

**BALTIMORE METROPOLITAN PLANNING ORGANIZATION**

**BALTIMORE REGIONAL TRANSPORTATION BOARD  
RESOLUTION #08-17 AMENDED**

**RESOLUTION TO ACCEPT A MEMORANDUM OF AGREEMENT ON METROPOLITAN  
TRANSPORTATION PLANNING RESPONSIBILITIES FOR THE BALTIMORE REGION**

This agreement is amended as of August 26, 2008 by and between the Baltimore Regional Transportation Board, the Maryland Department of Transportation and the Maryland Transit Administration.

**WHEREAS**, the Baltimore Regional Transportation Board (BRTB) is the designated Metropolitan Planning Organization for the Baltimore region, encompassing the Baltimore Urbanized Area, and includes official representatives of the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard, and the Maryland Department of Transportation, the Maryland Department of the Environment, and the Maryland Department of Planning; and

**WHEREAS**, joint responsibilities must be met for establishing and maintaining a cooperative, comprehensive and continuing (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 A – Transportation Planning and Programming Definitions and 23 CFR 450 Subpart C – Metropolitan Transportation Planning and Programming; and

**WHEREAS**, the content of Subpart C at 23 CFR 450.314 - Metropolitan Planning Agreements - direct that the metropolitan planning organization, the State and the public transportation operator shall cooperatively determine their mutual responsibilities in carrying out the metropolitan planning process. These responsibilities are clearly identified in this written agreement among the metropolitan planning organization, the State, and the public transportation operator serving the metropolitan planning area; and

**WHEREAS**, the content of Subpart A at 23 CFR 450.104 defines public transportation operator to mean the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak.

**WHEREAS**, nothing in this agreement shall be construed as limiting or affecting the legal authorities of the parties, or as requiring the parties to perform beyond their respective authorities.

**WHEREAS**, in addition to the roles and responsibilities identified in the attached Memorandum of Agreement, the Baltimore Regional Transportation Board has developed and does use a documented participation plan that defines a process for providing private providers of transportation a range of opportunities to participate in the metropolitan planning process; including the long-range transportation plan, the transportation improvement program and transit initiatives such as Job Access / Reverse Commute and New Freedom programs.

**NOW, THEREFORE,** the Baltimore Regional Transportation Board, the Maryland Department of Transportation and the Maryland Transit Administration recognizes and agrees to conduct a cooperative, comprehensive and continuing transportation planning and programming process for the Baltimore region and that their mutual responsibilities for carrying out this process are described in the following eleven articles.

The metropolitan planning activities undertaken by the Baltimore Regional Transportation Board are described in Articles 1 through 11. The planning activities undertaken by Maryland Department of Transportation are described in Articles 3 and 5 through 11, and are coordinated with the state transportation planning processes that are required in regulation at 23 CFR 450 Subpart B--Statewide Transportation Planning and Programming. The planning activities undertaken by the Maryland Transit Administration are described in Articles 3 and 5 through 10. By participating on the Regional Transit Work Group of the Baltimore Regional Transportation Board, public transportation operators have an opportunity to coordinate transit planning in the region and to incorporate their plans into the Baltimore Region Long-Range Transportation Plan and the Baltimore Region Transportation Improvement Program. The Maryland Transit Administration, in conjunction with the Maryland Department of Transportation, provides funding inputs for the Transportation Improvement Program based upon the system's annual operating and capital improvement budgets. The Maryland Transit Administration also provides projections of system revenues, operating and maintenance costs and major improvement costs for the update of the financially constrained plan based upon the system's operating and capital improvement plans.

#### **Article 1 - Scope of the Metropolitan Transportation Planning Process**

The Baltimore Regional Transportation Board, as the metropolitan planning organization, the Maryland Department of Transportation and the Maryland Transit Administration will engage in a metropolitan transportation planning process that is continuous, cooperative, and comprehensive and provide for the consideration of projects, strategies, and services that will address the eight planning factors as specified in 23 CFR 450.306 Scope of the Metropolitan Transportation Planning Process. This metropolitan planning process will be carried out in coordination with the three state transportation planning processes that are required in regulation at 23 CFR 450 Subpart B—Statewide Transportation Planning and Programming.

#### **Article 2 - MPO Structure and Planning Boundaries**

The Baltimore Regional Transportation Board has been designated the metropolitan planning organization for the Baltimore region by the Governor of Maryland. The Baltimore Regional Transportation Board is composed of representatives from the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford and Howard, and the Maryland Department of Transportation, the Maryland Department of Planning and the Maryland Department of the Environment. The Baltimore Regional Transportation Board also has ex officio representatives, including the Maryland Division Administrator of the Federal Highway Administration, the Region III Administrator of the Federal Transit Administration and the Executive Director of the Baltimore Metropolitan Council.

