



U.S. Department
of Transportation

Madison Area Transportation Planning Board Planning Certification Review

Federal Highway
Administration

Federal Transit
Administration

Madison Urbanized Area



August, 2017

Summary Report





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1.0 EXECUTIVE SUMMARY

On August 1-3, 2017, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted a certification review of the transportation planning process for the Madison Area Transportation Planning Board's (MPO) planning area. FHWA and FTA are required to jointly review and evaluate the transportation planning process for each urbanized area over 200,000 in population at least every four years to determine if the process meets the Federal planning requirements.

Certification is based on routine FHWA and FTA interaction in day-to-day MPO operations, participation in planning studies and the development of required planning products, periodic meetings with staff, topical review activities, and a detailed quadrennial review of the overall transportation planning process. Specific review activities conducted as the basis for this determination relative to the MPO included a desk review of the MPO's planning products and processes conducted in April-July of 2017, a field review meeting with staff from the MPO, WisDOT, and Metro Transit on August 1-3, 2017, a public comment period from July 14, 2017 to August 18, 2017, and a public meeting on the evening of August 3, 2017.

1.1 Previous Findings and Disposition

The last certification review for the MPO was conducted in July 2013. The previous Certification Review findings and their disposition are provided in Appendix B and summarized as follows.

Finding	Action	Corrective Actions/ Recommendations	Disposition
MPO's Policy Board does not include officials that operate public transportation. 23 CFR 310(d)	Recommendation	MPO should update representation on the Policy Board to include representation from public transportation provider.	In July 2014, the Policy Board acted to designate that one of the current City of Madison appointments must be a representative of Metro Transit.



Finding	Action	Corrective Actions/ Recommendations	Disposition
The MPO, the State, and the providers of public transportation should periodically review and update the agreements, as appropriate, to reflect effective changes. 23 CFR 450.314(b)	Recommendation	WisDOT, the MPOs and FHWA-FTA should agree on a basic review and update cycle for the MPO cooperative agreements	A standard template for Wisconsin MPO 3-party agreements was updated in 2016 to incorporate changes in federal requirements and needed changes in MPO, WisDOT, or Metro Transit roles and responsibilities. A new cooperative agreement was completed by the parties in July 2017.
Development and content of the transportation improvement program (TIP) 23 CFR 326(g)	Recommendation	Consider providing a brief description of the various funding categories coming to the Region and the role of WisDOT and the MPO in programming and project selection.	The MPO will add a brief description of the various funding categories and the role of WisDOT and the MPO in programming and project selection in its next TIP update in 2018.
The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicitly the process for periodically reviewing the effectiveness of the procedures and strategies contained in the plan to ensure a full and open participation process. 23 CFR 450.316(a)(1)(x)	Recommendation	Complete an evaluation of public involvement techniques and update Public Participation plan.	The MPO completed an evaluation of public involvement techniques by the end of 2013. An update of the MPO Public Participation Plan was completed in 2015. In July 2017, the MPO also completed an extensive evaluation of public involvement efforts associated with its most recent transportation plan update (See public involvement discussion).



Finding	Action	Corrective Actions/ Recommendations	Disposition
<p>MPO shall demonstrate that metropolitan planning process is carried out in accordance with all applicable requirements including Title VI of the Civil Rights Act and related laws.</p> <p>23 CFR 450.316(1)(vii) 23 CFR 450.336</p>	<p>Recommendation</p>	<p>If the MPO operates under the City of Madison Title VI Plan, provide a link from the MPO website to the City Title VI Plan.</p>	<p>In 2014 WisDOT issued guidance for development of federal sub-recipient Title VI Plans. The Madison MPO developed a Title VI/Non-Discrimination Plan separate from the City's plan. The MPO Title VI plan is posted on the MPO website and linked from the UPWP. An updated Title VI Plan was developed and approved in December 2017.</p>
<p>The congestion management process shall include identification of an implementation schedule and evaluate the efficiency and effectiveness of implemented actions.</p> <p>23 CFR 450.322(d)</p>	<p>Recommendation</p>	<p>Establish a mechanism to track implementation of recommended CMP strategies; quantify the field performance of the strategy; and strengthen link of CMP to project selection.</p>	<p>The MPO will use NPMRDS data to evaluate the field performance of CMP strategies/projects. The MPO is still working to strengthen the link between the CMP and project selection.</p>
<p>In developing metropolitan plans and TIPS, MPOs should consult with agencies and officials responsible for freight movements.</p> <p>23 CFR 450.316(a) & (b)</p>	<p>Recommendation</p>	<p>The MPO should consult with WisDOT to make use of the contacts and information WisDOT has established with the freight and business communities for use in the MPO planning processes.</p>	<p>WisDOT has provided the MPO a list of Dane County freight contacts it has used in developing its statewide freight plan.</p>



1.2 Summary of Current Findings

The current review found that the metropolitan transportation planning process conducted in the MPO’s planning area substantially meets Federal planning requirements.

As a result of this review, FHWA and FTA are certifying the transportation planning process conducted by the Wisconsin Department of Transportation (WisDOT), the Madison Area Transportation Planning Board (MPO) and Metro Transit. There are no findings requiring corrective actions. This report does include recommendations that warrant close attention and follow-up, as well as areas that the MPO is performing very well and is to be commended.

Review Area	Action	Corrective Actions/ Recommendations/ Commendations
Metropolitan Transportation Plan 23 U.S.C. 134(c),(h)&(i) 23 CFR 450.324	Recommendation	If possible, in the future consider aligning and integrating CARPC’s land use scenario planning effort with the MPO’s transportation plan update.
MPO Structure and Agreements 23 U.S.C. 134(d) 23 CFR 450.314(a)	Recommendation	There was interest expressed during the review in the roles and responsibilities between the MPO and its fiscal agent, the City of Madison, being clarified and possibly modified. FHWA provided a sample governance agreement and organizational structure for consideration (Appendix E).
Unified Planning Work Program 23 CFR 450.308	Recommendation	The MPO should continue efforts to ensure timely delivery of UPWP activities.
Transit Planning 49 U.S.C. 5303 23 U.S.C. 134 23 CFR 450.314	None	
Transportation Improvement Program 23 U.S.C. 134(c)(h) & (j) 23 CFR 450.326	None	
Public Participation 23 U.S.C. 134(i)(6) 23 CFR 450.316 & 450.326(b)	Commendation	The Federal Review Team commends the MPO on the depth and quality of its RTP 2050 public participation evaluation.



Review Area	Action	Corrective Actions/ Recommendations/ Commendations
Civil Rights Title VI Civil Rights Act, 23 U.S.C. 324, Age Discrimination Act, Sec. 504 Rehabilitation Act, Americans with Disabilities Act	Recommendation	Recommend coordinating with Metro Transit’s public outreach efforts to reach under-served populations. Continue evaluating and experimenting with different techniques to reach these populations.
Consultation and Coordination 23 U.S.C. 134(g) & (i) 23 CFR 450.316, 23 CFR 450.324(g)	None	
Transportation Performance Measures 23 CFR 490 23 CFR 450	Commendation	The Federal Review Team commends the MPO for the comprehensive nature and accessible, easy to read format of its Performance Measures Report (July 2016).
Freight 23 U.S.C. 134(h) 23 CFR 450.306	None	
Environmental Mitigation/Planning Environmental Linkage 23 U.S.C. 134(i)(2)(D) 23 CFR 450.324(f)(10) 23 U.S.C. 168 Appx. A 23 CFR Part 450	None	
Transportation Safety 23 U.S.C. 134(h)(1)(B) 23 CFR 450.306(a)(2) 23 CFR 450.306(d) 23 CFR 450.324(h)	None	
Transportation Security Planning 23 U.S.C. 134(h)(1)(C) 23 CFR 450.306(a)(3) 23 CFR 450.306(d) 23 CFR 450.324(h)	None	



Review Area	Action	Corrective Actions/ Recommendations/ Commendations
Nonmotorized Planning/Livability 23 U.S.C. 134(h) 23 U.S.C. 217(g) 23 CFR 450.306 23 CFR 450.324(f)(2)	Commendation	The Federal Review team commends the MPO and its partners for its established, aggressive efforts to promote walking and bicycling in the region.
Integration of Land Use and Transportation 23 U.S.C. 134(g)(3) 23 U.S.C. 134 (h)(1)(E) 23 CFR 450.306(a)(5)	None	
Travel Demand Forecasting 23 CFR 450.324(f)(1)	None	
Resilience 23 CFR 450.300 23 CFR 450.306(b) 23 CFR 450.324(f)(7)	Recommendation	To facilitate the development of strategies to reduce vulnerability of existing and planned investments to climate change, recommend MPO consider utilization of FHWA’s INVEST (I nfrastructure V oluntary E valuation S ustainability T ool), which is a web-based self-evaluation tool comprised of voluntary sustainability best practices. Conducting a vulnerability assessment is another option that the MPO may consider.
Congestion Management Process / Management and Operations 23 U.S.C. 134(k)(3) 23 CFR 450.322	Recommendation	Continue efforts to improve monitoring and evaluation of implemented CMP strategies and integrate the results with the TIP development process. Consider incorporating freight bottlenecks in future update of CMP.

Details of the certification findings for each of the above items are contained in this report.



