



Waco Metropolitan Planning Organization

This is to certify that the Notice of a Meeting, a copy of which is attached hereto, was posted on the official bulletin board at the Courthouse, as required by Article 62.52-17 V. T. C. S.

Executed on 1/11, 2023

J. A. "Andy" Harwell, County Clerk  
McLennan County, Texas

By D. Licorte  
Deputy

## NOTICE OF PUBLIC MEETING

### POLICY BOARD OF THE WACO METROPOLITAN PLANNING ORGANIZATION, AND THE CITY COUNCIL OF THE CITY OF WACO, TEXAS

2:00 P.M. Thursday, January 19, 2023  
South Waco Community Center  
2815 Speight Ave  
Waco, Texas

### AGENDA

VIDEOCONFERENCE NOTICE: A quorum of the Policy Board and the City Council of the City of Waco, Texas, will meet at South Waco Community Center, 2815 Speight Ave, Waco. A limited number of members may attend remotely pursuant to Tex. Gov't. Code §551.127. Interested members of the public must attend the meeting in person.

- I. **Call to Order, Proof of Posting.**
- II. **Public Hearing** regarding any discussion or action item on this agenda.  
  
In accordance with requirements identified in Section 551.007 of the Texas Government Code, the public is permitted to address the Policy Board regarding any action or discussion item identified on this agenda.
- III. **Approval** of the November 17, 2022 meeting minutes.
- IV. **Presentation and Discussion** regarding Waco Transit System, Inc. Fixed Route Realignment Study from Alliance Transportation Group (ATG).
- V. **Consideration and Action** regarding approval of Resolution 2023-1: Adoption of Regional Identity Recommendations 3 and 4 from the Waco MPO Strategic Planning Work Group.
  - A. **Staff Presentation**
  - B. **Discussion**

P.O. Box 2570, Waco, TX 76702-2570  
(254) 750-5650

[www.waco-texas.com/Departments/Metropolitan-Planning-Organization](http://www.waco-texas.com/Departments/Metropolitan-Planning-Organization)  
[mpo@wacotx.gov](mailto:mpo@wacotx.gov)

- C. **Consideration**
- VI. **Consideration and Action** regarding approval of Resolution 2023-2: Creation of a Local Fund to meet local match requirements for grant recipients and related needs.
  - A. **Staff Presentation**
  - B. **Discussion**
  - C. **Consideration**
- VII. **Consideration and Action** regarding the establishment of a schedule for a 2023 Carbon Reduction Program Call for Proposal.
  - A. **Staff Presentation**
  - B. **Discussion**
  - C. **Consideration**
- VIII. **Review, Discussion and Action** regarding regional transportation performance targets for calendar year 2023.
  - A. **Public Transportation Safety and Asset Condition Performance Targets**
  - B. **Roadway Safety Performance Targets**
- IX. **Update and Discussion** regarding Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant Notice of Funding Opportunity (NOFO).
- X. **Update and Discussion** on National Electric Vehicle Infrastructure (NEVI) Plan.
- XI. **Update and Discussion** from the Technical Advisory Committee.
- XII. **Discussion and Updates** from the Texas Department of Transportation regarding significant highway construction within the Waco Metropolitan Area.
- XIII. **Work Group Updates.**
- XIV. **MPO Monthly Report.**
  - A. **TMA Status**
- XV. **Announcements.**
  - A. **Next Meeting:** Thursday, February 16, 2023
    1. Update and Discussion on Grant Opportunities
    2. TxDOT Construction Update

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[mpo@wacotx.gov](mailto:mpo@wacotx.gov)

3. Connected & Automated Vehicles (CAV) Work Group member solicitation

**B. Request** for agenda items to be considered for future meetings.

**XVI. Hearing** of visitors regarding any item of MPO business not identified on this agenda.

Note: The Policy Board cannot respond to comments received during this public hearing.

**XVII. Adjournment.**

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services should contact the MPO at (254) 750-5650 at least twenty-four (24) hours before this meeting so that appropriate arrangements can be made.

I hereby certify that this agenda was posted on the bulletin board at the McLennan County Courthouse, Waco, Texas on the 11th day of January, 2023 at 9:37am.



