MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION
AND THE FEDERAL TRANSIT ADMINISTRATION

FHWA Alaska Division Office and FTA Region 10 Office

AUGUST - 2005

I. BACKGROUND

Since 1976, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have developed and administered regulations collaboratively. In 2003, FHWA and FTA developed a National Memorandum of Agreement[1] known as the Planning Collaborative Initiative[2] (PCI). The proposal is a continuation of the process for documenting and managing collaborative efforts between FHWA and FTA in the transportation planning arena.

This Memorandum of Understanding (MOU) demonstrates the continuing partnership and cooperation between FHWA's Alaska Division Office located in Juneau, Alaska, and FTA's Region 10 Office located in Seattle, Washington. The MOU reinforces the working relationship between these two partners.

An overview of this agreement involves the following.

- Purpose of Agreement
- Goals
- Appendices

II. PURPOSE

The purpose of the memorandum is to create an agreement that will standardize the collaborative efforts between the respective FHWA and FTA offices. The goal of the Planning Collaborative Initiative (PCI) is to improve the collective effectiveness of the planning and reviewing process of FHWA and FTA through more efficient and coordinated use of staff and resources. The aim is to enhance the quality of assistance in response to customer expectations and to improve delivery of oversight in terms of timeliness and consistency.

III. GOALS

FHWA and FTA will implement terms specified in the MOU for the following transportation processes.

1. Planning and Program Coordination
2. State and Metropolitan Planning Findings
3. State and Metropolitan Transportation Plans
4. Statewide Transportation Improvement Program
5. Unified Planning Work Program
6. Environmental Coordination
7. Transportation Air Quality Conformity
8. Congestion Mitigation and Air Quality Improvement Program
9. Transportation Management Area Planning Certification Review
10. State Planning and Research Program
11. Transfer Funds Process
12. Coordination of the 3-C Planning Process
13. Meeting Attendance and Representation
14. Communications and Resolutions

In the appendix, Table 1 outlines planning activities and lead agency for each activity.

This MOU will be updated when new legislation affects the PCI or as needed.

This Agreement may be terminated at any time by written notice to the other party.

1. Planning and Program Coordination

Background

The Transportation Efficiency Act for the 21st Century (TEA-21) encourages a transparent planning process through regular correspondence and meetings as well as systematic procedures for coordinating, processing, and distributing information among transportation planning partners including the State DOT, Metropolitan Planning Organizations (MPOs), transit operators, FHWA, FTA, and other state and federal agencies. FHWA and FTA maintain regular communications via telephone, conference calls, email, regular mail, and site visits as needed. Efforts should continue to be made by both agencies for timely responses in the planning and program coordination process.

Roles and Responsibilities

The responsibilities of FHWA are as follows:

1. Coordinate with FTA for meetings on Unified Planning Work Programs (UPWPs), State Department of Transportation (DOT) Annual Work Program (AWP), specific projects, and other issues as necessary;

2. Provide FTA relevant information on any meetings not attended by FTA when appropriate.

The responsibilities of FTA are as follows:

1. Coordinate with FHWA for meetings on UPWPs, State DOT AWP, specific projects, and other issues as necessary;

2. Provide FHWA relevant information on any meetings not attended by FHWA when appropriate.

2. State and Metropolitan Planning Findings

Background

23 CFR Part 450.320 and 49 CFR Part 613 require each metropolitan planning area follow a continuing and comprehensive transportation planning process carried out cooperatively by the State DOT, Metropolitan Planning Organizations (MPOs), and transit operators. Joint findings by FHWA and FTA are based on self-certification by the State DOT and the MPO under 23 CFR Part 450.334 and 49 CFR Part 613 and other reviews deemed necessary. Regulations require that the State DOT include with their proposed State Transportation Improvement Program (STIP) a certification that the transportation planning process is in accordance with regulations. The review shall cover the State DOT's and/or MPO's self-certification as required by 23 CFR Part 334(a) and 49 CFR Part 613. Also covered are the Long Range Transportation Plan (LRTP), State and Metropolitan Transportation Improvement Programs (TIPs and STIP), public involvement process, financial plan, relationship of projects in the TIP and LRTP, and transportation air quality conformities of the LRTPs and TIPs.

Roles and Responsibilities

The responsibilities of FHWA are as follows:

1. Initiate State and Metropolitan Transportation Planning findings upon receipt of draft STIP and TIP respectively;

2. Discuss with FTA during the review period via telephone, emails, and/or correspondence;

3. Coordinate meetings with FTA and other parties to discuss or resolve any issues and/or concerns;

4. Prepare planning findings in conjunction with the TIP and STIP approval process.

The responsibilities of FTA are as follows:

1. Initiate State and Metropolitan Transportation Planning findings upon receipt of draft STIP and TIP respectively;

2. Discuss with FHWA during the review period via telephone, emails, and/or correspondence;

3. Coordinate meetings with FHWA and other parties to discuss or resolve any issues and/or concerns;

4. Prepare planning findings in conjunction with the TIP and STIP approval process.

3. State and Metropolitan Long Range Transportation Plans

Background

49 U.S.C. Section 5303(f)(1)(B) and 23 CFR Part 450.322 state that Long Range Transportation Plans (LRTPs) are generated by the State DOT and Metropolitan Planning Organization (MPO). Review of the LRTP shall cover, but not be limited to, the fiscal constraint, financial plan, public involvement, relationship of projects between the Transportation Improvement Program (TIP) and LRTP, and transportation air quality conformity.

