

**Narrative of Changes to the “Memorandum of Understanding on Metropolitan Transportation Planning Responsibilities for the Central Virginia Metropolitan Planning Area” originally executed on June 1, 2018**

At its July 2019 meeting, the Central Virginia Metropolitan Planning Organization voted to adopt amended bylaws (see below) which included a name change to the **Central Virginia Transportation Planning Organization**. This new name is intended to help the public better understand the role of the organization in the region’s transportation planning process.

The CVMPO’s partners at VDOT and the Federal Highway Administration concurred with the changes. For the amendments to take effect, legal counsel advised that each of the five CVMPO member localities adopt a resolution of concurrence. This new, simplified resolution replaced similar documents from 1979 and 2000, and added language acknowledging:

- The organization’s change of name from Central Virginia Metropolitan Planning Organization to Central Virginia Transportation Planning Organization
- That the organization may adopt bylaws and other rules as it deems necessary to govern its operation
- That the organization shall have such authority as prescribed in the “Memorandum of Understanding on Metropolitan Transportation Planning Responsibilities for the Central Virginia Metropolitan Planning Area” (as amended)

Member localities adopted the resolution on the following dates:

- County of Amherst                      October 1, 2019
- County of Campbell                      October 1, 2019
- Town of Amherst                      October 9, 2019
- City of Lynchburg                      October 22, 2019
- County of Bedford                      October 28, 2019

The amended bylaws went into effect on October 28, 2019 (the adoption date of the last locality resolution).

At the direction of VDOT, staff has prepared a revised “Memorandum of Understanding” (MOU) (see attachment 1) between the Virginia Secretary of Transportation, Greater Lynchburg Transit Company, Central Virginia Planning District Commission, and Central Virginia Transportation Planning Organization.

The substantive changes to this MOU are:

- Acknowledging the organization's change of name from Central Virginia Metropolitan Planning Organization to Central Virginia Transportation Planning Organization.
- Recognizing the organization's authority to "establish and follow rules of order and record that shall be set out in the latest adopted version of the CVTPO Policy Board Bylaws."

A thirty-day comment period on the proposed MOU will begin on Monday, January 13, 2020 and end on Thursday, February 13, 2020 at 5:00 p.m.

Anyone wishing to submit comments to the Central Virginia Metropolitan Planning Organization may do so by contacting Scott Smith, Transportation Planning Director, 828 Main Street, 12th Floor, Lynchburg, VA 24504, 434.845.3491, fax to 434.845.3493, or by email at [scott.smith@cvpdc.org](mailto:scott.smith@cvpdc.org).

The CVMPO ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about your civil rights regarding this project or special assistance for persons with disabilities or limited English proficiency, please contact the CVMPO.

**MEMORANDUM OF UNDERSTANDING  
ON METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES  
FOR THE CENTRAL VIRGINIA METROPOLITAN PLANNING AREA**

This agreement is made and entered into as of February 15, 2020 by and between the Commonwealth of Virginia hereinafter referred to as the State, the Central Virginia Transportation Planning Organization (serving as the Metropolitan Planning Organization for the Central Virginia metropolitan area) hereinafter referred to as the MPO, the Greater Lynchburg Transit Company hereinafter referred to as the Public Transportation Provider, and the Central Virginia Planning District Commission serving as planning and administrative staff to the MPO, hereinafter referred to as the Staff.

WHEREAS, joint responsibilities must be met for establishing and maintaining a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process as defined and required by the United States Department of Transportation in regulations at [23 CFR 450 Subpart C](#), and

WHEREAS, the regulations at [23 CFR 450.314](#) direct that the MPO, State, and Public Transportation Provider responsibilities for carrying out the 3-C process shall be cooperatively determined and clearly identified in a written agreement.

NOW, THEREFORE, it is recognized and agreed that, as the regional transportation planning and programming authority in cooperation with the Staff, State and Public Transportation Provider, the MPO shall serve as the forum for cooperative development of the transportation planning and programming activities and products for the Central Virginia metropolitan area. It is also agreed that the following articles will guide the 3-C process. Amendments to this agreement may be made by written agreement among the parties of this agreement.