Mukesh Kumar  
Director

*Si desea dirigirse al comité representativo de la Organización de Planificación Metropolitana en una reunión pública y necesita un intérprete, llame al 254-750-5650 al menos con 24 horas de anticipación.*

*Si necesita información adicional o una traducción de este documento, dirija su solicitud por correo a la Organización de Planeación Metropolitana a este número telefónico: 254-750-5650, o por correo esta dirección: P.O. Box 2570 Waco, Texas 76702.*

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**MPO Policy Board**  
**Thursday, November 17, 2022**  
 South Waco Community Center  
 Large Conference Room, 2:00 p.m.  
 2815 Speight Ave, Waco, Texas



Waco Metropolitan Planning Organization

**Summary Notes DRAFT**

**Policy Board Members Present:**

Jacob Bell	Citizen Representative, City of Waco
Keith Bond	City Manager, City of Lacy Lakeview
Josh Borderud	Council Member District Three, City of Waco
Paul Cain Proxy for Deidra Emerson	Deputy City Manager, City of Waco
Ross Harris	Plan Commission, City of Waco
Jim Jaska	Mayor, City of Ross
Will Jones	County Commissioner, Pct. 3, McLennan County
Craig Lemin	City Manager, City of Robinson
Shawn Oubre	City Manager, City of Woodway
Stan Swiatek	District Engineer, Texas Dept. of Transportation, Waco District
Everett "Bo" Thomas	City Manager, City of Hewitt

**Policy Board Members Absent:**

Andrea Barefield	Council Member District One, City of Waco
Kevin Evans	City Manager, City of McGregor
Scott Felton	County Judge, McLennan County
Travis Gibson	Council Member, City of Bellmead
Jim Holmes	Council Member District Five, City of Waco
Dillon Meek	Mayor, City of Waco
Alice Rodriguez	Council Member District Two, City of Waco

**Staff Present:**

Mukesh Kumar	Director, Waco MPO
Annette Polk	Planner, Waco MPO
Daniela Gallegos	Public Engagement Specialist, Waco MPO

**Others Present:**

Amy Burlarley-Hyland*	Director of Public Works, City of Waco
John Deaver	Waco Business League Representative
Zane Dunnam	County Engineer, McLennan County
Jordan Everhart*	MRB Group
Victor Goebel	Director, Transportation Planning and Programming, Texas Dept. of Transportation, Waco District
Brigida Gonzalez*	Transportation Planner - MPO Coordinator, Transportation Planning & Programming, Texas Dept of Transportation

Brenton Lane*	Planning and Programming Engineer, Texas Dept. of Transportation, Waco District
Barbara Maley*	Transportation Planning Coordinator, Federal Highway Administration, Texas Division
Erasmio "Mo" Olivarez*	Code Enforcement Officer, City of Beverly Hills Small Cities North Representative on TAC
Sammy Smith	President, Brook Oaks Neighborhood Association, Waco
Dallas Teston	TxDOT, State Infrastructure Bank
Meg Wallace	Representative, Waco MPO Bicycle+Pedestrian Work Group
Clayton Zacha	Waco Area Engineer, Texas Dept. of Transportation

\*Attended virtually

**I. Call to Order, Roll Call of Members, Proof of Posting.**

Vice Chairman Josh Borderud called the November 17, 2022 meeting of the MPO Policy Board to order at 2:03 p.m. A quorum of members was met.

Meeting agendas were posted on the MPO website on November 8, 2022 and at the City of Waco website on November 10, 2022 noting a possible quorum of the Waco City Council.

A quorum of the City Council of the City of Waco was unmet.

**II. Public Hearing.**

Vice Chairman Josh Borderud invited visitors to address the Policy Board regarding any action or discussion item identified on this agenda. No visitors approached the Board.

**III. Approval of the October 20, 2022 meeting minutes.**

Minutes were approved as submitted.

**IV. Presentation and Discussion regarding Texas State Infrastructure Bank (SIB) Transportation Loan Program.**

Representatives from the Texas State Infrastructure Bank (SIB) provided an overview of a low-cost loan financing opportunity to help jurisdictions in implementing surface transportation projects through a revolving loan program administered by TxDOT.

**V. Consideration and Action regarding approval of Resolution 2022-15: Creation of a Local Fund to meet local match requirements for grant recipients and related needs.**

**A. Staff Presentation**

The Waco MPO has a vested interest in ensuring that local entities become competitive for eligible and available IIJA program funds by planning for projects across the MPO boundary that are application ready. The MPO’s Technical Advisory Committee (TAC) is recommending the MPO Policy Board to create a “Local Fund” which is financed by member entities to meet local match requirements for grant applications. If MPO members contributed to the “Local Fund” on an annual basis, the application process for discretionary grants would become much simpler.