2.0 INTRODUCTION

2.1 Background

Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning process in Transportation Management Areas (TMAs) at least every four years. A TMA is an urbanized area, as defined by the U.S. Census Bureau, with a population of over 200,000. After the 2010 Census, the Secretary of Transportation designated 183 TMAs – 179 urbanized areas over 200,000 in population plus four urbanized areas that received special designation. In general, the reviews consist of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a Certification Review Report that summarizes the review and offers findings. The reviews focus on compliance with Federal regulations, challenges, successes, and the cooperative relationship between the MPO(s), the State DOT(s), and public transportation operator(s) in the conduct of the metropolitan transportation planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect regional issues and needs. Consequently, the scope and depth of the Certification Review reports will vary significantly.

The Certification Review process is only one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities provide opportunities for this type of review and comment, including Unified Planning Work Program (UPWP) approval, the Regional Transportation Plan (RTP), metropolitan and statewide Transportation Improvement Program (TIP) findings, air-quality (AQ) conformity determinations (in nonattainment and maintenance areas), as well as a range of other formal and less formal contacts that provide both FHWA/FTA an opportunity to comment on the planning process. The results of these other processes are considered in the Certification Review process.

While the Certification Review report itself may not fully document those many intermediate and ongoing checkpoints, the “findings” of Certification Review are, in fact, based upon the cumulative findings of the entire review effort.

The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare Certification Reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices, and their content will vary to reflect the planning process reviewed.



2.2 Purpose and Objective

Since the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the FHWA and FTA are required to jointly review and evaluate the transportation planning process in all urbanized areas over 200,000 population to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 40 U.S.C. 5303, and 23 CFR 450. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), extended the minimum allowable frequency of certification reviews to at least every four years.

The Madison Area Transportation Planning Board (MATPB) is the designated MPO for the Madison urbanized area. The Wisconsin Department of Transportation (WisDOT) is the responsible State agency and Metro Transit is the responsible public transportation operator. Current membership of the MPO consists of elected officials, the County Public Works & Transportation Department Director, Metro Transit General Manager, a local Planning Department Director, and a citizen that serves on a local transportation commission. The study area includes most of Dane County, with the City of Madison as the largest population center.

Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in such areas. The certification review is also an opportunity to provide assistance on new programs and to enhance the ability of the metropolitan transportation planning process to provide decision makers with the knowledge they need to make well-informed capital and operating investment decisions.

3.0 SCOPE AND METHODOLOGY

3.1 Review Process

The last certification review was conducted in July 2013. A summary of the status of findings from the last review is provided in Appendix B. This report details the August 1-3, 2017 review, which consisted of a formal site visit and a public involvement opportunity.

Participants in the review included representatives of FHWA, FTA, WisDOT, Metro Transit and MPO staff. A full list of participants is included in Appendix A.

A desk audit of current documents and correspondence was completed prior to the site visit. In addition to the formal review, routine oversight mechanisms provide a major source of information upon which to base the certification findings.



The certification review covers the transportation planning process conducted cooperatively by the MPO, State, and public transportation operators. Background information, current status, key findings, and recommendations are summarized in the body of the report for the following subject areas selected by FHWA and FTA staff for on-site review:

- MPO Structure and Agreements
- Unified Planning Work Program
- Regional Transportation Plan (RTP)
- Transit Planning
- Transportation Improvement Program (TIP)
- Public Participation
- Civil Rights (Title VI, EJ, LEP, ADA)
- Consultation and Coordination
- Freight Planning
- Environmental Mitigation/Planning Environmental Linkage
- Transportation Safety
- Transportation Security Planning
- Nonmotorized Planning/Livability
- Integration of Land Use and Transportation
- Travel Demand Forecasting
- Congestion Management Process / Management and Operations
- System Performance Management

3.2 Documents Reviewed

The following MPO documents were evaluated as part of this planning process review:

- Cooperative Agreement for Continuing Transportation Planning for the Madison, Wisconsin Metropolitan Area between State of Wisconsin, Department of Transportation, the Madison Area Transportation Planning Board and City of Madison (for the Metro Transit System (Transit Operator)) (2017).
- FY 2017 Unified Planning Work Program for the Madison Area Transportation Planning Board.
- Regional Transportation Plan 2050 (2017)
- 2017-2021 Transportation Improvement Plan



- City of Madison's *Madison in Motion* Transportation Plan (2016)
- MATPB Performance Measures Report (July 2016)
- Bicycle Transportation Plan for the Madison Metropolitan Area and Dane County (2015)
- Congestion Management Process for the Madison Metropolitan Planning Area (2011)
- Regional ITS Strategic Plan for the Madison Metropolitan Area (2016)
- MATPB Rules and Operating Procedures
- MATBP Public Participation Plan (2015)
- MATPB Public Participation Evaluation (2017)
- Memorandum of Understanding between WisDOT's Traffic Forecasting Section, WisDOT Southwest Region Planning and MATPB (2015)
- Transit Development Plan for the Madison Urban Area 2013-2017 (2013)
- Madison Transit Corridor Study, Investigating Bus Rapid Transit in the Madison Area (2013)

4.0 PROGRAM REVIEW

4.1 MPO Structure and Agreements

4.1.1 Regulatory Basis

23 U.S.C. 134(d) and 23 CFR 450.314(a) state the MPO, the State, and the public transportation operator shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State, and the public transportation operator serving the MPA.

4.1.2 Current Status

Madison Area Transportation Planning Board

Year Founded: The Dane County Regional Planning Commission (DCRPC) was designated as the first MPO for the Madison urbanized area in 1973. In 1999, the City of Madison advanced redesignation of the MPO anticipating dissolution of the DCRPC. The DCRPC was ultimately dissolved in 2002. The MPO was redesignated on November 29, 1999 as the Madison Area Metropolitan Planning Organization with staff provided by the City of Madison and the city serving as the MPO's fiscal and administrative agent. The redesignation



agreement between the Governor and the Mayor of Madison outlined the composition of the eleven member MPO Policy Board, including appointing authorities. A 2005 federal planning certification review found the composition of the policy board as implemented to be inconsistent with federal metropolitan transportation planning requirements. The Madison Area MPO was renamed the Madison Area Transportation Planning Board (MATPB) and redesignated as the MPO in 2007 in compliance with federal requirements. The composition of the board was changed, adding two suburban city/village representatives and one City of Madison representative. In July 2014, the Policy Board acted through an amendment to its Operating Rules and Procedures to designate that one of the current City of Madison appointments must be a representative of Metro Transit.

Organizational Type/Status: City-based.

Member Jurisdictions and Number Represented: The Madison Metropolitan Planning Area covers approximately 446 square miles in central Dane County. The population within the planning area is 435,430 as of the 2010 Census and includes seven cities, nine villages, and all or part of 18 towns. The Madison Area Transportation Planning Board is governed by a 14-member Policy Board appointed by the local units of government within the Metropolitan Planning Area, Dane County, and Wisconsin Department of Transportation. The City of Madison has six representatives including a Metro Transit representative, Dane County has three representatives, small cities and villages have three representatives, towns have one representative and WisDOT has one representative.

Major Transit Operators: City of Madison's Metro Transit.

4.1.3 Findings

In July 2014, the MPO Policy Board acted to designate that one of the current City of Madison appointments must be a representative of Metro Transit. The change is incorporated in the MPO operating rules procedures. The structure of the Madison MPO policy board is consistent with requirements in the 2016 federal transportation planning rule, including the requirement for specific representation of the public transportation provider.

A standard template for Wisconsin MPO three-party agreements was updated in 2016 to incorporate changes in federal requirements and needed changes in MPO, WisDOT, or Metro Transit roles and responsibilities. A new agreement was executed by the respective parties in 2017.

The MPO and the Capital Area Regional Planning Commission (CARPC) have formed a Joint Coordination Workgroup to explore opportunities for closer coordination. CARPC was



created by Executive Order of the Governor (following adoption of supporting local government resolutions) as the new RPC for Dane County in 2007.

Recommendation:

There was interest expressed during the review in the roles and responsibilities between the MPO and its fiscal and administrative agent, the City of Madison, being clarified and possibly modified. FHWA provided a sample governance agreement and organizational structure for consideration (Appendix E). In addition, below is a link to a FHWA study of MPO staffing and administrative capacity that may be a useful resource.¹

4.2 Unified Planning Work Program

4.2.1 Regulatory Basis

23 CFR 450.308 sets the requirement that planning activities performed under Titles 23 and 49 U.S.C. be documented in a Unified Planning Work Program (UPWP). The MPO, in cooperation with the State and public transportation operator, shall develop a UPWP that includes a discussion of the planning priorities facing the MPA and the work proposed for the next one- or two-year period by major activity and task in sufficient detail to indicate the agency that will perform the work, the schedule for completing the work, the resulting products, the proposed funding, and sources of funds.

