



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000

Stephen Brich
Commissioner

September 14, 2018

Hampton Roads Transportation Planning Organization
Metropolitan Planning Organization
Attn: Mr. Robert Crum, Executive Director
Hampton Roads Planning District Commission
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

Dear Mr. Crum,

Enclosed is the Metropolitan Planning Organization (MPO) office's **original document** on the current metropolitan transportation planning agreement between the MPO, the State and regional transportation provider. The agreement includes provisions regarding the implementation of federal transportation planning and programming requirements, including federal performance management requirements.

Please ensure that this original document is carefully filed and properly retained with the MPO's important records.

**MEMORANDUM OF UNDERSTANDING
ON METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES
FOR THE HAMPTON ROADS METROPOLITAN PLANNING AREA**

This agreement is made and entered into as of 9/13, 2018 by and between the Commonwealth of Virginia hereinafter referred to as the State, the Hampton Roads Transportation Planning Organization hereinafter referred to as the MPO, the Transportation District Commission of Hampton Roads (TDCHR), Williamsburg Area Transit Authority (WATA), and Suffolk Transit (represented on the MPO by the City of Suffolk) hereinafter referred to as the Public Transportation Providers, and the Hampton Roads 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 continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process as defined and required by the United States Department of Transportation in regulations at 23 CFR 450 Subpart C, and

WHEREAS, the regulations at 23 CFR 450.314 direct that the MPO, State, and Public Transportation Provider 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, State and Public Transportation Providers, the MPO shall serve as the forum for cooperative development of the transportation planning and programming activities and products for the Hampton Roads metropolitan planning area (MPA). It is also agreed that the following articles will guide the 3-C process. Amendments to this agreement may be made by written agreement among the parties of this agreement.

Article 1

Planning and Modeling Boundaries

The MPO is responsible as the lead for coordinating transportation planning and programming in the Hampton Roads MPA that includes the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the Counties of Isle of Wight, James City, and York; and portions of the City of Franklin and the Counties of Gloucester and Southampton. A map providing a visual and itemized description of the current MPA will be included on the MPO website. It is recognized that the scope of the regional study area used with the travel demand model may extend beyond the MPA. The boundaries of the MPA shall be subject to approval of the MPO and the Governor. The MPA shall, at a minimum, cover the U.S. Bureau of the Census' designated urbanized area and the contiguous geographic area

expected to become urbanized within the 20 year forecast period for the financially-constrained Long Range Transportation Plan. The MPO (in cooperation with the State and Public Transportation Providers) shall review the MPA boundaries after each Census to determine if existing boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall adjust them as necessary. Planning funds shall be provided to financially support the MPO's planning activities under 23 CFR 450 and 49 CFR 613, and the latest applicable metropolitan planning funding agreement with the State for the MPA. All parties to this agreement shall comply with applicable state and Federal requirements necessary to carry out the provisions of this agreement.

Article 2

MPO Structure & Committees

The MPO shall consist of, at a minimum, a Policy Board and a standing advisory group, the Transportation Technical Advisory Committee (TTAC). The MPO shall establish and follow rules of order and record. The Policy Board and the TTAC each shall be responsible for electing a chairman with other officers elected as deemed appropriate. These bodies and their roles are described below. Other advisory committees, task forces, and working groups may be established by the Policy Board and TTAC as deemed necessary by those bodies. Redesignation of an MPO is required when an existing MPO proposes to make substantial changes on membership voting, decisionmaking authority, responsibility, or in decisionmaking procedures established under MPO by-laws.

(A) The HRTPO Board serves as the MPO's policy board, and is the chief regional authority responsible for cooperative development and approval of the core transportation planning activities and products for the MPA including:

- the MPO budget and Unified Planning Work Program (UPWP); and
- the performance based financially-constrained Long-Range Transportation Plan (LRTP); and
- the performance-based Transportation Improvement Program (TIP) including all regionally significant projects regardless of their funding source; and
- the adoption of performance measure targets in accord with Federal law and regulations that are applicable to the MPA; and
- the reporting of targets and performance to be used in tracking progress toward attainment of critical outcomes for the MPA [450.314]; and
- the Public Participation Plan (PPP)

The Policy Board will consider, analyze as appropriate, and reflect in the planning and programming process the improvement needs and performance of the transportation system, as well as the Federal metropolitan planning factors consistent with 23 CFR 450.306. The Policy Board and the MPO will comply and certify compliance with applicable Federal requirements as required by 23 CFR 450.336. The Policy Board and the MPO also shall comply with applicable state requirements such as, but not limited to, the Freedom of Information Act

requirements which affect public bodies under the Code of Virginia at 2.2-3700 et sequel.

