

AMENDMENT NO. 2

Monterey Bay Region Overall Work Program (OWP) FY 2011-2012

Prepared by: Association of Monterey Bay Area Governments
(AMBAG)

in collaboration with

Santa Cruz County Regional Transportation Commission
Transportation Agency for Monterey County
Council of San Benito County Governments
Monterey-Salinas Transit
Santa Cruz Metropolitan Transit District
California Department of Transportation

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**Association of Monterey Bay Area Governments
FY 2011-12 (July 01, 2011 to June 30, 2012)
Overall Work Program**

PREFACE

Draft

INTRODUCTION

The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) calls for the development of the Overall Work Program (OWP) by the federally designated Metropolitan Planning Organization (MPO).

The Association of Monterey Bay Area Governments (AMBAG), as the designated MPO, annually develops and maintains the Overall Work Program (OWP). The OWP includes federal and state funded planning as well as transportation/air quality planning activities proposed by AMBAG for the Monterey Bay region in the fiscal year 2011-12. The OWP also incorporates transportation related federal, state and local funded planning activities/projects to be accomplished by the region's Regional Transportation Planning Agencies (RTPAs), transit operators and Caltrans.

The FY 2011-2012 Overall Work Program (OWP) for the Monterey Bay region was prepared by AMBAG, based on information pertaining to Caltrans, Monterey, San Benito and Santa Cruz County Regional Transportation Agencies, Monterey-Salinas Transit, Santa Cruz Metropolitan Transit District, and the Monterey Bay Unified Air Pollution Control

District. This OWP contains elements for the continuation of the planning process/activities pursuant to State and Federal transportation and air quality regulations, and also includes some special (one-time) projects/studies.

PROSPECTUS

An updated prospectus is included in this document.

CERTIFICATION

The transportation planning certification procedure statement is included as Part IV of the Prospectus. The AMBAG Board of Directors adopting resolution for the FY 2011-2012 Overall Work Program will include this certification of the metropolitan planning process. A separate sign-off statement between AMBAG and Caltrans, covering the Monterey Bay region, is forwarded with the official OWP transmittal letter.

PRODUCTS

Products are listed under the each work element enumerated in detail in Part II of this document. The actual project reports, quarterly/annual progress reports and relevant project fact sheets etc. are posted on the agencies websites as well as hard copies of the respective products being forwarded to the appropriate agencies / departments upon completion of the project.

ABBREVIATIONS

Several acronyms, abbreviations and terms are included in the OWP. The following lists should assist the reader in reviewing the document.



AMBAG: Association of Monterey Bay Area Governments

CAAA: Federal Clean Air Act Amendments (1990)

Caltrans 5: State Department of Transportation - District 5
(San Luis Obispo)

FAA: Federal Aviation Administration

FHWA: Federal Highway Administration

FTA: Federal Transit Administration

MBUAPCD: Monterey Bay Unified Air Pollution Control District

MST: Monterey-Salinas Transit

MPO: Metropolitan Planning Organization

RTPA: Regional Transportation Planning Agency (e.g.

SCCRTC, TAMC and SBtCOG)

SAFETEA-LU Safe, Accountable, Flexible and Efficient
Transportation Equity Act for the 21st Century: A Legacy for
Users (August 2005 Federal Transportation Authorization –
successor to TEA-21)

SBtCOG: Council of San Benito County Governments

SCCRTC: Santa Cruz County Regional Transportation
Commission

SCMTD: Santa Cruz Metropolitan Transit District

SGC: Strategic Growth Council, California

TAMC: Transportation Agency for Monterey County

TEA-21: Transportation Equity Act for the 21st Century (former
Federal Transportation Authorization)

FUNDING

ARRA: American Recovery and Reinvestment Act. funds

AB 2766: Motor Vehicle Pollution Reduction Grant Funds
through MBUAPCD

Blueprint: State planning grant funds allocated to AMBAG to
perform regional comprehensive planning

CMAQ: Congestion Mitigation and Air Quality Improvement
Program funds (federal transportation funds delineated under
SAFETEA-LU and continued to AMBAG region through FY
2007/08)

CBTP: Community Based Transportation Planning

Caltrans PP: Caltrans Partnership Planning Grant

FHWA PL: Federal metropolitan transportation planning funds
allocated to AMBAG, as MPO, by the FHWA through Caltrans

FTA Section 5303: Federal metropolitan transit planning funds
allocated to AMBAG, as MPO, by the FTA through Caltrans

FTA Section 5304: Federal transit discretionary planning funds
awarded by the FTA through Caltrans (previously FTA 5313(b)
under TEA-21)

FTA Section 5307: Federal transit formula funds allocated to
the urbanized transit operators

FTA Section 5316: Federal transit Jobs Access / Reverse
Commute funding

FTA Section 5317: Federal transit New Freedom funding
provided for under SAFETEA-LU

Prop 84: Proposition 84 funds, awarded by Strategic Growth



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State RPA: State rural planning assistance funds allocated to rural RTPAs (SBtCOG, SCCRTC, and TAMC) by Caltrans

State STIP PP&M: State planning funds made available to RTPAs with the passage of SB 45, as amended

RSTP: Regional Surface Transportation Program (federal funds delineated under SAFETEA-LU)

TCRA: Traffic Congestion Relief Act funds from 2000



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PROSPECTUS

I. OVERVIEW OF THE COMPREHENSIVE TRANSPORTATION PLANNING PROGRAM (23 CFR 450.308(b))

A. Introduction

The Association of Monterey Bay Area Governments (AMBAG) is a voluntary association of cities and counties in California's Central Coast region. It was formed by a joint powers agreement to serve as a forum for discussing and making recommendations on issues of regional significance. Preservation of the area's natural assets along with a strong economy and sound growth management continues to be a strong desire for AMBAG members. These concerns are reflected in adopted AMBAG regional goals which serve as primary reference points to guide and direct all AMBAG programs.

The Association has been designated as an Areawide Planning Organization (APO) by the U. S. Department of Housing and Urban Development; as a Metropolitan Planning Organization (MPO) by the State of California; as a grantee responsible for non-point water quality planning by the U.S. Environmental Protection Agency; as a lead agency for non-attainment air quality planning by the California Air Resources Board (although AMBAG and the Monterey Bay Unified Air Pollution Control District operate as co-leads); and as a Metropolitan Clearinghouse by the State pursuant to Executive Order 12372. These designations have strengthened

AMBAG's role as an agency actively involved in providing solutions to regional problems and issues through regional planning and cooperation.

B. Role of the OWP and Agencies' Responsibilities

The Overall Work Program presents a coordinated statement of the regional transportation planning process of AMBAG, the California Department of Transportation (Caltrans), Monterey-Salinas Transit (MST), the Santa Cruz County Regional Transportation Commission (SCCRTC), the Santa Cruz Metropolitan Transit District (SCMTD) and the Transportation Agency for Monterey County (TAMC). These agencies are 1987 signatories to a Memorandum of Understanding (MOU) entered into for the purpose of cooperatively planning and implementing a balanced transportation system for the region that is consistent with comprehensive planning objectives. A June 2003 MOU, updated to TEA-21 and SB 45 programs and provisions, was signed by AMBAG, MST, SCCRTC, SCMTD and TAMC. The OWP describes the annual planning programs of these agencies and the framework within which planning activities is being coordinated. The roles and responsibilities of each agency are fully described in the 2003 MOU. Caltrans would not sign this MOU as they indicated they have no relationship with transit operators. In June 2005, AMBAG was required to execute a separate MOU with Caltrans in order to receive approval of its upcoming FY 2005-06 OWP and federal funding reimbursements. This MOU, per Caltrans' approved format, was between AMBAG and Caltrans with only a cursory reference to AMBAG's partner RTPAs and the integrated role between the agencies in this unique transportation-planning region of the state.

In addition to the aforementioned MOUs for transportation



planning in the region, both AMBAG and the Council of San Benito County Governments signed an MOU in May 1993, under which AMBAG provides technical and professional assistance to the Council of Governments in order for the metropolitan air basin to comply with federal transportation/air quality planning regulations. AMBAG's metropolitan planning boundaries were subsequently increased to include San Benito County. This MOU was updated in 1997 due to a sunset provision in the original. In FY 2011-2012, AMBAG will perform tasks under Work Elements 624 and 642 to ensure the inclusion of San Benito County within the metropolitan transportation planning process.

This OWP serves four major purposes for the Monterey Bay Region:

- 1) To use as a management guide for AMBAG as well as all partnering agencies operations, enabling review of the scheduling and progress of staff activities.
- 2) To use as a program management tool for all transportation planning efforts in the two-county area and for metropolitan transportation planning efforts in the three-county area, including assignment of budget and manpower, monitoring of study progress against projected program expenditure, and the specification of planning products and their impact on the development of transportation improvements resulting from the planning process.
- 3) To provide and document a coordinated annual work program among transportation planning agencies as well as transit operators within the region.
- 4) To satisfy state and federal requirements for

transportation planning program descriptions as a condition of funding.

C. California Planning Emphasis Areas

FHWA has developed four planning emphasis areas for California MPO's to consider, and a discussion of how these are addressed appears below. Section V. of this Prospectus numerically highlights the Work Elements responsive to SAFETEA-LU's Eight Federal Planning Factors. Each OWP work element identifies applicable planning emphasis areas and federal planning factors.

1. **Financial Planning and Fiscal Constraint**

California has identified several areas for continued improvement related to this issue:

- 1) Reflecting project costs and project phase costs in year-of-expenditure dollars;
- 2) Properly reflecting advance construction projects and their conversion to federal-aid funding in the FTIP and FSTIP;
- 3) Assuring that project costs have been updated to reflect the latest available information and include the total project cost, and;
- 4) Reflecting the estimated costs of constructing, maintaining and operating the total (existing plus planned) transportation system, including portions of the system owned and operated by local governments, in financial plans.