**B. Discussion**

City Councils, City Managers, and County officials should discuss and arrange for their respective portion of local match and be prepared to discuss at the January 19 meeting of the Policy Board.

**C. Consideration for January Action Item**

The Policy Board will act on this resolution (renumbered 2023-1) in January 2023.

RESULT:	Discussed
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**VI. Update and Discussion on National Electric Vehicle Infrastructure (NEVI) Plan.**

TxDOT's Texas Electric Vehicle (EV) Infrastructure Plan was approved by the federal Joint Office of Energy and Transportation in September 2022. The plan describes how it plans to use its \$407.8 million in NEVI funds over 5 to begin to accomplish the federal objective. In coming months, TxDOT will issue solicitations for charging stations within MPO area and the MPO and TxDOT work together to manage, evaluate, and award projects. Policy Board members should consider equitable and appropriate charging station project prioritization over the coming months.

RESULT:	Discussed
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**VII. Update and Discussion on Carbon Reduction Program.**

The Waco MPO will receive a suballocation of federal Carbon Reduction Program (CRP) funds of approximately \$549,084 per year for the next five years. The MPO Policy Board approved Resolution 2022-14 in October 2022 which adopted a CRP process to evaluate project proposals submitted by local units of governments (within the MPO planning area) designed to use the funds in ways that support reduction of transportation emissions. The MPO Bicycle and Pedestrian Work Group (BPWG) aided staff in minor edits of this process for clarification.

The Policy Board assigned the process of proposal evaluation to the MPO Technical Advisory Committee (TAC). The TAC will use the adopted process to do so. Now that the project selection and evaluation process is established, the TAC is recommending the MPO Policy Board establish a protocol and schedule for a 2023 CRP Call for Proposals to be discussed at the January TAC and Policy Board meetings.

RESULT:	Discussed
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**VIII. Update and Discussion from the Technical Advisory Committee.**

Mr. Zane Dunnam, McLennan County Engineer and Technical Advisory Committee (TAC) Chair, provided a status update on completed efforts of the Committee during the last month.

RESULT:	Discussed
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**IX. Discussion and Updates from the Texas Department of Transportation regarding significant highway construction within the Waco Metropolitan Area.**

Mr. Clayton Zacha, Waco Area Engineer, TxDOT, Waco District, provided a status update on significant construction projects in the Waco region. This presentation is available by contacting the TxDOT Waco District Public Information Officer.

RESULT:	Discussed
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**X. Work Group Updates.**

Nominations requested for the MPO Connected and Automated Vehicles (CAV) Work Group to be convened on April 19, 2023.

**XI. MPO Monthly Report.**

- A. Membership Update** – No Policy Board members shared updates.
- B. Organizational Update** – Dr. Kumar reported development of the MPO’s Travel Demand Model (TDM) for 2050 is progressing on schedule.

**XII. Announcements**

- A. a. Update and Discussion on Grant Opportunities**
  - a. Highway Safety Improvement Program (HSIP) – Application deadline is November 18, 2022
  - b. TxDOT Transportation Alternatives Program (TA) – Call for Proposals open December 2, 2022
  - c. TxDOT Public Meeting regarding Spur 298 – November 16, 2022
  - d. IH-35 4B Ribbon Cutting Ceremony – November 9, 2022 – MPO Representatives and staff attended
- b. The next meeting of the Waco MPO Policy Board is scheduled for Thursday, January 19, 2023 at 2:00pm**
  - 1. Update and Discussion on Grant Opportunities
  - 2. TxDOT Construction Update
  - 3. Connected & Automated Vehicles (CAV) Work Group member solicitation
  - 4. Consideration and Action on Local Fund Creation
- B. Request for agenda items to be considered for future meetings.**
  - a. MPO staff should bring forth recommendations from the Strategic Planning Work Group as action items according to Policy Board directive and MPO staff recommendations.

**XIII. Hearing of Visitors Regarding Any Item of Business Not Identified on This Agenda.**

Vice Chairman Borderud opened the Hearing of Visitors at 3:07 p.m.  
No visitors submitted comments for or against any item of business on this agenda.  
Vice Chairman Borderud closed the Hearing of Visitors at 3:07 p.m.

Note: The Policy Board cannot respond to comments received during this public hearing.

**XIV. Adjournment**

Vice Chairman Borderud adjourned the meeting at 3:08 p.m.



