MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION, WASHINGTON DIVISION
AND
THE FEDERAL TRANSIT ADMINISTRATION, REGION 10

BACKGROUND

In early 2003, a joint memorandum from Federal Highway Administrator Peters and Federal Transit Administrator Dorn put forth a proposal that the two administrations should develop plans for collaboration initiatives in the transportation planning arena. As a result, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) field, regional and headquarters staff participated in several teleconferences and developed guidelines for a joint FTA and FHWA national Memorandum of Agreement (MOA). This effort established a mechanism through which FTA Region (hereinafter referred to as FTA-10) and the FHWA Washington Division (hereinafter referred to as FHWA-WA) can further improve coordination in implementing program oversight activities and increase efficiency in delivering service to our customers and partners. The national MOA efforts have been used as a framework for the development of this MOA between FTA-10 and FHWA-WA.

PURPOSE OF THIS AGREEMENT

The purpose of this MOA is to set forth the general terms and conditions for collaboration in transportation planning between the FHWA-WA and the FTA-10 pursuant to an initiative undertaken by the Administrators of FTA and FHWA and ultimately, to improve coordination of the transportation planning processes and fulfill the provisions of 23 U.S.C. 450 and 420, and 49 U.S.C. 613.

GOALS

The FTA-10 and FHWA-WA shall carry out the terms indicated in this MOA to streamline transportation planning decision making for Federal surface transportation projects and programs.

The goal of this MOA is to establish a mutually beneficial relationship and to streamline and improve the following transportation planning processes:

I. Statewide Transportation Improvement Program (STIP) and STIP Amendment Approvals
II. Statewide and Metropolitan Planning Findings
III. Unified Planning Work Program (UPWP) Reviews and Approvals
IV. Transportation Air Quality Conformity Determinations
V. Planning Certification Reviews and Follow-up on Corrective Actions
VI. Transfer Funding Procedures

VII. Congestion Mitigation Air Quality (CMAQ) Improvement Program Project Eligibility
VIII. Environmental Streamlining
IX. Methods for Communications and Conflict Resolution between FHWA and FTA
X. Coordination of the 3 C [Cooperative, Continuous and Comprehensive] Planning Process

I. STIP Approval and Amendments

BACKGROUND

The regulations for implementing Federal statewide transportation planning requirements are contained in 23 CFR 450 and 49 CFR 613. These regulations require that at least every two (2) years the State will submit their proposed STIP to the FHWA and the FTA for joint approval prior to the obligation of Federal funds made available to the State under Titles 23 and 49. The joint review shall include, but shall not be limited to the requirements of air quality conformity, public involvement and fiscal constraint.

ROLES AND RESPONSIBILITIES – Initial STIP Approval

1. The State shall submit hard copies of their proposed STIP to both FHWA-WA and FTA-10 for review and joint approval.
2. Supporting metropolitan planning organization (MPO) Transportation Improvement Programs (TIPs) and air quality conformity findings should be current prior to submission or accompany the STIP submittal
3. During the 30-day period following receipt of the STIP, FTA-10 and FHWA-WA shall share, discuss and resolve any comments relative to the joint approval of the State's STIP using a combination of telephone and e-mail communications. This joint review effort shall be documented in the form of e-mails and an approval letter.
4. The STIP approval letter, including statewide planning findings, shall be prepared by FHWA-WA, in consultation with FTA-10, and jointly signed by FTA-10 and FHWA-WA.
5. After consultation, FHWA-WA and FTA-10 shall agree on the most efficient and timely method for forwarding the jointly signed letter to the State, based on staff and resource availability. Routine options include:
    a. FHWA – WA forwards electronic version of the letter to FTA-10. FTA-10 signs the letter and sends a scanned electronic signature version to FHWA-WA. FHWA-WA prints and signs the final letter and distributes the original and copies. A fully signed copy is returned to FTA-10, including a fully signed copy for FHWA-WA files.
    b. FHWA-WA prints and signs final letter and mails to FTA-10 along with addressed envelopes for distribution. FTA-10 signs the final letter, makes copies and distributes the original and copies (including one fully signed copy for FHWA-WA files.)

c. FHWA-WA e-mails final letter to FTA-10. FTA-10 prints the final letter, signs and returns to FHWA-WA. FHWA-WA signs, copies and makes distribution.

ROLES AND RESPONSBILITIES – STIP Amendments

1. The State shall submit hard copies of their proposed STIP amendments to both the FHWA-WA and the FTA-10 for review and approval
2. Applicable MPO TIP amendments and air quality conformity findings should be current prior to submission.
3. When a major amendment involves only projects and funds of one USDOT 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 STIP amendment approval letter shall be transmitted to the other USDOT agency.
4. Should an amendment contain a mix of projects requiring approval from both FTA-10 and FHWA-WA, the procedures for initial STIP approval shall be followed.
5. All efforts should be made to act upon STIP amendments (approve, disapprove, or advise WSDOT of additional information needed) within two (2) weeks of receiving the amendment from the State.

II. Statewide and Metropolitan Planning Findings

BACKGROUND

23 CFR 450 and 320 and 49 CFR 613 require a joint Federal finding that each metropolitan planning area is following a continuing, comprehensive transportation planning process carried on cooperatively by the State, MPO and transit operator(s). These findings shall be based on the self-certification by the State and the MPO under 23 CFR 450.334 and 49 CFR 613 and upon other reviews as deemed necessary by FHWA-WA and FTA-10. These regulations also require that the State include with their proposed STIP a certification that the transportation planning process is being carried out in accordance with the regulations. The review(s) shall cover, but shall not be limited to, the State/MPO self-certification (required by 23 CFR 450.334(a) and 49 CFR 613), the locally approved transportation plan, the TIP, the public involvement process, the financial plan, the relationship of projects in the TIP to the long range transportation plan, air quality conformity of the transportation plan and the TIP. The FHWA-WA and FTA-10will evaluate each metropolitan planning process based on, but not limited to, previous reviews, review of the UPWPs, attendance at meetings and routine communication.

ROLES AND RESPONSIBILITES - Statewide Planning Finding:

1. The FHWA-WA shall be the lead in initiating the statewide planning finding upon receiving the draft STIP.

2. The review by both FHWA-WA and FTA-10 shall be conducted as part of the joint STIP approval process.
3. The Federal statewide planning finding shall be documented in the joint STIP approval letter.

ROLES AND RESPONSIBILITES - Metropolitan Planning Finding:

1. The FHWA-WA shall be the lead in initiating the metropolitan planning finding upon receiving the draft UPWPs from each MPO.
2. The review by both FHWA-WA and FTA-10 shall be conducted as part of the joint UPWP review.
3. The Federal metropolitan planning finding shall be documented as part of the FHWA-WA and FTA-10 UPWP approval action.

III. Unified Planning Work Program (UPWP) Approval

BACKGROUND

Section 134 of US 23 U.S.C. and Section 613 of US 49 U.S.C. established Federal requirements for metropolitan transportation planning. The regulations for implementing these provisions are contained in 23 CFR 450 and 49 CFR 613 and include the requirement for the submission of UPWPs.

ROLES AND RESPONSIBILITES

1. All UPWPs shall be submitted concurrently to both FHWA-WA and FTA-10;
2. FTA-10 and FHWA-WA shall initiate, if appropriate, a meeting with the MPOs, State and transit operators to discuss and resolve any significant concerns relevant to the draft document. The Washington State Department of Transportation (WSDOT) can act as the coordinator for scheduling field visits and/or teleconferences with the MPOs.
3. If needed, a comment letter to the MPO will be prepared by FHWA, in consultation with FTA, and signed by FHWA on behalf of both agencies.
4. FHWA-WA shall distribute the comment letter to the WSDOT, MPO and FTA-10
5. Final approval of the UPWPs shall be made as part of the approval of the State's annual planning federal-aid agreement and will be signed by FHWA on behalf of both agencies, in consultation with FTA-10.
6. Amendments or revisions to a UPWP will be coordinated as described above, with the final approval letter drafted by FHWA-WA, reviewed by FTA-10 and signed by FHWA on behalf of both agencies. FHWA shall send a copy of the letter to FTA.

IV. Transportation Air Quality Conformity Determination

BACKGROUND

Section 176C of the Clean Air Act establishes conformity requirements for long-range regional transportation plans (RTP), TIPs and projects in areas designated as nonattainment or maintenance. Section 176 (d) of the Clean Air Act established priority requirements for programs supported by the Federal government in order to provide for timely implementation of eligible portions of air quality plans. Section 109 (j) of 23 USC established consistency requirement to assure that highways are consistent with approved plans for air quality. The State of Washington has an EPA-approved conformity SIP, (spell out) which outlines procedural requirements for consultation.

