

RESOLUTION NO. 2018-485

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WACO, TEXAS:

That the City Council authorizes a Memorandum of Understanding between the Texas Department of Transportation, the Waco Metropolitan Planning Organization and the City of Waco, provider of public transportation through the Waco Transit System, regarding cooperative mutual responsibilities mandated by the Fixing America's Surface Transportation Act in carrying out the metropolitan planning process and performance based planning and programming for the Waco Metropolitan Planning Area, and the City Manager is authorized to execute all documents necessary to complete this transaction.

That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED this 1st day of May, 2018.

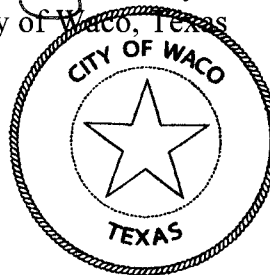


Kyle Deaver, Mayor
City of Waco, Texas

ATTEST:



Esmeralda Hudson, City Secretary



APPROVED AS TO FORM & LEGALITY:



Jennifer Richie, City Attorney

**MEMORANDUM OF UNDERSTANDING
AMONG
THE WACO METROPOLITAN PLANNING ORGANIZATION ("MPO"),
THE TEXAS DEPARTMENT OF TRANSPORTATION ("TxDOT") AND
THE CITY OF WACO**

WHEREAS, the Fixing America's Surface Transportation Act (FAST Act) promulgated regulations 23 CFR 450.314, and

WHEREAS, the City of Waco provides public transportation to the Waco Metropolitan Planning Area (MPA) through the Waco Transit System, and

WHEREAS, the Waco MPO, the State of Texas and the City of Waco as provider of public transportation through the Waco Transit System are required by 23 CFR 450.314 to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process, and

WHEREAS, these responsibilities shall be clearly identified in written agreements among the Waco MPO, the State of Texas and the City of Waco serving the Waco Metropolitan Planning Area (MPA), and

WHEREAS, to the extent possible, a single agreement between all responsible parties should be developed, and

WHEREAS, the federal regulations require the written agreement to include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (MTP), the metropolitan Transportation Improvement Program ("TIP"), and development of the annual listing of obligated projects; and

WHEREAS, the federal regulations require that the Waco MPO, Texas Department of Transportation, and the City of Waco shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the Waco MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

NOW THEREFORE, the parties agree as follows:

1. **Purpose.** It is the purpose of this Memorandum of Understanding (MOU) to make provision for cooperative mutual responsibilities in carrying out the Metropolitan Planning Process and Performance Based Planning and Programming in the Waco MPA

and to provide a single agreement between the State of Texas acting through the Texas Department of Transportation (TxDOT), Waco MPO, and City of Waco in accordance with current Federal Legislation and as required by 23 CFR 450.314.

2. Responsibilities of all parties.

All parties will:

- a. Cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process in a performance based planning format and final form. Decide upon and adopt performance targets for this planning process in accordance with Federal and State requirements and guidance.
- b. Make provisions for cooperatively developing and sharing information related to the development of financial plans that support the Metropolitan Transportation Plan ("MTP") and Transportation Improvement Program ("TIP").
- c. Ensure TxDOT, the City of Waco and the Waco MPO cooperatively develop a listing of projects that comprehensively address the transportation system within the Waco MPO boundaries. Identified projects shall include both roadway and transit initiatives, including but not limited to investments in pedestrian walkways and bicycle transportation facilities for which federal funds were obligated in the preceding fiscal year.
- d. Ensure that the Unified Planning Work Program ("UPWP") will detail and document these responsibilities, deliverables and associated costs.

3. Performance Based Planning & Programming

- a. Developing transportation performance data
 - i. TxDOT will provide the Waco MPO with a subset for their MPA of the state performance data used in developing statewide targets.
 - ii. If the Waco MPO chooses to develop their own target for any measure, they will provide TxDOT with any supplemental data they utilize in association with the target-setting process.

b. Selection of transportation performance targets

- i. TxDOT will develop draft statewide federal performance targets in coordination with the applicable MPOs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. MPOs shall be given an opportunity to provide comments on statewide targets one month prior to final statewide targets adoption.
- ii. If the Waco MPO chooses to adopt their own target for any measure, it will develop draft MPO performance targets in coordination with TxDOT. Coordination methods will be at the discretion of the MPO, but TxDOT shall be provided an opportunity to provide comments on draft MPO performance targets prior to final approval.

c. Reporting of performance targets

- i. TxDOT performance targets will be reported to FHWA and FTA, as applicable. The Waco MPO will be notified when TxDOT has reported final statewide targets.
- ii. MPO performance targets will be reported to TxDOT.
 1. For each target, the Waco MPO will provide the following information no later than 180 days after the date TxDOT or City of Waco establishes performance targets, or the date specified by federal code:
 - a. Written agreement to plan and program projects so that they contribute toward the accomplishment of TxDOT or Waco Transit, Inc. performance target, or;
 - b. Written notification that the Waco MPO will set a quantifiable target for that performance measure for the MPO's planning area.
 - i. If a quantifiable target is set for the Waco MPO planning area, the Waco MPO will provide any supplemental data used in determining any such target.