The Baltimore Regional Transportation Board has Bylaws that establish its membership, time and place of meeting, officers, voting procedures, committees, staffing and relationship to the Baltimore Metropolitan Council, public participation, and procedures for amendments. On July 1, 2004, the Maryland Department of Transportation and the Baltimore Metropolitan Council executed an agreement specifying the Baltimore Metropolitan Council responsibilities for supporting the metropolitan planning organization transportation planning process as described in the annual federally approved Unified Planning Work Program.

The Baltimore Regional Transportation Board has established a Technical Committee to advise and assist it in all aspects of the metropolitan planning process. The Technical Committee is comprised of representatives of all Baltimore Regional Transportation Board member agencies and governments in the region, and provides opportunities for these representatives to participate regularly in the metropolitan planning process.

The Baltimore Regional Transportation Board is establishing the Regional Transit Work Group of the Technical Committee to be comprised of representatives of public transportation operators in the region, including those that operate the regional and local jurisdiction bus systems, rail, and the commuter rail systems. The Regional Transit Work Group will provide opportunities for public transportation operators to participate regularly in the metropolitan planning process.

Figure 1 on page 4 shows the Baltimore Regional Transportation Board planning boundary for the Baltimore region and the location of each of the participating local jurisdictions. After each Census, the Baltimore Regional Transportation Board will review this planning boundary in cooperation with the Maryland Department of Transportation and the Maryland Transit Administration to determine if it meets the minimum statutory requirements for new and updated urbanized areas, and will adjust the boundary as necessary.

### **Article 3 - Unified Planning Work Program**

Generally, between January and March each year, the Baltimore Regional Transportation Board, the Maryland Department of Transportation, and the Maryland Transit Administration will prepare the Unified Planning Work Program as required under 23 CFR 450.308 Funding for Transportation Planning and Unified Planning Work Programs, including documenting the metropolitan transportation planning activities anticipated within the region during the upcoming year. In March, the Baltimore Regional Transportation Board is scheduled to approve the Unified Planning Work Program and submit it to the Federal Highway Administration, the Federal Transit Administration, and the Maryland Department of Transportation for approval and funding. When necessary, the Baltimore Regional Transportation Board can approve amendments to the Unified Planning Work Program subject to approval by the Federal Highway Administration, the Federal Transit Administration, and the Maryland Department of Transportation.

