its local consultation process. KDOT will monitor internal plans, studies and other activities to identify potential MTP amendments and inform the other planning partners accordingly. KDOT will cooperate with the other parties to this MOU in the development of the MTP.
- c. City Responsibility – City will integrate the region's metropolitan planning efforts with their agency planning efforts for future transit operations and capital investments. City will monitor internal plans, studies, and other activities to identify potential MTP amendments and inform the other planning partners accordingly. City will cooperate with the other parties to this MOU in the development of the MTP.

Studies – Studies are regularly conducted in the region to analyze particular transportation issues, transportation functions, geographic subareas, or transportation corridors and bring further definition to proposed transportation investments in the region. Studies may result in changes to, or further definition of, the MTP, and/or project level details that should be reflected in the TIP.

- a. L-DC MPO Responsibility – L-DC MPO will develop and maintain a list of corridors proposed for study in the annually approved Unified Planning Work Program and include the latest list of these corridors needing extra planning attention in updates made to the MTP. Studies L-DC MPO lead will reflect the broad policy framework articulated in the MTP. L-DC MPO will include planning partners in studies it leads, and will actively participate in studies conducted by the other partners in this MOU as well as other agencies in the MPA to the extent feasible. L-DC MPO will adhere to its approved Public Participation Plan (PPP) and engage a broad cross-section of community interests and the general public in studies it leads. Conclusions should be reflected in the MTP and/or the TIP, which will be accomplished by L-DC MPO assisting staff and other planning partners with bringing conclusions of studies through L-DC MPO committee process, as appropriate.
- b. KDOT Responsibility – KDOT will conduct studies in a manner consistent with the broad policy framework in the MTP. KDOT will include partners of the planning process in studies they lead, and will actively participate in studies conducted by other partners of the planning process. KDOT will take steps to include a broad cross-section of community interests and the general public is afforded the opportunity to participate in studies that they lead. KDOT will bring conclusions of its studies to the L-DC MPO committees for review.

- c. City Responsibility – Studies City leads will reflect the broad policy framework articulated in the MTP. City will include partners of the planning process in studies they lead, and will actively participate in studies conducted by other partners of the planning process. City will engage a broad cross-section of community interests and the general public in studies they lead. The City will bring to the MPO committee process conclusions of studies to be reflected in the MTP and/or the TIP, as appropriate.

TIP Development and Maintenance – One of the primary products of the metropolitan transportation planning process is the TIP. The TIP identifies specific investments to be implemented during the short term, and serves to commit funds to specific projects. The TIP is updated according to intervals set in federal regulations, which is currently every four years, and may be amended more frequently as appropriate. Development of the TIP is outlined in USDOT regulations 23 USC 450.324. The TIP is part of the Statewide Transportation Improvement Program (STIP). Any new TIP or TIP amendment must be approved by KDOT.

- a. L-DC MPO Responsibility – L-DC MPO will establish policies and procedures for the development and maintenance of the TIP through its TIP policy document. L-DC MPO will lead the development of the TIP or TIP amendment in cooperation with the other parties to this MOU. L-DC MPO will maintain the TIP as a web/database product that reflects project level details consistent with L-DC MPO policies and federal regulations.
- b. KDOT Responsibility – KDOT will cooperate with the other parties to this MOU in the development of the TIP or TIP amendments. KDOT will conduct project selection activities for its projects in consultation with the other planning process partners. KDOT will submit/update project level data such that the TIP can reflect project details consistent with L-DC MPO policies and federal regulations. After KDOT approves the TIP or TIP amendment, KDOT will in a timely manner submit it to USDOT for final approval.
- c. City Responsibility – City will cooperate with the other parties to this MOU in the development of the TIP or TIP amendment. City will conduct project selection activities in consultation with other planning process partners. City will submit/update project level data such that the TIP can reflect project details consistent with L-DC MPO policies and federal regulations.

Annual Listing of Obligated Projects – One of the aspects of public accountability assigned to the metropolitan transportation planning process is an annual reporting of the federal funds obligated to projects in the preceding federal fiscal year (October 1-September 30). The most recent listings are included in the TIP to confirm the obligation of federal funds to projects currently and previously listed in the TIP.

- a. L-DC MPO Responsibility – Taking into account the schedules for releasing such information, L-DC MPO will establish the schedule for completing the annual listing of obligated projects. L-DC MPO will compile information from the other planning partners, federal agencies, and others as appropriate, in order to complete the initial listing of projects. Once reviewed by the TAC and L-DC MPO and deemed complete, the L-DC MPO Staff will publish the listings electronically on the L-DC MPO website.

- b. **KDOT Responsibility** – KDOT will provide information regarding any federally funded projects within the MPA which have had federal fund obligations during the previous year.
- c. **City Responsibility** – City will provide information regarding any federally funded projects which have had fund obligations during the previous year. City will establish internal procedures to ensure the information is routinely provided each year.

Unified Planning Work Program (UPWP) Development and Consolidated Planning Grant (CPG) Management – A UPWP is prepared annually and describes the MPO planning activities to be conducted in the MPA. The UPWP serves three distinct functions: (1) it describes the transportation planning activities of regional scope regardless of the funding source that the parties to this MOU undertake; (2) it serves as the scope of services and documents the proposed expenditures of Public Law 108-310 (PL) and 5303 funds awarded by KDOT to L-DC MPO as a Consolidated Planning Grant; and (3) it provides a management tool for the planning partners in scheduling major transportation planning activities, milestones, and products.