4.2.2 Current Status

Annual Budget: \$1,060,002 (2017)

Major Initiatives: The major priorities for 2017 were to complete the major update to the Regional Transportation Plan and to undertake pre-project development planning for Bus Rapid Transit (BRT) in Madison. Other priorities included working with WisDOT to set

¹ https://www.planning.dot.gov/documents/Staffing_Administrative_Capacity_MPOs.pdf



safety performance targets per federal requirements, and implementation of the Congestion Management Process and the Regional Intelligent Transportation Systems (ITS) Strategic Plan. Other activities included completion by City of Madison Planning staff of a TIGER planning grant project to develop the Urban Footprints scenario planning tool and undertake BRT station area planning and WisDOT's work on major roadway corridor Environmental Impact Statement (EIS) studies, including the Beltline study. The MPO is also working with CARPC to coordinate regional land use and transportation planning and assist CARPC with its regional visioning process.

4.2.3 Findings

The Madison MPO UPWP is developed through the MPO technical and policy committees and includes discussions with Metro Transit and WisDOT on planning activities. Development and implementation of the work program is reviewed by WisDOT, FTA and FHWA during annual work program development meetings and midyear MPO reviews. The Madison MPO UPWP provides information needed to support federal eligibility and costs and is consistent with federal requirements. Timely completion of UPWP activities has been a concern in the past.

4.2.4 Recommendation

The MPO should continue efforts to ensure timely delivery of UPWP activities.

4.3 Metropolitan Transportation Plan

4.3.1 Regulatory Basis

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20-year planning horizon and that it includes both long and short range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.



23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends.

Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A financial plan

4.3.2 Current Status

The *2050 Regional Transportation Plan Update* was adopted in April 2017.

4.3.3 Findings

The plan addresses all the planning areas required under the planning regulations. The plan is based on updated Capital Area Regional Planning Commission's land use information and household, population, and employment forecasts by urban service area and incorporates elements of an updated regional bicycle plan and local multi-modal planning efforts, including the City of Madison's *Madison in Motion* Transportation Master Plan and the MPO led Madison Transit Corridor – Investigating Bus Rapid Transit Study. The plan update process incorporated significant updates to the regional travel demand model, including transit assignment in mode choice and travel speed calibration.

At the time of the plan's development, there was a great deal of budgetary uncertainty at the State level that made determining fiscal constraint challenging. The MPO prudently took a



conservative approach in estimating available funding to the region. The MPO used available data and trend analysis to develop estimates.

Recommendations

In the future, consider aligning and integrating CARPC's land use scenario planning effort with the MPO's transportation plan update.

4.4 Transit Planning

4.4.1 Regulatory Basis

49 U.S.C. 5303 and 23 U.S.C. 134 require the transportation planning process in metropolitan areas to consider all modes of travel in the development of their plans and programs. Federal regulations cited in 23 CFR 450.314 state that the MPO in cooperation with the State and operators of publicly owned transit services shall be responsible for carrying out the transportation planning process.

4.4.2 Current Status

The City of Madison's Metro Transit is the major public transportation provider in the region and provides public transit and paratransit in Madison, Middleton, Fitchburg, Verona and the Town of Madison. The City of Monona provides peak-period commuter service (Monona Express) that makes four loops each morning and each afternoon to downtown Madison, the UW campus, and the UW, VA, Meriter and St. Mary's hospitals, and midday specialized transportation for seniors and people with disabilities. The City of Sun Prairie provides connection service to and from East Towne Mall and shared-ride taxi service. The City of Stoughton also has publicly subsidized shared-ride taxi service.

The Transit Development Plan (TDP) is a short to medium-range strategic plan intended to identify transit needs and proposed improvements for a five-year planning horizon. The Madison Area Transportation Planning Board is responsible for developing and maintaining the TDP with assistance and cooperation from Metro Transit and other transit providers. The 2013-2017 Transit Development Plan for the Madison Urban Area was adopted in Spring 2013.



4.4.3 Findings

RTP 2050, Chapter 5, discusses inter-regional travel and the immediate need for an inter-city transit hub. City of Madison is currently studying the creation of an intercity bus terminal in conjunction with the reconstruction of the its Lake Street parking ramp adjacent to the UW campus. The MPO will provide staff assistance as needed to City of Madison.

A Bus Rapid Transit (BRT) feasibility study was completed in 2013. The BRT study was coordinated with a transit-oriented development (TOD) market study that CARPC undertook, which focused in large part on the transit corridors identified for BRT. The MPO, Metro Transit, and City of Madison Planning staff will begin work in 2018 with a consultant to implement the next phase of the BRT study to select a locally preferred alternative (LPA). The study will identify the details of the initial project in the east-west corridor, including project limits, station locations, and transit priority treatments, develop an initial cost estimate, and include an analysis of traffic impacts. Following completion of the study, an application will be submitted to the FTA to enter into Project Development phase of the Capital Investment Grants Program (CIG). The Urban Footprint tool will be used by City of Madison staff to conduct BRT station area analysis.

Metro Transit collects passenger boarding and on-time performance for use in transit service planning and Title VI compliance. The MPO will work Metro Transit staff on a minor update to the Transit Development Plan in 2018. The effort will include an analysis of recent ridership losses and potential solutions.

In cooperation with Metro Transit, the MPO will also conduct a bus stop improvement study in 2018 to inventory existing bus stop conditions, develop policies and criteria for prioritizing stop improvements, and based on that make recommendations for prioritizing investments to address ADA accessibility and add amenities.

4.5 Transportation Improvement Program

4.5.1 Regulatory Basis

23 U.S.C. 134(c),(h) & (j) set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP). Under 23 CFR 450.326, the TIP must meet the following requirements:

- Must cover at least a four-year horizon and be updated at least every four years.



- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

4.5.2 Current Status

At the time of the review, the effective MPO TIP covered 2017-2021. The MATPB updates the 5-year TIP annually.

4.5.3 Findings

The TIP has been updated annually to maintain a five-year listing of transportation improvement projects. Projects are grouped by mode and function. Project scoring criteria for the Transportation Alternatives Program (TAP) were developed in 2014. In addition, a comprehensive update to the MPO's Surface Transportation Block Grant (STBG, formerly STP) – Urban program policies and project scoring criteria was completed in 2015. These changes were made to better align the criteria with the MPO's goals and policy objectives in the RTP. The new criteria include a framework with consistent scoring categories but separate specific criteria for roadway, transit capital, transit vehicle purchase, pedestrian/bicycle, and ITS projects. The ultimate mix of projects is based on the MPO's STBG-Urban Program objectives which includes using performance-based standards where feasible. The STBG-Urban Program project selection process is well documented in the TIP.

4.6 Public Participation

4.6.1 Regulatory Basis

Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures



and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and periodically reviewing the effectiveness of the participation plan.

4.6.2 Current Status

The current Madison MPO Public Participation Plan (PPP) is dated 2015.

The MPO has a Citizen Advisory Committee that is scheduled to meet every two months. Committee membership includes representatives from advocacy groups, neighborhood associations, local officials, and other members of the public.

The MPO actively maintains a website as the primary mode of disseminating public information: <http://www.madisonareampo.org/>. The MPO also has a Facebook page and regularly posts articles of interest and information on MPO activities.

4.6.3 Findings

The MPO's PPP contains both quantitative and qualitative measures to assess the effectiveness of its public involvement efforts. The MPO recently completed an evaluation of its public involvement efforts associated with the recent update of the regional transportation plan in April 2017, which provided an in-depth discussion of what worked and what did not work². The report included a matrix of public involvement techniques utilized, PPP goals, stakeholders and evaluated effectiveness. Overall, the report concluded that the public involvement effort for the RTP update was robust and cited an interactive public participation website; an RTP advisory committee made up of local elected officials and community leaders (but acknowledged that

² http://www.madisonareampo.org/planning/documents/ppe_2017.pdf



minority representation was lacking due to some ceasing participation); and a community values and priorities survey. Convenience was cited as the biggest predictor of effectiveness.

The report also cited a broad range of potential improvements, including the potential need for branding and perhaps a name change; more effective use of its Technical Coordinating Committee to disseminate information to their respective communities; even greater use of social media to inform the public of the MPO's role and how they can get involved; and continued efforts to make the MPO's Citizen Advisory Committee geographically and demographically diverse.

During the public meeting for the certification review, increased engagement of Metro Transit users and more accessible locations and meeting times were cited as needs.

Commendation:

The Federal Review Team commends the MPO on the depth and quality of its RTP 2050 public participation evaluation.

Recommendations:

See Section 4.7.3 recommendations.

4.7 Civil Rights (Title VI, EJ, LEP, ADA)

4.7.1 Regulatory Basis

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 U.S.C. 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." In addition to Title VI, there are other nondiscrimination statutes that afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324), Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990. ADA specifies that programs and activities funded with Federal dollars are prohibited from discrimination based on disability.



Executive Order #12898 (Environmental Justice) directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in minority and low-income populations. The planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households, be sought out and considered.

Executive Order # 13166 (Limited-English-Proficiency (LEP)) requires agencies to ensure that limited-English proficiency persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency.

4.7.2 Current Status

According to the 2010 U.S. Census data, the minority population within the MATPB Planning Area is just over 72,000 or around 17% of the total population of 435,430. African Americans account for around 6% of this total and Asians account for another 5%. The Hispanic or Latino population is just over 27,000 or around 6%. 18% of the region’s population is low-income (defined by the MPO as income less than 150% of the federal poverty level) and 10% of households are autoless.

