

**BALTIMORE METROPOLITAN PLANNING ORGANIZATION
BALTIMORE REGIONAL TRANSPORTATION BOARD**

RESOLUTION #20-12

**ESTABLISHING A METROPOLITAN PLANNING AGREEMENT TO SUPPORT
PERFORMANCE-BASED TRANSPORTATION PLANNING RESPONSIBILITIES
FOR THE BALTIMORE REGION**

WHEREAS, the Federal Transit Administration, (FTA) and the Federal Highway Administration (FHWA) on June 30, 1983 jointly issued rules and regulations which require that each urbanized area, as a condition to the receipt of Federal capital or operating assistance, have a continuing, cooperative and comprehensive transportation (3-C) planning process carried out by a metropolitan planning organization (MPO) in cooperation with the State and its local jurisdictions that results in plans and programs consistent with the planned development of the "urbanized area" pursuant to 23 U.S.C. 134, 23 U.S.C. 150, and 49 U.S.C. 5303, as amended. On May 27, 2016 these rules and regulations were updated; and

WHEREAS, Fixing America's Surface Transportation Act (P.L. 114-94)(Fast Act), and the Moving Ahead for Progress in the 21st Century Act (P.L. 112-41) (MAP-21 Act), Sec. 20005, reiterate the need for the 3-C planning process; and

WHEREAS, 23 CFR 450.314 – Metropolitan Planning Agreements – requires MPOs, States, and Providers of Public Transportation to cooperatively determine the mutual responsibilities necessary to carry out the metropolitan transportation planning process, and directs MPOs, States, and Providers of Public Transportation to periodically review and update these agreements; and

WHEREAS, 23 CFR 450.306 - Scope of the metropolitan transportation planning process – establishes a performance-driven approach to transportation decision-making to be carried out in the metropolitan transportation planning process; and

WHEREAS, the 1990 Clean Air Act Amendments, signed into law on November 15, 1990, identifies specific responsibilities of MPOs relating to air quality planning and the determination of conformity of transportation plans and programs; and

WHEREAS, the BRTB was designated as the MPO for the Baltimore Urbanized Area in July of 2004 by a Memorandum of Understanding that was entered into by and among the State of Maryland and representatives of the BRTB; and

WHEREAS, BRTB Bylaws have established representation from the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard and Queen Anne's, the state agencies of MDOT, MDOT MTA, the Maryland Department of the Environment (MDE), and the Maryland Department of Planning (MDP) as well as a designated representative of the providers of fixed-route transit services in the Baltimore region; and

WHEREAS, the BRTB and the State must certify that the federal metropolitan transportation planning process addresses the major issues in the metropolitan planning area and is being conducted in accordance with all the applicable requirements in 23 CFR 450.336; and

NOW, THEREFORE, the Parties recognize and agree 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 herein and in the Articles (see Attachment 1)

I HEREBY CERTIFY that the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region approved the aforementioned resolution at its February 25, 2020 meeting.

2-25-20

Date



Lynda Eisenberg, Chair
Baltimore Regional Transportation Board

**PLANNING AGREEMENT
ON PERFORMANCE BASED METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES
FOR THE BALTIMORE REGION**

This Planning Agreement On Performance Based Metropolitan Transportation Planning Responsibilities for the Baltimore Region (“3C” Agreement/Planning Agreement/Agreement/) is made and entered into as of this 17 day of April, 2020, ~~2019~~, by and among the Maryland Department of Transportation (MDOT) and the Baltimore Regional Transportation Board (BRTB), the region’s Metropolitan Planning Organization , herein referred to as the “PARTIES.”

WITNESSETH:

WHEREAS, the Federal Transit Administration, (FTA) and the Federal Highway Administration (FHWA) on June 30, 1983 jointly issued, and on May 27, 2016, updated rules and regulations which require that each urbanized area, as a condition to the receipt of Federal capital or operating assistance, have a continuing, cooperative and comprehensive transportation (3-C) planning process carried out by a metropolitan planning organization (MPO) in cooperation with the State and its local jurisdictions that results in plans and programs consistent with the planned development of the “urbanized area” pursuant to 23 U.S.C. 134, 23 U.S.C. 150, and 49 U.S.C. 5303, as amended; and

