



Call to Order/Opening Business

- Roll Call
- Approval of Minutes for April 12, 2018
- Public Comment

Action Items

1. MTPO Cooperative Agreement

This is the agreement between the Topeka Area Metropolitan Planning Organization, the Kansas Department of Transportation, Shawnee County, and the Metropolitan Transit Authority, which establishes a metropolitan planning and programming process, and documents the roles and responsibilities of each party in the process. This agreement has been updated to reflect inclusion of new performance measures and targets as per 23 CFR 450. (attached) **Carlton Scroggins**

Requesting to be released for public comment

Presentations

None

Discussion/Non-Action Items

- **Performance Measures**
Discussion of Performance Measures and targets. These are the new requirements of the Transportation Bill. Will present information shared by KDOT at last week's KAMPO meeting. **Carlton Scroggins**
- **Complete Streets Concepts Plan**
- **Traffic Safety Study**
- **Bikeways Month/Bike**

Other Items/New Business

Adjournment



CITY OF TOPEKA
METROPOLITAN TOPEKA PLANNING ORGANIZATION
TAC
Technical Advisory Committee



M I N U T E S
THURSDAY, April 12, 2018

Voting Members present: Carlton Scroggins, Mike Spadafore, Bill Fiander, Tom Vlach, Jason Peek (5)

Voting Members Absent: Barry Beagle, Susan Duffy (2)

Staff Present: Taylor Ricketts, Topeka Planning; Kris Wagers, Topeka Planning

Roll Call, Welcome and Introductions

The meeting was called to order by Mr. Spadafore with 4 members present for a quorum. Terry Coder sat in for Mr. Peek until his arrival, and Mr. Fiander arrived after the first vote.

Approval of minutes for February 8, 2018

Motion by Mr. Spadafore to approve; **second** by Mr. Scroggins. **APPROVED** (4-0-0)

Public Comment – none

Action Items

2017-2020 TIP Amendment #6

Mr. Scroggins reviewed the projects included in the Amendment and took questions. There were recommendations for changes and general discussion regarding each project. Mr. Scroggins explained that there is one project for US75 & 46th Street bridges not on the list as it came in after the agenda was finalized. This was also reviewed and discussed.

Mr. Scroggins explained that the first two projects must be removed from the TIP because funding is not identified for them. Projects with no funding identified cannot be included in the TIP. It was agreed upon by all that the committee is concerned about the removal of these items. They feel they are important projects and feel strongly that as soon as funding sources are found, they should be put back into the TIP.

Motion by Mr. Spadafore to approve the 2017-2020 tip Amendment #6 to go out for public comment; **second** by Mr. Peek with a friendly amendment to note that TAC places a very high priority on the projects removed (Oakland Expressway and Polk Quincy Viaduct) and they should be put back into the TIP as soon as funding is secured. **APPROVED** (5-0-0)

2018 UPWP Administrative Amendment

Mr. Scroggins reviewed the proposed amendment, noting the text on pp. 11 & 12 of the 2018 UPWP concerning 5.5 Target Setting for Performance Measures (PM). Discussion included how the state would be able to make performance measures the same from different MPOs and whether we'd prefer to accept the state's measures or set our own.

Motion by Mr. Spadafore to approve the administrative amendment, second by Mr. Peek. **APPROVED**
(5-0-0)

Discussion / Non-Action Items

MTPO Cooperative Agreement (draft)

Mr. Scroggins reviewed the updated agreement that is a requirement of KDOT

Complete Streets Concepts Plan

Ms. Ricketts updated members on the status of the plan, stating she expects to have a draft ready for review at the May TAC meeting.

Transportation Safety Study

Mr. Scroggins provided an update on the status. Data has been compiled and the consultant is reviewing and using to write the study.

With no additional business, the meeting was adjourned at 3:04PM.

COOPERATIVE AGREEMENT

Conducting the Continuing, Cooperative and Comprehensive Transportation Planning Process For the Metropolitan Topeka Planning Organization

Metropolitan Topeka Planning Organization
Kansas Department of Transportation
Topeka Metropolitan Transit Authority

This Cooperative Agreement, entered into and effective this _____ day of _____, _____ by and between the Topeka Area Metropolitan Planning Organization, the Kansas Department of Transportation, Shawnee County and Topeka Metropolitan Transit Authority, establishes a metropolitan planning and programming process, and documents the roles and responsibilities of each party in the process. The partners agree to conduct a planning and programming process that complies with all federal planning requirements as specified in federal law. The Agreement is not intended to create any substantive rights or responsibilities for anyone, whether a party to this agreement or not, over the above those created and conferred by federal and state law.

