

# **Memorandum of Understanding**

## **A Cooperative Agreement identifying the Continuing, Cooperative, and Comprehensive Transportation Planning Roles and Responsibilities for the Kansas Department of Transportation, Flint Hills Metropolitan Planning Organization, and the Flint Hills Area Transportation Agency**

This Memorandum of Understanding (“Agreement”) is the Metropolitan Planning Agreement outlined in United States Department of Transportation (USDOT) metropolitan planning regulations (currently 23 C.F.R. 450.314). This Agreement is entered into and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the Secretary of Transportation for the State of Kansas (KDOT), the Flint Hills Metropolitan Planning Organization (FHMPO), and the Flint Hills Area Transportation Agency (Flint Hills aTa). This Agreement 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**

The Kansas Department of Transportation (KDOT) is a department within the State of Kansas established by the legislature to coordinate the planning, development and operation of the various modes and systems of transportation within the state, and is administered under the direction and supervision of the Secretary of Transportation for the State of Kansas.

The Flint Hills Metropolitan Planning Organization (FHMPO) is the designated Metropolitan Planning Organization (MPO) for the Manhattan, Kansas urbanized area and, as such, is responsible for regional coordination of federal transportation funds and regional transportation planning. The FHMPO Metropolitan Planning Area boundary includes the City of Manhattan, City of Junction City and rural portions of Geary, Riley and Pottawatomie Counties.

The Flint Hills Area Transportation Agency (aTa) is a non-profit organization responsible for providing fixed-route general public and complementary paratransit services funded by the City of Manhattan, Riley County, Pottawatomie County, Geary County, and Kansas State University with assistance from the Federal Transit Administration (FTA) and the State of Kansas.

## **MPO Governance/Structure**

Per the Designation Agreement dated February 25, 2013, the FHMPO is governed by a Policy Board comprised of six (6) voting members and three (3) non-voting members. The FHMPO Policy Board Bylaws further describe the role and responsibilities of the Policy Board.

The Technical Advisory Committee (TAC) for the FHMPO is a permanent advisory committee that provides recommendations to the Policy Board on significant transportation issues, programs, and projects. The TAC also has Bylaws detailing the committee's responsibilities and processes. Any change to the TAC Bylaws must be approved by both the TAC and the Policy Board. The TAC Bylaws specify the membership for the TAC and outline how this advisory committee is to operate.

## **Planning Process and Responsibilities**

FHMPO Metropolitan Planning Area (MPA) Boundary – The MPO transportation planning process is conducted within a defined Metropolitan Planning Area (MPA) boundary. At a minimum, that boundary is to encompass the current Urbanized Area (UZA) defined by the US Census Bureau, plus areas anticipated to be urbanized 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 when prompted by local or state governments to modify the current boundary. Both the FHMPO and KDOT must approve any changes to the MPA boundary.

- a. FHMPO Responsibility – The FHMPO will prepare and maintain a description and map of the current Metropolitan Planning Area (MPA) boundary, and make it available to the other planning partners. The FHMPO will initiate a review of the MPA boundary following each decennial census.
- b. KDOT Responsibility – KDOT will use the then current MPA boundary in planning activities to reflect accurately the region within which the FHMPO transportation planning processes are to be conducted. KDOT will actively participate in each review of the MPA boundary.

Urbanized Area (UZA) Boundary and Adjusted Urban Area Boundary (UAB) – The Urbanized Area (UZA) boundary is established by the Census Bureau following each decennial census. The UZA boundary distinguishes between urban and rural places for funding and system classification purposes. The FHMPO and KDOT, working together cooperatively, may adjust the census-defined UZA to create a smooth, definable boundary between urban and rural places called the Adjusted Urban Area Boundary (UAB). The UAB will be reviewed at the establishment of a new UZA boundary following each decennial census, and adjusted as appropriate.

- a. FHMPO Responsibility – The FHMPO will prepare and maintain descriptions and maps of the current UZA boundary and UAB, and make them available to the other planning partners. The FHMPO will initiate the process to adjust the census-defined boundaries, as applicable, following each decennial census.
- b. KDOT Responsibility – KDOT will actively participate in each review of the UAB. After KDOT approves the UAB, it will submit 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. The FHMPO and KDOT, working together cooperatively, will determine how all roadways within the FHMPO planning area are functionally classified.

- a. FHMPO Responsibility –The FHMPO will coordinate changes to the functional classification system with local jurisdictions within the FHMPO metropolitan planning area.
- b. KDOT Responsibility – KDOT will actively participate in each review of the region’s roadway functional classification system, including cooperation with FHMPO 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 region’s 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 they will be implemented based on estimates of revenue that can reasonably be expected to be available during the period covered by each document. Estimates of revenue are to be prepared cooperatively between the parties to this Agreement.

- a. FHMPO Responsibility – The FHMPO will develop and maintain procedures and methodologies for generating revenue forecasts consistent with federal guidance for financial forecasting in cooperation with KDOT. The FHMPO will generate estimates of local funds to be available to support transportation investments in the region and 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/expenditures within the MPA boundary and any estimates KDOT has prepared for future state and federal revenues. KDOT will actively participate in revenue forecasting efforts for the FHMPO planning process and preparation of FHMPO products.
- c. Flint Hills aTa Responsibility – Flint Hills aTa will provide historical information regarding funding levels/expenditures for transit services within the MPA boundary 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 the FHMPO regional transportation planning process is the creation and maintenance of the MTP. The MTP includes long and short-range strategies 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 according to 23 C.F.R. 450.322), but may be amended more frequently.

- a. FHMPO Responsibility – The FHMPO will establish a schedule to ensure that each update of the plan is completed by the established federal deadline. The FHMPO will monitor plans, studies, and other activities in the region that might warrant intermediate amendments to the MTP. The FHMPO will lead the development of the MTP in cooperation with the other parties to this Agreement.
- b. KDOT Responsibility – KDOT will coordinate the statewide long-range transportation plan with the MTP and will include the FHMPO 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 Agreement in the development of the MTP.
- c. Flint Hills aTa – Flint Hills aTa will integrate the region’s metropolitan planning efforts with its agency planning efforts for future transit operations and capital investments. Flint Hills aTa will monitor internal plans, studies, and other activities to identify potential MTP amendments and inform the other planning partners accordingly. Flint Hills aTa will cooperate with the other parties to this Agreement in the development of the MTP.

Studies – Studies are occasionally 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 will likely result in changes to, or further definition of, the MTP, and/or project level details that should be reflected in the TIP.

- a. FHMPO Responsibility – The FHMPO 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. The FHMPO will ensure that studies it leads reflect the broad policy framework articulated in the region’s MTP. The FHMPO will include planning partners in studies it leads, and will actively participate in studies conducted by the other partners in this Agreement as well as other agencies in the MPA boundary, to the extent feasible. The FHMPO will adhere to its approved Public Participation Plan (PPP) and ensure that a broad cross-section of community interests and the general public are engaged in studies that it leads. The FHMPO will assist its staff and other planning partners with bringing conclusions of studies through the FHMPO committee process to ensure conclusions are appropriately reflected in the MTP and/or the TIP , as appropriate.
- b. KDOT Responsibility – When KDOT conducts studies, it will strive to be 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 FHMPO committees for review.
- c. Flint Hills aTa Responsibility – Flint Hills aTa will ensure that studies it leads reflect the broad policy framework that is articulated in the region’s MTP and ensure that a broad

cross-section of community interests and the general public are engaged in the studies. Flint Hills aTa will actively participate in studies conducted by other partners of the planning process. Flint Hills aTa will bring to the MPO committee process any conclusions of studies to ensure such conclusions are appropriately reflected in the MTP and/or the TIP, as appropriate.

Transportation Improvement Program (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 (currently every four years), and may be amended more frequently, as appropriate. Development of the TIP is outlined in USDOT regulations (23 C.F.R. 450.324). The TIP is part of the Statewide Transportation Improvement Program (STIP). Any new TIP or TIP amendment must be approved by KDOT and USDOT.

- a. FHMPO Responsibility – The FHMPO will establish policies and procedures for the development and maintenance of the TIP. The FHMPO will lead the development of the TIP or TIP amendment in cooperation with the other parties to this Agreement. The FHMPO will maintain the TIP as a web/database product that reflects project level details consistent with FHMPO policies and federal regulations.
- b. KDOT Responsibility – KDOT will cooperate with the other parties to this Agreement in the development of the TIP or TIP amendment. 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 FHMPO policies and federal regulations. After KDOT approves the TIP or TIP amendment, KDOT will submit, in a timely manner, the same to USDOT for final approval.
- c. Flint Hills aTa Responsibility – Flint Hills aTa will cooperate with the other parties to this Agreement in the development of the TIP or TIP amendment and conduct project selection activities in consultation with other planning process partners. Flint Hills aTa will submit/update project level data such that the TIP can reflect project details consistent with FHMPO 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 Transportation Improvement Program (TIP) to confirm the obligation of federal funds to projects currently and previously listed in the TIP.

- a. FHMPO Responsibility – Taking into account the schedules for releasing such information, the FHMPO will establish the schedule for completing the annual listing of obligated projects. The FHMPO 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 Policy Board, the FHMPO Staff will publish the listing electronically.