WHEREAS, Fixing America’s Surface Transportation Act (P.L. 114-94)(Fast Act), and the Moving Ahead for Progress in the 21st Century Act (P.L. 112-41) (MAP-21 Act), Sec. 20005, reiterate the need for the 3-C planning process; and

WHEREAS, 23 CFR 450.314 – Metropolitan Planning Agreements – requires MPOs, States, and Providers of Public Transportation to cooperatively determine the mutual responsibilities necessary to carry out the metropolitan transportation planning process, and directs MPOs, States, and Providers of Public Transportation to periodically review and update these agreements; and

WHEREAS, 23 CFR 450.306 - Scope of the metropolitan transportation planning process – establishes a performance-driven approach to transportation decision-making to be carried out in the metropolitan transportation planning process; and

WHEREAS, the 1990 Clean Air Act Amendments, signed into law on November 15, 1990, identifies specific responsibilities of MPOs relating to air quality planning and the determination of conformity of transportation plans and programs; and

WHEREAS, MDOT was established as a principal department within the Executive Branch of the Government of the State of Maryland (“State”), effective July 1, 1971 by Chapter 526 of the Laws of Maryland of 1970, and is required by State law to prepare Statewide multi-modal transportation plans and programs; and

WHEREAS, MDOT represents the State in transportation planning processes and the Maryland Transit Administration (MDOT-MTA) is the largest provider of public transportation in the Baltimore region; and

WHEREAS, the BRTB was designated as the MPO for the Baltimore Urbanized Area in July of 2004 by a memorandum of understanding that was entered into by and among the State of Maryland and representatives of the BRTB; and

WHEREAS, BRTB Bylaws have established representation from the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard and Queen Anne's, MDOT, the Maryland Department of Transportation – Maryland Transit Administration (MDOT-MTA), the Maryland Department of the Environment (MDE), and the Maryland Department of Planning (MDP) and a designated representative of the providers of fixed-route transit services in the Baltimore region; and

WHEREAS, Section 13-302, as amended, of the Economic Development Article of the Annotated Code of Maryland authorizes the Baltimore Metropolitan Council to serve as administrative agent to support the MPO function for the Baltimore region; and

WHEREAS, the State of Maryland has agreed to provide for the financial assistance and mutually agreed upon terms and conditions for which such assistance will be provided; and

WHEREAS, 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303 (d)(2), as amended by sections 1201 and 20005 of MAP-21, require that, by October 1, 2014, each MPO that serves an area designated as a Transportation Management Area (TMA), of which the BRTB is one, consists of:

1. Local elected officials;
2. Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by operators of public transportation; and
3. Appropriate State officials; and

WHEREAS, the BRTB has included representation of public transportation operators through a Board structure whose voting membership includes Board representatives from the MDOT-MTA, an agency that meets MAP-21 criteria and provides the vast majority of public transportation trips in the metropolitan area, and Board representatives from other local public transportation operators who directly fund public transportation, complying with MAP-21 requirements in this regard; and

WHEREAS, the BRTB's continuous, cooperative and comprehensive metropolitan planning process, and the State's Providers of Public Transportation's planning and programming activities provide local jurisdictions, public agencies, individuals, and representatives of public transportation with opportunities to cooperate in the metropolitan transportation planning process; and

WHEREAS, the BRTB and the State must certify that the federal metropolitan transportation planning process addresses the major issues in the metropolitan planning area and is being conducted in accordance with all the applicable requirements in 23 CFR 450.336; and

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; and

NOW, THEREFORE, the Parties recognize and agree 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 herein and in the Articles below:

Article 1 – Purpose and Scope of the Agreement

The Baltimore Regional Transportation Board (BRTB) shall continue to serve as the MPO for the Baltimore region.

The BRTB, in cooperation with MDOT and providers of public transportation, shall undertake and ensure that the metropolitan area conducts a continuing, cooperative, and comprehensive (3-C) performance-driven and outcome-based multi-modal transportation planning process and will develop long-range metropolitan transportation plans and Transportation Improvement Programs (TIPs) that provide for the consideration of projects, strategies and services to address the federal planning factors specified in 23 CFR 450.306.