Roles and Responsibilities

1. Verify that the process has been followed by the State DOT and MPO, such as advertising of the transportation planning process, public comment, consideration of the planning factors, timely implementation of transportation control measures, and the latest planning assumptions;

2. Verify that projects listed have practical funding strategies, reasonable time constraints, and the plan is fiscally constraint;

3. Verify and find that transportation air quality conformity is met;

4. FHWA and FTA will document issues for discussion;

5. FHWA will draft joint letter on the LRTP in consultation with FTA;

6. FTA emails signed letter to FHWA for their signature;

7. FHWA will mail jointly signed letter to FTA and distribute to affected parties, the State for Statewide LRTP and MPO for Metropolitan LRTP.

4. Statewide Transportation Improvement Program

Background

23 U.S.C. Section 135 establishes Federal requirements for statewide transportation planning. Regulations for implementing Federal statewide transportation planning requirements are contained in 23 CFR Part 450 and 49 CFR Part 613 and require that at least every two (2) years the State will submit their proposed Statewide Transportation Improvement Program (STIP) to FHWA and FTA for joint review an determination on approval prior to obligation of Federal funds.

The STIP is required to support obligations of Federal funds under 23 U.S.C. as well as grantees under the Federal Transit Act. The STIP contains all transportation projects including regionally significant projects and projects satisfying the transportation air quality conformity finding. Also included with the STIP, as a separate document, will be the Metropolitan Planning Organization's (MPO's) Transportation Improvement Plan (TIP).

23 U.S.C. outlines key parts to a STIP and include the following.

Development

In the development, the STIP shall be developed for all areas of the State.

Consultation

In the consultation with governments, the STIP shall be developed in cooperation with the MPO designated for the metropolitan area. In non-metropolitan areas, the STIP shall be developed in consultation with affected local officials with responsibilities for transportation. For Indian tribal areas, the STIP shall be developed in consultation with the tribal government and the Secretary of Interior. The State shall provide both private and public parties a reasonable opportunity to comment on the proposed program.

Project

The STIP will include federally supported surface transportation expenditures within the State boundaries. The STIP will also include regionally significant projects.

Consistency with the Long Range Transportation Plan

The STIP will be consistent with the State's Long Range Transportation Plan (LRTP) and the MPO's TIP. The U.S. DOT, through FHWA and FTA, is responsible for implementing the conformity regulation per 40 CFR Part 93 in nonattainment and maintenance areas. FHWA and FTA are responsible for making a joint conformity determination on the LRTP, TIP, TIP amendments, and projects.

Requirement of Anticipated Full Funding

The STIP program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

Financial Plan

The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented.

Amendment Process

23 CFR Part 450.220 states amendments made to the STIP must be jointly signed and approved by FHWA and FTA if the amendments impact FHWA's or FTA's plans to "transfer process funding", or, if the amendment contains both highway and transit projects. If the amendment contains only transit projects, FTA may approve the amendment. If the amendment contains only highway projects, FHWA may approve the amendment. Projects requiring a transportation conformity determination require joint approval. Also included with the STIP amendment will be the MPO's current TIP. For informational purposes, the State's definition of an amendment is in the appendix.

Though all amendments require federal approval,[3] FHWA and FTA have agreed on roles and responsibilities for amendments that are either highway or transit only. Copies of all amendments should be provided by the State DOT to both FHWA and FTA. Documentation of an approved amendment should be shared between FHWA and FTA.

Roles and Responsibilities

FHWA responsibilities are as follows:

1. The State shall submit two (2) hard copies of the STIP to FHWA for review and make a determination on approval;

2. Review the State's proposed STIP within a three (3) week period for completeness and accuracy. Proposed STIP will include supporting documents including MPO's TIP and air quality conformity findings conducted by the State and/or MPO. Completeness and accuracy shall include funding eligibility for projects, consistency with the Long Range Transportation Plan and Comprehensive Plan, fiscal constraint, constructability, and time constraints;

3. Document outstanding issues for discussion with FTA;

4. Discuss with FTA during the review period via telephone, emails, and/or correspondence;

5. If necessary, coordinate with FTA on a joint comment letter. This occurs only if the amendment is for both transit and highway projects;

6. Prepare Planning findings in conjunction with the STIP approval process;

7. Draft formal joint letter for the STIP and Air Quality Conformity Finding in consultation with FTA;

8. Forward FHWA's signed letter to FTA for their scan signature via email;

9. After receiving STIP letter from FTA, FHWA will distribute letter to the State with a copy to FTA, MPOs and EPA.

FTA responsibilities are as follows:

1. The State shall submit two (2) hard copies of the STIP to FTA for review and review and make a determination on approval;

2. Review the State's proposed STIP within a three (3) week period for completeness and accuracy. Proposed STIP will include supporting documents including MPO's TIP and air quality conformity findings conducted by the State and/or MPO. Completeness and accuracy shall include funding eligibility for projects, consistency with the Long Range Transportation Plan and Comprehensive Plan, fiscal constraint, constructability, and time constraints;

3. Document outstanding issues for discussion with FHWA;

4. Discuss with FHWA during the review period via telephone, emails, and/or correspondence;

5. If necessary, coordinate with FHWA on a joint comment letter. This occurs only if the amendment is for both transit and highway projects.

6. Prepare Planning findings in conjunction with the STIP approval process;

7. Consult with FHWA on drafting of STIP and the Air Quality Conformity Finding letter;

8. Sign, scan and return STIP letter to FHWA;

9. Verification of the process is obtained when FHWA sends the jointly signed letter to FTA at the same time it is sent to the State, MPOs, and EPA.

Roles and Responsibilities – STIP Amendments

1. The State shall submit two (2) hard copies of their proposed STIP amendments to both the FHWA and the FTA for review and make a determination on approval;

2. Applicable MPO TIPs amendments and air quality conformity findings must be included in the STIP amendment submission to both FHWA and FTA;

3. When a major amendment involves only projects and funds of one modal agency, that agency has the signature authority for approving that amendment as long as the amendment does not require a new air quality conformity finding. Upon approval, a copy of the approval letter shall be transmitted to the other modal agency;

4. Should an amendment contain a mix of projects requiring approval from both modal agencies, the procedures for the initial STIP approval process shall be followed. The process will be the same as for the original STIP for that time period;

5. Should an amendment involve regionally significant projects FHWA and FTA should discuss relevant issues via telephone and/or emails.