**Waco Metropolitan Planning Organization Policy Board**

**Meeting Date:** January 19, 2023

**Agenda Item: Presentation and Discussion regarding Waco Transit System, Inc. Fixed Route Realignment Study from Alliance Transportation Group (ATG)**

**Comments:** In September 2021, Waco Transit System, Inc., with the assistance of Alliance Transportation Group Consultants (ATG) and MPO staff, began conducting a study to redesign the urban fixed route public transit system with the goals of increasing service frequency and reducing travel times while not significantly increasing operating costs. This study was initiated to accomplish the 2nd recommendation of the Waco Rapid Transit Corridor Feasibility Study which was to realign the entire fixed route system to operate on 20-to-30-minute loops that begin and end at one of the potential BRT stops instead of all routes beginning and ending in Downtown Waco.

The study's scope of work considered realignment recommendations for 3 scenarios:

- Scenario 1: A Bus Rapid Transit service utilizing the Locally Preferred Alternative Alignment identified within the Bus Rapid Transit Feasibility Study and operating on 15-minute headways
- Scenario 2: A limited stop fixed route service utilizing the aforementioned Locally Preferred Alternative Alignment, operating on 30-minute headways
- Scenario 3: A complete realignment of existing routes with no assumption of an enhanced service operating along the Locally Preferred Alignment

ATG Consultants have completed the Reimagine Waco Transit study and will present their findings and recommendations.

As a reminder, the MPO provided planning funds in the amount of \$112,500 for this study and Waco Transit provided \$150,000 in FTA Section 5307 funds with \$37,500 non-federal match.

- Action Required:**
- 1. Receive update on study
  - 2. Discussion

**Motion By:**

**Seconded:**

**Content of Motion:**

**Vote:**



The *Reimagine Waco Transit* report is not included in this meeting packet due to size restrictions.

To access the report, please select the “Reimagine Waco Transit Report” item in the *Meetings* section of the MPO website.

**Waco Metropolitan Planning Organization Policy Board**

**Meeting Date:** January 19, 2023

**Agenda Item: Consideration and Action regarding approval of Resolution 2023-1:  
Adoption of Waco MPO Strategic Planning Work Group Recommendations**

**Comments:** The Waco MPO formed a strategic planning work group to evaluate and recommend strategic goals for the future success of the MPO. The Strategic Planning Work Group assembled nine (9) strategic recommendations that redefine a regional vision for the MPO and clarify the MPO's roles. The recommendations outline the Group's effort and provides recommendations to the Policy Board for consideration and action. The recommendations address expansion of the MPO's regional identity, preparation for possible TMA designation, strategies for affecting staffing and funding constraints, and offer reasonable timelines for implementation.

A Planning Agreement among the State of Texas (TxDOT), the Waco MPO Policy Board, and the City of Waco, identifies the responsibilities of each party in carrying out the federally required transportation planning process for the Waco area. The current agreement was executed in September 2018 and is in effect until September 30, 2024. Prior to expiration, parties may request to extend or amend the current agreement or request the execution of a new agreement.

Under the current Planning Agreement, the Waco MPO is the only Texas MPO in which the central city serves as both fiscal agent and designated MPO. Recommendation #3 recommends the MPO Policy Board request a redesignation of the MPO from the City of Waco to the MPO Policy Board.

Additionally, the current Planning Agreement specifies that the City of Waco exercises the sole responsibility for oversight of the MPO executive director. Recommendation #4 recommends the Policy Board redesignate the Waco MPO Policy Board to be solely responsible for the hiring, firing, and oversight of the MPO executive director.

Resolution 2022-13 formally requests the current Planning Agreement be amended to reflect Recommendations 3 and 4 from the Waco MPO Strategic Planning Work Group.

**Action Required:**

1. Review & discuss recommendations #3 and #4 from work group
2. Conduct Public Hearing
3. Consideration and action

**Motion By:**

**Seconded:**

**Content of Motion:**

**Vote:**



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

September 28, 2018

Mr. Christopher Evilia  
Director  
Waco Metropolitan Planning Organization  
P.O. Box 2570  
Waco, Texas 76702

Dear Mr. Evilia:

Please find enclosed two (2) fully executed original planning agreements. One of the documents should be forwarded to your fiscal agent for their records.

If you have any questions or concerns please contact Ms. Peggy Thurin at 512-486-5024.