SECTION 1. BASIC PARAMETERS OF THE COOPERATIVE AGREEMENT

STATEMENT OF PURPOSE

MTPO, KDOT, and Topeka Metropolitan Transit Authority shall undertake a continuing, comprehensive, and cooperative transportation planning and programming process for the metropolitan planning area in accordance with state and local goals for transportation planning, the provisions of 23 USC 134, 49 USC 5303, and 23 CFR Parts 450 plus 500, and 49 CFR Part 613 as amended, and in accordance with the provisions of this Agreement.

Each party wishes to help the others achieve goals of each individual agency without harming their own agency. Further, it is the intent of the agreement to act as a basis for understanding the political and administrative constraints of each agency. These aspirations can be best achieved by engaging in regular communications with each other, approaching issues collaboratively, and by striving to improve professional relationships.

PARTNERS

The parties agree that MTPO, KDOT, Shawnee County, and TMTA are planning partners, as defined in federal legislation, in providing regional transportation planning functions. Each partner is assigned responsibility under federal regulations and is required to execute that responsibility judiciously, fairly, and with consideration of the responsibilities of each of the other planning partners.

The parties to this agreement will establish and maintain consistent lines of communication to discuss issues of mutual concern as it pertains to regional transportation planning. All agree to involve the others at the initiation of decision-making processes that may affect any of the other planning partners within the scope defined by federal statutes and regulations or by this agreement. The planning partners will make reasonable efforts to include the other planning partners in the process of identifying and diagnosing problems before solutions and new policy are proposed that would affect one or more of the other partners.

The cooperative transportation planning process to be conducted under this Agreement and governed by the provisions of 23 CFR Parts 450 plus 500 shall encompass the metropolitan planning area, as determined by agreement between the Governor (or designee) and MTPO.

Planning partners will be cognizant and respectful of the internal organization, structure, and administration of each of the other planning partners.

Topeka Area Metropolitan Planning Organization

MTPO is the lead organization among the partners in this agreement. The Metropolitan Topeka Planning Organization (MTPO) is the congressionally designated Metropolitan Planning Organization (MPO) for the urbanized area of Topeka Kansas. MTPO is responsible for regional coordination of federal transportation funds and regional transportation planning within the MTPO Transportation Study area, as defined by the Metropolitan Planning Area Boundary approved in existing agreement between MTPO and KDOT. MTPO is governed by the Policy Body (PB). MTPO shall be the lead agency for developing short and longer-term regional plans for all modes of surface transportation for the MTPO designated metropolitan planning area. All transportation related plans shall be presented to the MTPO Technical Advisory Committee and the MTPO Policy Board for comment and consideration.

Kansas Department of Transportation

The Kansas Department of Transportation (KDOT) is a state agency established pursuant to Kansas statute responsible for building, maintaining and operating a variety of transportation facilities across the state of Kansas, including, but not limited to, the federal and state highway systems. KDOT is a key partner in the overall local planning process and offers advice and expertise in developing planning processes as well as implementing and constructing transportation projects throughout the region and state. KDOT representatives are key members of the Transportation Advisory Board, and also serve on the MTPO Transportation Policy Body. KDOT also provides valuable input on planning, financial matters and how projects in the MTPO region fit into state systems. KDOT is also charged with administering federal transportation funds apportioned to the State, Metropolitan Planning Organizations, and transit agencies.

Topeka Metropolitan Transit Authority

Topeka Metropolitan Transit Authority (TMTA) is a political subdivision created by charter ordinance of the City of Topeka adopting Kansas statute, and is also a key partner in the overall transportation planning and provision of transportation services for the metropolitan planning area. TMTA is responsible for providing general public transportation service and public paratransit service. TMTA is a member of the Technical Advisory Committee. TMTA also provides valuable transit input on planning, financial matters and how projects in the MTPO region fit into regional and state transit systems. TMTA is the designated recipient in the urbanized area for 5307 and 5310 funding and other apportioned funds, as determined by the Federal Transit Administration – US DOT, and is responsible for administering those Federal Transit Administration funds.