Voting membership of the HRTPO Board shall consist of the following representatives, designated by and representing their respective governments and agencies:

- Locally elected officials representing each County and independent City within the MPA
- One representative each from TDCHR and WATA
- One representative participating on behalf of the Virginia Department of Transportation (VDOT) appointed by the Commonwealth of Virginia Secretary of Transportation
- One representative participating on behalf of the Virginia Department of Rail and Public Transportation (DRPT) appointed by the Commonwealth of Virginia Secretary of Transportation
- One representative of the Virginia Port Authority (VPA) appointed by the Commonwealth of Virginia Secretary of Transportation
- Four members of the Virginia General Assembly – one Senator and one Delegate who reside in Peninsula localities and one Senator and one Delegate who reside in Southside localities

Nonvoting membership of the HRTPO Board shall consist of the following representatives:

- Chief Administrative Officers of each County and independent City within the MPA
- One representative each participating on behalf of the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), Virginia Department of Aviation (VDOA), Peninsula Airport Commission, and Norfolk Airport Commission.
- Chair of the Community Transportation Advisory Committee (CTAC)
- Co-chair of the Freight Transportation Advisory Committee (FTAC)

Other nonvoting participants of the HRTPO Board include:

- Members of the Commonwealth Transportation Board
- Liaisons from the various military service branches

The individual voting representatives may be revised from time to time as designated by the respective government or agency. Nonvoting members may be added or deleted by the Policy Board through a majority of all voting members. Voting and nonvoting designated membership of the Policy Board will be identified and updated on the MPO's website.

(B) The Transportation Technical Advisory Committee (TTAC) provides technical review, recommendations and assistance to the Policy Board and Staff on matters of transportation planning and programming. HRTPO TTAC voting membership shall be comprised of three members of each locality in the MPA,

three members from VDOT (one of whom shall be a representative from the central office), one member from DRPT, one member from VPA, and one member each from TDCHR and WATA. Representatives from FHWA, FTA, and liaisons of the branches of the military shall be nonvoting members. The representatives of each locality shall be appointed by the Chief Administrative Officer of the locality, the members from the state agencies shall be appointed by the Commonwealth of Virginia Secretary of Transportation, and members from TDCHR and WATA shall be appointed by the respective executive director. On an as-needed basis, the HRTPO Chair may invite additional persons to participate in TTAC meetings in a nonvoting capacity. Members are responsible for providing, obtaining, and validating the required latest official travel and socio-economic planning data and assumptions for the regional study area. Members are to ensure proper use of the data and assumptions by the MPO with appropriate travel forecast related models. Additional and specific responsibilities may be defined from time to time by the Policy Board. The designated voting and nonvoting membership of the TTAC will be updated by the Policy Board, and will be identified on the MPO's website.

(C) Regular Meetings – The Policy Board and TTAC shall each be responsible for establishing and maintaining a regular meeting schedule for carrying out respective responsibilities and to conduct official business. Meeting policies and procedures shall follow regulations set forth in 23 CFR §450.316. The regular meeting schedule of each committee shall be posted on the MPO's website and all meetings shall be open to the public. Any meetings and records concerning the business of the MPO shall comply with State Freedom of Information Act requirements.

Article 3

Unified Planning Work Program (UPWP)

Transportation planning activities anticipated within the Hampton Roads MPA during the next one or two year period shall be documented and prepared annually by the Staff and the TTAC in accord with 23 CFR 450.308 and reviewed and endorsed by the Policy Board. Prior to the expenditure of any funds, such UPWP shall be subject to the approval of FHWA, FTA, and the State for funding the activities. Any significant changes in transportation planning and related activities, regardless of funding source, shall be accomplished by amendments to the UPWP and adoption by the Policy Board.