The BRTB will use a performance-based approach to support the national goals describe in 12 USC 150(b) and the general purposes described in 49 SC 5301(b). The approach will establish performance targets that address the performance measures or standards established under 23 CFR part 490 (when applicable), 49 USC 5326(c), and 49 USC 5329(d) to use in tracking progress toward attainment of critical outcomes for the Baltimore region. Selection and establishment of performance targets will be in accordance with the appropriate target setting framework established at 23 CFR part 490 and will be coordinated, to the maximum extent practicable, with the State. Selection and establishment of performance targets will also address performance measures described in 49 CFR 5326(c) and 49 USC 5329(d) and be coordinated, to the maximum extent practicable, with the relevant public transportation providers.

Either directly or by reference, the BRTB will integrate into the metropolitan transportation planning process the goals, objectives, performance measures, and targets described in other State transportation processes, plans and reports to include factors specified in 23 CFR 450.306(d)(4).

The BRTB shall carry out the metropolitan transportation planning process in coordination with the statewide transportation planning process required by 23 U.S.C. 135 and 49 U.S.C. 5304 and (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems architectures, as defined in 23 CFR part 940.

The BRTB will carry out the metropolitan planning process in coordination with the State's transportation planning processes that are required in regulations at 23 CFR 450 Subpart B-Statewide and Nonmetropolitan Transportation Planning and Programming.

The BRTB will coordinate and prepare the coordinated public transit-human services transportation plan consistent with the metropolitan transportation planning process required by 49 USC 5303.

The BRTB carries out the performance-driven, outcome-based metropolitan transportation planning process by performing a range of activities that promote an integrated approach to transportation development. The BRTB activities comply with federal law and requirements, provide a regional transportation policy framework and forum for coordination, and provide technical resources for decision-making. The BRTB's committee and subcommittee structure, as of the date of execution, conduct meetings to ensure that BRTB members, including MDOT and public transportation providers, local jurisdictions, and additional interested parties, engage with and meet the scope of the performance based metropolitan transportation planning process.

Article 2 - Funding for Transportation Planning and the Unified Planning Work Program

The BRTB shall develop the Unified Planning Work Program (UPWP) to document the metropolitan transportation planning activities performed in cooperation with MDOT and the providers of public transportation, the local jurisdictions and other BRTB members. The UPWP shall identify activities and tasks proposed for the next 1- to 2-year period in sufficient detail to indicate the work that will be performed, who will perform the work, the schedule for completing the work, the resulting products, the proposed levels of funding to undertake the activity/task, and the total amounts and sources of Federal and matching funds allocated.

As per 13-302, Economic Development Article of the Annotated Code of Maryland, the Baltimore Metropolitan Council (BMC) will serve as the administrative agent to the BRTB. Funds allocated from MDOT will be used to fund the activities agreed upon by the BRTB as described in the UPWP as the BRTB carries out the responsibilities described herein.

Between January and April of each year, the BRTB, in cooperation with MDOT and the providers of public transportation, will prepare the UPWP. In April, the BRTB will approve and submit the UPWP to FHWA, FTA and MDOT for review and funding. When necessary, the BRTB can approve amendments, modifications and technical corrections to the UPWP and submit these to the FHWA and FTA for information and review.

MDOT will provide funds available under 23 U.S.C. 104(d), 49 U.S.C. 5305(d), and 49 U.S.C. 5307, and funds provided under 23 U.S.C. 104(b)(2) and 23 U.S.C. 505 and 23 U.S.C. 133(d)(4), and other funds available from the Maryland Transportation Trust Fund, to BRTB for activities that support metropolitan transportation planning and the 3-C transportation planning process.

Article 3 – Metropolitan Planning Organization Designation and Redesignation

The BRTB was designated as the MPO for the Baltimore region by agreements between the Governor of the State of Maryland and the BRTB. The BRTB encompasses and includes representatives of the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard and Queen Anne's, MDOT, MDE, MDP, MDOT-MTA and a designated representative of the providers of public transportation in the Baltimore region to carry out the metropolitan transportation planning process under 23 CFR 450, Subpart C and required by 23 USC 134 and 49 USC 5303, as amended.

The Bylaws of the BRTB, as amended, establish its membership, meeting, quorum, officers, voting and voting procedures, designees and alternates, committees, public participation, and procedures for amendments. MDOT and BMC execute a Unified Planning Work Program (UPWP) Grant Agreement for the support of the Metropolitan Planning Organization Transportation Planning Process in the Baltimore Metropolitan Area that specifies the BMC responsibilities for supporting the MPO transportation planning process as described in the federally approved UPWP.