Financial planning and fiscal constraint, per metropolitan



planning regulations, are core functions to AMBAG's development of plans and programs.

Financial planning / fiscal constraint at the State level is contingent upon the State budget passage, its funding commitments, State cash flow, and resultant obligation decisions made by the California Transportation Commission (CTC). Even the best laid plans by Caltrans and the CTC may be pre-empted by politics beyond each agency's control.

For both regional and State funding for various projects, agencies work to make sure that project plans and programs reflect the best possible project cost estimates.

2. Congestion Management Process and Management and Operations (M&O)

The AMBAG region has focused specifically on mitigating congestion in the region associated with commute patterns, high relative tourist trips, and event congestion. Several planning initiatives are identified in the CMAQ portion of the OWP.

Additionally, in FY2011-2012 AMBAG will work closely with its regional transportation partners towards implementation of the adopted 2010 Metropolitan Transportation Plan and Regional Transportation Plans for Monterey, San Benito and Santa Cruz counties.

3. Work Program Development

The AMBAG OWP exemplifies the collective work program of AMBAG, SCCRTC, TAMC, SBtCOG, MST, and Santa Cruz Metro as it relates to metropolitan transportation planning

projects and activities receiving federal and state funds. The OWP, through a collaborative and unified planning process, reflects a multi-modal transportation system within the Monterey Bay Area. The key products of this process are the Metropolitan Transportation Plan, the Metropolitan Transportation Improvement Program and Public Participation Process.

4. Coordination of SIP Development

While the Monterey Bay region is currently in attainment for air quality conformity, AMBAG maintains a current understanding of the State Implementation Plan (SIP) development process and incorporates this information into work program development where applicable. AMBAG additionally works closely with the Monterey Bay Unified Air Pollution Control District (MBUAPCD) in SIP development through assisting in both the preparation of the Air Quality Management Plan and the Federal Air Quality Plan (SIP).

II. ORGANIZATION AND MANAGEMENT

A. Institutional Arrangements

The relationships among planning agencies and programs in the AMBAG area are complex. There are numerous planning programs undertaken by the RTPA(s), cities, counties, and other multi-jurisdictional agencies in cooperation and consultation with AMBAG.

The Association is governed by a Board of Directors that is comprised of two representatives from the Board of Supervisors of each of three member counties and one representative from the City Council of each of the member



cities. A representative from the Council of San Benito County Governments sits on the AMBAG Board as an ex-officio member. AMBAG currently includes representatives from all twenty-one eligible jurisdictions.

The following documents, on file with the Intermodal Planning Group (IPG), delineate the Association's authority and responsibilities:

- 1) Joint Powers Agreement
- 2) By-Laws
- 3) Role and Scope Memorandum
- 4) Transportation Planning Memoranda of Understanding (June 2003 and June 2005)
- 5) Memoranda of Agreement, under Executive Order 12372
- 6) Memorandum of Agreement between AMBAG and Caltrans re: intergovernmental review process (on file with Caltrans)
- 7) Memorandum of Understanding between AMBAG and the Council of San Benito County Governments re: the incorporation of San Benito County into the metropolitan transportation planning process (1993 and 1997)

B. Transportation Planning Organizational Structure

The Monterey Bay region is the only area in the State of California where the responsibility for transportation planning is shared between a Council of Governments and Regional

Transportation Planning Agencies (RTPAs) that operate at a county level. AMBAG is the designated Metropolitan Planning Organization (MPO) for the tri-county (Monterey, San Benito and Santa Cruz) whose primary responsibilities to carryout Transportation planning activities and provide policy guidance pertaining to the transportation planning process in accordance with federal and law.

As stated previously, the 2003 Memorandum of Understanding (MOU) signed by AMBAG, the Monterey and Santa Cruz County Regional Transportation Planning Agencies, Monterey-Salinas Transit (MST) and the Santa Cruz Metropolitan Transit District (SCMTD), delineates the roles of the various agencies in transportation planning and establishes the memorialized relationship between the MPO and the transit operators.

Each Regional Transportation Planning Agencies retain the primary responsibility for preparation of plans and programs required by the State of California. AMBAG is primarily responsible for those planning elements that are regional (three-county) in nature and ensure that the informational content and format of the county transportation plans are consistent with federal and state requirements while qualifying for federal funding. AMBAG is also responsible for preparing a three-county Metropolitan Transportation Plan (MTP) with emphasis on the regional components and the Metropolitan Transportation Improvement Program (MTIP) from which projects are incorporated into the Federal State Transportation Improvement Program (FSTIP).

In addition to the federal and state laws and regulations, and the Memoranda of Understanding cited above, the actions of the Regional Transportation Planning Agencies (a.k.a. Local Transportation Commissions) within their respective counties



are governed by the provisions of the California Transportation Development Act of 1971 (SB-325) (California Public Utilities Code Sections 99200-99217) (California Government Code Section 29530-29536) and local rules and regulations adopted for the conduct of Commission business. Each commission became the duly recognized RTPA with the implementation of AB-69 in July of 1973.

Finally, under a MOU signed in May, 1993, and renewed in 1997 by AMBAG, the Council of San Benito County Governments and the California Department of Transportation, AMBAG has specific responsibilities for including San Benito County in the metropolitan transportation planning process per the MPO boundary being extended to include San Benito County.

C. Coordination Statement

The general relationship of all major parties involved in transportation planning in the region is reflected in the updated Transportation Memoranda of Understanding (MOU) of 2003 (interregional one) and 2005 (State/MPO one). Specific responsibilities of each agency are also detailed therein. The existing institutional arrangements and organization structures, as described in III-B above, guarantee the coordination of transportation planning efforts at all levels: county-wide, regional, state and federal. The technical advisory committees of the three RTPAs include representatives from all cities, counties, transit providers and Caltrans, the State Department of Transportation. Furthermore, Caltrans District "liaison" personnel, through continuous formal and informal communications with technical staff of the MPO and the RTPAs, achieve the desired representation at the technical level. Similarly, the structure of the Policy Advisory

Committees is such as to allow for presentation of regional and state concerns at the policy-making level.

D. Citizen Involvement

AMBAG's Board of Directors has the ability to appoint citizen advisory committees for specific programs/plans. When a committee's mission has been accomplished, it ceases to exist. Ongoing citizens' input to the transportation planning process, even for AMBAG, is obtained through the advisory committees of the three Regional Transportation Planning Agencies, a unique process intended to eliminate duplication of effort and supported under the 2003 Transportation Planning MOU.

Efforts are made to reach and engage traditional and nontraditional stakeholders in the community, including minority and low-income groups as well as community-based organizations (CBOs). In 2008, AMBAG led a coordinated effort to develop and adopt the Monterey Bay Regional Coordinated Public Transit-Human Services Transportation Plan. This plan, a requirement under SAFETEA-LU and component of the 2010 RTP/MTP update, address the transportation gaps and unmet needs of low-income, persons of color, and persons with disabilities, while establishing strategies to meet those needs.

Additional efforts to reach nontraditional stakeholders within the region include representatives from senior citizen and the disabled communities as members of the Transportation Agency for Monterey County's Social Services Transportation Advisory Council (SSTAC) and the Santa Cruz County Regional Transportation Commission's Elderly/Disabled Committee (E/D Committee). These committees regularly



review and comment on proposed planning matters affecting them. All committee actions are reported to and considered by each transportation commission. Further public response has been and will continue to be solicited through well-advertised meetings, public hearings and workshops. AMBAG also develops ad hoc committees for various large planning efforts to ensure input from a variety of groups. Once the planning effort(s) is completed, the committee ceases to exist.

In addition to standard efforts, AMBAG and its planning partners created a Public Participation Plan (PPP), as required under SAFETEA-LU. The plan was adopted in 2008 and incorporated into the 2010 RTP/MTP.

E. Equal Opportunity Statement

As a recipient of numerous federal grants for various planning activities, AMBAG has made every effort to comply with the provisions of Title VI of the Civil Rights Act of 1964. The Civil Rights Act of 1964 states that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The Environmental Justice (EJ) Executive Order (EO 12989) further amplifies Title VI by specifically addressing minority and low-income populations, early and continuously in the transportation planning process, so the values and interests of all segments of our communities are equally reflected in investment decisions.

List of Staff Positions

AMBAG’s staffing organization, as of **October 12**, 2011

includes:

<u>NAME</u>	<u>TITLE</u>
Les White	Interim Executive Director
Ana Flores	Executive Assistant
Vacant	Office Assistant
Arleicka Conley	Director of Finance and Administrative Services
Errol Osteraa	Senior Accountant
Randy Deshazo	Principal Planner
Steph Nelson	Associate Planner
Anais Schenk	Planner
Aleksandra Tepedelenova	Planner
Vacant	Planner
Bhupendra Patel	Senior Transportation Demand Modeler
Vacant	GIS Coordinator
Elisabeth Russell	Energy Watch Special Projects Manager
Joe Button	Energy Watch Special Projects Associate
Vacant	Energy Watch Special Projects Associate
Vacant	Intern

Please see Appendix A for AMBAG’s organizational chart.

IV. PLANNING CERTIFICATION

As required by the metropolitan transportation planning regulations published in the Federal Register on February 14, 2007, AMBAG, as the Metropolitan Planning Organization, is required to annually certify that the planning process is being



carried out in conformance with applicable laws and regulations:

- 1) 23 U.S.C. 134 and 135, 49 U.S.C. 5303 through 5306 and 5323(1); as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users;
- 2) Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
- 3) Section 1101 (b) of the Transportation Equity Act for the 21st Century (Pub. L. 105-178 112 Stat. 107) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded project (FR Vol. 64 No. 21, 49 CFR part 26); and
- 4) The provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37, and 38).