ROLES AND RESPONSIBILITES

1. A hard copy of the MPO air quality conformity determinations, and related plan and TIP, shall be submitted concurrently by the MPO to both FHWA-WA and FTA-10. The MPO shall also forward copies to WSDOT, Washington Department of Ecology (DOE) and the U.S. Environmental Protection Agency (EPA) Region X. Alternative methods of transmittal (e.g.: email, posting on a ftp (not sure what this is) site) may be acceptable if agreed to by the receiving agency.
2. EPA shall be given 30 days to comment.
3. FTA-10 and FHWA-WA staff shall advise each other of any concerns within two (2) weeks of receipt of the documents.
4. FTA-10 or FHWA-WA shall initiate, if necessary, a meeting or teleconference, depending on the impact of the concern on either transit or highways, to discuss and resolve any comments or concerns that arise during the review of the document.
5. The FHWA-WA and FTA-10 shall meet or teleconference with EPA and/or other participating agencies as necessary to resolve pertinent comments that may result from their review. The Air Quality Consultation Group may be the focus for this effort.
6. When all issues have been resolved and the EPA 30-day comment period has ended, FHWA-WA shall prepare the joint letter, in consultation with FTA-10, to be signed jointly by the FTA-10 Administrator and the FHWA-WA Administrator.
7. The process for obtaining signatures and transmitting the document shall be as described above in "Initial STIP Approval Point 5".

V. Planning Certification Reviews and Follow-up on Corrective Actions

BACKGROUND

The SAFETEA-LU requires a joint FHWA/FTA certification of transportation planning process for all Transportation Management Areas (TMA's) at least every four (4) years. A joint certification review along with other documentation and site visits is the basis used for determining that the transportation planning process in a TMA meets or substantially meets the requirement of 23 CFR Part 450 and 49 CFR Part 613.

ROLES AND RESPONSIBILITES

1. The team shall consist of staff from FHWA-WA, FTA-10, and if necessary, other technical expertise from other Division or Regional offices, Headquarters, Resource Center and other appropriate Federal agencies such as EPA.
2. FHWA-WA, in consultation with FTA-10, shall be responsible for the logistics of reviews. This includes establishing schedules, obtaining material for the desk review, completion of the desk audit, notifying participants, and preparing the agenda.
3. FTA-10 and FHWA-WA planners or participating staff shall share responsibilities for leading the topics during the review, the public meetings and the closeout after the review.
4. FTA-10 and FHWA-WA shall consult on who will take the lead for drafting any corrective actions, recommendations and noteworthy practices from the Federal team, including establishing timeframes for completing corrective actions.
5. FTA-10 and FHWA-WA shall consult on who will take the lead in writing the report, including coordinating responses to any public comments received and circulating a draft to the MPO, transit operators, DOT and other participants for factual verification.
6. FHWA-WA shall take the lead in setting up a follow-up meeting with the MPO and FTA-10 prior to the expiration of the time limit given to resolve the corrective actions.
7. Based on the nature of the corrective action, FHWA-WA or FTA-10 shall take the lead in reviewing the progress in resolving the corrective action.
8. Within one (1) week of the follow-up meeting, the lead agency shall prepare a letter documenting the results of the meeting and whether the corrective actions have been resolved.
9. Timelines for the review shall generally be as follows, unless FTA-10 and FHWA-WA agree otherwise:
    a. Three (3) years after issuing a Planning Certification Review Report, FTA-10 and FHWA-WA shall meet to discuss a proposed schedule for the upcoming review.

b. Eight (8) months prior to the Certification's expiration, FHWA-WA shall organize a teleconference among FTA-10, FHWA-WA, WSDOT and the MPO to discuss the upcoming review, transmit a list of discussion questions for the review and the list of documents that need to be submitted for the desk review.
c. Five (5) months prior to the Certification's expiration, the site visit shall be conducted.
d. The draft report shall be transmitted to the MPO and WSDOT via email within 30 calendar days of the site visit. FTA-10 and FHWA-WA will consider comments submitted by the MPO and WSDOT for a period of 14 days after transmittal if the document. A final report will be issued within 30 calendar days of the draft report or 60 days after the site visit.

10. FHWA-WA will take the lead for inputting information into Volpe's Planning Performance Database (www.oversight.volpe.dot.gov).

VI. Transfer Funding Procedures

ROLES AND RESPONSIBILITIES

1. FHWA-WA and FTA-10 will encourage WSDOT and the MPOs to identify funds included in the MPO TIPs and WSDOT STIP that they intend to transfer to FTA-10.
2. After FTA-10 reviews the transfer funds programmed in the STIP and determines that the proposed project is ready to advance, FTA-10 will send an email request to WSDOT requesting that the State initiate the transfer process.
3. FHWA-WA will be copied on FTA's email to the State.
4. FHWA-WA will initiate the transfer process within two (2) weeks of receipt of the request from WSDOT.
5. FTA-10 shall, to the best of its ability, encourage the timely obligation and implementation of projects involving transfer funding.