Regards,

Peter Smith, P.E.  
Director, Transportation Planning & Programming Division

cc: Peggy Thurin, P.E., Transportation Planning and Programming Division, Interim Deputy Director, TxDOT  
Kelly Kirkland, Public Transportation Division, Business Operations Project Manager, TxDOT

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OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

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**WHEREAS**, the Governor of the State of Texas and the City of Waco have executed an agreement pursuant to the MPO designation; and

**WHEREAS**, an area equal to or larger than the above-mentioned urbanized area has been delineated in accordance with federal and state guidelines where required metropolitan transportation planning activities may take place; and

**WHEREAS**, 23 Code of Federal Regulations (CFR) §420.117(a) requires that in accordance with 49 CFR §18.40, the Department shall monitor all activities performed by its staff or by sub-recipients with Federal Highway Administration (FHWA) planning and research funds to assure that the work is being managed and performed satisfactorily and that time schedules are being met; and

**NOW THEREFORE**, it is agreed as follows:

## **A G R E E M E N T**

### **Article 1. Agreement Period**

- A. This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. The Department shall not continue its obligation to the MPO under this agreement if the Governor's designation of the MPO is withdrawn; if federal funds cease to become available; or if the agreement is terminated as provided below.
- B. This agreement expires on September 30, 2024. No fewer than one hundred and twenty (120) days before the expiration date, the Department may, at its sole discretion, exercise in writing an option to extend the agreement by a period of no more than two years. The Department may exercise this option no more than two times. If all terms and conditions of this agreement remain viable and no amendment to the existing agreement or new agreement is required, a letter from the Department to the MPO shall constitute renewal of this agreement subject to all terms and conditions specified in this agreement. However, an amendment or a new agreement may be executed, if necessary.

### **Article 2. Responsibilities of the Department**

The responsibilities of the Department are as follows:

- A. Assist in the development of the Unified Planning Work Program (UPWP), approve the format of work programs submitted by the MPO, and, where required by federal law or regulation, monitor the MPO's performance of activities and expenditure of funds under a UPWP. Where monitoring is not required, the Department is responsible for reviewing the MPO's activities and expenditure of funds, and will comment on and make suggestions relating to those activities and expenditures.
- B. Develop a time line for development of the UPWP by the MPO; and in consultation with the MPOs, shall develop a standard UPWP format to be used by all MPOs.
- C. Make available to the MPO its share of all federal metropolitan planning funds and provide the required non-federal match as authorized by the Texas Transportation Commission. The Department will distribute federal transportation planning funds to the MPO based on a formula developed by the Department, in consultation with the MPOs, and approved by FHWA, the Federal Transit Administration (FTA), and other applicable federal agencies.
- D. Provide to the MPO, as appropriate, technical assistance and guidance for the collection, processing, and forecasting of socio-economic data needed for the development of traffic

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forecasts, plans, programs, and planning proposals within the metropolitan area, including collecting, processing, and forecasting vehicular travel volume data in cooperation with the MPO, as appropriate.

- E. Jointly promote the development of the intermodal transportation system within the metropolitan area by identifying points in the system where access, connectivity, and coordination between the modes and inter-urban facilities would benefit the entire system.
- F. Share with the MPO information and information sources concerning transportation planning issues that relate to this agreement.
- G. Cooperatively develop and share information with the MPO related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

### **Article 3. Responsibilities of the MPO**

The MPO is an organization created to ensure that existing and future expenditures on transportation projects and programs are based on a continuing, cooperative, and comprehensive planning process. The responsibilities of the MPO are as follows:

- A. Document planning activities in a UPWP to indicate who will perform the work, the schedule for completing it, and all products that will be produced. In cooperation with the Department and public transportation operators as defined by 23 CFR Part 450, the MPO must annually or bi-annually develop a UPWP that meets federal requirements.
- B. Prepare and submit to the Department an annual performance and expenditure report of progress no later than December 31 of each year. A uniform format for the annual report will be established by the Department, in consultation with the MPOs.
- C. Use funds provided in accordance with 43 Texas Administrative Code (TAC) §16.52 and Article 2 (Responsibilities of the Department) of this agreement to develop and maintain a comprehensive regional transportation planning program in conformity with the requirements of 23 USC §134, 49 USC §5303, and the Texas Comptroller of Public Accounts Uniform Grant Management Standards (UGMS).
- D. Develop a Metropolitan Transportation Plan (MTP), a Transportation Improvement Program (TIP), and a UPWP for the Metropolitan Planning Area (MPA), all of which are consistent with the Statewide Long-Range Transportation Plan (SLRTP), as required by the state and federal law. At a minimum, the MPO shall consider in their planning process the applicable factors outlined in 23 USC §134.
- E. Assemble and maintain an adequate, competent staff with the knowledge and experience that will enable them to perform all appropriate MPO activities required by law.
- F. Forecast, collect, and maintain appropriate socio-economic, roadway, and travel data on a timely basis, in cooperation with the Department.
- G. Prepare all required plans, programs, reports, data, and obtain required certifications in a timely manner.
- H. Share information with the Department and information sources concerning transportation planning issues.