**Article 1  
Planning and Modeling Boundaries**

The MPO is responsible as the lead for coordinating transportation planning and programming in the Central Virginia metropolitan transportation planning area (MPA) that includes the City of Lynchburg along with the adjacent urbanized portions of Amherst County, Bedford County, and Campbell County and the Town of Amherst. A map providing a visual and itemized description of the current MPA will be included on the MPO website. It is recognized that the scope of the regional study area used with the travel demand model may extend beyond the MPA. The boundaries of the MPA shall be subject to approval of the MPO and the Governor. The MPA shall, at a minimum, cover the U.S. Bureau of the Census' designated urbanized area and the contiguous geographic area expected to become urbanized within the 20-year long range plan forecast period. The boundaries will be reviewed by the MPO and the State at least after

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each Census decennial update, to adjust the MPA boundaries as necessary. Planning funds shall be provided to financially support the MPO's planning activities under 23 CFR 450 and 49 CFR 613, and the latest applicable metropolitan planning funding agreement with the State for the metropolitan planning area. All parties to this agreement shall comply with applicable state and federal requirements necessary to carry out the provisions of this agreement.

### **Article 2 MPO Structure & Committees**

The MPO shall consist of, at a minimum, a Policy Board and a standing advisory group, the Transportation Technical Committee. The MPO shall establish and follow rules of order and record that shall be set out in the latest adopted version of the CVTPO Policy Board Bylaws. Redesignation of an MPO is required when an existing MPO proposes to make substantial changes on membership voting, decisionmaking authority, responsibility, or the procedure of the MPO.

The Transportation Planning Organization (TPO) serves as the MPO's Policy Board and is the chief regional authority responsible for cooperative development and approval of the core transportation planning activities and products. The Transportation Technical Committee provides technical review, supervision and assistance in transportation planning.

The TPO will consider, analyze as appropriate, and reflect on the planning and programming process, the improvement needs and performance of the transportation system, as well as the federal metropolitan planning factors consistent with 23 CFR 450.306. The TPO and the MPO will comply and certify compliance with applicable federal requirements as required by [23 CFR 450.336](#), The TPO and the MPO also shall comply with applicable state requirements such as, but not limited to, the Freedom of Information Act requirements which affect public bodies under the Code of Virginia at [2.2-3700 et sequel](#). Any meetings and records concerning the business of the MPO shall comply with State Freedom of Information Act requirements. The designated voting and nonvoting membership of the TPO and the Transportation Technical Committee will be updated and identified online with contact information. The TPO and Transportation Technical Committee shall each be responsible for establishing and maintaining a regular meeting schedule for carrying out respective responsibilities and to conduct official business. Meeting policies and procedures shall follow regulations set forth in 23 CFR §450.316. The regular meeting schedule of each committee shall be posted on the MPO's website and all meetings shall be open to the public.

**Article 3  
Unified Planning Work Program (UPWP)**

Transportation planning activities anticipated within the Central Virginia Metropolitan Planning Area during the next one-or two-year period shall be documented and prepared annually by the Staff and the Transportation Technical Committee in accord with 23 CFR 450.308 and reviewed and endorsed by the TPO. Prior to the expenditure of any funds, such UPWP shall be subject to the approval of the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the State for funding the activities. Any changes in transportation planning and related activities, regardless of funding source, shall be accomplished by amendments to the UPWP and adoption by the TPO according to the same, full procedure as the initial UPWP.

**Article 4  
Participation Plan**

The TPO shall adopt and maintain a formal, written Public Participation Plan. The Participation Plan shall provide reasonable opportunity for involvement with all interested parties in carrying out the metropolitan area's transportation planning and programming process, providing reasonable opportunities for preliminary review and comment especially at key decision points. Initial or revised participation plan procedures shall undergo a minimum 45-day draft public review and comment period. The Participation Plan will be published and available on the MPO's website. The State may assist, upon request of the MPO and on a case by case basis, in the provision of documents in alternative formats to facilitate the participation of persons with limited English proficiency or visual impairment.