VII. CMAQ Funds Eligibility

BACKGROUND

Both FTA-10 and FHWA-WA shall be proactive with the planning partners in areas eligible for CMAQ funding to encourage the optimization of the program's funding. To this end, both parties shall encourage projects that have a direct pollution reduction benefit.

ROLES AND RESPONSIBILITIES—

1. FHWA-WA shall take the lead on determining CMAQ eligibility. This determination shall be made in conjunction with the STIP review and approval.

IX. Environmental Streamlining

1. When applicable, FTA-10 and FHWA-WA agree to be cooperating agencies for each other's projects. When joint funding is involved and funding transfers are not possible, FTA-10 and FHWA-WA agree to be co-lead agencies for NEPA compliance. In such situations, early coordination will be accomplished to identify possible areas of concern and to agree upon the appropriate class of action and level of environmental analysis.

X. Methods for Communication and Conflict Resolution

BACKGROUND

Historically, FTA-10 and FHWA-WA have benefited from an excellent working relationship. This MOA intends to build upon that history by establishing a framework to further promote the existing collaboration. The following procedures are available for streamlining the communication process:

ROLES AND RESPONSIBILITIES

1. The FHWA-WA and FTA-10 shall continue to communicate using telephone, teleconference, e-mails and formal/informal meetings. At a minimum, planning staff of both agencies should communicate with each other once a month.
2. Whenever feasible and cost effective, FHWA-WA and FTA-10 should coordinate to meet in person whenever this can be accomplished in conjunction with already scheduled travel. The merits of face-to-face meetings have been significant in strengthening staff-level, working relationships.
3. The FHWA-WA and FTA-10 planners shall be the points of contact in each agency and shall conduct the initial discussion regarding all planning issues based on the procedures established above.
4. The FHWA-WA and FTA-10 planners shall communicate with others within their own agencies.
5. Draft correspondence shall be forwarded through e-mails, followed by a phone call from the sender to confirm receipt.
6. For correspondence beyond the actions mentioned above, each agency shall be responsible for notifying the other agency of incoming correspondence and action items.
7. Each party shall be provided the opportunity to comment on all planning issues relative to their focus area within a reasonable, expedient and mutually agreeable time frame.
8. Agencies will make reasonable efforts to review draft correspondence within the time frame requested by the agency preparing the draft correspondence. If no time frame is specified or agreed to, a maximum of two (2) weeks can be used for review and comments.
9. If no comments are received by the end of the two (2) weeks period and the reviewing agency has not expressed a need to extend the review period, then the

drafting agency may assume there are no comments and can finalize the correspondence.

10. All comments and responses to comments should be documented. The FHWA-WA and FTA-X10staff and managers shall notify each other when issues arise, so that there will be a reasonable opportunity for discussion.
11. If the issues remain unresolved and efforts to resolve the issues are exhausted between the affected FHWA-WA and FTA-10 staff and managers, the issues could be escalated to FHWA-WA and FTA-X Administrators. The final resolution shall be reached within a maximum of thirty (30) calendar days.
12. To the extent possible, issues involving the two agencies shall be resolved at the FHWA-WA and FTA-10 level. When issues arise that cannot be resolved at the Division and Region levels, each agency will jointly seek guidance from their respective Washington, D.C. Headquarters Offices.

XI. Coordination of the 3 C Planning Process (Cooperative, Continuous and Comprehensive

ROLES AND RESPONSIBILITIES

1. FTA-10 and FHWA-WA shall emphasize the need for multi-modal corridor planning.
2. FTA-10 and FHWA-WA shall encourage public involvement, agency representation and interagency coordination.
3. FTA-10 and FHWA-WA shall encourage a planning process that is open, professional and inclusive.
4. FTA-10 and FHWA-WA shall attempt to be impartial in dealing with multiple planning partners and competing transportation modes.
5. The 3 C process shall be reviewed tri-annually in the TMA areas through the certification review process and as needed for other MPOs in Washington.

Summary

This agreement shall remain in effect indefinitely unless terminated by either party upon a thirty-day written notice to the other party. Either party to this MOA may request that it be amended, whereupon the parties will consult to consider such amendment. This MOA goes into effect with signature and date of all parties.

	Linda M. Gehrke
Daniel Mathis	**R. F. Krochalis**
FHWA Division Administrator	Actng **FTA Regional Administrator**
Federal Highway Administration	**Federal Transit Administration**
	6 October 2006
Date	**Date**