- a. **L-DC MPO Responsibility** – Taking into account the time it takes to develop and approve a UPWP, L-DC MPO will develop and maintain a UPWP development schedule. L-DC MPO will lead the development of the UPWP in cooperation with the other parties to this MOU. After meeting with the other parties to this MOU for the purpose of discussing regional planning issues and priorities for the upcoming year, L-DC MPO will prepare a written draft UPWP for review by the other parties to this MOU. The L-DC MPO will prepare and publish on the L-DC MPO website the final UPWP as approved by L-DC MPO Policy Board. L-DC MPO will prepare and submit to KDOT quarterly progress and billing reports detailing activities conducted that quarter for the various UPWP work tasks.
- b. **KDOT Responsibility** – KDOT will cooperate with the other parties to this MOU in the development of the UPWP, and will use the UPWP as the basis for their individual CPG agreements with L-DC MPO. KDOT will provide task, budget, and schedule information to be included in the UPWP for any planning activities it will undertake in the MPA during the year. After approval by KDOT, the UPWP will be submitted to USDOT for approval.
- c. **City Responsibility** – City will cooperate with the other parties to this MOU in the development of the UPWP, including the task, budget, and schedule information to be included in the UPWP. City will provide quarterly updates to L-DC MPO of task progress to be included in the quarterly progress reports.

Regional Intelligent Transportation Systems (ITS) Architecture Report –L-DC MPO Regional ITS Architecture Report provides a specific, tailored structure for facilitating institutional agreement and technical integration for the implementation of ITS projects in the region. It defines how systems functionally operate and the interconnection of information exchanges that takes place between these systems to accomplish transportation services. The Regional ITS Architecture Report will be consistent with the Statewide ITS Architecture Report. The first Regional ITS Architecture Report for the L-DC MPO metropolitan planning area was completed and accepted in May 2008.

- a. L-DC MPO Responsibility – L-DC MPO will maintain a database of information that comprises the Regional ITS Architecture Report. L-DC MPO will periodically update the Regional ITS Architecture Report in compliance with 23 CFR 940 to reflect new components and information exchanges that may enhance transportation performance in the MPA. L-DC MPO will provide assistance to project sponsors in identifying information exchanges for proposed ITS and ITS-related projects.
- b. KDOT Responsibility – KDOT will comply with 23 CFR Part 940 to plan, develop and evaluate proposed transportation technology investments in the region. KDOT will participate in updates to the Regional ITS Architecture Report.
- c. City Responsibility – City will comply with 23 CFR Part 940 to plan, develop and evaluate proposed transportation technology investments in the region.

Coordinated Public Transit-Human Services Transportation Plan – MPO areas must have a Coordinated Public Transit-Human Services Transportation Plan (CPT-HSTP) to be eligible to expend Elderly Individuals and Persons with Disabilities (EIPD, 5310), Job Access and Reverse Commute (JARC, 5316) and New Freedoms (NF, 5317) funds. The CPT-HSTP will serve as the basis for the competitive selection process related to JARC and NF funds. The CPT-HSTP should be prepared so it is coordinated and consistent with the MPO process and the metropolitan transportation plan.

- a. L-DC MPO Responsibility – L-DC MPO will develop the CPT-HSTP and involve transit and paratransit providers located within the MPA in the development. L-DC MPO will include transit funding agencies and other groups within the MPA that have an interest in transit planning in CPT-HSTP development activities. L-DC MPO will work with KDOT to review and update the CPT-HSTP as needed or when the MTP is updated. The MPO will coordinate the development of the regional CPT-HSTP with the other parties to this MOU.
- b. KDOT Responsibility – KDOT will work with L-DC MPO to review and update the CPT-HSTP as needed or when the MTP is updated.
- c. City Responsibility – City will participate in the development of the CPT-HSTP and assist in integrating the CPT-HSTP with other transit planning activities within the MPA..

Periodic Review of this MOU

This MOU will be reviewed periodically to reflect changes in current roles and responsibilities of the planning partners. In addition, this MOU will be assessed in the year following each federal certification review of the MPO planning process to capture any changes in federal transportation authorizations, federal regulations and guidance, comments from the certification review, and changes within the partners of the planning process.

Expected Roles and Responsibilities of USDOT

While they are not direct parties to this MOU, it is the expectation of the parties to the MOU that USDOT offices, particularly the Kansas Division Office of FHWA and the Regional Office of the Federal Transit Administration, will also participate as ex-officio associates in L-DC MPO regional transportation planning process. USDOT offices are expected to participate as ex-officio

members of L-DC MPO advisory committees and/or ex-officio members of L-DC MPO Policy Board, and provide a federal perspective to the work of L-DC MPO. USDOT offices are also expected to advise L-DC MPO regarding any issues of compliance with federal regulations as work products are being developed and produced so final products meet all existing federal requirements. Additionally, USDOT is expected to complete its actions related to approving L-DC MPO products and processes in a timely manner, so as not to delay progress on significant transportation initiatives.

Miscellaneous Provisions

This MOU is intended to not create any substantive rights or responsibilities for any party to this MOU over and above those created and conferred by federal law.

It is hereby expressly agreed that no third party beneficiaries are intended to be created by this MOU, nor do the parties herein authorize anyone not a party to this MOU to maintain a suit for damages pursuant to the terms or provisions of this MOU.

IN WITNESS WHEREOF the parties hereto have caused this Memorandum of Understanding to be executed by their proper officers and representatives having authority to do so.

Davonna Moore, Chairperson
Lawrence-Douglas County Metropolitan Planning Organization

Date:_____

Robert Chestnut, Mayor
City of Lawrence

Date:_____

Debra L. Miller, Secretary of Transportation
Kansas Department of Transportation

Date:_____