The BRTB from time-to-time may restructure the MPO without undertaking a redesignation as provided in 23 CFR 450.310 and subject to the bylaws. In the event there is a need for redesignation, the BRTB will carry out the requirements in accordance with the provisions under 23 CFR 450.310.

Article 4 - Metropolitan Planning Area Boundaries

The BRTB and MDOT, representing the Governor, shall review the Metropolitan Planning Area boundaries after each decennial Census, and they shall adjust the boundaries as necessary as required by 23 CFR 450.312, to accomplish the performance-driven, outcome-based long-range metropolitan planning approach. The review of the planning boundaries will determine if the existing boundaries meet the minimum statutory requirements for new and updated urbanized areas. The BRTB will adjust the boundary, as necessary, to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, improves access to modal systems, and promotes efficient overall transportation investment strategies. The Baltimore region includes the Baltimore, Aberdeen—Bel Air South—Bel Air North, Westminster—Eldersburg Urbanized Areas and parts of the Philadelphia, PA—NJ—DE—MD and Washington, DC—VA—MD Urbanized Areas.

Where part of the urbanized areas served by the BRTB extends into an adjacent metropolitan planning area, or vice versa, the BRTB will establish agreement(s) allowing for minor adjustments to each region's boundaries and outlining responsibilities for each metropolitan planning area overlap. The agreement(s) will also detail coordination processes, the division of transportation planning responsibilities among and between the regions and data sharing for the establishment and measurement of performance targets and standards established under 23 CFR part 490 (as applicable), 49 USC 5326(c), and 49 USC 5329(d). The BRTB and the Transportation Planning Board for the Washington Region established an agreement, on May 12, 2015, for the urbanized areas overlapping the planning areas of those two MPOs. The BRTB and the Wilmington Area Planning Council established an agreement, on May 12, 2015, for the urbanized areas overlapping the planning areas of those two MPOs.

Article 5 - Metropolitan Planning and Supporting Agreements

The BRTB and the MDOT shall periodically evaluate this and supporting Agreements and cooperatively determine the mutual responsibilities in carrying out the metropolitan transportation planning process and the specific provisions as required by 23 CFR 450 Subpart C.

The BRTB and MDOT, in cooperation with the State and providers of public transportation, periodically evaluate this Agreement and supporting agreements supporting the performance-driven, outcome-based long-range metropolitan transportation plan and the Transportation Improvement Program (TIP), and development of the annual listing of obligated projects, as described in Article 6 – Development and Content of the Metropolitan Transportation Plan, Article 7 - Development and Content of the Transportation Improvement Program, and Article 10 – Annual Listing of Projects with Federal Funding Obligations of this Agreement, respectively.

As permitted under 23 CFR 450.314(h)(2)(ii) the BRTB, MDOT and providers of public transportation, and, when applicable, operators of public transportation and local jurisdictions, will jointly document, in the form of Letter(s) of Agreement (LOA), roles and responsibilities for the cooperative development and sharing of 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 Baltimore region, and the collection of data for the State's asset management plans for the National Highway System. Outside of this Agreement, the LOA's, executed among the BRTB, MDOT and providers of public transportation, and, where applicable, operators of public transportation and local jurisdictions, will address participation in the metropolitan

planning process in general and include performance management provisions for required areas of Highway Safety, Highway Pavement and Bridge Condition, System Performance, Transit Safety, and Transit Asset Management.

The BRTB may enter into related written agreements, memoranda and instruments between MDOT, public transportation providers and other MPOs as needed to clearly identify and align requirements, boundaries, roles, responsibilities and duties to meet general and specific requirements and carry out its role as MPO and Transportation Management Association (TMA). These other related written agreements, memoranda and instruments shall be established as needed and be periodically reviewed and will address the following topics and issues:

- Metropolitan planning area boundaries and swaps;
- Managing the congestion management process;
- Undertaking project selection;
- Defining planning and project funding levels;
- Cooperatively developing and sharing information related to transportation performance data, the selection and reporting of performance targets, and the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the Baltimore region (see § 450.306(d));
- The collection of data for State asset management plans for the NHS as applicable;
- Defining and describing the respective roles and responsibilities for air quality related transportation planning enabled under the 1990 Clean Air Act Amendments, signed into law on November 15, 1990;
- Preparation of any coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, will be coordinated and consistent with the MPO's metropolitan transportation planning process; and
- Regional ITS Architecture.