This certification is also made jointly by Caltrans. The adopting AMBAG Board of Directors Resolution for the FY 2011-2012 Overall Work Program will include the above statement. A separate joint certification by AMBAG and Caltrans is forwarded with the Final FY 2011-2012 OWP.

V. SAFETEA-LU's EIGHT PLANNING FACTORS

Metropolitan areas, under the Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), should incorporate eight planning and

strategy areas into the overall transportation planning process. The areas are outlined below as well a summary of the work elements that address the applicable factor. Each work element in the OWP also identifies applicable planning factors.

1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency

(WEs 112, 175, 177, 178, 179, 241, 251, 253 254, 255, 411, 601, 614, 621, 622, **623**, 624, 626, 627, 634, 671, 672, **673, 674**, 680, 682, 683);

2) Increase the safety of the transportation system for motorized and non-motorized users

(WEs 175, 177, 178, 614, 621, 622, **623**, 624, 671, 672, **673, 674**, 682, 683);

3) Increase the security of the transportation system for motorized and non-motorized users

(WEs 175, 177, 178, 614, 621, 622, 671, 682, 683);

4) Increase the accessibility and mobility options available to people and for freight

(WEs 175, 179, 251, 253, 254, 255, 601, 614, 621, 622, **623**, 624, 634, 671, 672, **673, 674**, 680, 682, 683);

5) Protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency of transportation plans/programs with State and local planned growth and economic development patterns

(WEs 175, 179, 231, 241, 251, 253, 254, 255, **326**, 411, 614, 621, 622, **623**, 624, 626, 627, 634, 671, 672, **673**,



674, 680, 682, 683);

6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight

(WEs 112, 175, 179, 231, 241, 251, 253, 254, 255, 411, 614, 621, 622, 623, 624, 634, 671, 672, 673, 674, 680, 682, 683);

7) Promote efficient system management and operation

(WEs 175, 177, 178, 179, 231, 241, 245, 251, 253, 254, 255, 601, 614, 621, 622, 623, 624, 626, 627, 634, 671, 672, 673, 674, 680, 682, 683);

8) Emphasize the preservation of the existing transportation system

(WEs 175, 177, 178, 179, 251, 253, 254, 255, 614, 621, 622, 624, 634, 680, 682)

VI. AMBAG FY 2011- 2012 WORK PROGRAM PRIORITIES

A. Core Competencies

- 1). SAFETEA-LU compliant Metropolitan Transportation Plan Update and environmental review (WE 112,113, 175, 621,622, 624)
- 2). Updated Regional Travel Demand Model and Enhancements (WE 251, 253, 254, 255)
- 3). GIS Databases, Capabilities and Support (WE 231, 241)

4). Census/Demographics and other data (WE 231)

5). FY 2011-2012 to FY 2013-14 MTIP updates and Amendments (WEs 641 and 642)

B. Secondary Priority

- 1). Data Collection, Uniformity and Access (WE 231, 254)
- 2). Clearinghouse (WE 411)
- 3). AMBAG Commute Alternatives (WE 179, 181)

C. Tertiary Priority

- 1). Rail Planning/Corridor Studies (WE 680)



Appendix: B Caltrans Planning Activities- District 5 AMBAG Regional Information Element

In accordance with the requirements of 23 CFR 450.314, the following is a list of planning activities for which transit agencies, cities, the County, and Caltrans are responsible within the MPO metropolitan planning area.

AGENCY NAME OR JURISDICTION: CALTRANS

Activity Description	MPO Work Element Number (if applicable)	Funding Type	Activities/Product(s)	Work Performed by	Due Date	FSTIP Programming required? (Y/N)	SIP Related Activity (Y/N)	Comments
Regional Planning		TDA Oversight	Attend Unmet Needs Hearings – Technical Assistance	Caltrans	7/1/2011 – 6/30/2012	N	N	
Regional Planning	WE 102, 621	FTA 5303, 5304, 5307, 5310, 5311, 5316 (JARC) 5317 (New Freedom)	Transit Planning – Technical Assistance – Contract Administration – Meetings	Caltrans	7/1/2011 – 6/30/2012	N	N	
Regional Planning	WE 622, 641, 642	State/Federal	MTP, RTP, RTIP, CTP , TIPs, Technical Assistance – Meetings, TAC, Hearings, Committees	Caltrans	7/1/2011 – 6/30/2012	N	N	
Regional Planning	WE 680, 682	State/Federal	Rail Planning – Technical Assistance – Meetings	Caltrans	7/1/2011 – 6/30/2012	N	N	Monterey Branch Line, Santa Cruz Rail Branch Line
Regional Planning	WE 614	State/Federal	Trail Planning -- Technical Assistance – Meetings	Caltrans	7/1/2011 – 6/30/2012	N	N	Monterey Bay Sanctuary Scenic Trail Project, Santa Cruz Rail Branch Line

Appendix: B Caltrans Planning Activities- District 5 AMBAG Regional Information Element

Activity Description	MPO Work Element Number (if applicable)	Funding Type	Activities/ Product(s)	Work Performed by	Due Date	FSTIP Programming required? (Y/N)	SIP Related Activity (Y/N)	Comments
Regional Planning	All	State/Federal	Committees, Meetings – Coordination	Caltrans	7/1/2011 – 6/30/2012	N	N	
Regional Planning	WE 175, 254, 627	State/Federal	Planning Grant Applications and Monitoring FTA 5304/Partnership Planning	Caltrans	7/1/2011 – 6/30/2012	Y	N	511 Traveler Information
Advance Planning/ Systems Planning	WE 112, 622	State/Federal	ITS – Technical Assistance – Meetings – ITMS, CTIS,	Caltrans	Ongoing	N	Y	
Advance Planning/ Systems Planning	WE 671, 680	State/Federal	Corridor Studies, CSMPs,TCRs, TPs, ITSP, PSRs, PSSRs,	Caltrans	Ongoing	Y	Y	
Travel Forecasting & Modeling, IGR-Development Review, Programming	WE 251, 253 411, 601	State/Federal	Regional Model Assistance; IGR-Dev. Review, Programming, ITIP, SHOPP, Minor A & B Projects, CTIPS, Prop. 84	Caltrans	7/1/2011 – 6/30/2012	N	N	

AMBAGASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

June 9, 2005

Ms. Sharon Scherzinger
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California Department of Transportation
Division of Transportation Planning, MS 32
P.O. Box 942874
Sacramento, CA 94274-0001

Attn: Garth Hopkins

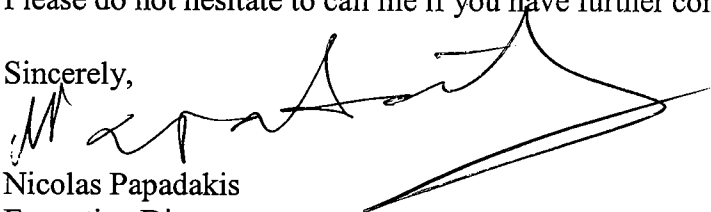
Dear Ms. Scherzinger:

Enclosed, please find two signed copies of the May 31, 2005 version of the Memorandum of Understanding (MOU) between Caltrans and the Association of Monterey Bay Area Governments (AMBAG). The AMBAG Board of Directors approved signing the MOU at its meeting of June 8, 2005. In doing so, they requested that I reaffirm the statutory responsibilities of the region's Regional Transportation Planning Agencies and the MPO in transmitting this MOU to you.

As such, in the Monterey Bay region, statutory responsibilities accorded to transportation planning agencies within this executed MOU remain the responsibility of the RTPAs, working in partnership with Caltrans and the MPO. In combination with these RTPA statutory responsibilities, Caltrans and the MPO will continue to share and collaborate with the RTPAs on the draft SHOPP, project cost information, environmental streamlining efforts and other collaborative transportation planning efforts.

Please do not hesitate to call me if you have further concerns.

Sincerely,



Nicolas Papadakis
Executive Director

NP:ku

Cc: Rich Krumholz, Caltrans District 5
Wade Hobbs, FHWA CA Division
Ray Sukys, FTA Region 9
Tom Quigley, SBCOG
Pat Dellin, SCCRTC
Bill Reichmuth, TAMC

Comprehensive Federal Transportation Planning

This Memorandum of Understanding (MOU), entered into and effective this _____ day of _____, 2005, by and between the State of California acting through its Department of Transportation, hereinafter referred to as Department, and Association of Monterey Bay Area Governments, acting as the federally designated Metropolitan Planning Organization, herein referred to as MPO, of the urbanized counties of Monterey and Santa Cruz. The boundary of the MPO also includes the county of San Benito. Title 23 of the United States Code (USC) section 134 (23 USC 134) and 23 Code of Federal Regulations (CFR) 450.104 (23 CFR 450.104) establishes a general transportation planning and programming process codifying the responsibilities of the MPO and the Department. For these above referenced counties, MPO and Caltrans also work in partnership with the regional transportation planning agencies statutorily designated under California Government Code Sections 29532.1 (e) and 67930 et. seq., 29532 (b), and 29532.1(f) – the Transportation Agency for Monterey County, the Council of San Benito County Governments and the Santa Cruz Regional Transportation Commission respectively.