5. Unified Planning Work Program

Background

Section 134 of 23 U.S.C. and Section 613 of 49 U.S.C. establishes Federal requirements for metropolitan transportation planning and provisions for Metropolitan Planning Organizations (MPOs). Regulations for implementing these provisions are contained in 23 CFR Part 450 and 49 CFR Part 613.

An MPO's work plan is described and outlined in the Unified Planning Work Plan (UPWP) and is required to be updated every two (2) years. Joint approval by FHWA and FTA of the UPWP and amendments is required.

Roles and Responsibilities

1. The MPOs will submit two (2) draft copies of the proposed UPWP to FHWA and FTA for their preview;

2. The MPOs will submit two (2) final hard copies of the proposed UPWP to FHWA and FTA for review and determination on approval;

3. FTA and FHWA will review the proposed UPWP and confer to resolve issues to the UPWP within three (3) weeks;

4. Notification of the action taken on the UPWP will be coordinated with FTA and prepared and signed by FHWA on behalf of both agencies. FTA shall be copied. Amendments will be coordinated as outlined in Number 4 on Statewide Transportation Improvement Program (STIP) amendments;

5. Whenever possible and in collaboration with site visit by FTA, FHWA and FTA should jointly meet with the MPOs and transit agencies on their involvement in the UPWP.

6. Environmental Coordination

Background

40 CFR Part 1508.7 and Part 1508.8 define impacts and effects that must be addressed by Federal agencies to meet requirements of the National Environmental Protection Act (NEPA) process. This includes direct, indirect, and cumulative impacts (past, present, and future impacts and their results).

On major projects that involve both highway and transit issues, it is the goal of both agencies to develop planning and environmental documents jointly, where appropriate, or to participate as a cooperating agency. This is intended to encourage multimodal (highway and transit) planning and NEPA studies, where appropriate.

Roles and Responsibilities

1. FTA and FHWA agree to be cooperating or co-lead agencies on applicable jointly funded projects as outlined in 23 CFR Part 771;
2. When FHWA and FTA are involved in the development of joint projects, or when FHWA or FTA acts as a joint lead agency with another Federal agency, a mutually acceptable process will be established on a case-by-case basis.

7. Transportation Air Quality Conformity

Background

The Clean Air Act (CAA), Section 176C, establishes transportation air quality conformity requirements for the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), and projects in designated non-attainment or maintenance areas. 23 U.S.C. Section 109(j) establishes the construction of highway and transit projects be consistent with approved plans and programs for air quality conformity.

The U.S. Environmental Protection Agency (EPA) has approved the State of Alaska's State Implementation Plan (SIP), an implementation plan under Section 110, 301(d), and 175A of the CAA. All projects in a Metropolitan Planning Organization's LRTP as well as TIP must satisfy the SIP's requirements. As of August 2005, there are four (4) areas in the State of Alaska considered either nonattainment or maintenance. They are as follows.

Designation of Area	Air Quality Status	Date Designated
Fairbanks, Alaska[4]	CO – Maintenance Plan	August 5, 2002
Eagle River, Alaska[5]	PM-10 – Moderate	November 29, 2004
Juneau, Alaska (Mendenhall Valley Area)[6]	PM-10 – Moderate	November 13, 1995
Anchorage, Alaska[7]	CO – Maintenance Plan	April 1, 2004

Roles and Responsibilities

1. After FHWA and FTA receive a LRTP and/or TIP that is subject to air quality conformity requirements from the MPO, FHWA will forward a copy of the LRTP and/or TIP to the EPA, and others as necessary, for review and comment;

2. Projects not in a MPO but in a rural area classified as either nonattainment or maintenance area will undergo a project level transportation conformity as part of the project's NEPA process;

3. EPA will have thirty (30) days for review and comment. EPA should state if there are or are not any issues via email or correspondence;

4. A formal interagency consultation process will be held for making a transportation conformity determination that will include FHWA, FTA, EPA, State and local transportation and air quality agencies;

5. The transportation conformity determination will be made at the Federal level by FHWA and FTA;

6. Through the interagency consultation process, FTA and FHWA will discuss and resolve any comments or concerns that arise during the review of the document;

7. FHWA and FTA will confer to consider all comments before making a determination that ensures that Federal funding and approval goes to those transportation activities that are consistent with the air quality goals found in the State Implementation Plan (SIP);

8. If the document is consistent with air quality goals, FHWA and FTA will prepare and sign a joint conformity determination letter within three (3) weeks of the formal interagency consultation meeting;

9. The conformity determination letter and/or finding will be included as part of approval process for either the TIP and/or LRTP;

10. FHWA will forward the signed conformity finding to all appropriate parties and provide a copy to FTA and EPA.

8. Congestion Mitigation and Air Quality Improvement Program

Background

The Transportation Equity Act for the 21st Century (TEA-21) states the Congestion Mitigation and Air Quality Improvement (CMAQ) Program is intended for projects and programs in nonattainment and/or maintenance areas that promote reduction of transportation related emissions including carbon monoxide (CO), ozone (O3), particulate matter of 10 microns in size or smaller (PM-10), and particulate matter of 2.5 microns in size or smaller (PM-2.5). Section 176(c) of the Clean Air Act (CAA) requires FHWA and FTA ensure implementation of Transportation Control Measures (TCM) from the State Implementation Plan (SIP).