DEFINITION OF PRODUCTS, DOCUMENTS, PLANS, PROCESSES, ACTIVITIES

This section identifies those products, plans, processes, activities, and miscellaneous actions required by federal legislation or federal regulations for the affected Metropolitan Planning Organization (MPO) - Transportation Management Area (TMA), the State transportation agency, and transit providers in the urbanized area.

Unified Planning Work Program Development and Consolidated Planning Grant Management –

The planning partners will jointly prepare a Unified Planning Work Program (UPWP) annually that describes the planning activities to be conducted in the metropolitan planning area. The UPWP serves three distinct functions: (1) it describes the transportation planning activities of regional scope that the planning partners will undertake during the year; (2) it serves as the scope of work for planning activities proposed for funding under the Consolidated Planning Grant (CPG); and (3) it provides a management tool for the planning partners in scheduling major transportation planning activities, milestones and products. Much of the work in the UPWP that is conducted by MTPO, as the transportation planning organization, is funded by Consolidated Planning Grants (comprised of FHWA PL and FTA Section 5303 funds) provided by KDOT, although some MTPO tasks are funded through other federal transportation funds provided through separate local public agency (LPA) agreements with KDOT. The manner of financing activities authorized under the CPG and LPA agreements is through reimbursement by KDOT of federal funds for up to a maximum of eighty percent (80%) of authorized expenditures (with exceptions for some uses of funds), with the balance (the non-federal share) to be provided for by separate fiscal agreement between MTPO and its local government members.

- a) **MTPO Responsibility**—MTPO will cooperate with the other planning partners in the development of the UPWP. MTPO will develop and maintain a UPWP development schedule each year that will include a meeting of the planning partners to discuss development and establish planning priorities of the UPWP. MTPO will compile the draft UPWP for review by the planning partners and the public, and will prepare and publish the final UPWP as approved by the MTPO Board. MTPO will use the UPWP as the scope of services for the consolidated planning grants with KDOT and will enter into annual agreements with KDOT to receive Consolidated Planning Grant funds to support its work in the UPWP. MTPO will enter into periodic LPA agreements with KDOT to support projects funded through other sources. MTPO will prepare and submit to KDOT progress reports detailing activities conducted each quarter for the various UPWP work tasks. Progress reports containing a narrative and financial account of the work accomplished to date shall be furnished to KDOT by MTPO at quarterly intervals. These reports shall be due 45 days after the end of the first, second and third quarters, and 60 days after the final quarter of each calendar year.
- b) **KDOT Responsibility**—KDOT will cooperate with the other planning partners in the development of the UPWP. KDOT will provide MTPO with Consolidated Planning Grant balances for budgeting purposes during the development of the UPWP. KDOT will also provide MTPO with transportation task/projects, budget and scheduling information for KDOT led planning and construction activities in the MTPO region. As the overseers of Consolidated Planning Grants with MTPO, once all state and federal requirements are met KDOT will approve the UPWP and use it as the scope of services for the Consolidated Planning Grant agreements with MTPO. KDOT will submit the UPWP to USDOT in a timely manner for USDOT approval. KDOT will track and monitor the progress of UPWP activities through involvement in the MPO process and quarterly/annual progress reports submitted to KDOT. KDOT will enter into periodic LPA agreements with MTPO to support projects funded through other sources. KDOT will provide tasks/budget/schedule information for KDOT activities to be included in the UPWP, and will provide quarterly updates of task progress to be included in the quarterly progress reports. KDOT will make payments of federal funds according to the terms of the CG and LPA agreements.
- c) **TMTA Responsibility**—TMTA will cooperate with the other planning partners in the development of the UPWP, including the provision of task/budget/schedule information to be included in the document. TMTA will provide quarterly updates of tasks progress to MTPO to be included in MTPO's quarterly progress reports to KDOT.

One of the primary products of the metropolitan planning process as defined in the UPWP is the MTP. The MTP establishes the broad policy framework for transportation investments in the region, and identifies specific investments to be implemented during the planning period. As described in federal rules, the MTP will provide for the development and integrated management and operation of transportation systems and facilities (including major roadways, transit, multimodal and intermodal facilities, pedestrian walkways and bicycle facilities, and intermodal connectors) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the States and United States. The MTP is updated according to intervals set in federal regulations, and may be amended more frequently, as appropriate.