### **Article 4. Responsibilities of the MPO Policy Board**

The MPO Policy Board is the policy body that is the forum designated under 23 USC §134 with the responsibility for establishing overall transportation policy for the MPO and for making required approvals. The MPO Policy Board is comprised of those governmental agencies

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identified in the original designation agreement and those agencies or organizations subsequently added to the membership of the board. The responsibilities of the MPO, acting through its Policy Board, are as follows:

- A. Ensure that requirements of 23 USC §§134 and 135 and 49 USC, Chapter 53, are carried out.
- B. Use funds provided in accordance with Article 2 (Responsibilities of the Department) of this agreement to develop and maintain a comprehensive regional transportation planning program in accordance with requirements of 23 USC §134 and 49 USC §5303.
- C. Develop and adopt an MTP for the MPA that is consistent with the SLRTP required by state and federal laws; a TIP and a UPWP; and other planning documents and reports that may be required by state or federal laws or regulations.
- D. Provide planning policy direction to the MPO Transportation Planning Director.
- E. **Exercise sole responsibility to hire, supervise, evaluate, and terminate the MPO Transportation Planning Director.**

**Article 5. Responsibilities of the Fiscal Agent**

The Fiscal Agent for the MPO is the entity responsible for providing fiscal, human resource, and staff support services to the MPO. The responsibilities of the Fiscal Agent are as follows:

- A. Maintain required accounting records for state and federal funds consistent with current federal and state requirements.
- B. Provide all appropriate funding, as identified by fiscal year in the UPWP, to allow the MPO staff to effectively and efficiently operate the program.
- C. Provide human resource services to the MPO.
- D. Provide benefits for the MPO staff that shall be the same as the Fiscal Agent normally provides its own employees; or as determined through an agreement between the MPO and the Fiscal Agent. Costs incurred by the Fiscal Agent for these benefits may be reimbursed by the MPO.
- E. Establish procedures and policies for procurement and purchasing, when necessary, in cooperation with the MPO.
- F. ~~Exercise sole responsibility to hire, supervise, evaluate, and terminate the MPO Transportation Planning Director.~~

**Article 6. Responsibilities of the MPO Transportation Planning Director**

The responsibilities of the MPO Transportation Planning Director are as follows:

- A. Administer the MPO's UPWP. The Director shall serve in a full-time capacity and shall take planning policy direction from and be responsible to the designated MPO Policy Committee.
- B. Act as a liaison to the Department, relevant to the Department's transportation planning activities.
- C. Oversee and direct all MPO transportation planning staff work performed using MPO funds.
- D. Prepare and submit all required plans, programs, reports, data, and certifications in a timely manner.
- E. Develop and present to the MPO Policy Board an MTP for the MPA that is consistent with the SLRTP required by state and federal laws; a TIP and a UPWP; and other planning documents and reports that may be required by state or federal laws or regulations.
- F. Share with the Department information and information resources concerning transportation planning issues.



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**Article 7. Unified Planning Work Program**