The State of Alaska is a Minimum Allocation State allowing the State DOT to flex fifty percent (50%) of their CMAQ apportionment into the Surface Transportation Program (STP). Currently, the State of Alaska has not met the U.S. Environmental Protection Agency's National Ambient Air Quality Standards (NAAQS) for carbon monoxide in Fairbanks and Anchorage as well as particulate matter of 10 micron size or smaller (PM-10) for Juneau (Mendenhall Valley) and Eagle River. Attainment determinations for these four (4) locations are maintenance, maintenance, moderate, and moderate respectively.

Currently the State of Alaska has no location designated a PM-2.5 nonattainment area.

Roles and Responsibilities

1. FHWA will receive the eligibility requests for proposed CMAQ projects, including calculated emissions benefits, from the State DOT. Emission benefits for CMAQ funds considered flexed are not required;

2. FHWA will review both highway and transit type projects for eligibility determination;

3. EPA and FTA, as well as FHWA, will consult in the event a project has been submitted for eligibility determination;

4. Notification of eligibility determination will be prepared and signed by FHWA and forwarded to the State DOT on behalf of both agencies within three (3) weeks of the request. A copy of the approval letter shall be transmitted to FTA as well as the MPO and transit agency affected;

5. FHWA will work with the State DOT and MPOs on submission of the yearly CMAQ summary report for submittal to FHWA Headquarters by February 1st of each year. FHWA will provide assistance to FTA accessing CMAQ results from the FHWA Information System's *CMAQ Project Tracking System.*

9. Transportation Management Area Planning Certification Review

Background

23 U.S.C. Section 134 and Section 8, 23 CFR Part 450 and 40 CFR Part 51 state that Metropolitan Planning Organizations (MPOs) be designated for urbanized area with populations of fifty thousand (50,000) or greater as determined by the U.S. Department of Commerce Census Bureau. MPOs must ensure a Continuing, Cooperative, and Comprehensive (3-C) planning process that results in plans and programs reflecting transportation modes leading to the development and operation of an integrated and intermodal transportation system.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) required joint FHWA and FTA certification of the transportation planning process of MPOs with populations of two hundred thousand (200,000) or greater. These MPOs are called Transportation Management Areas (TMAs). FHWA and FTA perform a joint certification at least every three years. A self-certification is required annually except for the year when FHWA and FTA conduct the Planning Certification Review.

There are currently two (2) MPOs in the State of Alaska, Anchorage and Fairbanks. Fairbanks reached MPO status in 2003 as result of the Census 2000 with a population of 30,224[8]. Anchorage became an MPO in 1976 and was classified a TMA in 1992. Anchorage's population as a result of Census 2000 is 260,283[9]. A TMA Planning Certification Review is currently only required for Anchorage.

Roles and Responsibilities

1. The Certification Review team will consist of staff from the FHWA Alaska Division and FTA Region Office 10. If necessary, other technical expertise from other FHWA Divisions or FTA Regional offices, Headquarters' staff, FHWA Resource Center, or other appropriate Federal agencies such as EPA, may be asked to participate;

2. FHWA, in consultation with FTA, will be responsible for the logistics of the review. Included will be establishing schedules, obtaining material for a desk review, completing the letter of results of the desk review, notifying participants, and preparing the agenda;

3. Appropriate FTA and FHWA staff will participate in the desk review, site visit, discussion of topics, and participation in the closeout. Discussions can be via telephone, emails, and/or correspondence;

4. Cooperatively, FHWA and FTA will determine the lead U.S. DOT agency prior to initiating and circulating the writing of the report to other Federal team members for comment. All team members shall take no more than thirty (30) days to comment on the draft report. The final report will be issued within sixty (60) days;

5. Should the Planning Certification Review team identify a corrective action, FHWA, in coordination with all parties, will schedule a meeting to discuss the proposed action and establish time frames for correction;

6. FHWA and FTA, along with team members, will meet to discuss issues;

7. FHWA will be the lead in coordinating responses of any public comments;

8. As part of the 3-C process, FHWA and FTA will involve the MPO in reviewing the draft planning certification report for comments and suggestions;

9. FHWA will take the lead in preparing a joint letter transmitting the report and issuing the planning certification finding;

10. The FHWA Division Administrator and the FTA Regional Administrator, or their designee, will sign the Certification letter;

11. FHWA will be the lead in distributing the final report to the State, MPO, and transit operator(s). Members of the public who desire a copy of the report should obtain it from the MPO;

12. Transmission of the letter and report should be within sixty (60) days of completion of the site visit;

13. FHWA and FTA will coordinate and make the report available to management;

14. FTA will input the results of the Planning Certification Review in Volpe National Transportation Systems Center's *Planning Performance Database for TMAs.*

Roles and Responsibilities – Follow-up on Corrective Actions

1. FHWA, in consultation with FTA, will establish procedures to track progress being made on resolving corrective actions prior to the time limit given to resolve the corrective actions;

2. Based on the corrective action, FHWA or FTA will take the lead in assuring that the State, MPO, and/or transit operator(s) obtain technical assistance required to address the corrective action;

3. To resolve a corrective action, the MPO, and/or Transit Operators will submit documentation to FHWA and FTA satisfactorily addressing the corrective action;

4. FHWA will prepare a letter for joint signature in response to the request and whether the corrective action(s) has been resolved.

10. State Planning and Research Program

Background

The use of State Planning and Research (SP&R) funds by States and sub recipients is authorized by 23 U.S. Code, Section 505, and regulated by 23 Code of Federal Regulations (CFR) Part 420. State Departments of Transportation (DOT) are responsible for monitoring activities performed by staff of sub recipients that use SP&R funds. Activities funded under the state and metropolitan planning program include research, development of planning work programs, technology transfer activities and other similar activities. FTA Section 5303 Metropolitan Planning Program funds and FTA Section 5313(b) State Planning and Research Program shall meet the requirements as outlined in 23 U.S.C. 101(a) and 23 CFR Part 420.