The MPO has a Title VI Non-Discrimination Program/Limited English Proficiency Plan that was adopted in 2017³ which contains its Title VI and Environmental Justice (EJ) policies, procedures and strategies. The MPO’s Regional Transportation Plan 2050 includes a mostly qualitative analysis of its impact on EJ communities (See Appendix B). The MPO’s 2017-2021 TIP contains a qualitative analysis of its impact on EJ communities (Attachment D of TIP). The MPO’s Public Participation Plan (2015) has EJ and LEP considerations reflected in the Plan’s goals, strategies and subsequent criteria used to evaluate outreach efforts. Finally, the MPO’s annual performance measures report addresses impacts to EJ populations.

4.7.3 Findings

An analysis of access to medical facilities, retail centers, and grocery stores served by transit is included in the MPO’s Performance Measures Report (July 2016). The EJ analysis of the plan

³ <http://www.madisonareampo.org/about/documents/2017TitleVIPlan.pdf>



does highlight areas accessible by transit within 30 minutes of EJ neighborhoods as well as the areas accessible within 45 minutes of job centers.

MPO activities include outreach to the elderly community and its advocates, transit users, recruiting minorities to its Citizen Advisory Committee, use of minority-focus media such as Madison 365, and email notices and outreach to minority organizations such as Central Hispano of Dane County and the Urban League of Greater Madison.

The MPO's 2050 Regional Transportation Plan includes an EJ analysis⁴ that identifies the location and density of minority populations, low-income households and those households without access to an automobile. The means of transportation to work by race, ethnicity and poverty status was also analyzed. A qualitative analysis of the benefits and impacts of planned roadway and bicycle/pedestrian projects in relation to areas with concentrations of EJ populations found no significant adverse impacts or denial of benefits to EJ populations. A similar analysis was provided for public transit access and included the use of isochrone maps to approximate how far a person can travel using public transit within a 30-minute bus ride from selected EJ areas in the weekday morning peak and midday periods; areas accessible within a 45-minute bus ride from a major employment center in weekday afternoon peak and midday periods; and areas within a 15-minute bus ride from a full-service grocery store.

The MPO's 2017-2021 TIP project selection criteria for STPG-Urban projects includes scoring for positive EJ community impacts. In addition, the MPO conducts a qualitative transportation project analysis of the TIP, comparing the location of transit service provided and programmed projects in relationship to areas with concentrations of EJ populations. Transit service areas and programmed projects are shown in relationship to areas with concentrations of minority and low-income populations, and households with no vehicle available. Map areas highlighted have 1.5 to 3+ times the average percentage of these EJ populations within the MPO area.

Metro Transit monitors for equitable transit service (e.g. route frequencies) to EJ populations which are generally located on the periphery of its service area. In the area of public involvement, Metro Transit has bilingual staff and provides translations to populations with limited-English proficiency (LEP). While public involvement efforts have improved, additional steps to improve outreach to EJ communities are planned.

⁴ http://madisonareampo.org/planning/documents/RTP_2050_Appendix_B_FINAL.pdf



The MPO tracks the racial and ethnic makeup of the Madison Metropolitan Planning Area and the MPO Policy Board and its two main advisory committees, the Technical Coordinating Committee and the Citizen Advisory Committee. Based on the 2014 Title VI Plan summary, under-representation exists.

Recommendations:

Recommend coordinating with Metro Transit’s public outreach efforts to reach under-served populations. Continue evaluating and experimenting with different techniques to reach these populations.

4.8 Consultation and Coordination

4.8.1 Regulatory Basis

23 U.S.C. 134(g) & (i)(5)-(6) and 23 CFR 450.316(b-e) set forth requirements for consultation in developing the MTP and TIP. Consultation is also addressed specifically in connection with the MTP in 23 CFR 450.324(g)(1-2) and in 23 CFR 450.324(f)(10) related to environmental mitigation.

In developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies as described below:

- Agencies and officials responsible for other planning activities (State, local, economic development, environmental protection, airport operations, or freight)
- Other providers of transportation services
- Indian Tribal Government(s)
- Federal land management agencies



4.8.2 Current Status

The MPO's public participation plan and RTP 2050 address intergovernmental and interagency coordination and the 2017 UPWP reflects the MPO's coordination efforts.

4.8.3 Findings

The MPO is engaged to varying degrees with numerous local governments and agencies including the Capital Area Regional Planning Commission (CARPC), WisDOT central office and regional staff, the Wisconsin Department of Natural Resources, the City of Madison and other local jurisdictions. Garnering participation or feedback from resource agencies has been a challenge. MPO staff also participate in the development of major projects in the WisDOT Southwest region.

Local, county, UW-Madison, and WisDOT planners and engineers are represented on the MATPB's Technical Coordinating Committee (TCC). The MPO maintains a contact list of others who are on the TCC mail/e-mail list, which includes a Wisconsin Department of Natural Resources South Central District staff person. The MPO also maintains a contact list of chief elected local officials. The MPO's list of public agency staff includes state and federal agencies responsible for agricultural and natural resource conservation, environmental protection, historic preservation, safety/security operations, and Indian Tribal government staff

The MPO's UPWP has a work item identifying coordination with CARPC, including assistance in developing the Urban Footprint model and the subsequent scenario planning effort for Dane County.

4.9 Transportation Performance Measures

4.9.1 Regulatory Basis

Section 1203 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) mandated the development of performance measures to increase accountability and transparency of the Federal-aid highway program and improve project decision-making through performance-based planning and programming. 23 CFR 490 specifies the federal performance rules and their associated requirements. The planning regulation (23 CFR 450) also address requirements applicable to MPOs.



4.9.2 Current Status

The MPO has been tracking and reporting on its own performance measures since 2016, when its first annual Performance Measures Report was published⁵. The final safety performance measure rule was effective April 14, 2016 and the system performance measure rules were effective May 20, 2017. The first applicable deadline for MPOs is to establish their own safety targets, adopt WisDOT safety targets or adopt a combination thereof by February 27, 2018. MPO RTP or TIP updates on or after May 27, 2018 must be fully compliant with the safety performance measure requirements (May 20, 2019 for system performance measures and pavement/bridge measures).

The RTP needs to include:

- A description of the Federally required performance measures and targets used in assessing the performance of the transportation system. [23 CFR 450.324]
- A system performance report evaluating the condition and performance of the transportation system with respect to the performance targets [23 CFR 450.324]

The TIP needs to include (to the maximum extent practicable) a description of the anticipated effect of the TIP toward achieving the Federally required performance targets identified in the MTP, linking investment priorities to those performance targets. [23 CFR 450.326]

The FTA's transit asset management performance management requirements⁶ outlined in 49 USC 625 Subpart D are a minimum standard for transit operators. Providers with more data and sophisticated analysis expertise are allowed to add performance measures and utilize those advanced techniques in addition to the required national performance measures. The performance measures are as follows:

- **Rolling Stock:** The percentage of revenue vehicles (by type) that exceed the useful life benchmark (ULB).
- **Equipment:** The percentage of non-revenue service vehicles (by type) that exceed the ULB.

⁵ http://www.madisonareampo.org/planning/documents/performance_measures_report_final_raster.pdf

⁶ <https://www.transit.dot.gov/TAM/FTAOutreachMaterials/perfmsrFS>



- **Facilities:** The percentage of facilities (by group) that are rated less than 3.0 on the Transit Economic Requirements Model (TERM) Scale.
- **Infrastructure:** The percentage of track segments (by mode) that have performance restrictions. Track segments are measured to the nearest 0.01 of a mile.

MPOs must establish targets specific to the MPO planning area for the same performance measures for all public transit providers in the MPO planning area within 180 days of when the transit provider establishes its targets.

The FTA's public transportation agency safety plan rule will establish requirements for recipients of Federal transit funds to develop public transportation agency safety plans. The plans would include the recipient's strategies for minimizing the exposure of the public, personnel, and property to unsafe conditions and include safety performance targets. As of the date of this report, the final rule has not been published.

4.9.3 Findings

The MPO's Performance Measures Report (July 2016) is organized around seven listed goals and 25 related measures. The report specifies the desired trend direction for the individual measures and the direction or trend currently indicated by the latest data. Measures include an Active Living Index, housing and transportation costs, transit access to jobs, percent of key destinations served by transit, roadway congestion and reliability, vehicle miles traveled, mode of transportation to work, non-motorized and motorized serious injuries and fatalities, air quality, and pavement and bridge conditions.

The MPO intends to support WisDOT's safety performance targets for the first year. MPO staff have begun analyzing the National Performance Management Research Data Sets (NPMRDS) data for eventual implementation of the federal travel time reliability measures and targets in 2018.

Commendation:

The Federal Review Team commends the MPO for the comprehensive nature and accessible, easy to read format of its Performance Measures Report (July 2016).



4.10 Freight Planning

4.10.1 Regulatory Basis

The MAP-21 established in 23 U.S.C. 167 a policy to improve the condition and performance of the national freight network and achieve goals related to economic competitiveness and efficiency; congestion; productivity; safety, security, and resilience of freight movement; infrastructure condition; use of advanced technology; performance, innovation, competition, and accountability, while reducing environmental impacts.

In addition, 23 U.S.C. 134 and 23 CFR 450.306 specifically identify the need to address freight movement as part of the metropolitan transportation planning process.

4.10.2 Current Status

The MPO's RTP 2050 and Performance Measures Report (July 2016) address freight movement. The MPO does not currently have a dedicated freight plan.

4.10.3 Findings

RTP 2050 recommendations include maintaining and promoting new industrial uses along freight corridors; maintaining and expanding existing infrastructure on the multimodal freight network, prioritizing projects that improve safety, increase efficiency, and minimize lifetime costs; increasing the focus on freight planning for regional and local transportation facilities; maintaining the availability of rail facilities for current and future uses; mitigating conflicts between rail and other uses; ensuring the compatibility of uses near airports; and improving the airport's freight accommodations and connections.

A project on a state or locally designated freight route receives some points under STBG project selection scoring criteria contained in TIP. The MPO will consult with WisDOT to make use of the contacts and information WisDOT has established with the freight and business communities in Dane County for use in the MPO planning processes. The MPO will also consult with WisDOT concerning the designation of critical freight corridors.

The MPO's Performance Measures Report (July 2016) tracks freight tonnage trends to and from Dane County.



4.11 Environmental Mitigation/Planning Environmental Linkage

4.11.1 Regulatory Basis

23 U.S.C. 134(i)(2)(D) 23 CFR 450.324(f)(10) requires environmental mitigation be set forth in connection with the RTP. The RTP is required to include a discussion of types of potential environmental mitigation activities for the transportation improvements and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

23 U.S.C. 168 and Appendix A to 23 CFR Part 450 provide for linking the transportation planning and the National Environmental Policy Act (NEPA) processes. A Planning and Environmental Linkages (PEL) study can incorporate the initial phases of NEPA through the consideration of natural, physical, and social effects, coordination with environmental resource agencies, and public involvement. This will allow the analysis in the PEL study to be referenced in the subsequent NEPA document once the project is initiated, saving time and money with project implementation.

4.11.2 Current Status

Appendix C-Environmental Analysis of the RTP 2050 show the location of programmed and planned roadway capacity expansion projects and current and future major roadway and transit corridor studies in relation to Dane County's agriculture, natural, recreational, and historic/cultural resources.

4.11.3 Findings

A comprehensive inventory of environmental resources and plans was prepared with assistance from the state resource agencies, Dane County Planning Department staff, and CARPC staff. Geographic information system (GIS) databases of the resources were mapped in relation to proposed capacity expansion projects and major transportation studies that might lead to proposed projects. The resources mapped include agricultural, woodland and streams, parks/open spaces, wetlands, flood plains, rare species and historic sites.

The MPO aggressively encourages bicycle, pedestrian and transit travel. In addition, TIP project selection criteria also give weight to projects that foster use of alternatives to single occupancy vehicle (SOV) travel and minimize environmental impacts through design and/or mitigation measures. Finally, the MPO supports land use principles, which encourage higher densities and mixed uses that reduce environmental impacts and make transit more viable.



4.12 Transportation Safety

4.12.1 Regulatory Basis

23 U.S.C. 134(h)(1)(B) requires MPOs to consider safety as one of ten planning factors. As stated in 23 CFR 450.306(a)(2), the planning process needs to consider and implement projects, strategies, and services that will increase the safety of the transportation system for motorized and non-motorized users.

In addition, SAFETEA-LU established a core safety program called the Highway Safety Improvement Program (HSIP) (23 U.S.C. 148), which introduced a mandate for states to have Strategic Highway Safety Plans (SHSPs). 23 CFR 450.306 (d) requires the metropolitan transportation planning process to be consistent with the SHSP, and other transit safety and security planning.

4.12.2 Current Status

Safety is addressed as a factor in the RTP 2050 and is incorporated as a selection criterion for STBG funded projects in the TIP. Safety and security is addressed in the MPO's Regional ITS (Intelligent Transportation Systems) Strategic Plan (January 2016).

4.12.3 Findings

The MPO is currently conducting an analysis of bicycle and pedestrian crash data by location and type of crash. In addition, automobile crash data by segments and intersections are being analyzed to identify crash hot spots. A final report on the bicycle and pedestrian crash study will be completed in 2018. Study findings will be disseminated for use in education and enforcement efforts and in prioritizing projects and informing facility design.

The MPO has recently engaged with the Dane County Traffic Safety Commission, which meets quarterly. The Dane County Traffic Safety Commission is a group of multi-disciplinary safety professionals from across the county, including local law enforcement, court system, Dane County Highway, Traffic Engineering/Public Works in local communities, and other community partners (including Safe Communities, Public Health, UW Hospital Adult Injury Prevention Program, Safe Kids Coalition). The MPO can support the Commission with traffic safety data and analysis.

The Regional ITS Strategic Plan identifies numerous current and planned ITS deployments that enhance safety.



4.13 Transportation Security Planning

4.13.1 Regulatory Basis

23 U.S.C. 134(h)(1)(C) requires MPOs to consider security as one of ten planning factors. As stated in 23 CFR 450.306(a)(3), the Metropolitan Transportation Planning process provides for consideration of security of the transportation system.

The regulations state that the degree and consideration of security should be based on the scale and complexity of many different local issues. Under 23 CFR 450.324(h), the MTP should include emergency relief and disaster preparedness plans and strategies and policies that support homeland security, as appropriate.

4.13.2 Current Status

Security was addressed as a factor in the RTP 2050 and is incorporated as a selection criterion for STBG funded projects in the TIP. Safety and security is addressed in the MPO's Regional ITS Strategic Plan (January 2016).

4.13.3 Findings

Metro Transit has implemented measures to improve the safety and security of its assets, passengers and staff:

- Five security cameras are on each bus monitoring the interior and exterior of the bus.
- Security cameras are located at all bus transfer locations.
- The South and East transfer points periodically have 1-2 police officers present.

In developing the 2050 RTP, the MPO coordinated with State of Wisconsin Division of Emergency Management, City of Madison Emergency Management Coordinator (Fire Dept.) and Dane County Emergency Management. In addition, the MPO's STPBG TIP project selection criteria give points for transit, travel demand management (TDM) and transportation system management (TSM) projects that improve safety and security. The Regional ITS Strategic Plan identifies numerous current and planned ITS deployments that enhance security.

In the region, WisDOT's State Traffic Operations Center (STOC) uses various ITS traffic management tools, such as closed circuit television cameras, ramp meters, dynamic message signs (DMS), highway advisory radio (HAR), roadway sensors and other tools to manage major roads during emergencies and Dane County has a Hazard Mitigation Plan to reduce risk of disruptions to the regional roadway system due to severe weather



conditions, flooding, terrorism, hazardous material spills, civil disorder, climate change, and other events.

4.14 Nonmotorized Planning/Livability

4.14.1 Regulatory Basis

23 U.S.C. 217(g) states that bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each MPO under 23 U.S.C. 134. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities.

23 CFR 450.306 sets forth the requirement that the scope of the metropolitan planning process "will increase the safety for motorized and non-motorized users; increase the security of the transportation system for motorized and non-motorized users; and protect and enhance the environment, promote energy conservation, improve the quality of life.

4.14.2 Current Status

Bicycle and pedestrian planning is extensive and reflected in the MPO's RTP 2050, Performance Measure Report (July 2016), Bicycle Transportation Plan (2015), 2017-2021 TIP, and the Congestion Management Process for the Madison Metropolitan Area (2011). Dane County has over 500 miles of shared-use paths and it is estimated that 5.6% of trips are by bicycle.

4.14.3 Findings

Bicycle and pedestrian planning efforts by the MPO and its partners are extensive and exemplary. Below are some of the highlights from the review:

- The MPO is working to adopt a "bicycle level of traffic stress" methodology to identify and analyze key gaps in the "low stress" bikeway network and conduct accessibility analyses of the network to prioritize future projects.
- The MPO provides assistance to the Madison & Dane County Health Departments and others with Safe Routes to School program promotion and activities. The MPO also



assists the Dane County Active Living work group, including continued work with Dane County communities to implement programs and strategies to promote bicycling.

- The MPO provides ride-matching services and promotes alternatives to driving alone, including administering incentive programs, distributing e-news updates, and coordinating advertising/marketing campaigns with TDM partner agencies and organizations. A question arose concerning the eligibility of these activities for PL funding. STBG funds are currently used. It was subsequently confirmed that these TDM activities are eligible for PL funding.
- In the City of Madison, a Bike Share program (B-Cycle) owned and operated by Trek has been in operation for approximately five years. The program generates approximately 100,000 rides per year. Trek is looking to partner with the City of Madison to create a non-profit entity to operate the system.
- Bike counts have been produced by the City of Madison Traffic Engineering Division. These counts are obtained from detection systems, typically on shared-use paths near traffic signals, at about 12 locations.
- 2017-2021 TIP contains separate scoring criteria for bike and pedestrian projects.
- The League of American Bicyclists has recognized the City of Madison's efforts as a Bicycle Friendly Community with a Platinum designation in 2015.
- Dane County regularly adds paved shoulders on rural highways when they are reconstructed and when the cost is reasonable and traffic volumes are moderate to high; the City of Madison and other communities regularly include bike facilities when streets are reconstructed.
- 2015 Bike Plan contains seven groups of strategies and specific recommendations covering education, encouragement, enforcement, engineering, envisioning (planning), evaluation, and end-of-trip facilities/multi-modal connections.
- The City of Madison employs a full-time Pedestrian/Bicycle Safety Educator who works with schools in the Madison Metropolitan School District (MMSD) as well as neighborhood and youth organizations. The City also has a Ped/Bike Coordinator and Bike Registration Coordinator.
- The University of Wisconsin also employs a full-time Bike/Ped Coordinator.
- Dane County, the Madison Area Transportation Planning Board, and affected communities are collaborating to implement standardized wayfinding and destination signage intended to eliminate confusion and allow bicyclists to navigate the region with greater ease. This project will eliminate existing "Bike Route" signage and provide more usable and reliable information that is consistent among municipalities.