CHAPTER 1: RECITALS

- 1.1 **Basis for Organization** - MPO is a joint powers agency formed pursuant to California Government Code sections 6500 et seq.
- 1.2 **Ability to Contract and Receive Grants** - MPO is empowered to make and enter into contracts in its own name and to accept grants, gifts, donations and other monies to carry out its statutory purposes and functions.
- 1.3 **State Requirement for Transportation Plan** - As appropriate, MPO shall prepare, adopt and submit a Metropolitan Transportation Plan (MTP) in accordance with schedule specified in California Government Code sections 65080 et seq. and the California Transportation Commission's (CTC) Regional Transportation Planning Guidelines. The three RTPAs also prepare their own RTPs in accordance to the Regional Transportation Planning Guidelines.
- 1.4 **Federal Requirement for Long-Range Transportation Plans** - 23 USC 134 and 49 USC App:1607, as amended by the Transportation Equity Act for the Twenty-first Century (TEA-21) and its successors, require that as a condition of receipt of federal capital or operating assistance, each urbanized area must have a continuing, comprehensive, coordinated transportation planning process, including a Long Range Transportation Plan, of which the MPO MTP is the equivalent. As part of the process, MPO shall fulfill the requirements of the joint Federal Highway (FHWA)/Federal Transit Administration (FTA) planning regulations (23 CFR Part 450 and 49 CFR Part 613) and any amendments thereto when developing the financially constrained Long Range Transportation Plan that conforms to the State Implementation Plan (SIP).
- 1.5 **Federal Requirement for the Federal Transportation Improvement Program (FTIP) and Federal State Transportation Improvement Program (FSTIP)** - 23 USC 134 and 49 USC 5304 require the preparation, adoption and the biennial update of at least a three-year FTIP. The FTIP shall be financially constrained, shall be consistent with the adopted MTP, and shall conform to the SIP.

1.6 **Federal Clearinghouse Requirements** - Presidential Executive Order 12372, entitled Intergovernmental Review of Federal Programs, requires that federal agencies coordinate the review of proposed federal financial assistance and direct development activities, including transportation programs and projects funded under TEA-21, with affected State and local government entities. In California, the Governor's Office of Planning and Research (OPR) and designated Area-wide Clearinghouses are the entities responsible for implementation of Executive Order 12372.

The Department fulfills this reporting requirement for the Federal State Transportation Improvement Program (FSTIP) and for the Consolidated Planning Grant (CPG). The CPG consists of funds flowing from the FHWA Metropolitan Planning (PL) source, the FTA Metropolitan Planning (Section 5303) source, FHWA State Planning and Research - Partnership Planning Element source, and FTA Statewide Planning and Research source (Section 5313[b]).

1.7 **Planning Area Boundaries**

a) Federal Metropolitan Planning Area Boundaries - For the purposes of meeting the requirements of 23 USC 134 and the agreement between the Governor and MPO, the Metropolitan Planning Area Boundaries include the Counties of Monterey, Santa Cruz, and San Benito as shown on Exhibit A.

CHAPTER 2: THE PLANNING AND COORDINATION PROCESS

2.1 **Provision for the Planning and Programming Process** - MPO is recognized as the agency responsible for comprehensive regional transportation planning pursuant to Federal law, as amended by the most current federal transportation authorization bill, for each MPO County and each incorporated city included in each County. This responsibility shall include, on a regional basis: providing a forum for regional transportation issues, developing and adopting goals and objectives, performing intermodal corridor and sub-area studies, developing and maintaining appropriate management information systems as required by the most current federal transportation authorization bill, providing policy guidance, allocating State and Federal transportation funds in accordance with applicable regulations and laws, assuring prioritization of proposed transportation improvements to be funded with State and Federal funds as required by applicable regulations, determining air quality conformity with the applicable SIP, complying with the California Environmental Quality Act (CEQA), and coordinating the MTP with other plans and programs as appropriate. The parties hereby express their joint intent to mutually carry out the above described transportation planning process for this MPO transportation planning area in a manner which will assure full compliance with the laws referred to in Chapter 1 of this MOU, the RTP Guidelines as appropriate, and the planning constraints of the United States Department of Transportation (USDOT).

2.2 **Cooperation and Coordination** - The planning and programming process employed by MPO will provide for the cooperation of, and coordination with, public transit and paratransit operators, public airport operators, local public works and planning departments, air pollution control districts, passenger and freight rail operators, other federal agencies, as appropriate, and the Department. MPO will provide the level of coordination and cooperation necessary to meet state and federal transportation and air quality laws and regulations. MPO will coordinate with Department's District, Regional Transportation Planning Agencies (RTPA's), MPO's Air Pollution Control Districts, and the other affected air basin MPOs to develop consistency in travel demand modeling, transportation air emission modeling, air quality conformity determinations on the MTP and FTIP, transportation control measures, Overall Work Programs (OWP), other interregional issues related to the development of plans, and will, by entering

into such agreements and operating procedures with other MPOs as is necessary and appropriate, implement this cooperative provision.

- 2.3 **Consultation with Native American Tribal Governments** - In accordance with Titles 23 and 49 USC, MPO shall consult with all federally recognized Native American Tribal Governments within or contiguous to MPO in the development of State and Federal transportation plans, programs, and projects, and related studies and environmental assessments.
- 2.4 **Formal Public Participation** – In accordance with 23 CFR 450.212 and 23 CFR 450.316(b), the MPO planning process shall be conducted in an open manner so members of the public, civic groups, interest groups, businesses and industries, and other agencies can fully participate. Public participation procedures shall be documented, periodically revised, and their effectiveness regularly evaluated. MPO (or the RTPA's) shall take appropriate actions to ensure public participation through such formal means as:
- (a) posting of public hearing agendas, (b) appointment of eligible citizen members, where appropriate and allowed, to serve as committee members, (c) innovative and creative outreach efforts targeting particularly the traditionally underserved public (e.g., minorities, senior citizens, and low income citizens), and (d) creation of standing advisory committees. Those committees not composed entirely of citizen members shall post public hearing agendas in accordance with the Brown Act (California Government Code section 54950), when applicable, and all committees shall operate according to their adopted bylaws.
- 2.5 **State Cooperation in Transportation Planning** - Department has a continuing duty of:
- (a) planning transportation systems of statewide significance; (b) identifying potential transportation issues and concerns of overriding statewide interest; and (c) recognizing conflicts in regional transportation improvement programs.
- In carrying out its duties, Department will work in partnership with MPO relative to activities within its transportation planning area and include MPO in its dealings with cities, counties, public transit operators, rail operators, and airports. MPO and Department will mutually carry out the transportation planning process for this transportation planning area in a manner which will assure full compliance with the laws referenced in Chapter 1 hereinabove and assure cooperation between all participants.
- 2.6 **Policy Level Involvement** – Within the MPO area, each of the three RTPA partner agencies have established Transportation Policy Committees, which consist of members of the Governing Board of Directors, members of the RTPA and/or MPO, and the Department's – Director, or their designated representatives and alternates.

CHAPTER 3: PARTNERSHIP/COORDINATION

- 3.1 **MPO Role and Responsibilities** – MPO, in cooperation with Department, the designated air pollution control agency, and public transportation service providers, will be responsible for carrying out the metropolitan transportation planning process. MPO will cooperatively develop plans and programs in accordance with the requirements specified in 23 USC 134 and 135, 23 CFR 450.100 through 600, Title 49 USC, and the Clean Air Act and all Clean Air Act Amendments. In nonattainment or maintenance areas, MPO will establish a consultation procedure and will coordinate the development of the MTP and

improvement programs with the SIP development process, including the development of transportation control measures.

- 3.2 **MPO Role in the Federal Requirement for Long-range Transportation Plans** - MPO will prepare, adopt and triennially update a long-range transportation plan of which the MPO's MTP is the equivalent. This function will be carried out by MPO in cooperation with the Air Pollution Control District, Department, local government agencies, public transit owners and operators, and Native American Tribal Governments in the region. MPO shall fulfill the requirements of the joint FHWA/FTA planning regulations (23 CFR 250 and 49 CFR 613) and any amendments thereto.

- 3.3 **MPO Role in the State Requirement for Transportation Plan** – As appropriate, MPO will prepare, adopt, and submit an MTP in accordance with the schedule specified in California Government Code section 65080 (3) (d). The three RTPAs prepare Regional Transportation Plans (RTPs).

- 3.4 **MPO Role in Federal Transportation Improvement Program (FTIP) Development** – The MPO shall prepare, adopt, and biennially update at least a three-year FTIP in accordance with the requirements of 23 CFR 450.300 et al. This function will be carried out by MPO in cooperation with the RTPA's, Air Pollution Control District, Department, local government agencies, public transit owners and operators in MPO's County, Native American Tribal Governments in the region, and with the participation of the public.

- 3.5 **Department Role in Federal Transportation Improvement Program (FTIP) Development** - In accordance with the provisions in 23 CFR 450.216, 23 CFR 450.324, and in consultation with the MPO, Department will provide estimates of available Federal and State funds which MPO can utilize in developing the FTIP.

- 3.6 **Department Role in Federal Statewide Transportation Improvement Program (FSTIP) Development** – Department shall prepare and biennially update at least a three-year FSTIP in accordance with the requirements of 23 CFR 450.200 et al. The FSTIP shall include all MPO FTIPs along with a rural non-MPO FTIP developed by the Department. The FSTIP will be financially constrained by year according to the appropriate Code of Federal Regulations. The biennially prepared FSTIP will be submitted to the FHWA and FTA for joint approval.

- 3.7 **MPO Role in Federal Clearinghouse Requirements** - MPO has been designated by the State and OPR as the Area-wide Clearinghouse for its constituent counties to review all transportation projects in accordance with procedures developed by the OPR.

- 3.8 **Department and MPO Roles in Coordination of System Planning** - In conducting its Transportation System Planning Program, Department will coordinate its studies with those being conducted by MPO. As one means of coordinating transportation planning activities, Department will provide information on its system planning activities for MPO's use in development of the OWP, MTP, and FTIP, including required traffic data.

- 3.9 **MPO's Role in the Overall Work Program (OWP)** - MPO will develop, adopt, and submit to FHWA/FTA and Department (the "funding agencies"), an annual OWP intended to provide guidance in the management of work by MPO to develop and implement the State and Federal transportation plans and programs and act as the basis for the MPO budget. The draft OWP, and any amendments thereto, will be subject to review and approval by the funding agencies. As a basis for review of amendment

requests, MPO will submit reasons for changes, scope of work revisions, and funding enhancements or reductions. MPO will require the same information from its sub-grantees, if any.