Article 6 - Metropolitan Transportation Plan

The BRTB shall undertake a metropolitan transportation planning process that is performance-driven and outcome-based and includes the development of a metropolitan transportation plan at least every four years addressing no less than a 20-year planning horizon as of the effective date and includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.306. The BRTB may revise the transportation plan at any time. The BRTB shall approve this plan and submit it for informational purposes to MDOT and make copies of updated and/or revised transportation plans available to the FHWA and FTA.

When updating the performance-based long-range metropolitan transportation plan, the BRTB shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, economic activity, and environmental concerns. The BRTB shall approve the performance-based long-range metropolitan transportation plan (Plan) contents and supporting analyses produced for any update to the long-range Plan.

As part of the quadrennial update to the Plan, the BRTB, MDOT and providers of public transportation will cooperatively develop, share, review, and adopt estimates of revenues and costs required for the financial plan that demonstrate fiscal constraint for the Plan as specified in 23 CFR 450.324(f)(11).

The BRTB and the MDOT acknowledge that the effective date of the transportation plan is the date of a conformity determination issued by the FHWA and FTA. The BRTB, MDOT and MDE shall continue to coordinate in the development of the metropolitan transportation plan with the process for developing transportation control measures (TCMs) in a State Implementation Plan (SIP) as described in the Interagency Consultation Procedures.

The BRTB will make a conformity determination on the metropolitan transportation plan, in accordance with the Clean Air Act requirements and the United States Environmental Protection Agency's (EPAs) transportation conformity regulations 40 CFR part 93, subpart A and the Air Quality Conformity process and Agreement.

The BRTB shall provide all interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under 23 CFR 450.316(a) and publish or otherwise make readily available the metropolitan transportation plan for public review in print and electronically accessible formats and means.

Article 7 - Transportation Improvement Program

The BRTB will develop a Transportation Improvement Program (TIP) for the Baltimore region that reflects the investment priorities established in the current long-range metropolitan transportation plan and shall cover a period of no less than four years as specified in 23 CFR 450.324.

The TIP will be updated at least every four years and be approved by the BRTB and State for their approval and inclusion in their State Transportation Improvement Program (STIP). Copies of any updates or revisions will be provided to the FHWA and FTA.

The BRTB will make a conformity determination on the Transportation Improvement Program and any major updates or amendments, in accordance with the Clean Air Act requirements and the United States Environmental Protection Agency's (EPAs) transportation conformity regulations 40 CFR part 93, subpart A and the Air Quality Conformity process and Agreement.

The BRTB will provide all interested parties with a reasonable opportunity to comment on the proposed Transportation Improvement Program as per the Plan developed in keeping with Article 8 of this Agreement.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets. A description of how the investments make progress toward achievement of the targets in the Plan shall be included. The Transportation Improvement Program will include, at minimum, the elements listed under 23 CFR 450.324 (e) through (h).

The BRTB, MDOT and providers of public transportation, 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 TIP as

specified in 23 CFR 450.324 (h) through (l).

The obligation of projects from the TIP by the BRTB, MDOT and providers of public transportation will be done as specified in Article 10 herein and in 23 CFR 450.332.

The TIP is amended or modified on a frequent basis, through staff approvals, BRTB Executive Committee actions, and large-scale amendments brought to the BRTB for adoption. TIP amendments and administrative modifications will be consistent with the established Transportation Improvement Program development procedures, the Public Participation Plan, and federal requirements as adopted by the BRTB and as specified in 23 CFR 450.326.

The BRTB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 above, to meet the requirements of the TIP for the Baltimore region as specified in 23 CFR 450.324. The BRTB coordinates with numerous planning processes at the local and state levels to help determine the content of the program. The BRTB is guided by its own vision and priorities that, in turn, reflect federal policy guidance.

Article 8 - Stakeholder Participation and Consultation

The BRTB has adopted, and will maintain and use, a Public Participation Plan that outlines roles and responsibilities and provides citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the metropolitan 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 MDOT's public involvement and consultation processes.

Article 9 - Transportation Planning Studies, Programmatic Mitigation Plans and Project Development Process Under the National Environmental Policy Act

The BRTB and its members may, from time to time, undertake a multimodal, systems-level planning or subarea planning study as part of the metropolitan transportation planning process and as specified in 23 CFR 450.318.