Commendation:

The Federal Review team commends the MPO and its partners for its aggressive efforts to promote alternative modes to single occupancy vehicle (SOV) travel in the region.

4.15 Integration of Land Use and Transportation

4.15.1 Regulatory Basis

23 U.S.C. 134(g)(3) encourages MPOs to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

23 U.S.C. 134 (h)(1)(E) and 23 CFR 450.306(a)(5) set forth requirements for the MPO Plan to protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.

4.15.2 Current Status

RTP 2050 was adopted in April 2017 and mapped planned future land use based on regional land use policies and local land use plans. The map, along with input from local planners and officials, served as a guide for the growth forecasts used to estimate future travel demand for the RTP using the regional travel model.

4.15.3 Findings

The MPO is working with Capital Area Regional Planning Commission (CARPC) staff on the integration of the regional land use and transportation plans. CARPC is undertaking a regional visioning and growth scenario planning process, called A Greater Madison Vision, leading to the development of a growth strategy and updated regional land use plan. CARPC will use the Urban Footprint software for this effort. MPO staff will participate in and support that process. This



will include developing the transportation components of different growth scenarios and analyzing the transportation impacts of the scenarios.

The MPO provides assistance as needed to city of Madison Planning staff with follow up planning activities from the *Madison in Motion* Transportation Master Plan. This includes completing work to undertake scenario planning and prepare detailed transit-oriented station area plans for three areas to be served by the planned BRT system. The Urban Footprint tool will be used to analyze impacts of the plans.

MPO staff provide transportation data and analyses to support preparation of the transportation and transportation related land use elements of local comprehensive or transportation plans, including efforts by the cities of Madison, Sun Prairie, and Middleton.

4.16 Travel Demand Forecasting

4.16.1 Regulatory Basis

23 CFR 450.324(f)(1) requires that the Metropolitan Transportation Plan include the projected transportation demand of persons and goods in the Metropolitan Planning Area over the period of the transportation plan. Travel demand forecasting models are used in the planning process to identify deficiencies in future year transportation systems and evaluate the impacts of alternative transportation investments. In air quality non-attainment and maintenance areas, they are also used to estimate regional vehicle activity for use in mobile source emission models that support air quality conformity determinations.

4.16.2 Current Status

The current travel demand model (TDM) was developed in 2013. The Dane County TDM has a base year of 2010 and a future year of 2050. There have been several changes of varying degrees of magnitude to the model between 2013 and present. However, the last major calibration/validation was completed in October 2016. The MPO has a MOU with WisDOT that defines roles and responsibilities for development and maintenance of the MPO's travel demand model.

4.16.3 Findings

The MPO hired a consultant in fall 2017 to assist it in developing a five-year strategic plan for its planning analysis tools and data collection to improve evaluation of the multimodal system's



performance and better forecast the impact of individual projects or services. Planning analysis tools include the current TDM, spreadsheet model supplements, the Urban Footprint model, network analysis tools to measure connectivity and accessibility to jobs and web-based planning analysis/GIS tools. The plan will identify current gaps between the RTP 2050 goals and available analysis tools at the project, network segment and system levels.

The MPO is close to completing project with City of Madison Planning staff on a Madison area household travel mail survey to supplement the National Household Travel Survey (NHTS) data. This data will be used to recalibrate the TDM using the 2016-17 household travel survey data and origin/destination data purchased by AirSage. The MPO also plans to participate in a national pooled fund project to create an NHTS data analysis tool to tabulate, extract, and visualize the data. A report with analysis and findings will be produced.

4.17 Climate Change/Resilience

4.17.1 Regulatory Basis

23 CFR 450.200 & 23 CFR 450.300

Take into consideration resiliency needs

23 CFR 450.206(a) & 23 CFR 450.306(b)

Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation

23 CFR 450.316(b)

Consult with agencies and officials responsible for natural disaster risk reduction when developing a MTP and TIP

23 CFR 450.324(f)(7)

Assess capital investment and other strategies that reduce the vulnerabilities

4.17.2 Current Status

The transportation planning rule was updated in May 2016 to include a new planning factor concerning resiliency and reliability of the transportation system and the reduction or mitigation of stormwater impacts on surface transportation. FHWA Order 5520 defines resilience as the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions.



4.17.3 Findings

The RTP 2050 references the resiliency planning factor and states that coordination with State of Wisconsin Division of Emergency Management, City of Madison Emergency Management Coordinator (Fire Dept.) and Dane County Emergency Management was part of the plan's development. RTP 2050 recommendations include developing an assessment of flood prone areas.

Recommendations:

Climate impacts and resilience will continue to emerge as significant factors for consideration during the planning process. To facilitate the development of strategies to reduce vulnerability of existing and planned investments, recommend MPO consider utilization of FHWA's INVEST (**I**nfrastructure **V**oluntary **E**valuation **S**ustainability **T**ool) which is a web-based self-evaluation tool comprised of voluntary sustainability best practices that cover the full lifecycle of transportation services, including system planning, project planning, design and construction, and continuing through operations and maintenance. FHWA developed INVEST for voluntary use by transportation agencies to assess and enhance the sustainability of their projects and programs. Conducting a vulnerability assessment is another option that the MPO may consider. Below are links for more information.

FHWA's INVEST: <https://www.sustainablehighways.org/>

FHWA's Vulnerability Assessment Framework:
https://www.fhwa.dot.gov/environment/sustainability/resilience/adaptation_framework/index.cfm

4.18 Congestion Management Process / Management and Operations

4.18.1 Regulatory Basis

23 U.S.C. 134(k)(3) and 23 CFR 450.322 set forth requirements for the congestion management process (CMP) in TMAs. The CMP is a systematic approach for managing congestion through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system. TMAs designated as non-attainment for ozone must also provide an analysis of the need for additional capacity for a proposed improvement over travel demand reduction and operational management strategies.



23 CFR 450.324(f)(5) requires the RTP include Management and Operations (M&O) of the transportation network as an integrated, multimodal approach to optimize the performance of the existing transportation infrastructure. Effective M&O strategies include measurable regional operations goals and objectives and specific performance measures to optimize system performance.

4.18.2 Current Status

The MPO has a CMP program document that was adopted in October 2011. The 2013 federal certification review for the MPO identified the need to track implementation of CMP strategies and evaluating their effectiveness as area needing improvement. The MPO has a Regional ITS Strategic Plan that was adopted in January 2016.

4.18.3 Findings

The MPO has maintained a CMP but focuses on using its regional travel demand model to project future traffic volumes and identify major roadway capacity expansion needs consistent with the MPO's policy to accept a Level of Service (LOS) D and to explore Transportation Demand Management (TDM) and Transportation System Management (TSM) strategies first. The MPO currently uses the CMP to identify and address short range operational issues (e.g. intersection congestion) that are amenable to design or ITS solutions. The MPO must continue efforts to monitor implementation of projects and strategies and evaluate their impact. MPO can use data from National Performance Management Research Data Set (NPMRDS) to evaluate the field performance of some CMP strategies.

The region makes extensive use of ITS technologies and operational strategies for a wide range of activities in public transportation, traveler information, traffic management, parking facility management, traffic data collection and analysis, and emergency management. ITS related traffic management improvements planned include a joint project with City of Madison to implement Jackalope traffic count data management software for traffic monitoring and analyses and implementation of adaptive traffic signaling project with Metro Transit to use connected vehicle technology to equip buses for transit traffic signal priority in the Park Street corridor. Other existing or planned ITS traffic management tools are addressed in the MPO's Regional ITS Strategic Plan.



Recommendations:

Continue efforts to improve monitoring and evaluation the of implemented CMP strategies and integrate the results with the TIP development process. Consider incorporating freight bottlenecks in future update of CMP.

5.0 CONCLUSION AND RECOMMENDATIONS

The FHWA and FTA review found that the metropolitan transportation planning process conducted in the Madison urbanized area meets Federal planning requirements as follows.

5.1 Commendations

The following are noteworthy practices that the MPO is doing well in the transportation planning process:

1. The Federal Review Team commends the MPO on the depth and quality of its RTP 2050 public participation evaluation.
2. The Federal Review Team commends the MPO for the comprehensive nature and accessible, easy to read format of its Performance Measures Report (July 2016).
3. The Federal Review team commends the MPO and its partners for its aggressive efforts to promote alternatives to SOV travel in the region.

5.2 Corrective Actions

None.

5.3 Recommendations

The following are recommendations that would improve the transportation planning process:

1. There was interest expressed during the review in the roles and responsibilities between the MPO and its fiscal agent, the City of Madison, being clarified and possibly modified. FHWA provided a sample governance agreement and organizational structure for consideration (Appendix E).
2. The MPO should continue efforts to ensure timely delivery of UPWP activities.