- a) **MTPO's Responsibility** – MTPO will lead the development of the MTP in cooperation with the other planning partners. MTPO will establish a multi-year plan development schedule to complete the update of the plan by the established federal deadline. MTPO will coordinate with and reflect the KDOT Statewide Long-Range Transportation Plans in the region's MTP. MTPO will continuously monitor plans, studies, and other activities in the region to identify potential amendments to the MTP. MTPO will review plan components and amendments to assess the need for conducting air quality/conformity analyses. MTPO will produce such analyses when appropriate. MTPO will take the lead on updating the MTP, and will rely on KDOT to identify needs and priorities from the State System. During the planning development period leading up to the preparation of the MTP update, MTPO and TMTA will build the framework for expanding regional transit throughout the MTPO region. During the planning development period leading up to the preparation of the MTP update, MTPO will build the framework for expanding regional transit and other people and goods movements throughout the MTPO region and how the movement of people and goods, including rail passenger service can be expanded in the south-central region of the state.
- b) **KDOT Responsibility** – KDOT will cooperate with the other planning partners in the development of the MTP. KDOT will coordinate with and reflect the region's plans in statewide long-range transportation plans. KDOT will coordinate the region's long-range planning efforts with its Local Consultation Process. KDOT will monitor internal plans, studies and other activities to identify potential MTP amendments and inform the other partners accordingly. KDOT will also work with the partners to ensure that updates, program development and project selection meet the general philosophy and definition of being regionally significant. KDOT will also provide input as to how program development and project selection fit into the MTPO region. KDOT will also make available regional and statewide plans to ensure that the MTP and other local planning documents reflect the most effective way(s) to move people and goods.
- c) **TMTA Responsibility** – TMTA will cooperate with the other planning partners in the development of the MTP. TMTA will coordinate the region's long-range planning efforts with its agency planning efforts for future transit operations and capital investments. TMTA will provide current transit plans for insertion into the MTP. TMTA will participate in the call for projects by submitting project needs for programming consideration. TMTA will monitor internal plans, studies, and other activities to identify potential MTP amendments and inform the other partners accordingly. TMTA will also provide experience and expertise in developing a blueprint for how transit services might be expanded to the MTPO region.

Transportation Improvement Program (TIP) Development and Maintenance –

Another of the primary products of the metropolitan planning process identified in the UPWP is the TIP. The TIP identifies specific investments to be implemented during the next 4-5 year period, and serves to commit funds to specific projects. The TIP is updated according to intervals set in federal regulations, and may be amended more frequently, as appropriate.

- a) **MTPO's Responsibility** – MTPO will lead the development of the TIP in cooperation with the other planning partners. MTPO will establish policies, procedures and practices for the development and

maintenance of the TIP. MTPO will initiate and conduct project selection processes for federal funds suballocated to the region. MTPO will participate in KDOT project selection processes. MTPO will maintain the TIP as a web/database product that reflects project level details consistent with MTPO policies and federal regulations. MTPO will review TIP projects and amendments to assess the need for conducting air quality/conformity analyses. MTPO will produce such analyses when appropriate.

- b) KDOT Responsibility – KDOT will cooperate with the other planning partners in the development of the TIP. KDOT will conduct project selection activities in consultation with the other planning process partners. KDOT will be an active participant in ensuring TIP project and/or program selection meets the definition of regionally significant. KDOT will also lend experience and expertise in ensuring that the TIP program and project selection fits into regional and statewide planning and construction efforts. KDOT will submit/update project level data such that the TIP can reflect project details consistent with MTPO policies and federal regulations. KDOT will consider for approval all TIP and TIP amendment actions approved and submitted by MTPO and, if approved, incorporate them into the State Transportation Improvement Program (STIP) such that the STIP reflects and is consistent with the metropolitan TIP. KDOT will process new TIP approvals and TIP amendments and submit to USDOT in a timely manner for USDOT approval.
- c) TMTA Responsibility – TMTA will cooperate with the other planning partners in the development of the TIP. TMTA will conduct project selection activities in consultation with other planning process partners. TMTA will submit/update project level data such that the TIP can reflect project details consistent with MTPO policies and federal regulations. TMTA will also provide experience and expertise in working to ensure that future transit services can be more easily adaptable to the MTPO region. TMTA will also be involved in 5310 project/program selection inclusion in the TIP and will lead the development of the transit section of the TIP.

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 year. The listing is included in the Transportation Improvement Program (TIP) to confirm the obligation of federal funds to projects currently and previously listed in the TIP.