Article 4

Public Participation Plan

The Policy Board shall adopt and maintain a formal, written Public Participation Plan (PPP). The PPP shall provide reasonable opportunity for involvement with all interested parties in carrying out the transportation planning and programming process for the MPA, providing reasonable opportunities for preliminary review and comment especially at key decision points. Initial or revised PPPs shall undergo a minimum 45 day draft public review and comment period. The PPP

will be published and available on the MPO's website. The State may assist, upon request of the MPO and on a case by case basis, in the provision of documents in alternative formats to facilitate the participation of persons with limited English proficiency or visual impairment.

The MPO also shall, to the extent practicable, develop and follow documented process(es) that at least outline the roles, responsibilities and key points for consulting with adjoining MPOs, other governments and agencies and Indian Tribal or Federal public lands regarding other planning activities, thereby ensuring compliance with all sections of 23 CFR 450.316. The process(es) shall identify procedures for circulating or providing ready access to draft documents with supporting materials that reference, summarize or detail key assumptions and facilitate agency consultations, and public review and comment as well as provide an opportunity for MPO consideration of such comments before formal adoption of a transportation plan or program.

Article 5

Inclusion and Selection of Project Recommendations

Selection of projects for inclusion into the financially-constrained Long-Range Transportation Plan (LRTP)

Recommended transportation investments and strategies to be included in the LRTP shall be determined cooperatively by the MPO, State, and Public Transportation Provider(s). The LRTP shall be updated at least every five years, and address no less than a 20 year planning horizon. Prior to the formal adoption of a final LRTP, the MPO shall provide the public and other interested stakeholders (including any intercity bus operators) with reasonable opportunities for involvement and comment as specified in 23 CFR §450.316 and in accordance with the procedures outlined in the PPP. The MPO shall demonstrate explicit consideration and response to public input received during the development of the LRTP.

Development of the Transportation Improvement Program (TIP)

The financially-constrained TIP shall be developed by the MPO with assistance from the State and Public Transportation Provider(s). The TIP shall cover a minimum four year period and shall be updated at least every four years, or more frequently as determined by the State to coincide and be compatible with the Statewide Transportation Improvement Program (STIP) development and approval process.

The State shall assist the MPO and public transportation providers in the development of the TIP by: 1) providing the project listing, planned funding and obligations, and 2) working collaboratively to ensure consistency for incorporation into the STIP. The TIP shall include any Federally-funded projects as well as any projects that are regionally significant regardless of type of funding. Projects shall be included and programmed in the TIP only if they are consistent with the

recommendations in the LRTP. The State and the Public Transportation Provider(s), assisted by the State, shall provide the MPO a list of project, program, and grouped projects obligations by year and phase for all State and public transportation projects to facilitate the development of the TIP document. The TIP shall include demonstration of financial-constraint and may include additional detail or supporting information provided the minimum requirements are met. The MPO shall demonstrate explicit consideration and response to public input received during the development of the TIP.

Once the TIP is compiled and adopted by the Policy Board the MPO shall forward the approved TIP, MPO certification, and MPO TIP resolution to the State. After approval by the MPO and the Governor, the State shall incorporate the TIP, without change, into the STIP. The incorporation of the TIP into the STIP demonstrates the Governor's approval of the MPO TIP. Once complete, the STIP shall be forwarded by the State to FHWA and FTA for review and approval.

Article 6

Financial Planning and Programming, and Obligations

The State, the MPO and the Public Transportation Provider(s) are responsible for financial planning that demonstrates how LRTPs and TIPs 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 LRTP (23 CFR 450.324) and TIP (23 CFR 450.326), as well as the development of the annual listing of obligated projects (Annual Obligation Report) (23 CFR 450.334).

Financial Constraint and Financial Forecasts

The LRTP and TIP shall be financially-constrained pursuant to 23 CFR §450.324 and §450.326 respectively with highway, public transportation and other transportation project costs inflated to reflect the expected year of expenditure. To support the development of the financial plan for the LRTP, the State shall provide the MPO with a long-range forecast of expected state and Federal transportation revenues for the MPA. The Public Transportation Provider(s), similarly, shall provide information on the revenues expected for public transportation for the MPA. The financial plan shall contain system-level estimates of the costs and the revenue sources reasonably expected to be available to adequately operate and maintain the Federal aid highways and public transportation. The MPO shall review the forecast and add any local, regional, 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 LRTP. 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 LRTP and/or TIP that does not reflect the changed revenue situation.