- A. Each year the MPO shall submit to the Department a program of work that includes goals, objectives, and tasks required by each of the several agencies involved in the metropolitan transportation planning process. This program of work is to be called the Unified Planning Work Program (UPWP), or any successor name. The UPWP shall be approved by the MPO Policy Board, in accordance with 23 CFR §450.314.
- B. The UPWP will be prepared for a period of one (1) year or two (2) years unless otherwise agreed to by the Department and the MPO. The UPWP shall reflect only that work that can be accomplished during the time period of the UPWP, in accordance with TAC §16.52.
- C. The UPWP shall reflect transportation planning work tasks to be funded by federal, state, or local transportation, or transportation related (e.g. air quality) planning funds. The budget and statement of work will be included in the UPWP. The MPO may not incur costs until final approval of the UPWP is granted. The maximum amount payable will not exceed the budget included in the UPWP.
- D. The effective date of each UPWP will be October 1st of each year or the date of approval from the appropriate oversight agency, whichever occurs later. On that date, the UPWP shall constitute a new federal project and shall supersede the previous UPWP.
- E. The UPWP shall comply with all applicable federal and state requirements and will describe metropolitan transportation and transportation-related planning activities anticipated in the area.
- F. The use of federal metropolitan transportation planning funds shall be limited to transportation planning activities affecting the transportation system within the boundaries of a designated metropolitan planning area. If an MPO determines that data collection and analysis activities relating to land use, demographics, or traffic or travel information, conducted outside its boundaries, affects the transportation system within its boundaries, then those activities may be undertaken using federal planning funds, if the activities are specifically identified in an approved UPWP. Any other costs incurred for transportation planning activities outside the boundaries of a designated metropolitan planning area are not eligible for reimbursement.
- G. Travel outside the State of Texas by MPO staff and other agencies participating in the MPO planning process must be approved by the Department if funded with federal transportation planning funds. The MPO must receive approval prior to incurring any costs associated with the actual travel (e.g., registration fee). This provision will not apply if the travel is at the request of the Department. Travel to the State of Arkansas by the Texarkana MPO staff and travel to the State of New Mexico by the El Paso MPO staff shall be considered in-state travel.
- H. The cost of travel incurred by elected officials serving on the MPO Policy Board is eligible for reimbursement with federal transportation planning funds in accordance with 43 TAC §16.52.
- I. The use of federal transportation planning funds is limited to corridor/subarea level planning or multimodal or system-wide transit planning studies. Major investment studies and environmental studies are considered corridor level planning. Unless otherwise authorized by federal law or regulation, the use of such funds beyond environmental document preparation or for specific project level planning and engineering (efforts directly related to a specific project instead of a corridor) is not allowed.
- J. Failure to adhere to the time line developed by the Department may result in a delay in the authorization to the MPOs to proceed in incurring costs.

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- K. A UPWP will not be approved if it is submitted in a format other than the standard format developed by the Department. The UPWP and subsequent amendments may be submitted electronically.
- L. The MPO shall not incur any costs for work outlined in the UPWP or any subsequent amendments (i.e., adding new work tasks or changing the scope of existing work tasks) prior to receiving approval from the Department. Any costs incurred prior to receiving Department approval are not eligible for reimbursement from federal transportation planning funds.
- M. Costs incurred by the MPO shall not exceed the total budgeted amount of the UPWP without prior approval of the MPO Policy Committee and the Department. Costs incurred on individual work tasks shall not exceed that task budget by 25 percent without prior approval of the MPO Policy Committee and the Department. If the costs exceed 25 percent of the task budget, the UPWP shall be revised, approved by the MPO Policy Committee, and submitted to the Department for approval.
- N. The MPO Policy Committee must approve the UPWP and any subsequent revisions, and shall not delegate the approval authority, except for corrective actions. Corrective actions do not change the scope of work, result in an increase or decrease in the amount of task funding, or affect the overall budget. Examples include typographical, grammatical, or syntax corrections.
- O. Should any conflict be discovered between the terms of this agreement and the UPWP, the terms of this agreement shall prevail.
- P. The MPO is not authorized to request payment for any work it may perform that is not included in the current UPWP.

**Article 8. Compensation**

The Department's payment of any cost incurred under this agreement is contingent upon all of the following:

- A. Federal funds are available to the Department in a sufficient amount for making payments.
- B. The incurred cost is authorized in the UPWP. The maximum amount payable under this agreement shall not exceed the total budgeted amount outlined in the UPWP in accordance with 43 TAC §16.52.
- C. The cost has actually been incurred by the MPO and meets the following criteria:
  - 1. Is verifiable from MPO records;
  - 2. Is not included as match funds for any other federally-assisted program;
  - 3. Is necessary and reasonable for the proper and efficient accomplishment of program objectives;
  - 4. Is the type of charge that would be allowable under 2 CFR 200 Revised, "Cost Principles for State, Local, and Indian Tribal Governments" and the state's UGMS; and
  - 5. Is not paid by the Department or federal government under another assistance program unless authorized to be used as match under the other federal or state agreement and the laws and regulations to which it is subject.
- D. After October 1st of each year, the Department will issue a work order to the MPO establishing the effective date of work and the total funds authorized. If the UPWP is subsequently revised, necessitating a revision to the original work order, or the Department deems a revision necessary, a revised work order may be issued at any time throughout the fiscal year. If the amount in the UPWP differs from the amount in the work order, the amount in the work order prevails.
- E. The MPO is authorized to submit requests for payment of authorized costs incurred under this agreement on a semi-monthly basis, but no more than twenty four (24) times a year and

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no less than monthly as expenses occur. Each request for payment shall be submitted in a manner acceptable to the Department, which includes, at a minimum, the following information:

1. UPWP budget category or line item;
  2. Description of the cost;
  3. Quantity;
  4. Price;
  5. Cost extension; and
  6. Total costs
- F. The MPO shall submit the final bill from the previous fiscal year to the Department no later than December 31<sup>st</sup> of the calendar year in which that fiscal year ended. Any bills submitted after December 31 for a fiscal year in which the funds have been de-obligated will be processed against the current year's UPWP.
- G. Payment of costs is contingent upon compliance with the terms of Article 3 (Responsibilities of the MPO) of this agreement. Noncompliance may result in cancellation of authorized work and suspension of payments after a thirty (30) day notification by the Department to the MPO.