- a) MTPO's Responsibility – MTPO will lead the development of the Annual Listing of Obligated Projects in cooperation with the other planning partners. MTPO will compile information from the other planning partners, federal agencies, and others as appropriate, in order to complete the initial listing of projects. Once completed, MTPO will publish the listing electronically as part of the region's TIP.
- b) KDOT Responsibility – KDOT will cooperate with the other planning partners in the development of the Annual Listing of Obligated Projects. KDOT will provide information regarding any federally funded projects it administered within the MTPO metropolitan planning area which have received fund obligations during the previous year. KDOT follows internal procedures to routinely provide the information each year.
- c) TMTA Responsibility - TMTA will cooperate with the other planning partners in the development of the Annual Listing of Obligated Projects. TMTA will provide information regarding any federally funded projects which have received fund obligations during the previous year. TMTA will establish internal procedures to routinely provide the information each year.

Financial Plans for the Metropolitan Transportation Plan and Transportation Improvement Program –

The MTP and the TIP will include financial plans based on estimates of revenue that can reasonably be expected to be available during the time period covered by each document. Financial plans and estimates of revenue are to be prepared cooperatively between the planning partners.

- a) MTPO's Responsibility – MTPO will lead the development of the MTP and TIP financial plans in cooperation with the other planning partners. MTPO will develop and maintain procedures and methodologies for generating revenue forecasts in cooperation with KDOT, and TMTA. MTPO will generate estimates of local funds to be available to support transportation investments in the region. MTPO will convene the partners as necessary to review methodologies, assumptions (such as inflation factors), and estimates to be used in MTP and TIP documents and amendments.
- b) KDOT Responsibility – KDOT will cooperate with the other planning partners in the development of the MTP and TIP financial plans. KDOT will provide historical information regarding funding levels/expenditures within the MTPO boundary and any estimates it has prepared for future state and federal revenues.
- c) TMTA Responsibility – TMTA will cooperate with the other planning partners in the development of the MTP and TIP financial plans. TMTA will provide historical information regarding funding levels/expenditures for transit services within the MTPO boundary and any estimates it has prepared for future local, state, and federal revenues.

Studies –

Studies are regularly 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 may be categorized as Major Investment Studies, or meet other criteria/scope based on agreement between the planning partners. Studies should result in changes to, or further definition of, the MTP, and/or project level details that should be reflected in the TIP. Studies that could lend support to the development of the MTP update as well as TIP updates and amendments could include:

- Trends Analysis—In Terms of Impacts on Transportation Infrastructure and Modes
- Goods Movement Analysis
- Impacts of Transportation on Healthy Lifestyles
- Developing New Communications Methodologies
- Continued Environmental Monitoring
- Impact of Five Different Generations on Transportation Infrastructure and Modes
- Data Development/Warehousing/Access
- MTPO Member Community Participation Possibilities
- Land Use/Transportation Goal Correlation
- Scenario Planning Possibilities
- Continued Program/Project Implementation or Rethink of How and Why Planning is focused.
- TMTA Transportation Development Program (Short-range plan)

- a) MTPO's Responsibility – MTPO, in cooperation with the planning partners, will develop various studies based on the goals and objectives of the MTP. MTPO will reflect the broad policy framework articulated in the region's MTP in studies it leads. MTPO will include all planning partners in studies it leads, and will actively participate in studies conducted by other planning partners. MTPO will engage a broad cross-section of community interests and the general public in studies that it leads. MTPO will assist with bringing conclusions of studies through the MTPO committee process to reflect conclusions in the MTP and/or the TIP, as appropriate.

- b) **KDOT Responsibility** – KDOT will cooperate with the other planning partners in the development and maintenance of the MTP. KDOT will reflect the broad policy framework articulated in the region’s MTP in studies that it leads and those studies in which it participates. KDOT will include all planning partners in studies it leads, and will actively participate in studies conducted by other planning partners. KDOT will engage a broad cross-section of community interests and the general public in studies that it leads. KDOT will bring to the MPO committee process any conclusions of studies for incorporation into the MTP and/or the TIP, as appropriate. Changes in demographic, land use, availability of natural resources, and financial aspects could have significant impacts on transportation planning and project development. KDOT will supply expertise and experience in working with the other planning partners to ensure that potential changes in the way people live and move in the region are reflected in the planning and programming process.
- c) **TMTA Responsibilities.** TMTA will cooperate with the other planning partners in the development and maintenance of the MTP. TMTA will reflect the broad policy framework articulated in the region’s MTP in studies that it leads. TMTA 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. TMTA will engage a broad cross-section of community interests and the general public in studies that it leads. TMTA will bring to the MTPO committee process any conclusions of studies for incorporation into the MTP and/or the TIP, as appropriate. Changes in demographic, land use, availability of natural resources, and financial aspects could have significant impacts on transportation planning and project development. TMTA will provide expertise and experience in working with the other planning partners to ensure that potential changes in the way people live and move in the region are reflected in the planning and programming process.