Annual Obligation Report

Within 90 days after the close of the Federal fiscal year, the State, Public Transportation Provider(s), and the MPO shall cooperatively develop a listing of projects for which funds under 23 U.S.C. or 49 U.S.C Chapter 53 were obligated in the preceding program year. This Annual Obligation Report (AOR) shall include all Federally-funded projects authorized or revised to increase obligations in the preceding program year, and shall 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 AOR in accordance with the MPO's Public Participation Plan criteria for the TIP.

Article 7

Performance-Based Metropolitan Planning Process Responsibilities

The MPO

The MPO, in cooperation with the State and Public Transportation Provider(s), shall establish and use a performance-based approach in carrying out the region's metropolitan transportation planning process consistent with 23 CFR 450.306, and 23 CFR 490. The MPO shall integrate into the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in applicable transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. Chapter 53 by providers of public transportation required as part of a performance-based program. The MPO shall properly plan, administratively account for and document the MPO's performance based planning activities in the MPO UPWP.

The MPO shall develop, establish and update the Federally required transportation performance targets that apply for the MPA in coordination with the State(s) and the Public Transportation Provider(s) to the maximum extent practicable. The Policy Board shall adopt Federal targets of the MPO after reasonable opportunity for and consideration of public review and comment, and not later than 180 days after the date on which the relevant State(s) and Public Transportation Provider(s) establish or update the Statewide and Public Transportation Provider(s) performance targets, respectively. No later than 21 days from the MPO deadline for the selection of new or updated targets, for each Federally required performance measure, the MPO shall formally notify the State(s) and Public Transportation Provider(s) of whether the MPO: 1) has selected "to contribute toward the accomplishment" of the statewide target selected by the state, or 2) has identified and committed to meet a specific

quantitative target selected by the public transportation provider(s) or the MPO for use in the MPO's planning area of Virginia.

In the event that a Virginia MPO chooses to establish a MPO-specific Federal highway or transit performance measure quantitative target, then the Virginia MPO shall be responsible for its own performance baseline and outcome analyses, and for the development and submittal of special report(s) to the State for the MPO-specific highway and/or transit performance measure(s). Reports from the Virginia MPOs that choose their own MPO-specific highway or transit target(s) will be due to the State no later than 21 days from the date that the MPO is Federally required to establish its performance target for an upcoming performance period. The special report(s) for each new or updated MPO-specific highway target shall be sent from the Virginia MPO to the VDOT Construction District Engineer. The special report(s) for each new or updated MPO-specific transit target shall be sent from the Virginia MPO to the Virginia Department of Rail and Public Transportation. The special report(s) shall include summary documentation on the performance analyses calculation methods, baseline conditions, quantitative target(s), and applicable outcome(s) regarding the latest performance period for the MPO-specific performance measure(s). For the Virginia MPOs which agree to plan and program projects "to contribute toward the accomplishment" of each of the statewide performance measure targets, the State will conduct the performance analyses for applicable MPAs in Virginia and provide online summaries for each measure such that no special report to the State will be due from these MPOs.

If a Virginia MPO chooses to contribute to achieving the statewide performance target, the MPO shall, at minimum, refer to the latest performance measure analyses and summary information provided by the State, including information that was compiled and provided by the State on the MPA's performance to inform the development of appropriate performance targets. The MPO may use State performance measures information and targets to update the required performance status reports and discussions associated with each MPO LRTP and/or TIP update or non-administrative modification. The MPO's transportation performance targets, recent performance history and status will be identified and considered by the MPO's Policy Board in the development of the MPO LRTP with its accompanying systems performance report required per 23 CFR 450.324, as well as in the development of the TIP with its accompanying description of the anticipated effect of the TIP toward achieving the performance targets, linking their TIP investment priorities to the performance targets as required per 23 CFR 450.326. The MPO LRTP and its accompanying systems performance report, and/or the MPO TIP and its accompanying description of the anticipated effect of the TIP, shall directly discuss or reference the latest State performance measure status information available and posted online by the State regarding the MPA at the time of the MPO's TTAC recommendation of the draft LRTP or draft TIP.

The State

Distinct from the roles of the metropolitan Public Transportation Provider(s) with Federal performance measures on transit (transit is the subject of the next section), the State is the lead party responsible for continuous highway travel data measurement and collection. The State shall measure, collect highway data and provide highway field data for use in Federal highway related performance measure analyses to inform the development of appropriate Federal performance targets and performance status reports. MPO information from MPO-specific data analyses and reports might not be incorporated, referenced or featured in computations in the Virginia statewide performance data analyses or reports. The State shall provide highway analyses for recommending targets and reporting on the latest performance history and status not only on a statewide basis but also on the Virginia portions of each of Virginia's MPAs, as applicable. The findings of the State's highway performance analyses will inform the development or update of statewide targets.

Information regarding proposed statewide targets for highway safety and non-safety federal performance measures will be presented to the Commonwealth Transportation Board (CTB) at the CTB's public meetings and related documents, including, but not limited to, presentations and resolutions, will be made publicly available on the CTB website. The MPO and Public Transportation Provider(s) shall ensure that they inform the State of any special data or factors that should be considered by the State in the recommendation and setting of the statewide performance targets.

All statewide highway safety targets and performance reports are annually due from the State to FHWA beginning August 31, 2017 and each year thereafter. The MPO shall report their adopted annual safety performance targets to the State for the next calendar year within 180 days from August 31st each year. The statewide highway non-safety performance two and/or four year targets are due for establishment from the State initially no later than May 20, 2018 for use with the state biennial baseline report that is due by October 1, 2018. The subsequent state biennial report, a mid-period report for reviews and possible target adjustments, is due by October 1, 2020. Thereafter, State biennial updates are cyclically due by October 1st of even numbered years with a baseline report to be followed in two years by a mid-period report. Using information cooperatively compiled from the MPOs, the State and the Public Transportation Providers, the State shall make publicly available the latest statewide and (each) MPO metropolitan planning area's federally required performance measure targets, and corresponding performance history and status.

The Public Transportation Provider(s)

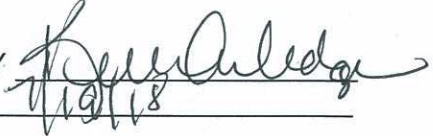
For the MPAs, public transportation providers are the lead parties responsible for continuous public transit data measurement and collection, establishing and annually updating Federal performance measure targets for the metropolitan transit asset management and public transportation agency safety measures

under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d), respectively, as well as for updates that report on the public transit performance history and status. The selection of the performance targets that address performance measures described in 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d) shall be coordinated, to the maximum extent practicable, between the MPO, the State and Public Transportation Provider(s) to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d). Information from the Public Transportation Provider(s) on new or updated public transit asset management and safety performance targets, and data-reports on the public transit performance history and status relative to the targets is necessary for use and reference by the affected State(s) and the MPO(s). The Public Transportation Provider(s) that receive Federal funds shall annually update and submit their transit asset management targets and data-reports to the FTA's National Transit Database consistent with FTA's deadlines based upon the applicable Public Transportation Provider's fiscal year. These Public Transportation Provider(s) shall notify, and share their information on their targets and data-reports electronically with the affected State(s) and MPO(s) at the time that they share the annual information with FTA, and coordinate as necessary so that the MPO(s) shall establish and/or update their MPO transit target(s) no later than 180 days thereafter.

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



Chairman
Hampton Roads
Transportation Planning Organization

WITNESS BY 
DATE 7/19/18

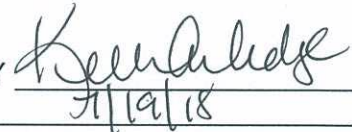


Secretary of Transportation
Commonwealth of Virginia

WITNESS BY _____
DATE _____




President-Chief Executive Officer
Transportation District Commission
of Hampton Roads

WITNESS BY 
DATE 7/19/18

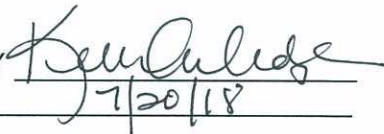


Executive Director
Williamsburg Area Transit Authority

WITNESS BY 
DATE 7/19/18



Executive Director/Secretary
Hampton Roads Transportation
Planning Organization and
Hampton Roads Planning
District Commission

WITNESS BY 
DATE 7/20/18