Roles and Responsibilities

1. The State DOT will submit the proposed State DOT Annual Work Program (AWP) to FHWA and FTA for review and determination on approval;

2. FTA and FHWA will review the proposed AWP and confer to resolve issues to the AWP;

3. Notification of the action taken for the AWP will be prepared and signed by FHWA on behalf of both agencies. FTA shall be copied;

4. FTA will process individual grants to the MPOs and State DOT regarding their planning programs. FHWA shall be copied.

11. Transfer Funds Process

Background

Federal transportation programs allow for certain Federal-aid funds to be transferred between highway and transit projects. Transfer funding allows Metropolitan Planning Organizations (MPOs), transit operators, and the State DOT and other eligible applicants to more efficiently expend limited funds in the following programs.

FHWA Programs

- National Highway System (NHS)
- Surface Transportation Program (STP)
- Interstate Maintenance (IM)
- Bridge Replacement and Rehabilitation Program (BRRP)
- Transportation Enhancement (TE) Programs
- Congestion Mitigation and Air Quality (CMAQ) Program
- Transportation and Community and System Preservation (TCSP) Pilot Program
- High Priority Projects (HPP)
- Recreational Trail Program (RTP)
- Ferry Boat Discretionary Program (FBDP)
- Section 115 Designated Projects
- Intelligent Transportation Systems (ITS)

FTA Programs

- FTA Section 5303 – Metropolitan Planning Program
- FTA Section 5307 – Urbanized Area Formula Program[10]
- FTA Section 5309 – Fixed Guideway Modernization Program, Bus and Bus-Related Program, New Starts
- FTA Section 5310 – Elderly and Persons with Disabilities Apportionments
- FTA Section 5311 – Non-urbanized Area Formula Program and Rural Transit Assistance Program
- FTA Section 5313 – State Planning and Research Program
- FTA Section 5314 – National Planning and Research Program
- FTA Section 3037 – Job Access and Reverse Commute Program
- *United We Ride* Initiative

Roles and Responsibilities

1. FHWA will take action on the State DOT requests to transfer highway funds to FTA. The current FTA Region 10 Office process is that the grant recipient requests the transfer of funds from FHWA to FTA for projects programmed in a STIP by submitting a request letter to FTA. FTA reviews the requests, validates the project is in the STIP and sends a request to the State DOT. The State DOT corresponds to FHWA with a request to transfer FHWA funds;

2. FHWA will copy FTA on the request to transfer highway funds to FTA;

3. FTA will copy FHWA on the request to transfer transit funds to FHWA;

4. FHWA and FTA will confer to resolve any issues;

5. FTA and FHWA will take action on the request to transfer highway funds within two (2) weeks of receipt;

6. In the event there is a decision not to process a request or difficulties arises that delays processing of the request, the respective Federal agency will be notified.

12. Coordination of the 3-C Planning Process

Background

The Federal-Aid Highway Act of 1963 established the 3-C Planning Process. 3-C is an acronym for a Comprehensive, Cooperative, and Continuous planning process. This type of planning is a condition for metropolitan, statewide, and intermodal planning.

Roles and Responsibilities

The responsibilities of FHWA are as follows:

1. Ensure public involvement, agency representation, and interagency coordination;
2. Encourage an open planning processes;
3. Monitor the 3-C process through attendance and review of the MPO and State DOT meetings and process;
4. Review and provide feedback to process reviews.

The responsibilities of FTA are as follows:

1. Ensure public involvement, agency representation, and interagency coordination;
2. Encourage an open planning process;
3. Monitor the 3-C process through attendance and review of MPO and State DOT meetings and process;
4. Review and provide feedback to process reviews.

13. Meeting Attendance and Representation

Background

This Memorandum of Understanding (MOU) establishes a framework and guidance for the level of communication including meeting attendance and representation. The distance between the FHWA Division Office located in Juneau, Alaska, and the FTA Regional Office located in Seattle, Washington, makes communication important for the successful collaboration of the planning process between FHWA and FTA.

Roles and Responsibilities

1. FHWA and FTA will communicate to the Metropolitan Planning Organizations (MPOs), the State DOT, transit operators and other applicable entities that FHWA and FTA should be jointly copied on all policy, working group, and other appropriate meetings in a timely manner;

2. FHWA, with prior agreement concerning specific issues, may represent both agencies at MPO meetings on planning issues;

3. FTA will advise FHWA of concerns to be raised at MPO meetings and participate on-site and/or conference calls as necessary;

4. FHWA will advise FTA of issues where their attendance at MPO meetings is recommended;

5. When possible, FTA will provide advance notification to FHWA about scheduled upcoming trips to Alaska so coordination can be maximized;

6. Specific project or grant issues will be addressed by the agency having jurisdiction;

7. For joint types of projects involving other transportation modes and agencies, FHWA and FTA will share information on the project between each other;

8. Participate in monthly teleconference meetings between FHWA and FTA, and others as appropriate.

14. Communications and Resolutions

Background

This Memorandum of Understanding (MOU) establishes a framework and guidance for levels of communication and resolution between FHWA and FTA in collaboratively administering the planning process.

The distance between the FHWA Division Office located in Juneau, Alaska, and the FTA Regional Office located in Seattle, Washington, makes communication important for the successful collaboration of the planning process between FHWA and FTA. Also as a result of the distance, FHWA may represent FTA at meetings. In certain cases, it may be advantageous for one agency to prepare and sign a letter on behalf of both agencies. Activities for which FHWA or FTA take the lead action are shown in Table 1, *FHWA and FTA Planning Activities and Responsibilities.*

Resolution of issues between FHWA and FTA will follow the progression shown below and begin with the FHWA and FTA contact person addressing and resolving issues.