- c. Documentation of the Waco MPO's target or support of the statewide or relevant public transportation provider target will be provided in the form of a resolution or meeting minutes.
 - iii. TxDOT will include information outlined in 23 CFR 450.216 (f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.218 (q) in any statewide transportation improvement program amended or adopted after May 27, 2018.
 - iv. The Waco MPO will include information outlined in 23 CFR 450.324 (g) (3-4) in any MTP amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.326 (d) in any TIP amended or adopted after May 27, 2018.
 - v. Reporting of targets and performance by TxDOT and the Waco MPO shall conform to 23 CFR 490, 49 CFR 625, and 49 CFR 673.
- d. Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the Waco MPO.
 - i. TxDOT will provide the Waco MPO with an update of the subset for their MPA of the state performance data used in developing statewide targets including prior performance data.
- e. The collection of data for the State asset management plans for the NHS.
 - i. TxDOT will be responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS.

4. Responsibilities of the Waco MPO

The Waco MPO will:

- a. Work in consultation with the City of Waco and TxDOT in developing the financial plan for the MTP.
- b. Work in consultation with the City of Waco and TxDOT in developing the financial plan for the TIP.

- c. Conduct Technical Committee and Policy Board meetings as required and necessary.
- d. In consultation with the City of Waco and TxDOT, update the MTP and TIP in accordance with State and Federal laws.
- e. Invite all relevant Transit Districts to participate in all public participation processes.
- f. Conduct comprehensive, cooperative and continuous transportation planning for the Waco MPA.
- g. Establish necessary transportation performance targets, share information related to the performance data, and document the reporting of performance to be used in tracking progress toward attainment of critical outcomes within the Waco MPO MPA, if the MPO elects to develop quantifiable targets for performance measures for the MPO's planning area.

5. Responsibilities of City of Waco

The City of Waco, as provider of public transportation through the Waco Transit System will:

- a. Work in consultation with the Waco MPO in developing short-range and long-range plans for transit for inclusion in the MTP.
- b. Assist in validation of data used as input into the MTP.
- c. Work in consultation with the Waco MPO and TxDOT in developing the financial plan for the MTP.
- d. Work in consultation with the Waco MPO and TXDOT in developing the financial plan for the TIP.
- e. Provide the Waco MPO with the annual list of transit obligated projects.
- f. Serve on the Waco MPO Technical Committee and Policy Board as applicable.

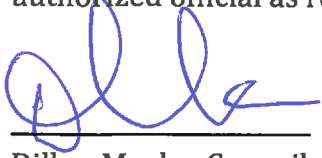
- g. Notify the Waco MPO of changes to projects that would affect the MTP or TIP.
- h. Invite the Waco MPO to participate in all public participation processes.
- i. Establish transit asset management performance targets and share with the Waco MPO and other interested parties.

6. Responsibilities of TxDOT.

- a. Work in consultation with the City of Waco and the Waco MPO in developing the financial plan for the TIP and MTP.
 - b. Assist in the validation of data used as input into the MTP.
 - c. Provide the Waco MPO with the annual list of obligated projects.
 - d. Serve on the Waco MPO Technical Committee and Policy Board.
 - e. Notify the Waco MPO of changes to projects that would affect the MTP or TIP.
 - f. In consultation with the Waco MPO and the City of Waco update the MTP and TIP in accordance with State and Federal laws.
 - g. Work in consultation with the Waco MPO and the City of Waco in developing short-range and long-range plans for transit for inclusion in the MTP and TIP.
7. **Term.** This Memorandum shall become effective as to each Party when fully executed by all parties. It shall remain in full force and effect until such time it is terminated in writing by one or all of the parties.
8. **Validity and Enforceability.** If any current or future legal limitations affect the validity or enforceability of a provision of this MOU, then the legal limitations are made a part of this MOU and shall operate to amend this MOU to the minimum extent necessary to bring this MOU into conformity with the requirements of the limitations, and so modified, this MOU shall continue in full force and effect.
9. **Governing Law and Venue.** This MOU shall be governed by the laws of the State of Texas. Venue for an action arising under this MOU shall lie exclusively in Travis County, Texas.

10. **Severability.** If a provision contained in this MOU is held invalid for any reason, the invalidity does not affect other provisions of the MOU and can be given effect without the invalid provision, and to this end the provisions of this MOU are severable.

EXECUTED by the parties hereto, each respective entity acting by and through its duly authorized official as required by law.



Dillon Meek - Councilmember, City of Waco
Chair - Waco MPO Policy Board

Date: 5/21/18



Wiley Stem
City Manager - City of Waco

Date: 5/18/18



Stanley Swiatek, P.E.
Texas Department of Transportation
District Engineer

Date: 5/22/18

Approved as to Content:



Christopher Evilia, AICP
Director
Waco Metropolitan Planning Organization