The MPO also shall, to the extent practicable, develop and follow documented process(es) that at least outline the roles, responsibilities and key points for consulting with adjoining MPOs, other governments and agencies and Indian Tribal or federal public lands regarding other planning activities, thereby ensuring compliance with all sections of [23 CFR 450.316](#). The process(es) shall identify procedures for circulating or providing ready access to draft documents with supporting materials that reference, summarize or detail key assumptions and facilitate agency consultations, and public review and comment as well as provide an opportunity for MPO consideration of such comments before formal adoption of a transportation plan or program.

**Article 5  
Inclusion and Selection of Project Recommendations**

**Selection of projects for inclusion into the financially Constrained Long-Range Plan (CLRP)**

Recommended transportation investments and strategies to be included in the CLRP shall be determined cooperatively by the MPO, the State, and Public Transportation Provider(s). The CLRP shall be updated at least every five years and address no less than a 20-year planning horizon. Prior to the formal adoption of a final CLRP, the MPO shall provide the public and other interested stakeholders (including any intercity bus operators) with reasonable opportunities for involvement and comment as specified in 23 CFR §450.316 and in accordance with the procedures outlined in the Participation Plan. The MPO shall demonstrate explicit consideration and response to public input received during the development of the CLRP.

**Development of the Transportation Improvement Program (TIP)**

The financially constrained TIP shall be developed by the MPO with assistance from the State and Public Transportation Provider(s). The TIP shall cover a minimum four-year period and shall be updated at least every four years, or more frequently as determined by the State to coincide and be compatible with the Statewide Transportation Improvement development and approval process.

The State shall assist the MPO and public transportation providers in the development of the TIP by: 1) providing the project listing, planned funding and obligations, and 2) working collaboratively to ensure consistency for incorporation into the STIP. The TIP shall include any federally funded projects as well as any projects that are regionally significant regardless of type of funding. Projects shall be included and programmed in the TIP only if they are consistent with the recommendations in the CLRP. The State and the Public Transportation Provider(s), assisted by the state, shall provide the MPO a list of project, program, or grouped obligations by year and phase for all the State and the public transportation projects to facilitate the development of the TIP document. The TIP shall include demonstration of fiscal constraint and may include additional detail or supporting information provided the minimum requirements are met. The MPO shall demonstrate explicit consideration and response to public input received during the development of the TIP.

Once the TIP is compiled and adopted by the TPO the MPO shall forward the approved TIP, MPO certification, and MPO TIP resolution to the State. After approval by the MPO and the Governor, the State shall incorporate the TIP, without change, into the STIP. The incorporation of the TIP into the STIP demonstrates the Governor's approval of the MPO TIP. Once complete, the STIP shall be forwarded by the State to FHWA and FTA for review and approval.

**Article 6**

**Financial Planning and Programming, and Obligations**

The State, the MPO and the Public Transportation Provider(s) are responsible for financial planning that demonstrates how metropolitan long-range transportation plans and improvement programs can be implemented consistent with principles for financial constraint. Federal requirements direct that specific provisions be agreed on for cooperatively developing and sharing information for development of financial plans to support the metropolitan transportation plan (23 CFR 450.324) and program (23 CFR 450.326), as well as the development of the annual listing of obligated projects (23 CFR 450.334).

**Fiscal Constraint and Financial Forecasts**

The CLRP and TIP shall be fiscally constrained pursuant to 23 CFR §450.324 and §450.326 respectively with highway, public transportation and other transportation project costs inflated to reflect the expected year of expenditure. To support the development of the financial plan for the CLRP, the State shall provide the MPO with a long-range forecast of expected state and federal transportation revenues for the metropolitan planning area. The Public Transportation Provider(s), similarly, shall provide information on the revenues expected for public transportation for the metropolitan planning area. The financial plan shall contain system-level estimates of the costs and the revenue sources reasonably expected to be available to adequately operate and maintain the federal aid highways and public transportation. The MPO shall review the forecast and add any local or private funding sources reasonably expected to be available during the planning horizon. Recommendations on any alternative financing strategies to fund the projects and programs in the transportation plan shall be identified and included in the plan. In the case of new funding sources, strategies for ensuring their availability shall be identified and documented. If a revenue source is subsequently found removed or substantially reduced (i.e., by legislative or administrative actions) the MPO will not act on a full update or amended CLRP and/or TIP that does not reflect the changed revenue situation.

