

# T Transportation Committee

**Meeting date: October 27, 2008**

**Council meeting November 12, 2008**

## ADVISORY INFORMATION

<b>Date:</b>	October 14, 2008
<b>Subject:</b>	Approval of a Memorandum of Understanding for Transportation Planning Responsibilities for the Twin Cities (Minnesota) Metropolitan Area (TAB Action 2008-11)
<b>District(s), Member(s):</b>	All
<b>Policy/Legal Reference:</b>	23 CFR 450.314 Metropolitan Planning Agreement (Federal regulation)
<b>Staff Prepared/Presented:</b>	Arlene McCarthy, Director MTS (651-602-1754) Amy Vennewitz, Dep. Dir. Finance & Planning, MTS (651-602-1058) Connie Kozlak, Mgr. Systems Planning, MTS (651-602-1720) Ann Braden, Senior Planner (651-602-1705)
<b>Division/Department:</b>	Metropolitan Transportation Services

### Action

That the Metropolitan Council concur with the Transportation Advisory Board’s (TAB) action to approve the attached Memorandum of Understanding (MOU) regarding Metropolitan Transportation Planning; recommend it to the Council Chair for signature and forward it to the Commissioner of the Minnesota Department of Transportation for signature.

### Background

Federal regulations regarding metropolitan transportation planning and programming require the Metropolitan Planning Organization (the Metropolitan Council), the State and public transportation operators to cooperatively determine their mutual responsibilities for carrying out the 3C (cooperative, comprehensive and continuing) planning process and clearly identify them in a written agreement

The MOU describes the structure and transportation related planning and programming responsibilities of, and relationships among, the Metropolitan Council, MnDOT and the Transportation Advisory Board. It updates and replaces the “Prospectus” adopted in 1996. This MOU will be reviewed for necessary updates every four years and may be modified by mutual agreement at any time.

### Rationale

By approving this MOU, the region will meet the regulations of 23 CFR 450.314 Metropolitan Planning Agreement.

### Funding

This MOU allows the Council to meet the federal requirements of an MPO and thus continue to receive approximately \$4 million annually in federal transportation planning funds.

### Known Support / Opposition

The draft MOU has been reviewed by staff from MnDOT and the Federal Highway Administration as well as the Council’s legal staff.

# Transportation Advisory Board

of the Metropolitan Council of the Twin Cities

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Donn R. Wiski  
Chair

October 21, 2008

County Commissioners

Dennis Berg  
Anoka County

Tom Workman  
Carver County

Paul Krause  
Dakota County

Linda Koblick  
Hennepin County

Tony Bennett  
Ramsey County

Jon Ulrich  
Scott County

Myra Peterson  
Washington County

Municipal Officials

Dick Swanson  
Blaine City Council

Bethany Tjornhom  
Chanhassen City Council

Liz Workman  
Burnsville City Council

Julia Whalen  
Champion City Council

James Hovland  
Mayor of Edina

Wendy Wulff  
Lakeville City Council

Robert Lilligren  
Minneapolis City Council

Sandy Hewitt  
Plymouth City Council

Russ Stark  
St. Paul City Council

William Hargis  
Mayor of Woodbury

Citizen Members - Precinct

Steven Schulte - A

Bill Guidera - B

James Meyers - C

Chuck Haik - D

Bart Ward - E

Donn Wiski - F

Jill Smith - G

Ken Johnson - H

Agency Representatives

Peggy Leppik  
Metropolitan Council

Khani Sahebjam  
Minnesota DOT

Sherry Stenerson  
M.A.C.

David Thornton  
M.P.C.A.

Modal Representatives

Richard Mussell  
Transit

Glenn Olson  
Transit

Ron Have  
Freight

David Gopner  
Non-motorized

Mr. Peter Bell, Chair  
Metropolitan Council  
390 Robert Street No.  
St. Paul, MN 55101

RE: Memorandum of Understanding on Metropolitan Planning and Programming Responsibilities in the Twin Cities (Minnesota) Metropolitan Area.

Mr. Bell,

On October 15, 2008, the Transportation Advisory Board voted to approve the above referenced MOU and recommend that the Metropolitan Council and Minnesota Department of Transportation put the MOU into effect.

The TAB appreciates the amount of staff time and effort that has gone into developing this document that defines the regional planning and programming responsibilities of all transportation stakeholders.