- 3.10 **Department and MPO's Role in the State Highway Operations and Protection Program (SHOPP)**- Under California Government Code section 14526.5, Department is required to prepare a SHOPP for the expenditure of transportation funds for major capital improvements which are necessary to preserve and protect the state highway system. Projects are limited to capital improvements relative to maintenance, safety, operations, and rehabilitation of state highways and bridges which do not add new capacity to the system. The program must be submitted no later than January 31 of each even numbered year. SHOPP is a four-year program of projects adopted separately from the State Transportation Improvement Program (STIP) cycle. Prior to submitting the SHOPP, Department will make available to MPO a draft for review and comment.
- 3.11 **Public Transportation Providers' Role in the OWP** - MPO will provide the publicly owned transportation service providers timely notice of plans, programs, and studies and the full opportunity to participate in and comment on OWP development and implementation. Transportation planning activities conducted by public transportation providers may be included in the OWP for informational purposes.
- 3.12 **Public Transportation Providers' Role in MTP and TIP** - MPO will give public transportation service providers the opportunity to propose priority order for projects to be listed in a financially constrained TIP and to actively participate in the development of the RTP and FTIP.
- 3.13 **Data Collection** – Department and MPO will share responsibility for fulfilling the data requirements of 23 CFR 420.105(b). Department will be responsible for data on State Highways and MPO will be responsible for data on local streets and roads of regional significance, as appropriate.
- 3.14 **Project Cost Estimates** – For Department sponsored programs and projects, Department will collect and analyze data to be used in evaluating alternative transportation projects. For these projects, Department will supply MPO with project level cost and other data necessary for MPO to demonstrate in its financial plans that the entire system will be adequately maintained and operated. FHWA guidance for project cost estimates can be found at <http://www.fhwa.dot.gov>. MPO and local project sponsors will collect and analyze data reflecting existing and historical information which will be the basis for local project estimates cost and revenue projections for transportation planning, programs, and projects.

CHAPTER 4: AIR QUALITY AND CONFORMITY

- 4.1 **Conformity** - In accordance with Title 42, section 176(c) (4)(C) of the Clean Air Act and the final rule on U.S. EPA Transportation Conformity (40 CFR, Parts 51 and 93, hereafter "the Final Rule"), and the U.S. DOT Planning Regulations (23 CFR 450.310), MPO, in cooperation with MPO's Air Pollution Control District, will make air quality conformity determinations. Department will fully participate and carry out its responsibilities as defined in the Final Rule, including public and interagency consultation, making project level conformity analysis for Department sponsored projects, and facilitating statewide discussion of SIP revisions and other conformity related issues. MPO will collect and analyze data necessary to carry out its responsibilities under the Final Rule. The Air Quality Conformity determination will be made in accordance with the rules of MPO's Air Pollution Control District and consistent with the MOU among air basin MPOs and/or RTPAs where applicable, and MPOs Air Pollution Control District.

CHAPTER 5: NATIONAL ENVIRONMENTAL PROTECTION AND STREAMLINING COORDINATION

- 5.1 **Environmental Protection and Streamlining** – MPO will be an equal partner with Department to promote environmental stewardship in planning and programming projects for California's transportation systems. MPO and Department will work to streamline the environmental review and wetlands permitting process and expedite the development of transportation projects. MPO and Department agree to comply with all applicable environmental laws, regulations and policies, and cooperatively address any informational needs associated with such statutes. MPO will consult with Federal and State resource agencies to seek their input, coordinate environmental protection issues with its constituents and any other entities for which it has assumed federal planning and programming responsibilities in the most current transportation authorization bill, and resolve any disputes using the processes defined in the most current federal regulations. Department will assist MPO in developing its plans and programs by making available existing resources to MPO, participating in appropriate planning activities and, wherever possible, improving the available environmental data.

CHAPTER 6: CERTIFICATION

- 6.1 **Certification Requirement** - Federal Metropolitan Transportation Planning Regulations require that MPO, undergo certification that the planning process is being carried out in conformance with all applicable requirements of 23 CFR 450.334.
- 6.2 **Certification Process** - For purposes of certification, MPO will establish a process which includes the following:
- a) Fully executed copies of both FHWA Certifications and Assurances and FTA Certifications and Assurances are to be included as part of the final adopted and approved OWP.
 - b) MPO will provide Department with documentation (e.g. quarterly reports, public notices, finished work element products, etc.) to support MPO's planning process.

CHAPTER 7: GENERAL PROVISIONS

- 7.1 **Review** - This MOU has been reviewed and endorsed by both parties to assure its continued effectiveness. Any proposed amendments shall be submitted in writing for the consideration of both parties.
- 7.2 **Amendment** - This MOU constitutes an expression of desire and a means of accomplishing the general requirements for a comprehensive transportation planning process for the MPO. It may be modified, altered, revised or expanded as deemed appropriate to that end by written agreement of both parties.
- 7.3 **Rescission of Prior Agreements** - This MOU supersedes any existing MOU designed to serve as a statement of the transportation planning relationship between Department and MPO.

- 7.4 **Monitoring** - MPO and Department jointly agree to meet periodically to address and review issues of consistency with this MOU. Meetings will be held as often as is mutually agreed. Other issues and activities of mutual interest or concern may also be addressed. During the term of the MOU, MPO and Department mutually agree to notify the other of events which have a significant impact upon the MOU.
- 7.5 **Termination** - Either party may terminate this understanding upon written notice provided at least ninety (90) days prior to the effective date of termination and specifying that effective date of termination.

IN WITNESS WHEREOF the parties hereto have cause this Memorandum of Understanding to be executed by their respective officers duly authorized.



RALPH RUBIO, Chairperson
Association of Monterey Bay Area Governments

Date

WILL KEMPTON, Director
Department of Transportation

Date

Memorandum of Understanding

This Memorandum of Understanding (MOU) is entered into by the Association of Monterey Bay Area Governments, hereinafter referred to as the Metropolitan Planning Organization (**MPO**); the District 5 Director of the California Department of Transportation (**Caltrans**); the Santa Cruz County Regional Transportation Commission and Transportation Agency for Monterey County, hereinafter referred to as the Regional Transportation Planning Agencies (**RTPAs**); and the Monterey-Salinas Transit and Santa Cruz Metropolitan Transit District, hereinafter referred to as the Urbanized Public Transit Operators (**UPTOs**) which are recognized under the following provisions:

- (a) the Metropolitan Planning Organization (**MPO**) as recognized under Section 134 of the Transportation Equity Act for the 21st Century (TEA-21), Title 23 of the United States Code (23 USC 134), and Section 450.110 of the Code of Federal Regulations (23 CFR 450.104);
- (b) the Regional Transportation Planning Agencies (**RTPAs**) as recognized under Title 3, Division 3, Chapter 2, Article 11, Section 29532 and 29532.1 (amended by Chapter 1172 Statutes of 1992, AB3799 & SB869 and amended by Chapter 472, Statutes of 2001, SB 465) of the California Government Code.
- (c) the Urbanized Public Transit Operators (**UPTOs**) as recognized under Section 450.312(a) of the Code of Federal Regulations (FHWA 23 CFR 450 and FTA 49 CFR 613).

Per Chapter 622 of Statutes, Regular Session 1997, (Senate Bill 45), separate MOUs have been developed between **Caltrans** and the **RTPAs** for Planning, Programming and Project Delivery of Regional Improvement Program (RIP) projects and are made a part of this MOU by reference.

It is the purpose of this agreement to identify and define the process by which the **MPO**, **RTPAs**, **UPTOs**, and **Caltrans** intend to implement the following requirements of State and Federal law.

This MOU supersedes the previous MOU, signed on September 1987, and is intended to serve as a statement of the transportation planning and programming relationship among the undersigned parties.

This document establishes no obligation, nor contractual duty, on any party, nor does it contain any exchange of promises.

Chapter 1.**Basis for Organization and Boundaries****1.1 Basis for Organization:**

The Association of Monterey Bay Area Governments (AMBAG), acting as the Metropolitan Planning Organization (MPO) for Monterey and Santa Cruz Counties, is a Joint Powers Agency pursuant to Title I, Division 7, Chapter 5 of the California Government Code, Section 6500 et. seq.

Pursuant to California Government Code, Section 29532, the Santa Cruz County Regional Transportation Commission (SCCRTC) and Transportation Agency for Monterey County (TAMC) are the designated Regional Transportation Planning Agencies for Santa Cruz and Monterey Counties.

Pursuant to California Government Code Section 6500 et. seq., Monterey-Salinas Transit (MST) is a Joint Powers Agency. Pursuant to Public Utilities Code Section 98000 et seq., the Santa Cruz Metropolitan Transit District (SCMTD) is a special district. These designated agencies responsibilities are to provide public transportation in Monterey and Santa Cruz Counties.

1.2 Ability to Contract and Receive Grants:

Under the terms of its Joint Powers Agreement, **MPO** is empowered to make and enter into contracts in its own name and to accept grants, gifts, donations and other monies to carry out its purposes and functions set forth in Article I, Section 2 of its Joint Powers Agreement.

RTPAs are authorized under California Government Code, Section 29532 to make and enter into contracts in their own name and to accept grants, gifts, donations and other monies to carry out their purposes and functions.

UPTOs are authorized under California Government Code Section 6500 for Monterey-Salinas Transit and Public Utilities Code Sections 98220 and 98223 for the Santa Cruz Metropolitan Transit District to make and enter into contracts in their own name and to accept grants, gifts, donations and other monies to carry out their purpose and functions.

1.3 Federal Metropolitan Planning Area Boundaries:

By agreement between the Governor and **MPO**, the Metropolitan Planning Area boundaries for purposes of 23 U.S.C. Section 134 are as delineated in Attachment A.

In order to meet TEA-21 requirements related to MPO boundaries, planning, and programming between the County of San Benito and MPO, an MOU between Caltrans, the Council of San Benito County Governments and AMBAG has been signed and is made a part of this MOU by reference.