**Annual Obligation Report**

Within 90 days after the close of the federal fiscal year the State and the Public Transportation Provider(s) shall provide the MPO with information for an Annual Obligation Report (AOR). This report shall contain a listing of projects for which federal highway and/or transit funds were obligated in the preceding program year. It shall include all federally funded projects authorized or revised to increase obligations in the preceding program year, and at a minimum include TIP project description and implementing agency information and identify, for each project, the amount of Federal funds requested in the TIP, the Federal funding that was obligated during the preceding year, and the Federal funding remaining and available for subsequent years. The MPO shall publish the AOR in accordance with the MPO's public participation plan criteria for the TIP.

**Article 7**  
**Performance-Based Metropolitan Planning Process Responsibilities**

**The MPO**

The MPO, in cooperation with the State and Public Transportation Provider(s), shall establish and use a performance-based approach in carrying out the region's metropolitan transportation planning process consistent with 23 CFR 450.306, and 23 CFR 490. The MPO shall integrate into the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in applicable transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. Chapter 53 by providers of public transportation required as part of a performance-based program. The MPO shall properly plan, administratively account for and document the MPO's performance-based planning activities in the MPO UPWP.

The MPO shall develop, establish and update the federally required transportation performance targets that apply for the MPO metropolitan planning area in coordination with the State(s) and the Public Transportation Provider(s) to the maximum extent practicable. The TPO shall adopt federal targets of the MPO after reasonable opportunity for and consideration of public review and comment, and not later than 180 days after the date on which the relevant State(s) and Public Transportation Provider(s) establish or update the Statewide and Public Transportation Provider(s) performance targets, respectively. No later than 21 days of the MPO deadline for the selection of new or updated targets, for each federally required performance measure, the MPO shall formally notify the State(s) and Public Transit Provider(s) of whether the MPO: 1) has selected "to contribute toward the accomplishment" of the statewide target selected by the state, or 2) has identified and committed to meet a specific quantitative target selected by the public transportation provider(s) or the MPO for use in the MPO's planning area of Virginia.

In the event that a Virginia MPO chooses to establish a MPO-specific federal highway or transit performance measure quantitative target, then the Virginia MPO shall be responsible for its own performance baseline and outcome analyses, and for the development and submittal of special report(s) to the State for the MPO-specific highway and/or transit performance measure(s). Reports from the Virginia MPOs that choose their own MPO-specific highway or transit target(s) will be due to the State no later than 21 days from the date that the MPO is federally required to establish its performance target for an upcoming performance period. The special report(s) for each new or updated MPO-specific highway target shall be sent from the Virginia MPO to the VDOT Construction District Engineer. The special report(s) for each new or updated MPO-specific transit target shall be sent from the Virginia MPO to the Department of Rail and Public Transportation. The special report(s) shall include summary

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documentation on the performance analyses calculation methods, baseline conditions, quantitative target(s), and applicable outcome(s) regarding the latest performance period for the MPO-specific performance measure(s). For the Virginia MPOs which agree to plan and program projects “to contribute toward the accomplishment” of each of the statewide performance measure targets, the State will conduct the performance analyses for the MPO’s metropolitan planning area in Virginia and provide online summaries for each measure such that no special report to the State will be due from these MPOs.

If a Virginia MPO chooses to contribute to achieving the statewide performance target, the MPO shall, at minimum, refer to the latest performance measure analyses and summary information provided by the State, including information that was compiled and provided by the State on the metropolitan planning area’s performance to inform the development of appropriate performance targets. The MPO may use State performance measures information and targets to update the required performance status reports and discussions associated with each MPO CLRP and/or TIP update or non-administrative modification. The MPO’s transportation performance targets, recent performance history and status will be identified and considered by the MPO’s TPO in the development of the MPO CLRP with its accompanying systems performance report required per 23 CFR 450.324, as well as in the development of the TIP with its accompanying description of the anticipated effect of the TIP toward achieving the performance targets, linking their TIP investment priorities to the performance targets as required per 23 CFR 450.326. The MPO CLRP and its accompanying systems performance report, and/or the MPO TIP and its accompanying description of the anticipated effect of the TIP, shall directly discuss or reference the latest State performance measure status information available and posted online by the State regarding the metropolitan planning area at the time of the MPO’s Technical Committee recommendation of the draft MPO long range plan or draft TIP.