Sincerely,



*kr* Donn Wiski  
Chair

kjr/kjr

**Transportation Advisory Board**  
Of the Metropolitan Council of the Twin Cities

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**ACTION TRANSMITTAL**

No. 2008-11

**DATE:** October 21, 2008  
**TO:** Metropolitan Council  
**FROM:** Transportation Advisory Board  
**SUBJECT:** Memorandum of Understanding (MOU) regarding Metropolitan Transportation Planning in the Twin Cities Metropolitan Area, Minnesota.

**MOTION:** The TAB reviewed and approved the attached Memorandum of Understanding regarding Metropolitan Transportation Planning and Programming Responsibilities and forwards it to the Metropolitan Council and Minnesota Department of Transportation for signature.

**BACKGROUND AND PURPOSE OF ACTION:** Federal regulations regarding metropolitan transportation planning and programming require the Metropolitan Planning Organization (the Metropolitan Council), the States and public transportation operators to cooperatively determine their mutual responsibilities for carrying out the 3C (cooperative, comprehensive and continuing) planning process and clearly identify them in a written agreement. In this area the Metropolitan Council serves as the public transportation operator under the name "Metro Transit."

The draft MOU was originally reviewed by TAC Planning and TAB Policy Committee in March 2008 and sent to the TAC in April for review and action. Action by the TAC was deferred until MnDOT, FHWA and Council legal staff had an opportunity to review and edit the document. The final draft Memorandum of Understanding is attached.

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**ROUTING**

<b>TO</b>	<b>ACTION REQUESTED</b>	<b>DATE COMPLETED</b>
TAC Planning Committee	Review & Recommend	March 13, 2008
Technical Advisory Committee	Review & Recommend	October 1, 2008
TAB Policy Committee	Review & Recommend	October 15, 2008
Transportation Advisory Board	Review & Approve	October 15, 2008
Metropolitan Council	Approve & Sign	
MN Dept. of Transportation	Approve & Sign	

**MEMORANDUM OF UNDERSTANDING  
ON METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES FOR THE  
TWIN CITIES (MINNESOTA) METROPOLITAN AREA**

This Memorandum of Understanding (MOU) is made and entered into as of \_\_\_\_\_, 2008 by and between the Metropolitan Council of the Twin Cities hereinafter referred to as the Council, and the Minnesota Department of Transportation, hereinafter referred to as MnDOT;

**WHEREAS**, joint responsibilities must be met for establishing and maintaining a continuing, cooperative, and comprehensive (3C) metropolitan transportation planning and programming process as defined and required by the United States Department of Transportation (USDOT) in regulations at 23 CFR 450 Subpart A – Transportation Planning and Programming Definitions and 23 CFR 450 Subpart C – Metropolitan Transportation Planning and Programming; and

**WHEREAS**, the regulations at 23 CFR 450.314 Metropolitan Planning Agreements direct that the metropolitan planning organization (MPO), the States and public transportation operators shall cooperatively determine their mutual responsibilities for carrying out the metropolitan transportation planning process and clearly identify them in a written agreement; and

**WHEREAS**, the regulations at 23 CFR 450.104 define *public transportation operator* to mean the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak; and

**WHEREAS**, in the Twin Cities Metropolitan Area the Council is the public transportation operator as well as the MPO; and

**WHEREAS**, nothing in this MOU shall be construed as limiting or affecting the legal authorities of the parties, or as requiring the parties to perform beyond their respective authorities,

**NOW, THEREFORE**, the Council and MnDOT recognize and agree that they will conduct a continuing, cooperative, and comprehensive transportation planning and programming process for the Twin Cities Metropolitan Area and that their mutual responsibilities for carrying out this process are described in the following sixteen articles.

## **Article 1**

### **Scope of the Metropolitan Transportation Planning Process**

The Council and MnDOT will conduct a metropolitan transportation planning process that is continuing, cooperative, and comprehensive and provide for the consideration of projects, strategies, and services that will address the eight planning factors as specified in 23 CFR 450.306: Scope of the Metropolitan Transportation Planning Process. This metropolitan planning process will be carried out in coordination with the state transportation planning process that is required in regulations contained in 23 CFR 450 Subpart B—Statewide Transportation Planning and Programming.

## **Article 2**

### **MPO Structure, Planning Boundaries and Mission**

The Minnesota Legislature established the Metropolitan Council in 1967. The Council has been designated as the MPO for the seven-county, Twin Cities Metropolitan Area by the Governor. The Council is composed of sixteen Council members and a Chair who are appointed by and serve at the pleasure of the governor and are confirmed by the state Senate. The sixteen members represent districts of equal population size within the seven-county metropolitan area and cannot hold a locally elected office. The seven counties are Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington. The Council's bylaws establish methods of setting the time and place of meetings, officers, voting procedures, and committees.

The mission of the Council is to develop, in cooperation with local communities, a comprehensive regional development framework that guides the efficient growth of the metropolitan area through long-term plans for transportation, aviation, wastewater, and regional recreation and open space systems. The Council operates transit and wastewater services and administers housing and other grant programs.

## **Article 3**

### **Transportation Advisory Board**

The Transportation Advisory Board (TAB) was established in 1974 by the Council according to state statute. The TAB coordinates the (3C) transportation planning and programming process. The TAB provides a forum for deliberation among state, regional and local officials, transportation providers and private citizens to articulate their positions on issues that affect transportation planning and funding in the Twin Cities region. The TAB, in conjunction with the Council, satisfies the federal requirements that a designated MPO include local elected officials in the decision making process. The Council/TAB also allocates certain federal transportation funds through its adopted regional solicitation process.

The 33-member TAB is composed of elected county and municipal officials, private citizens, representatives of state and regional agencies, modal representatives and MnDOT. The Council appoints eight citizen members, two transit representatives, one non-motorized representative and one of its own Council members to the TAB. MnDOT appoints a freight representative and the Association of Metropolitan Municipalities (also known as "Metro Cities") appoints ten locally-elected officials to the TAB. Each of the seven counties appoints

a commissioner, and MnDOT, the Minnesota Pollution Control Agency (MPCA) and the Metropolitan Airports Commission (MAC) each appoint a representative to the TAB. This membership is specified in state law and repeated in the TAB bylaws. The bylaws of the TAB also establish the time and place of meetings, officers, voting procedures, committees and staffing.

The TAB established a Technical Advisory Committee (TAC) composed of 29 professional staff from MnDOT and the principal governmental units and agencies involved in transportation in the metropolitan area. The role of the TAC is to provide technical assistance and coordination to the TAB. The bylaws of the TAC establish its membership, time and place of meeting, officers, voting procedures, committees and staffing. TAC bylaws are approved by TAB.

#### **Article 4 Public Transportation Operator**

The Council is the public transportation operator and designated recipient of Federal Transit Administration (FTA) funds. The Council's transportation operations are carried out through Metro Transit, an operating division of the Council. Metro Transit offers an integrated network of buses and light rail transit as well as resources for those who carpool, vanpool, walk or bike. Metro Transit is one of the country's largest transit systems, providing roughly 95 percent of the 73 million bus trips taken annually in the Twin Cities. Metro Transit operates light-rail transit services and will operate the future commuter rail, both of which serve the region. Metro Transit relies heavily on state and federal money to finance its operations and capital programs. The Council also contracts with private operators to provide additional transit service in the region. The Council also coordinates its services with suburban transit providers.

#### **Article 5 Statewide Transportation Plan**

The Minnesota Statewide Transportation Plan is prepared by MnDOT to comply with federal planning regulations (23 CRF 450.214: Development and Content of the long-range Statewide Transportation Plan) that requires the State to develop a long-range statewide transportation plan, with a minimum 20-year forecast period at the time of adoption. MnDOT's commissioner is also required by state law to develop, adopt, revise and monitor a Statewide Transportation Plan. The Statewide Transportation Plan (The Plan) provides a framework which directly links MnDOT's Strategic Plan (vision, mission, and strategic directions) with policies, performance measures and implementation guidance. These policies, measures, and guidance assist MnDOT and its partners in focusing investments and services to achieve desired performance levels and outcomes. The Plan is developed in cooperation with the Council/TAB.

#### **Article 6 Transportation Policy Plan (MPO Long-Range Plan)**

A *Regional Development Framework/Transportation Policy Plan* fulfills Federal law and regulations for a metropolitan long-range transportation plan, and is also required by Minnesota state statute. The purpose of the *Transportation Policy Plan* (TPP) is to develop

an integrated transportation system that advances regional economic, land use and growth management goals as defined by the *Regional Development Framework*. The TPP is a multi-purpose document that describes the Council's approach to metropolitan transportation investments over a 20-year planning horizon for highways, transit, aviation, freight, pedestrians and bicyclists. It also addresses the requirements of the Clean Air Act Amendment (CAAA) and its associated regulations. It reflects major transportation studies that have been conducted since the last update; and identifies the funds available to maintain or replace the highway and transit infrastructure.