1.4 State Regional Transportation Planning Area Boundaries:

For purposes of meeting the requirements of California Government Code 65080, the boundaries of **RTPAs** acting as the Regional Transportation Planning Agencies include the Counties of Monterey and Santa Cruz as delineated in Attachment A.

1.5 Federal Clearinghouse Requirement:

Presidential Executive Order 12372, entitled "Intergovernmental Review of Federal Programs", requires **MPO** to coordinate review of proposed federal financial assistance and direct development activities, including highway and public transportation projects, with affected State and local government entities. **MPO** has been designated by the State of California as the Regional Clearinghouse for the Counties of Monterey, San Benito, and Santa Cruz.

Chapter 2.
Planning

2.1 State and Federal Long Range Transportation Plan:

To comply with 23 U.S.C. 134, 23 CFR 450.322, **MPO** will prepare a Metropolitan Transportation Plan (MTP) pursuant to federal regulations. The **RTPAs** will prepare Regional Transportation Plans (RTPs) which meet the requirements of California Government Code Sections 65080 et. seq. and the California Transportation Commission's (CTC) Regional Transportation Plan Guidelines. A new MTP and RTPs will be prepared, or the previous MTP and RTPs will be reaffirmed by **MPO or RTPA** Board action in time to meet federal and state requirements. The MTP and RTPs will be directed at achieving a coordinated and balanced regional transportation system. The content of the MTP and RTPs will be coordinated so as to minimize duplication of effort. The MTP and RTPs will be developed with the full cooperation and participation of all affected or interested agencies, including Caltrans, public transportation service providers, air quality agencies, the public and the private sector. The MTP project list will be based on and, to the extent feasible, identical to the RTP Action Element project lists adopted by the **RTPAs**. The MTP and RTPs must be financially constrained, have at least a 20-year planning horizon, a required schedule to update and, in a nonattainment or maintenance area, the MTP must conform to the State Implementation Plan (SIP) for Air Quality. **MPO** will

submit its MTP to the Federal Highway Administration and Federal Transit Administration for review and approval of its conformity finding.

To help achieve these ends, **MPO, RTPAs, UPTOs, and Caltrans** will each inform and invite participation by the others in their various planning activities. **MPO and RTPAs** will coordinate with **Caltrans** and **UPTOs** on development of the MTP and RTPs. **Caltrans** will coordinate its System Planning and Project Development process with those of the **MPO and RTPAs**. **Caltrans** will also coordinate its development of both the California Transportation Plan (CTP) and Investment Strategy (CTIS) with the **MPO, RTPAs and UPTOs**. Additionally, **Caltrans** will coordinate its Intelligent Transportation System (ITS) planning, prioritization, and project development efforts with the **MPO, RTPAs, and UPTOs** with special emphasis on maintaining consistency with the Central Coast ITS Strategic Deployment Plan and Central Coast Regional ITS Architecture.

2.2 Short-Range Transit Plan:

In accordance with Federal Transit Administration (FTA) guidance, **MPO or UPTOs** may prepare a five (5) year short-range transit plan to support financial and operational decision making in transit planning and/or programming. In the development of SRTPs, the **UPTOs** will provide a draft list of projects for FTA funding. The list shall:

- a) Identify and describe the scope of the specific projects and services, which address ongoing and increased transit demands. These projects and services are to include American with Disabilities Act (ADA) and Transportation Control Measures (TCMs) projects with sufficient detail (design, concept and scope) to permit air quality conformity analyses to be performed by **MPO**.
- b) Provide qualitative and/or quantitative analyses illustrating how the project addresses transit needs.
- c) Identify the amount and type of federal and non-federal funds required supporting the projects for each year represented in the plan. In addition, the list shall identify anticipated discretionary funding estimates for the MTIP.

2.3 Unified Planning Work Program/Overall Work Program:

MPO will prepare an annual or biennial Unified Planning Work Program/Overall Work Program, hereinafter referred to as the OWP. The **RTPAs** will each develop their planning work program to be incorporated into the AMBAG OWP. **UPTOs** will fully participate in the development and implementation of the OWP, including plans, programs, and studies. The OWP and the process of its development will be in accordance with the program directions established by **Caltrans** and the Intermodal Planning Group. The purpose of the OWP is to serve as a work plan to guide and manage the work of **MPO, RTPAs, and UPTOs**, identify transportation planning activities and products occurring in the region and to act as the general agreement by which Federal and State planning funds will be

transferred to MPO, RTPAs, and UPTOs to fund activities and products. For information purposes, **Caltrans** will annually or biennially submit its proposed transportation planning activities for inclusion in the coming year's OWP. The OWP will also include all planning and research activities funded with the National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ) Improvement Program and Minimum Guarantee (MG), which are not listed in the Transportation Improvement Program (TIP).

2.4 State Requirements for Congestion Management Program:

California Government Code Sections 65088 and 65089 allow that a Congestion Management Program (CMP) may be developed, adopted, and updated for every county that includes an urbanized area, and which includes every city within the county and the entire county area. The Transportation Agency for Monterey County is designated as the Congestion Management Agency for Monterey County and will carry out these responsibilities until such time that its member agencies make a decision to opt out of CMP participation.

2.5 Data Collection:

MPO will collect and analyze data reflecting existing and historical information, which will be the basis for cost and revenue projections for transportation projects. For state sponsored projects, **Caltrans** will collect and analyze data to be used in evaluating alternative transportation projects. For these projects, **Caltrans** will supply to **MPO** and **RTPAs** project level cost data, and other data necessary for **MPO** and **RTPAs** to demonstrate in financial plans that the entire state highway system will be maintained and operated.

2.6 Alternative Analyses/Major Investment Studies (MIS):

Alternatives Analyses/Major Investment Studies may be conducted by **MPO**, **RTPAs**, **UPTOs**, or **Caltrans** in consultation with and in full cooperation with all relevant local, regional, state and federal agencies.

Chapter 3. Programming

3.1 Metropolitan Transportation Improvement Program:

Section 134 (TEA-21), Title 23 of the United States Code (23 USC 134) and the Federal Transit Act of 1991, as amended, (49 USC 1607), require that the **MPO**, in cooperation with **Caltrans**, **UPTOs** and **RTPAs** via the RTIPs and other requests, develop a Metropolitan Transportation Improvement Program (TIP) for the area. The **UPTOs'** project lists will be supported by requisite Programs of

Projects (POPs), certified by the **MPO**, for pertinent fund sources. For proposed transit projects, the proposed selection criteria used for the programming of Federal Transit Administration funds within the **MPO** TIP are as follows: a) project purpose and need; b) anticipated benefits, including safety; c) degree to which project will improve transit availability; d) degree to which a project will improve level of service performance standards; e) air quality benefits; and f) overall cost effectiveness, to include the ability of leveraging other fund sources.

The TIP must include, at a minimum, three prioritized years of programming. Once adopted, the program is required to be updated at least once every two years. The program must be prepared in consultation with all interest groups and will include reasonable opportunity for public comment. In an air quality nonattainment or maintenance area, the program is required to meet Federal Air Quality conformity requirements and to be found conforming to the State Implementation Plan (SIP) for Air Quality.

In implementation of these requirements, **MPO** will submit its TIP and amendments to **Caltrans** on behalf of the Governor for approval. **Caltrans** will prepare a Federal State Transportation Improvement Program (FSTIP) and incorporate into it by reference approved and, in nonattainment and maintenance areas, conforming MPO TIPs. **Caltrans** will notify **MPO** and **RTPAs** and the appropriate Federal agencies when a TIP, which includes projects under the jurisdictions of these agencies, has been included in the FSTIP.

As allowed in 23 CFR, 450.324(f)(1), **MPO** and **Caltrans** agree to exclude from the TIP planning and research activities funded with NHS, STP, and MG funds other than those used for alternative analyses/Major Investment Studies (MIS). These activities will be included in an approved OWP.

3.2 **Regional Transportation Improvement Program:**

RTPAs will prepare, adopt, submit and annually or biennially update a Regional Transportation Improvement Program (RTIP) pursuant to California Government Code Section 65080.5 and 65082 and in accordance with the guidelines adopted by the California Transportation Commission (CTC). **Caltrans** will coordinate with **RTPAs** its preparation of the Interregional Transportation Improvement Program (ITIP) including review of proposed ITIP projects by the **RTPAs** prior to submittal to Caltrans Headquarters

Per state regulations, the **RTPAs** develop and adopt the Congestion Mitigation and Air Quality (CMAQ) Improvement Program and Regional Surface Transportation (RSTP) Programs for their respective counties, which are incorporated into the RTIPs and forwarded to **MPO** for inclusion in the MTIP. Planning projects that are funded with CMAQ or RSTP funds shall also be included in the OWP for the implementing year. Per state regulations, the **RTPAs** develop and adopt the Regional Share STIP Programs for their respective

counties, which are incorporated into the RTIPs and forwarded to **MPO** for inclusion in the MTIP. Per state regulations, the **RTPAs** develop and adopt the Regional Share TEA Funds Programs for their respective counties, which are incorporated into the RTIPs and forwarded to the **MPO** for inclusion in the MTIP.

Per Chapter 622 of Statutes, Regular Session 1997, (Senate Bill 45), separate MOUs have been developed between **Caltrans** and the **RTPAs** for Planning, Programming and Project Delivery of Regional Improvement Program (RIP) projects and are made a part of this MOU by reference.

3.3 Review of SHOPP:

Under California Government Code 14526.5, **Caltrans** is required to prepare a State Highway Operations and Protection Program (SHOPP) for the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system. Projects are limited to capital improvements relative to maintenance, safety, and rehabilitation of state highways and bridges, which do not add new traffic lanes to the system. The program must be submitted to the CTC not later than December 1 of each odd-numbered year. SHOPP is a four-year program of projects adopted separately from the State Transportation Improvement Program (STIP) cycle. Prior to submitting both the ten-year and four-year SHOPP plans, **Caltrans** will make available to **RTPAs** and **MPO** a draft for review and comment.