- Issue resolved between FHWA and FTA contact person;
- Issue resolved between FHWA Assistant Division Administrator and FTA Deputy Regional Administrator;
- Issue resolved between FHWA Division Administrator and FTA Region Administrator;
- Issue resolved at the FHWA and FTA Headquarters' level.

Roles and Responsibilities

1. FHWA and FTA will confer on a regular basis and at a minimum one meeting per month. If there is a major programmatic issue, the party bringing the concern to the table will communicate the issue by e-mail, letter; or verbal conversation;

2. Draft correspondence will be distributed by email;

3. FTA and FHWA agree to adhere to the timeframes, roles and responsibilities set in each section of this MOU to the extent possible;

4. FHWA and FTA agree that in an effort to give quality oversight, a better understanding of one another's day-to-day key operations is important. FHWA and FTA shall work together on efforts that will allow for exchanges to better understanding each agencies' operations;

IV. Appendix

Overview of the appendix involves the following:

- Table1 - FHWA and FTA Planning Activities and Responsibilities
- Acronyms
- Definitions
- Other Definitions
- Endnotes

TABLE 1 - FHWA and FTA Planning Activities and Responsibilities

Planning Activities	Lead Agency	Lead Action	Lead Letter
Planning and Program Coordination	Both	Both	Both
State and Metropolitan Planning Findings	Both	Both	Both
State and Metropolitan Long Range Transportation Plans	Both	Both	FHWA
Statewide Transportation Improvement Program	Both	Both	FHWA
Unified Planning Work Program	Both	Both	FHWA
Environmental Coordination	Both	Both	Both
Transportation Air Quality Conformity	Both	Both	FHWA
Congestion Mitigation and Air Quality Improvement Program	FHWA	FHWA	FHWA
Transportation Management Area Planning Certification Review	Both	Both	Both
State Planning and Research Program	Both	Both	Both
Transfer Funds Process	Both	Both	Both
Coordination of the 3-C Planning Process	Both	Both	Both
Meeting Attendance and Representation	Both	Both	Both
Communications and Resolutions	Both	Both	Both

This Memorandum of Understanding outlines the guiding principles and the mechanism to facilitate the FHWA and FTA fulfillment of the joint metropolitan and statewide planning obligations. It also establishes a framework a framework for exploring innovative approaches in satisfying our mutual responsibilities for transportation planning and programming of Federal transportation funds.

David C. Miller
Division Administrator
Alaska Division
Federal Highway Administration

Aug 29, 2005
Date

Linda Gehrke
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Region 10
Federal Transit Administration

7 September 2005
Date

Acronyms

3-C	Comprehensive, Cooperative, Continuous
4-R	Resurfacing, Rehabilitation, Restoration, and Reconstruction
ADEC	Alaska Department of Environmental Conservation
ADOT/PF	Alaska Department of Transportation and Public Facilities
AMATS	Anchorage Metropolitan Area Transportation Solutions
AWP	Annual Work Program
BRRP	Bridge Replacement and Rehabilitation Program
CAA	Clean Air Act
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality Program
CO	Carbon Monoxide
CPI	Collaborative Planning Initiative
CY	Calendar Year
DOT	Department of Transportation
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FMATS	Fairbanks Metropolitan Areas Transportation System
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FR	Federal Register
FY	Fiscal Year
HPP	High Priority Projects
IM	Interstate Maintenance
ISTEA	Intermodal Surface Transportation and Efficiency Act
LRTP	Long Range Transportation Plan
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
NHS	National Highway System
PM (10)	Particulate Matter, 10 microns or smaller
PM (2.5)	Particulate Matter, 2.5 microns or smaller
RD&T	Research Development and Technology
SIP	State Implementation Plan
SOW	Scope of Work
SPR	Statewide Planning and Research Program
STIP	Statewide Transportation Improvement Program
STP	Surface Transportation Program
TCM	Traffic Control Measures
TCSP	Transportation Community and System Preservation Pilot Program
TE	Transportation Enhancement
TEA-21	Transportation Efficiency Act for the 21st Century
TIP	Transportation Improvement Program
TMA	Transportation Management Area
UPWP	Unified Planning Work Program
U.S.C.	United States Code

Definitions[11]

Calendar Year
The period of time between January 1 and December 31 of any given year.

Clean Air Act Amendments (CAAA)
The original Clean Air Act was passed in 1963, but the national air pollution control program is actually based on the 1970 version of the law. The 1990 Clean Air Act Amendments are the most far-reaching revisions of the 1970 law. The 1990 Clean Air Act is the most recent version of the 1970 version of the law. The 1990 amendments made major changes in the Clean Air Act.

Code of Federal Regulations (CFR)
A compilation of the general and permanent rules of the executive departments and agencies of the Federal Government as published in the Federal Register. The code is divided into 50 titles that represent broad areas subject to Federal regulation.

Congestion Mitigation & Air Quality Improvement Program (CMAQ)
A categorical Federal-aid funding program created with the ISTEA. Directs funding to projects that contribute to meeting National air quality standards. CMAQ funds generally may not be used for projects that result in the construction of new capacity available to SOVs (single-occupant vehicles).

Department of Transportation (DOT)
Establishes the nation's overall transportation policy. Under its umbrella there are ten administrations whose jurisdictions include highway planning, development and construction; urban mass transit; railroads; aviation; and the safety of waterways, ports, highways, and oil and gas pipelines. The Department of Transportation (DOT) was established by act of October 15, 1966, as amended (49 U.S.C. 102 and 102 note), "to assure the coordinated, effective administration of the transportation programs of the Federal Government" and to develop "national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith."

Enhancement Activities
Refers to activities related to a particular transportation project that 'enhance' or contribute to the existing or proposed project. Examples of such activities include provision of facilities for pedestrians or cyclists, landscaping or other scenic beautification projects, historic preservation, control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff.