The BRTB and MDOT agree to coordinate and consult by sharing the scope of work or other project information regarding the study, upon request, and by inviting participation in steering committees, technical committees, management committees, or similar bodies organized for the purpose of managing the study. 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 (NEPA).

The BRTB and MDOT agree to coordinate and consult on completing the application and execution of any applicable Federal and other transportation grants of potential mutual benefit to the Baltimore region.

The BRTB and MDOT will monitor the implementation of various studies or other elements of the metropolitan transportation plan.

MDOT agrees to share project information and implementation updates, to invite participation in project monitoring forums, and to generally coordinate with the BRTB on project monitoring tasks. The results or decisions 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.

The BRTB and its members may also, from time to time, develop programmatic mitigation plans as part of the metropolitan transportation planning process to address the potential environmental impacts of future transportation projects as specified in 23 CFR 450.320 – Congestion management process in transportation management areas.

The BRTB, in consultation with MDOT, FHWA and/or FTA and other Federal, State and local agency or agencies with jurisdiction and special expertise over the resources being addressed in the plan, will determine the scope and content of such plan(s) and may integrate these programmatic mitigation plan(s) with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, State Wildlife Action Plans, and land use plans for the Baltimore region.

The BRTB shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy of new and existing transportation facilities as defined in Article 6 herein and 23 CFR 450.322.

Article 10 - Annual Listing of Obligated Projects

Annually, and no later than 90 calendar days following the end of the State's fiscal year, the BRTB and MDOT shall cooperatively develop an obligated project listing. This list shall include all federally-funded projects authorized or revised to increase obligations in the preceding program year, and shall at a minimum include the TIP information as specified in Article 7 herein and under 23 CFR 450.324 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 for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year.

Article 11 - Performance-Based Planning

The BRTB and MDOT shall use a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. 150(b) and establish performance targets that address the performance measures or standards established under 23 CFR part 490 (where applicable), 49 U.S.C. 5326, and 49 U.S.C. 5329(d) to use in tracking progress toward attainment of critical outcomes for the Baltimore region and the State.

The BRTB shall integrate performance based planning and programming in its processes and document these responsibilities in the separate Performance Based Planning Agreement as described in Article 5 above.

The selection of targets that address performance measures described in 23 U.S.C. 150(c) shall be in accordance with the appropriate target setting framework established in 23 CFR part 490, and shall be coordinated with MDOT.

Further, 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, with providers of public transportation in the Baltimore region to ensure consistency with the performance targets that providers of public transportation must establish.

The BRTB and MDOT agree that measures and targets established shall be used, at a minimum, by the BRTB and MDOT as the basis for development of policies, programs, and investment priorities reflected in the metropolitan transportation plan and TIP.

The BRTB and MDOT shall cooperatively develop and share all 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 Baltimore region, and the collection of data for the State Asset Management Plans for the National Highway System. Details on how and when data is to be cooperatively developed, managed, shared and reported will be described in a related but separate agreement, letter or memoranda of understanding as described in Article 5 above.

Article 12 – Self-Certifications and Federal Certifications

Concurrent with the submittal of the entire proposed TIP, the BRTB and MDOT shall certify that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements including:

1. 23 U.S.C. 134, 49 U.S.C. 5303, and 23 CFR 450.336; and
2. In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93; and
3. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
4. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity; and
5. Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in United States Department of Transportation (DOT) funded projects; and
6. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts; and
7. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38; and
8. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance; and
9. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

NOW, THEREFORE, the PARTIES hereto agree that the above writing constitutes the entire agreement between them concerning this matter and that there are no understandings, promises or arrangements binding either part hereto that have not been written herein. The PARTIES further agree that this Agreement can be amended only by written agreement signed by the PARTIES hereto.

IN WITNESS WHEREOF, the PARTIES hereto have caused this Agreement to be executed by a duly authorized representative by their hands and seals, intending to be so bound, as of the day and year above written.



R. Earl Lewis, Jr.
Deputy Secretary
Maryland Department of Transportation



Witness



Lynda D. Eisenberg,
Chairman
Baltimore Regional Transportation Board



Witness

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Kenneth Hulsey, Assistant Attorney General
Maryland Department of Transportation



Brian R. Shepter
General Counsel
Baltimore Metropolitan Council