Revenue forecasts are developed cooperatively, using highway funding information provided by MnDOT and transit revenue assumptions developed by the Council. The adopted long-range transportation plan must balance planned investments with funds that are reasonably expected to be available. The Council, the Federal Highway Administration (FHWA) and FTA must make a determination that the TPP is in accordance with Clean Air Act and Environmental Protection Agency (EPA) conformity regulations.

The TPP is prepared by the Council and reflects the active participation of all agencies responsible for transportation planning in the region, including MnDOT, the TAB and its Technical Advisory Committee. It is updated every four years.

### **Article 7 MnDOT Metro Transportation System Plan**

The Transportation System Plan (TSP) documents MnDOT Metro District's long-range investment plan for maintaining and improving the State trunk highway system to serve all modes of transportation within its eight-county service area (the seven county metro area plus Chisago County). The TSP translates state and regional transportation policies into project priorities and schedules that focus on transportation modes that affect MnDOT's highway right-of-way. The TSP is updated in conjunction with updates of the Council's TPP. The TSP is prepared by the MnDOT Metro District and approved by the MnDOT Commissioner. The TSP is also developed in cooperation with the Council/TAB for consistency with the TPP.

### **Article 8 Unified Planning Work Program**

The Unified Planning Work Program (UPWP) is an annual description and documentation of proposed transportation and transportation-related planning activities in the Metropolitan Area. It also serves as the Council's application for USDOT transportation planning funds. The Council prepares and approves the UPWP and submits the document to MnDOT for forwarding to USDOT for its review and approval. The metropolitan area transportation planning components of the work programs of MnDOT, MPCA and MAC are referenced in the UPWP. The TAB reviews and recommends the UPWP to the Council

### **Article 9 Project Selection Process**

The regional solicitation for federal transportation project funding is part of the Council's 3C transportation planning process. It is a key biennial responsibility of the Council's TAB to

solicit and evaluate project applications for funding from four federal programs: STP Urban Guarantee, Congestion Mitigation Air Quality (CMAQ) and STP Transportation Enhancements, and a portion of the Bridge Improvement and Replacement Program. The TAB also selects projects to be funded through the Highway Safety Improvement Program and the Rail Highway Crossing Safety Program. MnDOT solicits for projects in these two programs, evaluates them and presents the ranked list to the TAB for selection. These funds are to be invested to help implement the Regional Development Framework and the TPP.

The regional solicitation criteria and process are updated biennially through the 3C process and are adopted by the TAB. Projects are solicited, reviewed, scored and ranked through the adopted process. The TAB directs staff to include the projects selected through this process in the next draft Transportation Improvement Program (TIP).

MnDOT identifies projects to meet preservation, safety and mobility needs. The identified projects are funded through a portion of the Bridge Improvement and Replacement Program, Interstate Maintenance, National Highway System, Surface Transportation Program funds and State Trunk Highway Funds. MnDOT's Metro District annually identifies alternative planned investment scenarios in accordance with MnDOT funding guidance. The alternatives are shared and discussed with the Capital Improvements Committee, which includes Metro District staff, FHWA staff, Council staff, TAB staff, East Central Regional Development Commission staff, and 8 representatives from TAC. This committee identifies major programming issues, recommends investment strategies and provides a forum for early exchange of highway and transit investment information. Alternatives are also shared with a committee within Metro District that oversees all projects. All input is taken into consideration by Metro District's programming committee and a decision is made by Metro District regarding which alternative is recommended for inclusion in the metropolitan area's four-year TIP.

Transit capital projects are selected in a variety of ways depending on the funding source. Projects funded through CMAQ follow the regional solicitation process described above. Earmarks from state and federal legislation are spent as specified in the law containing the earmark. Transitways identified in the long-range TPP which may qualify for FTA New Starts funding are selected according to criteria defined by FTA for New Starts funding. Other FTA Section 5309 funds, which are formula-based and received according to the ridership numbers reported to the National Transit database, are apportioned to the various transit providers in accordance with the ridership reported by each provider. Local match for these federal funds, as well as funds for any non-federally funded transit capital improvements in the region, are obtained through the sale of Regional Transit Capital (RTC) Bonds by the Council. These bonds are repaid by property tax revenues levied within the transit taxing district of the seven county metropolitan area and within communities that have entered into a service expansion plan with the Council under Minnesota Statutes, section 473.4461. The Council determines how to apportion the RTC proceeds to the various transit providers and adopts this expenditure program in its capital improvement program (CIP).



## **Article 10 Transportation Improvement Program (TIP) and State Transportation Improvement Program (STIP)**

The Transportation Improvement Program is required by federal regulations under 23 CFR 450.324: Development and Content of the Transportation Improvement Program (TIP). The TIP is a 4-year multi-modal program of highway, transit, bike, walk, and transportation enhancement projects and programs proposed for federal funding in the seven county Twin Cities Metropolitan Area, including MnDOT highway projects. The projects in the TIP are consistent with and implement the region's transportation plans and priorities.

Each year the Council staff prepares a draft TIP in coordination with MPCA and MnDOT, including an Air Quality Conformity Analysis. The MnDOT Metro District manages the TIP on behalf of the Council/TAB. This includes ensuring projects are entered into the document annually, working in cooperation with the Council to prepare a financial analysis of the document, formatting the document and preparing the appropriate funding tables, managing and maintaining fiscal balance throughout the year, and ensuring the projects are consistent with TAB policy. The TAB adopts the TIP and forwards it to the Council for approval following a public hearing and public comment period in accordance with the Council's adopted Public Participation Plan for Transportation Planning.

The TIP is included without change in the Minnesota State Transportation Improvement Program (STIP) as required by federal regulations under 23 CFR 450.216. The STIP is a statewide prioritized listing/program of transportation projects covering a period of four years. The project lists are analyzed with respect to state and department goals, funding targets, and various federal categories. MnDOT coordinates and manages the document. As the Governor's designee, MnDOT approves the STIP and forwards it to FHWA and FTA for their joint agency review and approval action. This final approval action includes a finding that the Twin Cities Metropolitan Planning Process meets or substantially meets the requirements of 23 U.S.C. 134 and 135, and 49 U.S.C. 5303 as amended. A positive planning finding and STIP approval action allows MnDOT to request authorization of Federal funds for projects programmed in the STIP and TIP.

Changes to the TIP and STIP follow the requirements for TIP revisions as specified in 23 CFR 450.326: TIP Revisions and Relationship to the STIP and the procedures developed by MnDOT and FHWA entitled "STIP Amendments and Administrative Modifications".

## **Article 11 Annual Implementation Report**

The TAB and Council will cooperatively develop an Annual Implementation Report that lists regionally-selected projects from the TIP for which federal transportation funds were obligated in the preceding fiscal year. This report will contain the projects and financial information as required in 23 CFR 450.332 Annual listing of obligated projects.

## **Article 12 Congestion Management Process**

The Council, in cooperation with MnDOT and the TAB, will develop congestion management objectives and performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of goods and people. The transportation planning process will develop and maintain an ongoing congestion management process for monitoring, operating and maintaining the regional transportation system required by 23 CFR 450.320: Congestion Management Process in Transportation Management Areas.

## **Article 13 Air Quality Transportation Planning**

The air quality transportation planning activities for the Metropolitan Area will be described in the annual UPWP. These activities will be designed to ensure that the Council can make a conformity determination on its annual TIP in accordance with the Clean Air Act Amendments and the Environmental Protection Agency transportation conformity regulations in 40 CFR Part 93. The Council/MnDOT/MPCA/US DOT/EPA have adopted interagency and public consultation procedures, regarding regional air quality planning activities, development and amendments to the TPP and TIP. These are outlined in the Minnesota Conformity Handbook. In the handbook it states that MnDOT will provide a conformity determination on the maintenance area outside the MPO boundary through a conformity statement in the STIP.

## **Article 14 Public Participation Plan**

The Council has adopted a Public Participation Plan to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process and to review and comment at key decision points as specified in 23 CRF 450.316: Interested Parties, Participation and Consultation. The processes outlined in the Council plan will be coordinated with MnDOT's public involvement and consultation process.

## **Article 15 Certification of the Metropolitan Transportation Planning Process**

In accordance with 23 CFR 450.334 (b), the FHWA and the FTA jointly review and evaluate the transportation planning process for the Twin Cities Metropolitan Area no less than once every four years to determine if the process meets the requirements of applicable provisions of Federal law. At the time of the certification review, the Council and MnDOT will review the current MOU for any changes to the planning and programming process or the respective roles and responsibilities and modify the MOU as appropriate. The MOU may also be modified by mutual agreement at any time.

**Article 16  
Termination**

Either party at its sole discretion may terminate this Memorandum of Understanding at any time by written notice to the other party.

**Signatures**

This Memorandum of Understanding is approved by the respective parties hereto as of the date shown above.

Metropolitan Council:

Minnesota Department of Transportation:

\_\_\_\_\_  
Peter Bell, Chair

\_\_\_\_\_  
Thomas K. Sorel, Commissioner