### **The State**

Distinct from the roles of the metropolitan Public Transportation Provider(s) with federal performance measures on transit (transit is the subject of the next section), the State is the lead party responsible for continuous highway travel data measurement and collection. The State shall measure, collect highway data and provide highway field data for use in federal highway related performance measure analyses to inform the development of appropriate federal performance targets and performance status reports. MPO information from MPO-specific data analyses and reports might not be incorporated, referenced or featured in computations in the Virginia statewide performance data analyses or reports. The State shall provide highway analyses for recommending targets and reporting on the latest performance history and status not only on a statewide basis but also on the Virginia portions of each of Virginia’s MPO metropolitan planning areas, as applicable. The findings of the State’s highway performance analyses will inform the development or update of statewide targets.

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Information regarding proposed statewide targets for highway safety and non-safety federal performance measures will be presented to the Commonwealth Transportation Board (CTB) at the CTB's public meetings and related documents, including, but not limited to, presentations and resolutions, will be made publicly available on the CTB website. The MPO and Public Transportation Provider(s) shall ensure that they inform the State of any special data or factors that should be considered by the State in the recommendation and setting of the statewide performance targets.

All statewide highway safety targets and performance reports are annually due from the State to FHWA beginning August 31, 2017 and each year thereafter. The MPO shall report their adopted annual safety performance targets to the State for the next calendar year within 180 days from August 31st each year. The statewide highway non-safety performance two and/or four-year targets are due for establishment from the State initially no later than May 20, 2018 for use with the state biennial baseline report that is due by October 1, 2018. The subsequent state biennial report, a mid-period report for reviews and possible target adjustments, is due by October 1, 2020. Thereafter, State biennial updates are cyclically due by October 1st of even numbered years with a baseline report to be followed in two years by a mid-period report. Using information cooperatively compiled from the MPOs, the State and the Public Transportation Providers, the State shall make publicly available the latest statewide and (each) MPO metropolitan planning area's federally required performance measure targets, and corresponding performance history and status.

### **The Public Transportation Provider(s)**

For the metropolitan areas, public transportation providers are the lead parties responsible for continuous public transit data measurement and collection, establishing and annually updating federal performance measure targets for the metropolitan transit asset management and public transportation agency safety measures under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d), respectively, as well as for updates that report on the public transit performance history and status. The selection of the performance targets that address performance measures described in 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d) shall be coordinated, to the maximum extent practicable, between the MPO, the State and Public Transportation Provider(s) to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d). Information from the Public Transportation Provider(s) on new or updated public transit asset management and safety performance targets, and data-reports on the public transit performance history and status relative to the targets is necessary for use and reference by the affected State(s) and the MPO(s). The Public Transportation Provider(s) that receive federal funds shall annually update and submit their transit asset management targets and data-reports to the FTA's National Transit Database consistent with FTA's deadlines based upon the applicable Public Transportation Provider's fiscal year. These Public Transportation Provider(s) shall notify, and share their information on their

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targets and data-reports electronically with the affected State(s) and MPO(s) at the time that they share the annual information with FTA, and coordinate as necessary so that the MPO(s) shall establish and/or update their MPO transit target(s) no later than 180 days thereafter.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first written above.

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Chair  
Central Virginia Transportation Planning Organization

\_\_\_\_\_  
Secretary of Transportation  
Commonwealth of Virginia

\_\_\_\_\_  
General Manager  
Greater Lynchburg Transit Company

\_\_\_\_\_  
Executive Director  
Central Virginia Planning District Commission

**Return to:**  
Central Virginia Planning District Commission  
Attn: W. Scott Smith, Transportation Planning Director  
828 Main Street, 12<sup>th</sup> Floor  
Lynchburg, Virginia 24504