3. If possible, in the future consider aligning and integrating CARPC's land use scenario planning effort with the MPO's transportation plan update.
4. Recommend coordinating with Metro Transit's public outreach efforts to reach underserved populations. Continue evaluating and experimenting with different techniques to reach these populations.
5. Climate impacts and resilience will continue to emerge as significant factors for consideration during the planning process. To facilitate the development of strategies to reduce vulnerability of existing and planned investments, recommend MPO consider use of FHWA's INVEST (**I**nfrastructure **V**oluntary **E**valuation **S**ustainability **T**ool) which is a web-based self-evaluation tool comprised of voluntary sustainability best practices, which cover the full lifecycle of transportation services, including system planning, project planning, design, and construction, and continuing through operations and maintenance. FHWA developed INVEST for voluntary use by transportation agencies to assess and enhance the sustainability of their projects and programs. Conducting a vulnerability assessment is another option that the MPO may consider.
6. Continue efforts to improve monitoring and evaluation of implemented CMP strategies and integrate the results with the TIP development process. Consider incorporating freight bottlenecks in future update of CMP.



APPENDIX A - PARTICIPANTS

The following individuals participated in the MPO's on-site review:

- Mary Forlenza, Joel Batha, Gary Martindale and Mitch Batuzich, FHWA Wisconsin Division
- Bill Wheeler, FTA Region 5
- Bill Schaefer, MPO Planning Manager; Philip Gritzmacher, Transportation Planner; Colleen Hoesly, Transportation Planner; Bill Holloway, Transportation Planner; David Kanning, Transportation Planner; Renee Callaway, Rideshare Program Coordinator/Transportation Planner; R. Drew Beck, Planning Manager, Metro Transit. The following Policy Board members were interviewed: Al Matano, MPO Board Chair and Dane County Board Member; and Larry Palm, Madison City Council and Chair, CARPC.
- Donna Martin-Brown, Jim Kuehn, Diane Paoni, Jennifer Murray and Tom Koprowski, Wisconsin Department of Transportation



APPENDIX B - STATUS OF FINDINGS FROM 2013 REVIEW

One of the priorities of each certification review is assessing how well the planning partners in the area have addressed corrective actions and recommendations from the previous certification review. This section identifies the corrective actions and recommendations from the previous certification and summarizes discussions of how they have been addressed.

Corrective Actions: None

Recommendation 1: The MPO should update representation on the policy board to reasonably correspond with the distribution of planning area population among the municipal groupings specified in the redesignation agreement and account for the MAP-21 TMA policy board composition requirements.

Disposition: In July 2014, the policy board acted to designate that one of the current City of Madison appointments must be a representative of Metro Transit. The change is incorporated in the MPO operating rules and procedures. The structure of the Madison MPO policy board is consistent with requirements in the 2016 federal transportation planning rule, including the requirement for specific representation of the public transportation provider

Recommendation 2: WisDOT, the MPOs and FHWA-FTA should agree on a basic review and update cycle for the MPO cooperative agreements to assure consistency with current requirements, relationships and procedures (e.g. review every 5 years and update within 10 years).

Disposition: A standard template for Wisconsin MPO 3-party agreements was updated in 2016 to incorporate changes in federal requirements and needed changes in MPO, WisDOT, or Metro Transit roles and responsibilities. A new cooperative agreement was completed by the parties in July 2017.

Recommendation 3: Consider providing a brief description of the various funding categories coming to the Region and the role of WisDOT and the MPO in programming and project selection.

Disposition: The MPO will add a brief description of the various funding categories coming to the region and the role of WisDOT and the MPO in programming and project selection in its next TIP update.



Recommendation 4: Complete an evaluation of public involvement techniques and update Public Participation plan.

Disposition: The MPO completed an evaluation of public involvement techniques by the end of 2013. An update of the MPO Public Participation Plan was completed in 2015. In July 2017, the MPO also completed an extensive evaluation of public involvement efforts associated with its most recent transportation plan update (See public involvement discussion)

Recommendation 5: If the MPO operates under the City of Madison Title VI Plan, provide a link from the MPO website to the City Title VI Plan.

Disposition: In 2014 WisDOT issued guidance for development of federal sub-recipient Title VI Plans. The Madison MPO developed a Title VI/Non-Discrimination Plan separate from the City's plan. The MPO Title VI plan is posted on the MPO website and linked from the UPWP.

Recommendation 6: Establish a mechanism to track implementation of recommended CMP strategies; quantify the field performance of the strategy; and strengthen link of CMP to project selection.

Disposition: The MPO will use NPMRDS data to evaluate the field performance of CMP strategies/projects. The MPO is still working to clarify the link between the CMP and project selection.

Recommendation 7: The MPO should consult with WisDOT to make use of the contacts and information WisDOT has established with the freight communities for use in the MPO planning processes.

Disposition: WisDOT has provided the MPO a list of Dane County freight contacts it has used in developing its statewide freight plan.



APPENDIX C – PUBLIC COMMENTS

A public meeting was held at the City of Madison’s Water Utility building at 119 E. Olin Avenue in Madison on August 2, 2017 at 5:00 p.m. This is the same location for the MPO Policy Board’s regular meetings. Advertisement of the meeting was sent out on July 14, 2017. In the meeting’s notice and in information disseminated at the public meeting, the public was advised that public comments could also be submitted in writing via mail or e-mail thru August 18, 2017. No written comments were received.

Eight members of the public signed-in with four electing to speak. Below is summary of issues raised by the speakers:

- More consideration should be given to the time and location of meetings. A more accessible location by transit is desired. Meetings later in the evening are also preferable. Any measures that can increase public participation should be considered.
- The Region needs a regional transportation authority to properly fund transit improvements.
- Recommendation that the region adopt its own air quality and climate goals.
- Metro Transit needs another bus terminal.
- MPO staff do a good job.
- MPO and CARPC should integrate their activities.



APPENDIX D - LIST OF ACRONYMS

ADA: Americans with Disabilities Act
BRT: Bus Rapid Transit
CAA: Clean Air Act
CARPC: Capital Area Regional Planning Commission
CFR: Code of Federal Regulations
CIG: Capital Investments Grant program
CMP: Congestion Management Process
DMS: Dynamic Message Signs
DOT: Department of Transportation
EJ: Environmental Justice
FAST: Fixing America's Surface Transportation Act
FHWA: Federal Highway Administration
FTA: Federal Transit Administration
FY: Fiscal Year
GIS: Geographic Information Systems
HAR: Highway Advisory Radio
HSIP: Highway Safety Improvement Program
ITS: Intelligent Transportation Systems
LEP: Limited-English-Proficiency
LPA: **Locally Preferred Alternative**
M&O: Management and Operations
MATPB: **Madison Area Transportation Planning Board**
MAP-21: Moving Ahead for Progress in the 21st Century
MPA: Metropolitan Planning Area
MPO: Metropolitan Planning Organization
MTP: Metropolitan Transportation Plan
NEPA: National Environmental Policy Act
NHTS: National Household Travel Survey
NPMRDS: National Performance Management Research Data Set
PEL: Planning and Environmental Linkages
PPP: Public Participation Plan
RTP: Regional Transportation Plan
SHSP: Strategic Highway Safety Plan
SOV: Single Occupancy Vehicles
STBG: Surface Transportation Block Grant Program
STIP: State Transportation Improvement Program
STOC: State Traffic Operations Center
TDM: Travel Demand Management



TERM: Transit Economic Requirement Model
TIP: Transportation Improvement Program
TMA: Transportation Management Area
TSM: Transportation Systems Management
ULB: Useful life benchmark
U.S.C.: United States Code
UPWP: Unified Planning Work Program
WisDOT: Wisconsin Department of Transportation



APPENDIX E – Sample MPO and Fiscal Agent Roles and Responsibilities MOA and Organizational Structure.



STATE OF TEXAS

COUNTY OF HIDALGO

**MEMORANDUM OF UNDERSTANDING DEFINING ROLES AND
RESPONSIBILITIES OF THE LOWER RIO GRANDE VALLEY DEVELOPMENT
COUNCIL AND THE HIDALGO COUNTY METROPOLITAN PLANNING
ORGANIZATION**

This Memorandum Of Understanding (MOU) is entered into, by and between the, Lower Rio Grande Valley Development Council, hereinafter referred to as the "LRGVDC" and the Hidalgo County Metropolitan Planning Organization's Transportation Policy Committee, acting as the legal representative of the Hidalgo County Metropolitan Planning Organization in the Hidalgo County urbanized area, hereinafter called the "MPO" as authorized by Title 23 U.S.C. Section 134.

WITNESSETH

WHEREAS, Title 23 V.S.C. Section 134 and Title 49 V.S.C. Section 5303, MPO Planning, as amended by the Transportation Equity Act for the 21st Century, requires that Metropolitan Planning Organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, Title 23 V.S.C. 104(f) and Title 49 V.S.C. Section 5301 as amended by the Transportation Equity Act for the 21st Century, authorize Metropolitan Planning (PL) funds and Federal Transit Act Section 5303 (MPO Planning) funds be made available to Metropolitan Planning Organizations (MPO) duly designated by the Governor of each State to support the urban transportation planning process; and

WHEREAS, the Governor of the State of Texas has designated the LRGVDC as the Metropolitan Planning Organization to perform fiscal, administrative and technical functions as directed by the Transportation Policy Committee; and



WHEREAS, the MPO's Transportation Policy Committee requests that the LRGVDC act as the financial disbursing agent for all MPO funds; and

WHEREAS, the LRGVDC has determined it is in the public interest to assist the MPO in securing and managing funds for transportation planning purposes in the urbanized area:

NOW, THEREFORE, the parties hereby agree as follows:

ARTICLE I. PURPOSE.

The purpose of this Memorandum of Understanding is to define the fiscal, personnel, and property management roles and responsibilities between the MPO and the LRGVDC.

ARTICLE 2. TERM.

The term of this Agreement begins upon execution by both parties and shall automatically be renewed each year unless canceled as herein provided.

ARTICLE 3. DESCRIPTION OF SERVICES.

The LRGVDC agrees to provide fiscal and personnel management assistance to the MPO by acting as the fiscal agent for the MPO funds. The MPO will manage all its property and equipment in accordance with 49 CFR Part 18.

ARTICLE 4. FISCAL MANAGEMENT & DISBURSEMENT.

1. The LRGVDC shall maintain appropriate account identification under the supervision of the LRGVDC Executive Director. The LRGVDC Executive Director, in carrying out the requirements of this Agreement, is responsible only in the capacity of a trust officer for the funds involved. The LRGVDC shall use generally accepted accounting procedures to satisfy their duties pursuant to this Agreement. The LRGVDC shall pay all invoices on a timely basis on behalf of the MPO and the LRGVDC shall receive reimbursements for said funds by the Texas Department of Transportation upon approval.
2. All warrants issued to the LRGVDC or the MPO by the State of Texas, federal, city, or local agencies for work performed by any agency or consultant under contract to the MPO shall be properly endorsed and deposited in the account.
3. The authorization of disbursements of funds to agencies or consultants under contract to the MPO will be made by the MPO in the amounts specified by the MPO, so long as the MPO budget has sufficient funds to accommodate all payment requests. The MPO however is fully responsible for all such contracts and releases the LRGVDC from any liability, which may arise as a result of the LRGVDC performing any non-negligent task pursuant



- to this Agreement. The LRGVDC is under no obligation to process payment authorizations unless sufficient funds for such purposes are present in the MPO budget.
4. All authorizations for reimbursements from the State of Texas or any federal, city or local agency, shall be prepared by the LRGVDC staff and submitted monthly to the Texas Department of Transportation. The LRGVDC shall audit all reimbursement requests and expenditures of the MPO funds by the MPO staff. The MPO staff will make all records available for inspection by the LRGVDC Executive Director and/or designee. The MPO is solely responsible for the accuracy of the records of funds expended by it and those agencies or consultants who contract with the MPO.
 5. The MPO assumes responsibility for the legal and proper expenditures of all Federal Highway Act Section 112 monies (PL), and the Federal Transit Administration Section 5303 (MPO Planning) and 5307 (Urbanized Transit Planning) monies by the MPO. All monies are budgeted and expended according to the latest approved Unified Planning Work Program.
 6. The Transportation Policy Committee of the MPO shall have the same authority in Metropolitan Planning Organization matters as the LRGVDC Board of Directors has in LRGVDC matters.
 7. The Transportation Policy Committee Chairman shall have the same authority in Metropolitan Planning Organization matters as the LRGVDC Board President has in LRGVDC matters.
 8. The MPO Transportation Planning Director shall have the same authority in Metropolitan Planning Organization matters as the LRGVDC Executive Director has in LRGVDC matters.

ARTICLE 5. PERSONNEL MANAGEMENT.

1. All employees hired by the MPO shall be considered LRGVDC employees for the purposes of payroll disbursement, indemnification, and all fringe benefits, including retirement, medical and life insurance, vacations, sick leave, holidays, and any other benefits normally extended to the LRGVDC employees. Additionally, MPO employees will abide by LRGVDC employment policies.
2. Hiring, termination and evaluation of the MPO Transportation Planning Director shall be the sole authority of the Transportation Policy Committee. Hiring, termination and evaluation of MPO staff shall be the responsibility of the MPO Transportation Planning Director.
3. The Transportation Policy Committee shall have discipline and grievance authority over the MPO Director; the MPO Director shall have discipline and grievance authority over all other MPO employees. The LRGVDC Executive Director will confirm that all LRGVDC policies have been followed when disciplinary actions are taken or grievances addressed.
4. The Transportation Policy Committee shall establish the salary and performance review of the MPO Director and salary range for each MPO employee. The MPO Director shall be



responsible for personnel performance reviews and salary adjustments of other MPO employees.

- 5. The LRGVDC will provide personnel, accounting, and purchasing services to the MPO.

ARTICLE 6. PROPERTY MANAGEMENT.

The LRGVDC will comply with 49 CFR Part 18.32. Any proceeds from the disposition of surplus equipment will be deposited in the MPO account.

ARTICLE 7. TERMINATION.

- 1. Either party may terminate this agreement in whole or in part hereto whenever such termination is found to be in the best interest of either party. Termination shall be effected by the conveyance of a written notification thereof to the other party at least thirty (30) days in advance of the effective date of the termination.
- 2. Either party can amend this agreement by giving thirty (30) days written notice. The amendment becomes effective by the signature of both parties.
- 3. All notices pursuant to this Agreement shall be deemed given when, either delivered in person or deposited in the United States mail, postage prepaid, certified mail, return receipt requested addressed to the appropriate party at the following addresses:

If to the LRGVDC :

If to the Transportation Policy Committee:

ARTICLE 8. NON-DISCRIMINATION.

It is mutually agreed that all parties hereto shall be bound by the provisions of Title 49, Code of Federal Regulations, Part 21, which was promulgated to effectuate the provisions of Title VI of the Civil Rights Act of 1964, Title 23. Code of Federal Regulations, part 710.45(b), and Executive Order 11246 titled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in Department of labor Regulations (41 CFR Part 60).

ARTICLE 9. GOVERNING LAW.

The laws of the State of Texas shall govern this Agreement and all obligations hereunder of the parties are performable in Hidalgo County, Texas.

ARTICLE 10. NON-ASSIGNMENT.



This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns. Neither the LRGVDC nor the Transportation Policy Committee shall assign or sublet any duty of this Agreement, excepting those already identified herein, without written consent of the other.

ARTICLE 11. SEVERABILITY.

Should any provisions of this Agreement for any reasons be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

ARTICLE 12. ENTIRETY OF AGREEMENT.

This is the entire Agreement between the parties and no modification of this Agreement shall be of any force or effect, unless it is in writing signed by both parties. No official, employee, agent or representative of the LRGVDC or the Hidalgo County Metropolitan Planning Organization has any authority, either expressed or implied, to amend this agreement, except pursuant to such expressed authority as may be granted by the LRGVDC Board of Directors or the Hidalgo County Metropolitan Planning Organization Transportation Policy Committee.

Approved to be effective on the date of the last party's signature.

LRGVDC

HIDALGO COUNTY MPO

Executive Director

Date

Policy Committee Chair

Date

ATTEST:

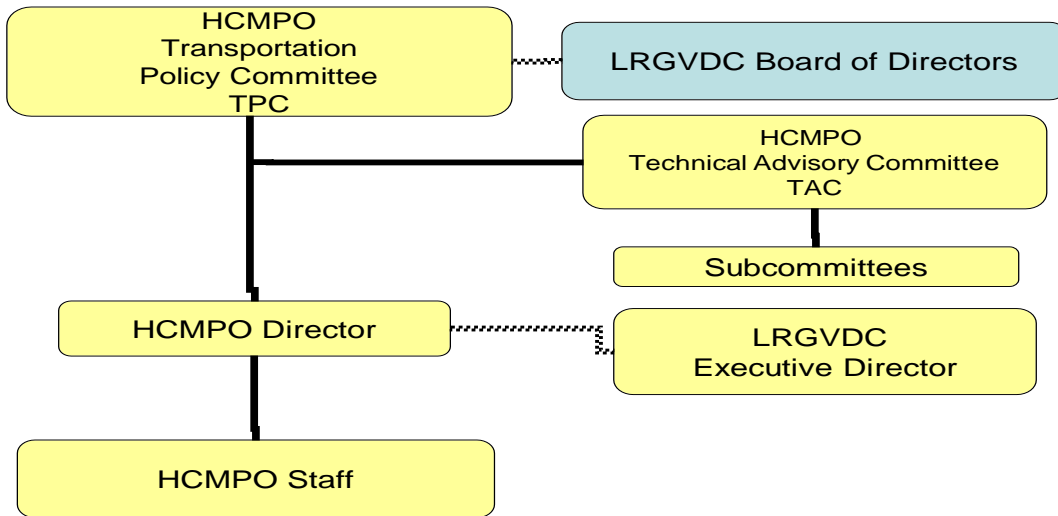
APPROVED AS TO CONTENT:



Witness

Date

Director of Hidalgo County MPO







Report prepared by:

**Mitch Batuzich, Community
Planner**

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