Continued Travel Demand Modeling –

Travel demand models are developed and maintained to simulate and forecast travel conditions on the region’s transportation system. The models are used to predict and identify future problem areas in the transportation system, and to evaluate strategies, investments, and projects which may alleviate those future problems. Models may also be used to understand current and future operating conditions on elements of the transportation network. Models also provide information to assess impacts of transportation investments for environmental justice purposes and to assess mobile source contributions to the region’s air quality.

- a) **MTPO’s Responsibility** – MTPO will cooperate with the other planning partners to establish and maintain a state-of-the-practice regional travel demand model. MTPO will work with the other planning partners to collect input data for the model so that it accurately reflects local conditions. MTPO will utilize the existing travel demand model for evaluating the performance of the region’s transportation system and to assess proposed strategies for the MTP and TIP. MTPO will also utilize the regional travel demand model for environmental justice and air quality analyses. MTPO will provide information from the regional travel demand model to support studies and other analyses by the other planning partners. MTPO will assist the planning partners in reviewing modeling approaches for consistency with the regional travel demand model. MTPO will support a regional model users group to provide ongoing coordination with modelers in the planning partner agencies, MTPO member local governments, and their consultants.
- b) **KDOT Responsibility** – KDOT will cooperate with the other planning partners to establish and maintain a state-of-the-practice regional travel demand model. KDOT will work with the other planning partners to collect input data for the model, and review model output so that it accurately reflects local conditions. KDOT and/or its consultants will conduct any traffic forecasting in the region consistent with the regional travel demand model. In order to get the most complete information possible, KDOT will supply traffic counts and vehicle classification data, trip distribution estimates, accident data, and information concerning detected bottlenecks or delays on the MTPO region state system, and will supply the information on an as needed basis.

- c) TMTA's Responsibility – TMTA will cooperate with the other planning partners to establish and maintain a state-of-the-practice regional travel demand model. TMTA will work with the other planning partners to collect input data for the model so that it accurately reflects local conditions. TMTA and/or its consultants will conduct any travel demand modeling in the region consistent with the regional travel demand model. TMTA will supply ridership totals for all routes and will work with the other planning partners to determine possible routing amendments and how the transit routes fit into the definition of regional significance in overall MTP and TIP planning process.

Performance Measures –

Safety

- a. KDOT will provide MTPO with accident data, including latitude and longitude information, for all accidents in Shawnee County no later than July 31 of the year after the year the accident occurred. To support setting the initial targets KDOT will provide such data back to 2011.
- b. KDOT will provide MTPO with the state targets for these performance measures along with an explanation of the basis for these targets and any past performance data used in the target setting decision process, no later than when KDOT submits the targets, or any change to the targets, to FHWA.
- c. MTPO will provide KDOT with draft MPO targets for these performance measures along with an explanation of the basis for these targets and any past performance data used in the target setting decision process when draft targets are submitted to the Transportation Advisory Committee.
- d. MTPO will provide KDOT with the final MPO targets for these performance measures upon adoption by the MTPO Transportation Policy Body.

Continuing Congestion Management Process –

As part of the metropolitan transportation planning process, areas are to develop and implement a Congestion Management Process (CMP). The CMP serves as a planning tool to help decrease mobile source emissions and improve regional air quality. The process is also used to determine areas of congestion, and to improve traffic flow on all segments of the system. CMP measurements will be completed by monitoring, measuring and diagnosing the causes of congestion on a region's multi-modal transportation systems; evaluating and recommending alternative strategies to manage or improve regional congestion; and evaluating the performance of strategies put in practice to manage or improve congestion.

- a) MTPO's Responsibility – MTPO will cooperate with the other planning partners to develop and maintain the elements of the CMP for use in the metropolitan planning process. MTPO will initiate periodic updates of the CMP so that it sufficiently addresses current issues, challenges, and opportunities in the region. MTPO will provide information from the CMP as part of calls for projects and as part of initial data for studies so that appropriate congestion management strategies are considered in planning and project development activities in the region.
- b) KDOT Responsibility – KDOT will cooperate with the other planning partners to develop and maintain the elements of the CMP for use in the metropolitan planning process. KDOT will use information from the CMP as part of planning studies and project development activities so that appropriate congestion management strategies are considered in planning and project development activities in the region. KDOT will supply traffic counts, trip distribution estimates, accident data, and information concerning possible bottlenecks or delays on the MTPO region state system, and will supply the information on an as needed basis. KDOT provided data for the Travel Demand Modeling process will also be used to assist in developing the overall Congestion Management Plan.
- c) TMTA's Responsibility – TMTA will cooperate with the other planning partners to develop and maintain the elements of the CMP for use in the metropolitan planning process. TMTA will use information from

the CMP as part of planning studies and project development activities so that appropriate congestion management strategies are considered in planning and project development activities in the region. TMTA will also identify potential congestion points along its routes, and make suggestions as to how transit might assist in alleviating congestion or bottleneck points.

Participation Plan Enhancement –

As part of the metropolitan transportation planning process, MTPO is to develop and implement a Participation Plan. The purpose of the Participation Plan is to define a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. The Participation Plan shall include procedures for employing visualization techniques and making public information available in electronically accessible formats and means.

- a) MTPO's Responsibility – MTPO will cooperate with the other planning partners to develop and maintain the Participation Plan for use in the metropolitan planning process. MTPO will initiate periodic reviews of the effectiveness of the Participation Plan strategies and may suggest updates to the Plan in cooperation with the other planning partners. MTPO will follow the Participation Plan in its planning and programming work so that the public is adequately and appropriately engaged in planning and project development activities in the region. TMTA relies on MTPO's public participation process to satisfy its public participation requirements for their Program of Projects.
- b) KDOT's Responsibility – KDOT will cooperate with the other planning partners to develop and maintain the Participation Plan for use in the metropolitan planning process. KDOT will use strategies from the Participation Plan as part of its planning studies and project development activities so that the public is adequately and appropriately engaged in planning and project development activities in the region.
- c) TMTA's Responsibility – TMTA will cooperate with the other planning partners to develop and maintain the Participation Plan for use in the metropolitan planning process. TMTA will use strategies from the Participation Plan as part of planning studies and project development activities so that the public is adequately and appropriately engaged in planning and project development activities in the region.

Periodic Review of this Agreement

This Agreement will be reviewed periodically so that it remains current in articulating roles and responsibilities of the planning partners. The Agreement will be assessed following each new federal authorization and each federal certification review of the region's planning process to capture any changes in federal law, federal regulations and guidance, comments that were part of the certification review, and changes within the planning partners. Current information on the region's planning process will be available each year as part of the UPWP.

Expected Roles and Responsibilities of USDOT

While not direct parties to this agreement, the USDOT offices, particularly the Kansas Division Offices of the Federal Highway Administration and the Regional Office of the Federal Transit Administration, will also participate as partners in the MTPO region's transportation planning process. USDOT offices will participate as ex officio members of MTPO transportation committees, and provide a federal perspective to the work of MTPO. USDOT offices have offered experience and expertise in providing information on best practices and

developments in the field of transportation planning that could support and be useful to the region's planning efforts. USDOT offices have previously taken actions on plans, environmental studies, and investment projects within the region that are consistent with decisions that have come out of the MTPO planning process. USDOT offices have and will continue to advise MTPO regarding any issues of compliance with federal regulations as work products are being developed and produced so that final products will meet existing requirements.

FUNDING AND PAYMENT

- a) MTPO and KDOT will annually develop and execute a Consolidated Planning Grant (CPG) agreement identifying federal transportation funds attributable to MTPO and identifying the conditions of acceptance for these funds. The CPG agreement for the next fiscal year shall be executed as quickly as the CPG development and review process will allow. All work performed by MTPO in the interim between the expiration of the most current and newly executed CPG agreements will be covered under pre-award authority arranged by KDOT.
- b) KDOT will provide annually to MTPO federal funding targets for planning purposes and development of the draft UPWP for the following year. Such funding targets will be provided to MTPO as they are developed and finalized by KDOT.
- c) Funding levels and financial responsibilities for the continuing transportation planning process shall be conveyed annually in conjunction with the preparation, review and approval of the UPWP. Upon adoption of the UPWP by the MTPO TPB, the UPWP shall be deemed to constitute a part of this agreement with respect to the scope of work and funding arrangements, to the extent the UPWP complies with the separate fiscal agreement for annual funding between MTPO and the City of Topeka (FISCAL AGENT). Specific terms or conditions governing the financial aspects of the UPWP will be set forth in KDOT's UPWP approval letter.
- d) All costs incurred during the progress of the transportation planning work activities under this agreement shall be shared by MTPO and the other participating agencies on the basis of the cost allocation schedule set forth in the approved UPWP. Payments charged to TMTA are valid only when expressly approved by the Fiscal Agent. KDOT's share of program costs, together with any USDOT share, which is administered by KDOT, will be made available to MTPO following the receipt of a properly executed invoice and a detailed status of expenditures report in a format compatible with the approved Unified Planning Work Program.

PROPERTY UTILIZATION AND MANAGEMENT

MTPO shall comply with the property management standards as set forth in 49 CPR 18.31, 18.32 and 18.33, as amended, and, if applicable, OMB Circular A-102, Attachment M, as amended.

RECORDS AND AUDITS

- a) MTPO shall, for the program of continuing, comprehensive transportation planning and programming activities, maintain an accounting system that adequately accounts for all funds provided for, accruing to, or otherwise received from the federal, state and local units of government, or any other quasi-public or private source under this agreement.
- b) All eligible costs, including paid services and expenses contributed by MTPO, shall be charged to the approved UPWP by MTPO and shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All accounting records and other evidence pertaining to the costs incurred by MTPO under this agreement shall be maintained by MTPO and or by the designated MTPO Fiscal Agent and shall be clearly

identified and readily accessible. KDOT and USDOT shall have authority to audit, review, examine copy and transcribe any pertinent data, information, records or documents relating to this agreement at any reasonable time. MTPO shall retain all records and documents applicable to this agreement for a period of not less than seven (7) years after final payment is made by KDOT.

- c) MTPO shall have, through its designated Fiscal Agent a single, organization-wide financial and compliance audit performed by a qualified, independent auditor if required to do so under federal laws and regulations. This audit shall be performed in accordance with OMB Circular A-133. A copy of the audit shall be furnished to KDOT. The cost of the audit is to be paid by the MTPO Fiscal Agent and will be reimbursed by MTPO with funds from the KDOT Consolidated Planning Grant.

CERTIFICATION REGARDING LOBBYING

- a) MTPO, KDOT and TMTA certify, by signing this Agreement, to the best of each one's knowledge and belief, that:
 - 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - 2) If any funds other than Federal appropriated funds have been paid or will be paid to a Federal agency, a Member of Congress, an officer or employee of Congress, or loan, or cooperative agreement, the undersigned shall, pursuant to 31 U.S.C. 1352, complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- b) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC 1352.
- c) MTPO also agrees by signing this Agreement that it shall require that the language of this certification be included in all lower tier subcontracts which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

ALLOCATION OF RISK

Each party to this Agreement shall assume the risk of any liability arising from its own conduct. None of the parties agree to insure, defend, or indemnify the other.

DISPUTE RESOLUTION

If a dispute arises from or relates to this agreement or the breach thereof, and if the dispute cannot be settled through direct discussions among the responsible staff, any party to the dispute can request escalation of the dispute to the level of Agency Director for discussion and resolution. If such discussions fail to produce resolution within 45 days of transmission to the Agency Director level, the parties agree to present their dispute to mediation, each bearing its own costs in that process. Disputes unresolved after mediation may proceed to litigation.

MISCELLANEOUS PROVISIONS

It is hereby expressly agreed that no third party beneficiaries are intended to be created by this agreement, nor do the parties herein authorize anyone not a party to this agreement to maintain a suit for damages pursuant to the terms or provisions of this agreement.

TERMINATION OF AGREEMENT

MTPO, KDOT, or TMTA may terminate this agreement with cause by giving sixty (60) days written notice of such termination to the other parties. In the event of termination, MTPO will be entitled to receive just and equitable compensation under the terms of the CPG for any satisfactory work accomplished under this agreement to the effective date of such termination.

SEVERABILITY

Should any section, paragraph, sentence, or clause of this agreement be deemed unlawful by a Court of competent jurisdiction, no other provision hereof shall be affected and all other provisions of this agreement shall continue in full force and effect.

The parties hereto execute this Agreement through their authorized representatives:

Secretary of Transportation
Kansas Department of Transportation

Date

MTPO Policy Body Chair

Date

Topeka Metropolitan Transit Authority

Date