Chapter 4.

Air Quality and Conformity

4.1 Conformity:

In accordance with Title 42, Section 176(c)(4)(c) of the Clean Air Act and the final rule on Transportation Conformity (Code of Federal Regulations, Parts 51 and 93, hereafter "the Final Rule"), **MPO**, in cooperation with the air district (Monterey Bay Unified Air Pollution Control District), has developed, adopted, and will maintain the appropriate State Implementation Program (SIP) Transportation Conformity Procedures. The parties will fully participate and carry out their responsibilities as defined in the SIP Transportation Conformity Procedures. **MPO** shall be responsible for making conformity findings and obtaining federal approval of the findings in a timely manner in order to prevent the potential for interruption in project delivery.

RTPAs will be responsible to provide approved RTP project listings in a timely manner and in a proper format, such that the **MPO** has a reasonable amount of time to fulfill its air quality conformity responsibilities. RTP project lists need to contain at a minimum: a) project location; b) information identifying project concept and scope such that a determination can be made regarding its status as a

capacity expansion and/or regional significance; c) fiscal constraint; and d) project timing.

Chapter 5.

Public Participation/Environmental Justice

5.1 Formal Public Participation:

MPO, RTPAs, UPTOs and Caltrans agree to implement a public participation program as required by 23 USC 134 and 23 CFR 450.316(b)(1) and 450.212.

Per federal regulations, a public involvement process in the AMBAG region has been formalized in the *Monterey Bay Region Transportation Public Involvement Process*, which is updated/revised, as needed, by the **MPO**.

Caltrans will participate in this program as required by 23 USC 135 and 23 CFR 450.212, for purposes of planning and programming activities, including California Transportation Investment Strategy (CTIS) development, FSTIP adoption and amendment and alternatives analyses.

5.2 Environmental Justice

In addition to outreach efforts to include low-income and minority stakeholders in the planning, programming and project development process, as guided by the Monterey Bay Region Transportation Public Involvement Process as mentioned in Section 5.1 above, **MPO, RTPAs, UPTOs and Caltrans** will meet at least once a year to discuss environmental justice and its consistent application in the transportation planning and programming process in the region. The Monterey Bay Unified Air Pollution Control District will be invited to these meetings.

Chapter 6.

Partnership/Coordination

6.1 State Role and Responsibilities:

Caltrans will make available to **MPO** and **RTPAs** departmental plans, program information, and fund estimates. **Caltrans** will participate in development of **MPO** and **RTPAs'** plans and programs in accordance with CFR 450.210 and respond to **MPO** and **RTPAs** in a timely manner.

6.2 MPO Role and Responsibilities:

MPO, in cooperation with **RTPAs, UPTOs, and Caltrans**, will be responsible for carrying out the Metropolitan Transportation Planning process. **MPO** will

cooperatively develop plans and programs in accordance with the requirements specified in 23 USC 134, 135; 23 CFR 450.100 through 600; and the Clean Air Act 176(c). **MPO** will prepare special studies as approved by its Board.

6.3 RTPAs Role and Responsibilities:

The Transportation Agency for Monterey County, as the designated Congestion Management Agency (CMA) for Monterey County, will prepare and manage their Congestion Management Program in conformance with State guidelines and actions by the CMA Board unless their member entities elect to opt out of Congestion Management Program Participation. **RTPAs** will prepare RTPs, RTIPs, CMPs (as applicable), special studies, rail programs, RSTP, CMAQ and TEA administration, SHOPP and Minor A & B review, ITIP coordination and California Transportation Commission (CTC) coordination.

Chapter 7. Fund Administration

This chapter covers the administration of various planning funds from Federal and State sources to the MPO and RTPAs. These funds include PL, FTA, Rural Planning Assistance, Regional Improvement Program, CMAQ, and RSTP funds.

7.1 Federal Highway Administration (FHWA) Planning Funds:

The parties understand that:

- (a) **MPO**, is eligible for its share of Metropolitan planning (PL) funds under Title 23 USC 104(f);
- (b) these funds must be apportioned by FHWA to the states, allocated by Caltrans to MPOs in the State on a formula basis;
- (c) the transportation planning and programming services and products must be included in an OWP approved by Caltrans and FHWA before work may commence;
- (d) by agreement, Metropolitan Planning (PL) funds received by the **MPO** will be shared with the **RTPAs** per formula for activities in support of **MPO's** metropolitan planning responsibilities, as agreed to between the **MPO** and **RTPAs**, and as approved by FHWA, FTA, and **Caltrans** as part of the OWP review and approval process; and
- (e) as FHWA discretionary transportation planning funds are made available to the State, **Caltrans** will notify the **MPO** for the solicitation,

coordination and submittal of proposals through the **MPO** for Monterey and Santa Cruz Counties.

7.2 Federal Transit Administration Funds:

The parties understand that:

- (a) As urbanized public transit operators (**UPTOs**) serving the designated urbanized areas of the Monterey Bay region, both Monterey-Salinas Transit and the Santa Cruz Metropolitan Transit District are eligible to apply for FTA Section 5307 funding for capital, operating and planning assistance for the delivery of public mass transportation. Projects will be programmed and constrained based on the annual FTA appropriation.

As the federal designated recipient, **MPO** is responsible for allocating certain federal formula funds to the **UPTOs**. **MPO** shall provide allocation instructions to **Caltrans** for the federal transit funds based on a formula developed cooperatively with the **UPTOs**.

- (b) **UPTOs** will prepare applications to the Federal Transit Administration for federal transit funding. **MPO** will review the applications, consistency of projects with MTIP programming, and prepare a letter of concurrence if information is accurate. **UPTOs'** applications for federal funding shall be consistent with the **MPO** Metropolitan Transportation Plan as required by Federal guidelines. **UPTOs** shall work with **MPO** to develop consistent funding requests from all applicable transit funding sources in order to prevent funding delays.
- (c) **MPO** is eligible for its share of metropolitan transit planning funds as apportioned by FTA to the states and allocated by **Caltrans** to **MPOs** in the State on a formula basis. **MPO** may share a portion of its metropolitan transit planning funds with the **UPTOs** for activities in support of **MPO's** metropolitan transportation planning responsibilities.
- (d) FTA discretionary funding for interregional and transit planning activities within Monterey and Santa Cruz Counties will be solicited, coordinated and submitted through the **MPO**; and
- (e) Activities funded with FTA transit planning funds must be included in an OWP prior to work commencing.

7.3 State Planning Funds:

Rural Planning Assistance funds and/or other state planning funds in support of the planning process will be transferred to **RTPAs** on a reimbursement basis upon allocation by the State.

Per General Provision No. 7 of the Streets and Highways Code and Section 14527 (h) of the Government Code, rural **RTPAs** may request and receive up to 5% of their regional improvement fund expenditure for the purpose of planning, programming and monitoring. These funds are administered through the Caltrans Local Assistance allocation process and will be included in the annual OWP. For State Planning Funds and other STIP funds administered by Caltrans, **Caltrans** shall provide the **RTPAs** with timely notice and procedures for securing allocations and other approvals necessary so that **RTPAs** may receive funding or bill for activities incurred during the entire fiscal year in which the funds are programmed.

7.4 Conditions of Grants:

If **MPO/RTPAs/UPTOs** elect to use some or all of the above mentioned funds, they agree to abide by and comply with Federal and State laws and regulations governing their purpose and use for activities covered by those funds.

7.5 Monitoring:

MPO/RTPAs will submit a quarterly performance report to the **Caltrans** District Office within forty-five (45) days after the end of the first three quarters and no later than ninety (90) days after the end of the final quarter.

All signatory parties agree to meet periodically to address and review issues of consistency with this MOU. Other issues and activities of mutual interest or concern may also be addressed. **MPO** will provide signatories of this MOU with meeting agenda and/or full agenda packets prior to each meeting.

During the term of the MOU, **MPO** will promptly advise the State of events which have a significant impacts upon the MOU including:

- (a) Problems, delays, or adverse conditions that will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure will be accompanied by a statement of the action taken, or contemplated, and any state or federal assistance needed to resolve the situation.
- (b) Favorable developments or events that enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

7.6 Fund Requirements and Provisions:

All State and Federal funds described within this MOU are subject to the requirements of the granting agency. For the purpose of this section, subrecipient is defined as any agency and/or contractor that receive funds from the MPO and/or RTPAs. **MPO/RTPAs** understand that by grant agreement, they will also be subject to the following provisions:

- (a) Scope of Services - Subrecipients will perform the required work as specified in the approved OWP in a manner satisfactory to **MPO** and/or **RTPAs** and to the federal and state funding agencies. If, while the work is being done, any party determines a need to change the scope of services, the party will notify the other in writing.

The parties will meet to discuss the need for the change and to decide what action to take. If they agree that an amendment to the OWP is required, **MPO/RTPAs** must seek approval of the funding agency for the change.

- (b) Personnel - All subrecipients will use only qualified personnel to perform the work. Subrecipient employees must have no separate contractual or employee relationship with MPO or RTPA.
- (c) Time of Performance - Subrecipients must begin work after receiving a written request to do so from **MPO/RTPAs** following acceptance of the OWP by all funding agencies and authorization by FHWA to incur costs against the grant. All work must be completed by June 30 of the fiscal year of the approved current OWP, and no work done thereafter will be reimbursed, unless agreed upon in advance by **MPO/RTPAs** and the subrecipient with prior FHWA or **Caltrans** approval.
- (d) Progress Reports - Subrecipients will submit progress reports in accordance with **MPO** guidelines no later than thirty (30) days following the end of each quarter.
- (e) Inspection of Work - **MPO/RTPAs** and all funding agencies may review and inspect all study activities.
- (f) Maximum Cost - The maximum cost to **MPO/RTPAs** will not exceed the amount shown in the approved OWP. Matching funds for federal or state grants must be provided. FHWA PL funds must demonstrate match in each work element. The matching may be in the form of non-federal cash or services and must be properly documented by work element.
- (g) Method of Payment:
1. MPO - **MPO** will submit a voucher to **Caltrans**, certifying that work activities in the OWP funded with federal funds and as billed,

are proper and that progress is commensurate with expenditures claimed.