- b. KDOT Responsibility – KDOT will provide information regarding any federally funded projects within the MPA boundary that have had federal fund obligations during the previous year. KDOT will establish internal procedures to provide routinely the information each year.
- c. Flint Hills aTa Responsibility – Flint Hills aTa will provide information regarding any federally funded projects which have had fund obligations during the previous year. Flint Hills aTa 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 Unified Planning Work Program (UPWP) is prepared annually that describes the MPO planning activities to be conducted in the region. 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 Agreement undertake; (2) it serves as the scope of services and documents the proposed expenditures of Metropolitan Planning (PL) and 5303 funds awarded by KDOT to the FHMPO 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. FHMPO Responsibility – Taking into account the time it takes to develop and approve a UPWP, the FHMPO will develop and maintain a UPWP development schedule. The FHMPO will lead the development of the UPWP in cooperation with the other parties to this Agreement. After meeting with the other parties to this Agreement for the purpose of discussing regional planning issues and priorities for the upcoming year, the FHMPO will prepare a written draft UPWP for review by the other parties to this Agreement. The FHMPO will prepare and publish the final UPWP as approved by the FHMPO Policy Board. The FHMPO 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 Agreement in the development of the UPWP, and will use the UPWP as the basis for separate Consolidated Planning Grant agreements with the FHMPO. KDOT will provide task/budget/schedule information to be included in the UPWP for any planning activities it will undertake in the FHMPO Metropolitan Planning Area boundary during the year, and will provide quarterly updates of KDOT work task progress to be included in the quarterly progress reports. After approving the UPWP, KDOT will submit it to USDOT for approval.
- c. Flint Hills aTa Responsibility – Flint Hills aTa will cooperate with the other parties to this Agreement in the development of the UPWP, including the provision of task/budget/schedule information to be included in the document and will provide quarterly updates of task progress to be included in the quarterly progress reports.

Regional Intelligent Transportation Systems (ITS) Architecture – The FHMPO will develop a Regional ITS Architecture to provide a specific, tailored structure for facilitating institutional agreement and technical integration for the implementation of ITS projects in the region. The Regional ITS Architecture will define how systems functionally operate and the interconnection of

information exchanges that must take place between these systems to accomplish transportation services. The Regional ITS Architecture will be consistent with the Statewide ITS Architecture.

- a. FHMPO Responsibility – The FHMPO will maintain a database of information that comprises the regional architecture. The FHMPO will complete the ITS Architecture for the FHMPO Metropolitan Planning Area boundary in cooperation with the other parties to this Agreement. The FHMPO will periodically update the Regional ITS Architecture to reflect new components and information exchanges that would enhance transportation performance in the region. The FHMPO 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 C.F.R. Part 940 to plan, develop and evaluate proposed transportation technology investments in the region. KDOT will participate in updates to the Regional ITS Architecture.
- c. Flint Hills aTa Responsibility – Flint Hills aTa will comply with 23 C.F.R. 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 also be prepared so that it is coordinated with and consistent with the MPO process and the metropolitan transportation plan.

- a. FHMPO Responsibility – The FHMPO will coordinate with the region’s transit and paratransit providers to develop the CPT-HSTP. The FHMPO will include transit funding agencies and other groups within the FHMPO metropolitan planning area that have an interest in transit planning in CPT-HSTP development activities. The FHMPO will work with KDOT to review and update the CPT-HSTP as needed and at least every time the MTP is updated. The MPO will coordinate the development of the regional CPT-HSTP with the other parties to this Agreement.
- b. KDOT Responsibility –KDOT will work with the FHMPO to review and update the CPT-HSTP as needed.
- c. Flint Hills aTa Responsibility – Flint Hills aTa will participate in the development of the region’s CPT-HSTP, and assist in integrating the CPT-HSTP with other transit planning activities in the region.

### **Periodic Review of this Agreement**

The parties will periodically review this Agreement to ensure that it articulates current roles and responsibilities of the planning partners. The parties will assess this Agreement in the year following each federal planning review of the region’s MPO planning process to capture any changes in federal transportation authorizations, federal regulations and guidance, comments that were part of the review, and changes within the partners of the planning process.

**Miscellaneous Provisions**

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

No third party beneficiaries are intended to be created by this Agreement and nothing in this Agreement authorizes third parties to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

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.

\_\_\_\_\_ Date: \_\_\_\_\_

Dave Lewis, Policy Board Chair  
Flint Hills Metropolitan Planning Organization

\_\_\_\_\_ Date: \_\_\_\_\_

Anne Smith, Executive Director  
Flint Hills Area Transportation Agency

Michael S. King, Secretary of Transportation  
Kansas Department of Transportation

By: \_\_\_\_\_ Date: \_\_\_\_\_

Jerome T. Younger, P.E.  
Deputy Secretary and  
State Transportation Engineer