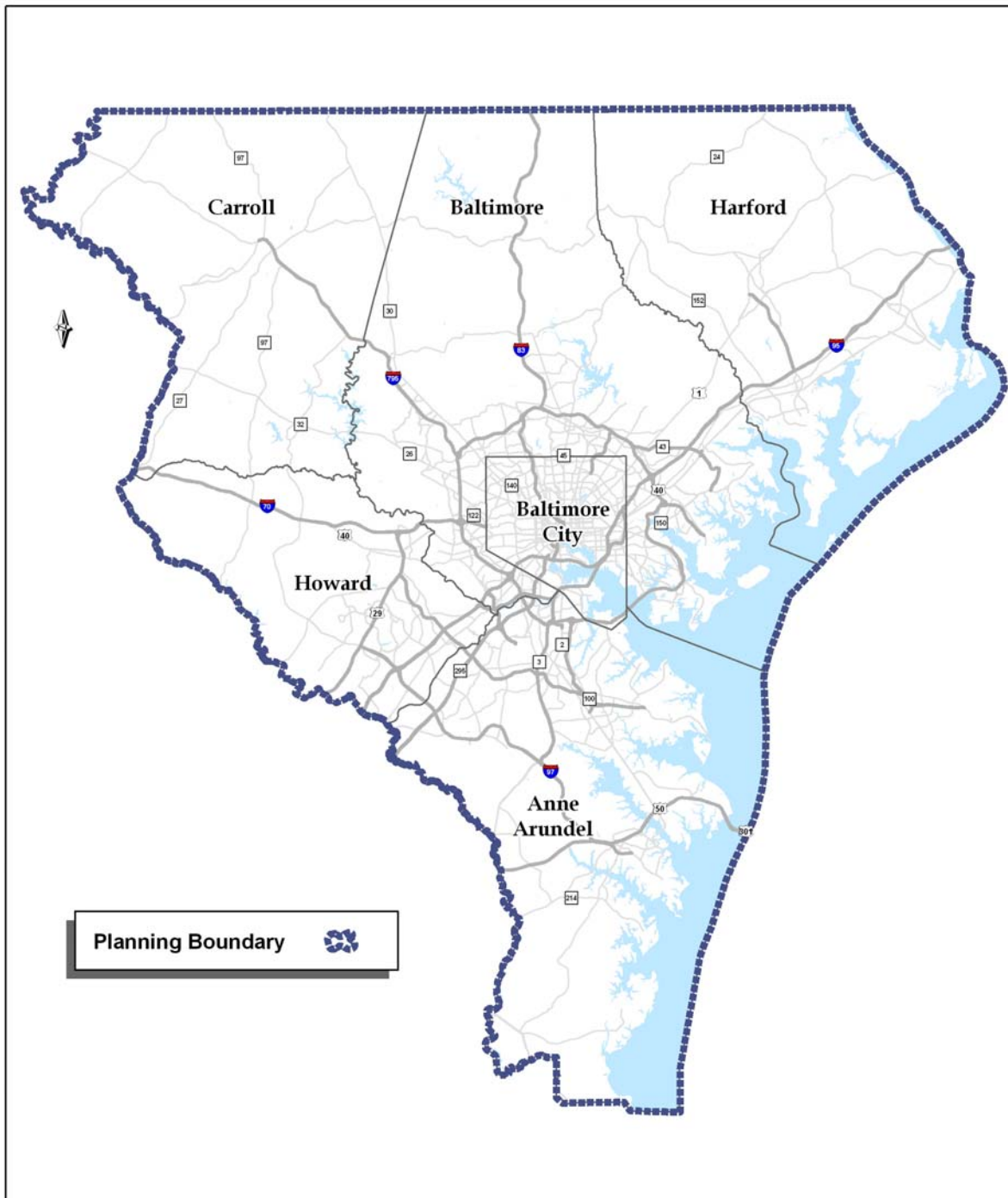
### **Article 4 - Participation Plan**

The Baltimore Regional Transportation Board has adopted and uses a Participation Plan to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process and to review and comment at key decision points as specified in 23 CFR 450.316: Interested Parties, Participation and Consultation. This plan will be coordinated with the Maryland Department of Transportation's public involvement and consultation transportation planning processes.

### **Article 5 - Transportation Planning Studies and Project Development Process Under the National Environmental Policy Act**

The Baltimore Regional Transportation Board, the Maryland Department of Transportation, or the Maryland Transit Administration may undertake a multi-modal, systems level corridor or subarea planning study as part of the metropolitan transportation planning process. The development of these studies will involve consultation with, or joint efforts among, the Baltimore Regional Transportation Board, Maryland Department of Transportation, and the

Figure 1



Maryland Transit Administration. The results or decision of these planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act as specified in 23 CFR 450.318: Transportation Planning Studies and Project Development.

#### **Article 6 - Congestion Management Process**

The Baltimore Regional Transportation Board, in cooperation with the Maryland Department of Transportation, the Maryland Transit Administration and local officials will develop congestion management objectives and performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of goods and people.

The transportation planning process will develop and maintain an ongoing congestion management process for monitoring, operating and maintaining the regional transportation system required by 23 CFR 450.320: Congestion Management Process in Transportation Management Areas.

#### **Article 7 - Air Quality Transportation Planning**

The air quality transportation planning activities for the Baltimore Regional Transportation Board are described in the annual Unified Planning Work Program. These activities will be designed to ensure that the Baltimore Regional Transportation Board can make a conformity determination on its constrained long-range transportation plan and Transportation Improvement Program in accordance with the Clean Air Act and the Environmental Protection Agency (EPA) transportation conformity regulations in 40 CFR part 93. The Baltimore Regional Transportation Board has adopted interagency and public consultation procedures regarding its air quality planning activities which address the preparation of the annual Unified Planning Work Program and the development and amendments to the constrained long-range transportation plan and Transportation Improvement Program.

#### **Article 8 - Update of the Long-Range Transportation Plan and Development of the Transportation Improvement Program (TIP)**

The metropolitan transportation planning process is ongoing. Every four years, generally, the Baltimore Regional Transportation Board will issue a document to solicit projects and programs to be included in the update of the fiscally constrained long-range transportation plan as well as an annual solicitation of projects and programs to be included in the next Transportation Improvement Program. This document will describe the policy framework and planning priorities that guide project submissions and explain the project submission process and schedule. The Maryland Department of Transportation and the Maryland Transit Administration will provide their plan and Transportation Improvement Program project submission information as requested in this document. In updating the constrained long-range transportation plan, the Baltimore Regional Transportation Board, with the cooperation of the Maryland Department of Transportation and the Maryland Transit Administration, will ensure that the plan development process and plan content meet all requirements as specified in 23 CFR 450.322: Development and Content of the Metropolitan Transportation Plan. The Baltimore Regional Transportation Board will approve the updated plan and submit it for informational purposes to the Maryland Department of Transportation and Federal Highway Administration and Federal Transit Administration.

In preparing the annual Transportation Improvement Program, the Baltimore Regional Transportation Board, with the cooperation of the Maryland Department of Transportation and the Maryland Transit Administration, will ensure that the Transportation Improvement Program

development process and Transportation Improvement Program content meet all requirements as specified in 23 CFR 450.324: Development and Content of the Transportation Improvement Program. The Baltimore Regional Transportation Board will approve the Transportation Improvement Program and forward the Transportation Improvement Program to the Maryland Department of Transportation for its approval and inclusion in the State Transportation Improvement Program. Transportation Improvement Program amendments and administrative modifications will follow the procedures for Transportation Improvement Program modifications as adopted by the Baltimore Regional Transportation Board and as specified in 23 CFR 450.326: Transportation Improvement Program Revisions and Relationship to the State Transportation Improvement Program. The selection of projects from the Transportation Improvement Program by the Baltimore Regional Transportation Board, the Maryland Department of Transportation, or the Maryland Transit Administration will be done as specified in 23 CFR 450.330: Project Selection from the Transportation Improvement Program.

As a result of the development and implementation of fiscally constrained long-range transportation plans, as well as annual transportation improvement programs, the Maryland Transit Administration is responsible for outreach to private providers of transportation services to facilitate an increase in competitive contracting opportunities.

#### **Article 9 - Fiscally Constrained Financial Plans for the Long-Range Transportation Plan and Transportation Improvement Program**

Financial plans are required to be included with the constrained long-range transportation plan and Transportation Improvement Program that demonstrate the consistency between reasonably available and projected sources of federal, state, local, and private revenues and the costs of implementing the proposed transportation system improvements. As described in Article 8, the metropolitan transportation planning process is ongoing. Each year the Baltimore Regional Transportation Board will issue a document to solicit projects and programs to be included in the next year's update of the Transportation Improvement Program and prior to the update of the constrained long-range transportation plan. When the plan is amended or updated, the Baltimore Regional Transportation Board, the Maryland Department of Transportation and the Maryland Transit Administration will cooperatively develop, share, review and adopt estimates of revenues and costs required for the financial plan that demonstrate fiscal constraint for the transportation plan as specified in 23 CFR 450.322(f)(10)). When the Transportation Improvement Program is amended, the Baltimore Regional Transportation Board, the Maryland Department of Transportation and the Maryland Transit Administration will cooperatively develop, share, review and adopt estimates of costs and estimates of funds that are available or committed or reasonably expected to be available that are required for the financial plan that demonstrate fiscal constraint for the Transportation Improvement Program as specified in 23 CFR 450.324(h) & (i).

#### **Article 10 - Annual Listing of Projects with Federal Funding Obligations**

Each year within 90 days after the close of the federal fiscal year, the Baltimore Regional Transportation Board, the Maryland Department of Transportation and the Maryland Transit Administration will cooperatively develop a listing of projects from the Transportation Improvement Program for which federal transportation funds were obligated in the preceding fiscal year. This report will contain the projects and financial information as required in 23 CFR 450.332 Annual Listing of Obligated Projects. This report will be made available to the public on the Baltimore Metropolitan Council web site.

**Article 11 - Certification of the Metropolitan Transportation Planning Process**

As described in Article 8, the metropolitan transportation planning process is ongoing. Each year the Baltimore Regional Transportation Board will issue a document to solicit projects and programs to be included in the update of the Transportation Improvement Program. When the Transportation Improvement Program is approved, the Baltimore Regional Transportation Board and the Maryland Department of Transportation will certify that the metropolitan planning process for the Baltimore region is being carried out in accordance with all applicable requirements as specified in 23 CFR 450.334 Self-Certification and Federal Certifications and 23 CFR 450.328 TIP Action by the Federal Highway Administration and the Federal Transit Administration.

**Article 12 – Option for Locally Operated Transit Systems to Engage in the Process Directly**

This Memorandum of Agreement identifies the Maryland Transit Administration as the designated recipient of federal funds for local transit operators in the Baltimore region. The Maryland Transit Administration assumes the lead for overall transit planning and other activities as they relate to the Baltimore Metropolitan Planning Organization. At such time that a local transit provider desires to act on its own behalf and assume an independent relationship with the Baltimore Metropolitan Planning Organization, such party must notify the Chair of the Baltimore Metropolitan Planning Organization. Upon such an action, a new agreement will be initiated to reflect direct participation by said local transit operator and will be approved by the Baltimore Metropolitan Planning Organization.

This Agreement is approved by the respective parties hereto as of the date shown above.

**BALTIMORE REGIONAL TRANSPORTATION BOARD**

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Carl Balser, Chair

**MARYLAND DEPARTMENT OF TRANSPORTATION**

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Don Halligan, Director, Office of Planning and Capital Programming

**MARYLAND TRANSIT ADMINISTRATION**

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Paul J. Wiedefeld, Administrator