2. Member Agencies - **MPO** will reimburse the subrecipient (other than Caltrans) upon receipt of a requisition for payment, in the following manner:
 - A. Subrecipients must submit a voucher reciting that they have performed the work and incurred costs in conformance with the OWP, and that they are entitled to receive the amount requisitioned, and include all progress reports applicable to the period billed.
 - B. **MPO** will reimburse subrecipients up to the federal share of the amount vouchered for payment upon receipt of said funds from FHWA.
 3. Caltrans - For payment for work items and incurred costs for which Caltrans is the recipient, **Caltrans** will bill FHWA in accordance with uniform statewide procedures agreed upon by Caltrans and FHWA, and documented in the OWP.
- (h) Disallowances - Any cost for which the **MPO/RTPAs/UPTOs** have received payment that are determined by subsequent audit to be unallowable under the terms of this MOU, are to be repaid to the State by the **MPO/RTPAs/UPTOs**. Should the **MPO/RTPAs/UPTOs** fail to reimburse monies due the State within 30 days of demand, or within such other period as may be agreed between the parties hereto, State is authorized to withhold future payments due recipients from any source, including, but not limited to, the State Treasurer, the State Controller and the California Transportation Commission.
- (i) Subcontracting - The subrecipient will not subcontract any portion of the work to either a public or private entity unless specifically authorized to do so in the OWP. A subcontract will only be awarded in accordance with applicable federal regulations.
- (j) Publication/Use Provisions:
- Copyright - **MPO/RTPAs** will be free to copyright material developed under work items identified in the OWP with the provisions that the state and federal agencies reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and authorize federal/state agencies to use the work for federal/state government purpose.

Acknowledgment - All published reports using federal funds will contain a credit reference, as appropriate, using the following suggested language:

"prepared in cooperation with Caltrans and the U.S. Department of Transportation, FHWA and FTA."

Publication Submittal - All publications funded with FHWA PL or state subvention funds, upon completion, will be submitted to Caltrans. **Caltrans** will forward a copy of each publication to FHWA.

Distribution of Products - The **MPO/RTPAs** will provide a number of copies to be specified by Caltrans, of all information, reports, proposals, brochures, summaries, written conclusions, graphic presentations, and similar materials developed by **MPO/RTPAs** and financed in whole or in part as provided herein.

Use of Products - For dynamic work products for which the integrity and consistency may be compromised by unsupervised and/or undocumented work on the original products, the **MPO/RTPAs/UPTOs**, at their discretion, reserve the right to oversee their future use to federal/state government agencies by requiring the execution of an MOU or use agreement for their use. Note that the use of the regional travel demand model always requires the execution of a use agreement.

Ownership of Documents - Upon unilateral termination of this MOU, it is the understanding of all parties that, all original finished and unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc., prepared by or for the **MPO/RTPAs/UPTOs** and funded by federal or state funds will, at the option of **Caltrans**, and concurrence of the USDOT, be made available to **Caltrans**. Future use of the regional travel demand model will always require the execution of a use agreement. **MPO/RTPAs /UPTOs** will not incur new obligations for the terminated portion after the effective date of termination.

7.7 Standard Requirements:

The parties understand that in performing work under the OWP, which is to be paid for by federal funds, regardless of the granting agency, the following requisites apply:

- (a) Civil Rights - Those requirements must be met which are stated in Attachment B (FTA Certifications and Assurances) dealing with Equal Employment Opportunity and nondiscrimination in hiring. **MPO/RTPAs/UPTOs** will also meet the requirements of 49 CFR Part 23, dealing with Disadvantaged Business and Woman Business Enterprise and will follow the procedures for MPOs set forth in Caltrans and/or FTA's

Disadvantaged Business and Woman Business Enterprise Program (DBE/WBE).

- (b) Drug Free Workplace - A Drug Free Workplace policy is in place (see Attachment B). **MPO/RTPAs/UPTOs** and all subrecipients agree to abide by the stated policy.
- (c) Restrictions on Lobbying - **MPO/RTPAs/UPTOs** and all subrecipients agree to abide by the Federal requirements on Restrictions on Lobbying. The signed declarations of this policy are made a part of this document by reference.
- (d) Equipment - Non-expendable items acquired to perform work must be identified in the OWP as direct costs and approved as part of the OWP. For direct purchase of equipment with PL funds, equipment must be identified in the OWP. Property management of equipment should be in accordance with the Federal Office of Management and Budget (OMB) Circular A-102. For depreciation methods of billing when PL funds are not involved in the direct purchase of equipment, charges should be made using cost principles for state and local governments, in accordance with OMB Circular A-87.
- (e) Bills - All bills must be supported by payrolls, time record invoices and vouchers, evidencing the nature of the charges and their eligibility for payment under OMB Circular A-87.
- (f) Accounts - Each part will establish and maintain, within its accounting system, a separate account for each work element in the OWP. All accounting records will provide a current breakdown of costs charged to each element and together with supporting documents, must be kept separate from other documents and records.

7.8 Accounting and Audits:

Federal OMB Circular A-87 to qualify for federal funds is made a part of this MOU by reference. An audit of state funds may be combined with an audit of federal funds if state fiscal and compliance audit requirements are met. Further audits may be conducted by federal and state agencies if deemed necessary. All records, reports and documents are to be made available at business office and its subcontractor's business offices for audit and inspection as needed by state and federal agencies.

7.9 Reimbursement:

Reimbursement of Federal funds will be for actual costs incurred.

7.10 Certification Requirement:

It is the intent of all parties to resolve issues related to certification under 23 CFR 450 Subpart C as they arise. At the time the final OWP is submitted to Caltrans, **MPO** must certify that the planning process, addressing the major issues facing the area, is being conducted in accordance with all applicable requirements. **Caltrans** will verify the certification and transmit its recommendation to FHWA and FTA. For purposes of certification, **MPO** will establish a process, which includes the following elements:

- (a) Discussion, as part of the prospectus section of the OWP, addressing each of the elements listed in 23 CFR 450.316 and stating how compliance is being carried out; and
- (b) a resolution of the **MPO** Board of Directors making a finding concerning certification to be based upon review of the staff report and recommendation by the Executive Director of **MPO** at the time of adoption of the final OWP.

For purpose of certification, **Caltrans** will:

- (c) work closely with **MPO** to gather documentation throughout the year to support the certification; and
- (d) make a written certification determination that **MPO's** transportation planning process is in conformance with Section 134 of Title 23 U.S.C., Section 8 of the Federal Transit Act (49 U.S.C. app. 1607), Sections 174 and 176(c) and (d) of the Clean Air Act, Title VI of the Civil Rights Act executed under 23 U.S.C. 324 and 29 U.S.C. 794, Section 1003(b) of ISTEA regarding the involvement of disadvantaged business enterprises and the provisions of the Americans with Disabilities Act of 1990; and
- (e) submit its determination to FHWA and FTA at time of OWP approval; and
- (f) keep on file copies of documents as a basis for determination of certification factors.

Chapter 8.
General Provisions

8.1 Amendment:

This Memorandum constitutes an understanding, expression of desire for, and a means of accomplishing, the general requirements for a comprehensive

transportation planning process in **MPO's** area. Any changes to one or more of the terms and conditions of this MOU shall not be valid unless made in writing and agreed to by all original executed signatory parties prior to change implementation.

8.2 Termination:

The parties understand that the purpose of this MOU is to establish, on the part of all parties, a single transportation planning process to serve the interests of all governmental agencies with Federal and State transportation planning responsibilities in the region per CFR Part 450.310. Any executed signatory party may terminate this understanding upon notice of the others by providing notice at least sixty (60) days prior to the effective date of termination and specifying the effective date of termination.

Caltrans will compensate the **MPO/RTPAs** for those eligible expenses incurred during the MOU period directly attributable to the completed portion of the work covered by this MOU for the OWP, provided that the work has been completed in a manner satisfactory and acceptable to **Caltrans**. It is understood that **MPO/RTPAs** and all subrecipients will not incur new obligations for the terminated portion after the effective date of termination.

8.3 Review:


Any party may review this MOU for the purposes of assuring its continuing effectiveness. Results of such review, together with any proposed amendments, shall be submitted in writing for the consideration of the parties hereto.

8.4 Remedies:

Actions inconsistent with the MOU terms or conditions shall be grounds for termination of the MOU by the other original executed signatory parties upon serving appropriate notice to that effect.

IN WITNESS WHEREOF, the parties hereto have caused this 2003 Transportation Planning MOU to be executed by their respective officers, duly authorized:

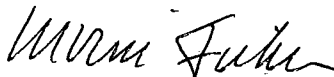
APPROVED:


Tony Campos, President
Association of Monterey Bay
Area Governments


Date: May 14, 2003

R. Gregg Albright, District 5 Director
California Department of Transportation

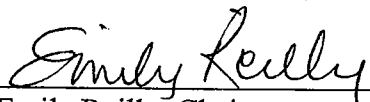
Date:


Morris Fisher, Chair
Monterey-Salinas Transit

6-24-03
Date:


Jan Beutz, Chair
Santa Cruz County Regional
Transportation Commission

6/19/03
Date:


Emily Reilly, Chair
Santa Cruz Metropolitan
Transit District

6/19/03
Date:


Jyl Lutes, Chair
Transportation Agency for
Monterey County

6/10/03
Date: