

2018 Transportation Conformity

Appendix 12.2: Memorandum of Agreement(s)

**MEMORANDUM OF UNDERSTANDING
AMONG
THE DALLAS-FORT WORTH METROPOLITAN PLANNING ORGANIZATION (“MPO”),
THE TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”),
PUBLIC TRANSPORTATION OPERATORS, AND OTHER TRANSPORTATION AGENCIES**

WHEREAS, the Fixing America's Surface Transportation Act (FAST Act) promulgated regulations 23 Code of Federal Regulations (CFR) 450.314, and

WHEREAS, the MPO, the State and the Public Transportation Operators are required by 23 CFR 450.314 to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process, and

WHEREAS, these responsibilities shall be clearly identified in written agreements among the MPO, the State and the Public Transportation Operators serving the Metropolitan Planning Area (MPA), and

WHEREAS, to the extent possible, a single agreement between all responsible parties should be developed, and

WHEREAS, the federal regulations require the written agreement include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (MTP), the metropolitan Transportation Improvement Program (TIP), and development of the annual listing of obligated projects, and

WHEREAS, the MPO and the designated air quality planning agency entered into a written agreement on May 12, 1978, followed by a letter from the Governor of Texas to the United States Environmental Protection Agency dated July 24, 1978, describing their respective roles and responsibilities for air quality-related transportation planning. The agreement and letter were submitted as part of a revision to the State Implementation Plan that was approved by the United States Environmental Protection Agency on March 29, 1982, effective May 28, 1982. The roles and responsibilities for air quality-related transportation planning were subsequently codified in Title 30 Texas Administrative Code Chapter 114, Subchapter G Transportation Planning, which was approved into the State Implementation Plan on November 8, 1995, effective January 8, 1996, and

WHEREAS, the federal regulations require that the MPO, State DOT, and the Public Transportation Operators shall jointly agree upon and develop specific written procedures

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, and the collection of data for the State asset management plan for the National Highway System (NHS), and

WHEREAS, other transportation agencies in the MPA desire to cooperate in transportation planning related to the MPA, as set forth in below.

NOW THEREFORE, the parties agree as follows:

1. **Purpose.** It is the purpose of this Memorandum of Understanding (MOU) to make provision for cooperative mutual responsibilities in carrying out the Metropolitan Planning Process and Performance Based Planning and Programming in the Dallas-Fort Worth MPA and to provide a single agreement between the State of Texas acting through the Texas Department of Transportation (TxDOT), the Regional Transportation Council, as the transportation policy body of the North Central Texas Council of Governments, serving together as the Dallas-Fort Worth MPO, and Dallas Area Rapid Transit, Denton County Transportation Authority, Fort Worth Transportation Authority, City of Arlington, City of Grand Prairie, City of McKinney, and City of Mesquite (“Public Transportation Operators”), and, Collin County Toll Road Authority, North Texas Tollway Authority, Dallas Fort Worth International Airport (“Other Transportation Agencies”) in accordance with current Federal Legislation and as required by 23 CFR 450.314.

2. **Responsibilities of all parties.**

All parties will:

- a. Cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process in a performance based planning format and final form, and decide upon and adopt performance targets for this planning process in accordance with Federal and State requirements and guidance.
- b. Make provisions for cooperatively developing and sharing information related to the development of financial plans that support the Metropolitan Transportation Plan (MTP) and TIP.

- c. Cooperatively develop a listing of projects that comprehensively address the transportation system within the MPO boundaries. Identified projects shall include both roadway and transit initiatives, including but not limited to investments in pedestrian walkways and bicycle transportation facilities for which federal funds were obligated in the preceding fiscal year.
- d. Endeavor to ensure that the Unified Planning Work Program (UPWP) required to be developed by the MPO will detail and document these responsibilities, deliverables and associated costs. Each party will bear its own costs for activities required by this MOU, unless the MPO allocates funding for such activity and it is reflected in the UPWP.

3. Performance Based Planning and Programming

- a. Developing transportation performance data
 - i. TxDOT will provide the MPO with a subset for their MPA of the state performance data used in developing statewide targets.
 - ii. If an MPO chooses to develop their own target for any measure, they will provide TxDOT with any supplemental data it they utilize in association with the target-setting process.
- b. Selection of transportation performance targets
 - i. TxDOT will develop draft statewide federal performance targets in coordination with the applicable MPO. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. MPOs shall be given an opportunity to provide comments on statewide targets one month prior to final statewide targets adoption.
 - ii. If the MPO chooses to adopt their own target for any measure, it will develop draft MPO performance targets in coordination with TxDOT. Coordination methods will be at the discretion of the MPO, but TxDOT shall be provided an opportunity to provide comments on draft MPO performance targets prior to final approval.

c. Reporting of performance targets

- i. TxDOT performance targets will be reported to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), as applicable. The MPO will be notified when TxDOT has reported final statewide targets.
- ii. MPO performance targets will be reported to TxDOT.
 1. For each target, the MPO will provide the following information no later than 180 days after the date TxDOT or the Public Transportation Operator establishes performance targets, or the date specified by federal code:
 - a. Written agreement to plan and program projects so that they contribute toward the accomplishment of TxDOT or Public Transportation Operator performance target, or;
 - b. Written notification that the MPO will set a quantifiable target for that performance measure for the MPO's planning area.
 - i. If a quantifiable target is set for the MPO planning area, the MPO will provide any supplemental data used in determining any such target.
 - c. Documentation of the MPO's target or support of the statewide or relevant public transportation provider target will be provided in the form of the MPO's resolution or meeting minutes.
- iii. TxDOT will include information outlined in 23 CFR 450.216 (f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.218 (q) in any statewide transportation improvement program amended or adopted after May 27, 2018.

- iv. The MPO will include information outlined in 23 CFR 450.324 (f) (3-4) in any MTP amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.326 (d) in any TIP amended or adopted after May 27, 2018.
 - v. Reporting of targets and performance by TxDOT and the MPO shall conform to 23 CFR 490, 49 CFR 625, and 49 CFR 673.
- d. Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO
- i. TxDOT will provide the MPO with an update of the subset for their MPA of the state performance data used in developing statewide targets including prior performance data.
- e. The collection of data for the State asset management plans for the NHS
- i. TxDOT will be responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS.

4. Responsibilities of the MPO

The MPO will:

- a. Work in consultation with Public Transportation Operators, Other Transportation Agencies, and TxDOT in developing the financial plan for the MTP.
- b. Work in consultation with Public Transportation Operators, Other Transportation Agencies, and TxDOT in developing the financial plan for the TIP.
- c. Conduct Technical Committee and Policy Board meetings as required and necessary.
- d. In consultation with Public Transportation Operators, Other Transportation Agencies, and TxDOT, update the MTP and TIP in accordance with State and Federal laws.

- e. Invite Public Transportation Operators and Other Transportation Agencies to participate in all public participation processes.
- f. Conduct comprehensive, cooperative and continuous transportation planning for the Dallas-Fort Worth MPA.
- g. Establish necessary transportation performance targets, share information related to the performance data, and document the reporting of performance to be used in tracking progress toward attainment of critical outcomes within the MPO MPA, if the MPO elects to develop quantifiable targets for performance measures for the MPO's planning area.

5. Responsibilities of the Public Transportation Operators and Other Transportation Agencies

The Public Transportation Operators and Other Transportation Agencies will:

- a. Work in consultation with the MPO in developing short-range and long-range plans for transit or other projects for inclusion in the MTP.
- b. Assist in validation of data used as input into the transportation plan.
- c. Work in consultation with the MPO and TxDOT in developing the financial plan for the MTP.
- d. Work in consultation with the MPO and TXDOT in developing the financial plan for the TIP.
- e. Provide the MPO with the annual list of transit or other obligated projects with federal funds.
- f. Serve on the MPO Technical Committee and Policy Board as applicable.
- g. Notify the MPO of changes to projects that would affect the MTP or TIP.
- h. Invite the MPO to participate in all public participation processes.

- i. Each Public Transportation Operator shall establish transit asset management performance targets and share them with the MPO and other interested parties.

6. Responsibilities of TxDOT.

- a. Work in consultation with Public Transportation Operators, Other Transportation Agencies, and the MPO in developing the financial plan for the TIP and MTP.
 - b. Assist in the validation of data used as input into the transportation plan.
 - c. Provide the MPO with the annual list of obligated projects.
 - d. Serve on the MPO Technical Committee and Policy Board.
 - e. Notify the MPO of changes to projects that would affect the MTP or TIP.
 - f. In consultation with the MPO, Public Transportation Operators, and Other Transportation Agencies, update the MTP and TIP in accordance with State and Federal laws.
 - g. Work in consultation with the MPO, Public Transportation Operators, and Other Transportation Agencies in developing short-range and long-range plans for transit for inclusion in the MTP and TIP.
7. **Term.** This Memorandum shall remain in full force and effect until such time it is terminated in writing by a party, at which time the terminating party's rights and obligations shall cease. Termination by a single party will not terminate the Memorandum as to the remaining parties.
8. **Validity and Enforceability.** If any current or future legal limitations affect the validity or enforceability of a provision of this MOU, then the legal limitations are made a part of this MOU and shall operate to amend this MOU to the minimum extent necessary to bring this MOU into conformity with the requirements of the limitations, and so modified, this MOU shall continue in full force and effect.

9. **Governing Law and Venue.** This MOU shall be governed by the laws of the State of Texas. Venue for an action arising under this MOU shall lie exclusively in Travis County, Texas.

10. **Severability.** If a provision contained in this MOU is held invalid for any reason, the invalidity does not affect other provisions of the MOU and can be given effect without the invalid provision, and to this end the provisions of this MOU are severable.

(SIGNATURE PAGES TO FOLLOW)

EXECUTED by the parties hereto, each respective entity acting by and through its duly authorized official as required by law.

METROPOLITAN PLANNING ORGANIZATION

Regional Transportation Council

DocuSigned by:

Michael Morris _____

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Michael Morris, P.E., Director of Transportation

Date: 6/15/2018

North Central Texas Council of Governments

DocuSigned by:

Mike Eastland _____

A4E72C1BEF0F42B...
MIKE EASTLAND, Executive Director

Date: 6/15/2018

PUBLIC TRANSPORTATION OPERATORS

Dallas Area Rapid Transit

DocuSigned by:

Gary C. Thomas _____

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Gary C. Thomas, President/Executive Director

Date: 6/11/2018

Denton County Transportation Authority

DocuSigned by:

James C. Cline, Jr. _____

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James C. Cline, Jr., P.E. President

Date: 6/15/2018

Fort Worth Transportation Authority

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Paul J. Ballard _____

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Paul J. Ballard, President and Chief Executive Officer

Date: 6/8/2018

City of Arlington

DocuSigned by:

Jim Parajon

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Jim Parajon, Deputy City Manager

Date: 6/15/2018

City of Grand Prairie

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Tom Hart

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Tom Hart, City Manager

Date: 6/15/2018

City of McKinney

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Paul Grimes

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Paul Grimes, City manager

Date: 6/12/2018

City of Mesquite

DocuSigned by:

Cliff Keheley

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Cliff Keheley, City Manager

Date: 6/8/2018

OTHER TRANSPORTATION AGENCIES

Collin County Toll Road Authority

DocuSigned by:

Keith Self

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The Honorable Keith Self, President

Date: 6/8/2018

North Texas Tollway Authority

DocuSigned by:

Gerry Carrigan

247D81B0F5A845D...

Gerry Carrigan, CEO/Executive Director

Date: 6/11/2018

Dallas/Fort Worth International Airport Board

DocuSigned by:

Sean Donohue

516B5D9BF6C943D...
Sean Donohue, Chief Executive Officer

Date: 6/11/2018

STATE OF TEXAS, THROUGH THE DEPARTMENT OF TRANSPORTATION

Texas Department of Transportation

DocuSigned by:

Mohamed K. Bur

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Mohamed "Mo" K. Bur, P.E., District Engineer
TxDOT Dallas District

Date: 6/11/2018

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Loyi Busseil

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Loyi Busseil, P.E., District Engineer
TxDOT Fort Worth District

Date: 6/8/2018

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Noel Paramanathan

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Noel Paramanathan, P.E., District Engineer
TxDOT Paris District

Date: 6/11/2018