Federal Highway Administration (FHWA)
A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges. The FHWA also administers the Federal Lands Highway Program, including survey, design, and construction of forest highway system roads, parkways and park roads, Indian reservation roads, defense access roads, and other Federal lands roads. The Federal agency within the U.S. Department of Transportation responsible for administering the Federal-Aid Highway Program. Became a component of the Department of Transportation in 1967 pursuant to the Department of Transportation Act (49 U.S.C. app. 1651 note). It

administers the highway transportation programs of the Department of Transportation under pertinent legislation.

Federal Register
Daily publication which provides a uniform system for making regulations and legal notices issued by the Executive Branch and various departments of the Federal government available to the public.

Federal Transit Administration (FTA)
A branch of the US Department of Transportation that is the principal source of federal financial assistance to America's communities for planning, development, and improvement of public or mass transportation systems. FTA provides leadership, technical assistance, and financial resources for safe, technologically advanced public transportation to enhance mobility and accessibility, to improve the Nation's communities and natural environment, and to strengthen the national economy. (Formerly the Urban Mass Transportation Administration) operates under the authority of the Federal Transit Act, as amended (49 U.S.C. app. 1601 et seq.). The Federal Transit Act was repealed on July 5, 1994, and the Federal transit laws were codified and re-enacted as chapter 53 of Title 49, United States Code. The Federal Transit Administration was established as a component of the Department of Transportation by section 3 of Reorganization Plan No. 2 of 1968 (5 U.S.C. app.), effective July 1, 1968. The missions of the Administration are 1) to assist in the development of improved mass transportation facilities, equipment, techniques, and methods, with the cooperation of mass transportation companies both public and private. 2) to encourage the planning and establishment of area wide urban mass transportation systems needed for economical and desirable urban development, with the cooperation of mass transportation companies both public and private. and 3) to provide assistance to State and local governments and their instrumentalities in financing such systems, to be operated by public or private mass transportation companies as determined by local needs; and 4) to provide financial assistance to State and local governments to help implement national goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.

Federal-aid Highway Program (FAHP)
An umbrella term for most of the Federal programs providing highway funds to the States. This is not a term defined in law. As used in this document, FAHP is comprised of those programs authorized in Titles I and V of TEA-21 that are administered by FHWA.

Federal-Aid Highways
Those highways eligible for assistance under Title 23 U.S.C. except those functionally classified as local or rural minor collectors. (23 CFR Part 500)

Financial Planning
The process of defining and evaluating funding sources, sharing the information, and deciding how to allocate the funds.

Highway
Is any road, street, parkway, or freeway/expressway that includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrail, and protective structures in connection with highways. The highway further includes that portion of any interstate or international bridge or tunnel and the approaches thereto (23 U.S.C. 101a).

Highway Bridge Replacement and Rehabilitation Program (HBRRP)
Established under 23 U.S.C., Section 144, to enable the several states to replace and rehabilitate highway bridges when it is determined that the bridge is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
Legislative initiative by the U.S. Congress that restructured funding for transportation programs. ISTEA authorized increased levels of highway and transportation funding from FY92-97 and increased the role of regional planning commissions/MPOs in funding decisions. The Act also required comprehensive regional and Statewide long-term transportation plans and places an increased emphasis on public participation and transportation alternatives.

Interstate Maintenance (IM)
The Interstate Maintenance (IM) program provides funding for resurfacing, restoring, rehabilitating and reconstructing (4R) most routes on the Interstate System.

Isolated Rural Nonattainment and Maintenance Areas
Areas that do not contain or are not part of any metropolitan planning area as designated under the transportation planning regulations. Isolated rural areas do not have Federally required metropolitan transportation plans or TIPs and do not have projects that are part of the emissions analysis of any MPO's metropolitan transportation plan or TIP. Projects in such areas are instead included in statewide transportation improvement programs. These areas are not donut areas.

Long Range Transportation Plan (LRTP)
A document resulting from regional or statewide collaboration and consensus on a region or state's transportation system, and serving as the defining vision for the region's or state's transportation systems and services. In metropolitan areas, the plan indicates all of the transportation improvements scheduled for funding over the next 20 years.

Maintenance Area
Maintenance area is any geographic region of the United States previously designated nonattainment pursuant to the CAA Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended.

Memorandum of Understanding (MOU)
A document providing a general description of the responsibilities that are to be assumed by two or more parties in their pursuit of some goal(s). More specific information may be provided in an associated SOW.

Metropolitan Planning Organization (MPO)
1) Regional policy body, required in urbanized areas with populations over 50,000, and designated by local officials and the governor of the state. Responsible in cooperation with the state and other transportation providers for carrying out the metropolitan transportation planning requirements of federal highway and transit legislation. 2) Formed in cooperation with the state, develops transportation plans and programs for the metropolitan area. For each urbanized area, a Metropolitan Planning Organization (MPO) must be designated by agreement between the Governor and local units of government representing 75% of the affected population (in the metropolitan area), including the central cities or cities as defined by the Bureau of the Census,

or in accordance with procedures established by applicable State or local law (23 U.S.C. 134(b)(1)/Federal Transit Act of 1991 Sec. 8(b)(1)).

Mode
A specific form of transportation, such as automobile, subway, bus, rail, or air.

National Ambient Air Quality Standards (NAAQS)
Federal standards that set allowable concentrations and exposure limits for various pollutants. The EPA developed the standards in response to a requirement of the CAA. Air quality standards have been established for the following six criteria pollutants: ozone (or smog), carbon monoxide, particulate matter, nitrogen dioxide, lead, and sulfur dioxide.

National Highway System (NHS)
This system of highways designated and approved in accordance with the provisions of 23 U.S.C. 103b). (23 CFR Part 500)

Particulate Matter (PM10 and PM2.5)
Particulate matter consists of airborne solid particles and liquid droplets. Particulate matter may be in the form of fly ash, soot, dust, fog, fumes, etc. These particles are classified as "coarse" if they are smaller than 10 microns, or "fine" if they are smaller than 2.5 microns. Coarse airborne particles are produced during grinding operations, or from the physical disturbance of dust by natural air turbulence processes, such as wind. Fine particles can be a by-product of fossil fuel combustion, such as diesel and bus engines. Fine particles can easily reach remote lung areas, and their presence in the lungs is linked to serious respiratory ailments such as asthma, chronic bronchitis and aggravated coughing. Exposure to these particles may aggravate other medical conditions such as heart disease and emphysema and may cause premature death. In the environment, particulate matter contributes to diminished visibility and particle deposition (soiling).

Planning Funds (PL)
Primary source of funding for metropolitan planning designated by the FHWA.

Public Participation
The active and meaningful involvement of the public in the development of transportation plans and programs.

Public Transit
Passenger transportation services, usually local in scope, that is available to any person who pays a prescribed fare. It operates on established schedules along designated routes or lines with specific stops and is designed to move relatively large numbers of people at one time.

Regionally Significant Project
A project that is on a facility which serves regional transportation needs.

State Implementation Plan (SIP)
Produced by the state environmental agency, not the MPO. A plan mandated by the CAA that contain procedures to monitor, control, maintain, and enforce compliance with the NAAQS. Must be taken into account in the transportation planning process.

State Planning and Research Funds (SPR)
Primary source of funding for statewide long-range planning.

State Transportation Agency
The State highway department, transportation department, or other State transportation agency to which Federal-aid highway funds are apportioned. (23 CFR Part 420)

State Transportation Improvement Program (STIP)
A staged, multi-year, statewide, intermodal program of transportation projects, consistent with the statewide transportation plan and planning processes as well as metropolitan plans, TIPs, and processes.

Statewide Transportation Plan
The official statewide intermodal transportation plan that is developed through the statewide transportation planning process.

Surface Transportation Program (STP)
Federal-aid highway funding program that funds a broad range of surface transportation capital needs, including many roads, transit, sea and airport access, vanpool, bike, and pedestrian facilities.

Transportation Conformity
Process to assess the compliance of any transportation plan, program, or project with air quality implementation plans. The conformity process is defined by the Clean Air Act.

Transportation Control Measures (TCM)
Transportation strategies that affect traffic patterns or reduce vehicle use to reduce air pollutant emissions. These may include HOV lanes, provision of bicycle facilities, ridesharing, telecommuting, etc. Such actions may be included in a SIP if needed to demonstrate attainment of the NAAQS.

Transportation Enhancement Activities (TE)
Provides funds to the States for safe bicycle and pedestrian facilities, scenic routes, beautification, restoring historic buildings, renovating streetscapes, or providing transportation museums and visitors centers. 23 U.S.C. 101(a) and 133(b)(8).

Transportation Equity Act for the 21st Century (TEA-21)
Authorized in 1998, TEA-21 authorized federal funding for transportation investment for fiscal years 1998-2003. Approximately $217 billion in funding was authorized, which was used for highway, transit, and other surface transportation programs.

Transportation Improvement Program (TIP)
A document prepared by a metropolitan planning organization that lists projects to be funded with FHWA/FTA funds for the next one- to three-year period.

Transportation Management Area (TMA)
1) All urbanized areas over 200,000 in population, and any other area that requests such designation. 2) An urbanized area with a population over 200,000 (as determined by the latest decennial census) or other area when TMA designation is requested by the Governor and the MPO (or affect local officials), and officially designated by the Administrators of the FHWA and

the FTA. The TMA designation applies to the entire metropolitan planning area(s). (23 CFR Part 500)

Unified Planning Work Program (UPWP)
The management plans for the (metropolitan) planning program. Its purpose is to coordinate the planning activities of all participants in the planning process.

Other Definitions

An amendment[12], according to State statue, is a change to the STIP and include:

- Changes in the amount of money available for a project;
- Emergency requirements;
- Unanticipated delays in completing projects or phases of projects;
- Change in the scope, cost, development of a project or projects;
- The State's best interests.

A major amendment[13], according to State statute, to the STIP requires a public notice and consists of:

- Addition of a new project requiring an environmental determination;
- Change in a project that requires a change in a previously approved environmental determination;
- Change to an existing project that requires an transportation air quality conformity determination;
- Deletion of a project.

A minor amendment to the STIP does not require a public notice and consists of:

- Change to the project not requiring a transportation air quality determination;
- No change to an environmental determination;
- New project not requiring either an environmental determination.

Endnotes

[1] Sep 2, 2003 Memorandum, FHWA-FTA Planning Collaborative Initiative (FHWA Administrator Peters and FTA Administrator Dorn.

[2] Attachment to Sep 2, 2003 Memorandum, FHWA-FTA Planning Collaborative Initiative (FHWA Administrator Peters and FTA Administrator Dorn.

[3] 23 CFR 450.220(a), Approvals.

[4] Federal Register – Jul 5, 2002 (Vol 67, Number 129).

[5] EPA's *Green Book* for PM Nonattainment Areas.

[6] Federal Register – Sep 12, 1995 (Vol 60, Number 176.

[7] Federal Register – Mar 17, 2004 (Vol 69, Number 52).

[8] U.S. Census Bureau, Geographic Comparison Table for Alaska, Census 2000 Redistricting Data (Public Law 94-171) Summary File.

[9] U.S. Census Bureau, Geographic Comparison Table for Alaska, Census 2000 Redistricting Data (Public Law 94-171) Summary File.

[10] At this time, FTA is not transferring funds.

[11] FHWA's Office of Planning, Environment, and Realty, *Planning Glossary.*

[12] 17 Alaska Administrative Code Section 05, Part 195, Amendment of the STIP.

[13] Ibid.