#### **Article 9. Reporting**

To permit program monitoring and reporting, the MPO shall submit reports as required in Article 3 (Responsibilities of the MPO) of this agreement. If task expenditures overrun or underrun a budgeted task amount by twenty-five percent (25%) or more, the annual performance and expenditure report must include an explanation for the overrun or underrun.

#### **Article 10. Indemnification**

- A. The MPO shall save harmless the Department and its officers and employees from all claims and liability that are due to activities of the MPO, its agents, or its employees performed under this agreement and that are caused by or result from error, omission, or negligent act of the MPO or of any person employed by the MPO.
- B. To the extent possible under state law, the MPO shall also save harmless the Department from any and all expense, including but not limited to, attorney fees that may be incurred by the Department in litigation or otherwise resisting claims or liabilities that may be imposed on the Department as a result of the activities of the MPO, its agents, or its employees.

#### **Article 11. Inspection of Work and Retention of Documents**

- A. The Department and, when federal funds are involved, the U. S. Department of Transportation (USDOT), and their authorized representatives shall have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises on which it is being performed.
- B. If any inspection or evaluation is made on the premises of the MPO or a subcontractor, the MPO shall provide or require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.
- C. The MPO agrees to maintain all books, documents, papers, computer generated files, accounting records, and other evidence pertaining to costs incurred and work performed under this agreement, and shall make those materials available at its office during the time period covered and for seven (7) years from the date of final payment under the UPWP.

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Those materials shall be made available during the specified period for inspection by the Department, the USDOT, and the Office of the Inspector General of the USDOT and any of their authorized representatives for the purpose of making audits, examinations, excerpts, and transcriptions.

- D. The state auditor may conduct an audit or investigation of any entity receiving funds from the Department directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit under the state's UGMS.

**Article 12. Work Performance**

All work performed under this agreement shall be carried out in a professional and orderly manner, and the products authorized in the UPWP shall be accurate and exhibit high standards of workmanship.

**Article 13. Disputes**

The MPO shall be responsible for the settlement of all contractual and administrative issues arising out of procurement entered into in support of work under this agreement. In the event of a dispute between the Department and the MPO concerning the work performed under this agreement in support of the urban transportation planning process, the dispute shall be resolved through binding arbitration. Furthermore, the arbiter shall be mutually acceptable to the Department and the MPO.

**Article 14. Non-Collusion**

The MPO shall warrant that it has not employed or retained any company or person, other than a bona fide employee working for the MPO, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the MPO breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of the fee, commission, brokerage fee, gift, or contingent fee.

**Article 15. Subcontracts**

- A. Any subcontract for services rendered by individuals or organizations not a part of the MPO's organization shall not be executed without prior authorization and approval of the subcontract by the Department and, when federal funds are involved, the USDOT. All work in the subcontract is subject to the state's UGMS. If the work for the subcontract is authorized in the current approved UPWP, and if the MPO's procurement procedures for negotiated contracts have been approved by the Department either directly or through self-certification by the MPO, the subcontract shall be deemed to be authorized and approved, provided that the subcontract includes all provisions required by the Department and the USDOT.
- B. Subcontracts in excess of \$25,000 shall contain all required provisions of this agreement.
- C. No subcontract will relieve the MPO of its responsibility under this agreement.

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**Article 16. Termination**

- A. The Department may terminate this agreement at any time before the date of completion if the Governor withdraws his designation of the MPO. The Department or the MPO may seek termination of this agreement pursuant to Article 13 (Disputes) if either party fails to comply with the conditions of the agreement. The Department or the MPO shall give written notice to all parties at least ninety (90) days prior to the effective date of termination and specify the effective date of termination.
- B. The Department may terminate this agreement for reasons of its own, subject to agreement by the MPO.
- C. The parties to this agreement may terminate this agreement when its continuation would not produce beneficial results commensurate with the further expenditure of funds. In this event, the parties shall agree upon the termination conditions.
- D. Upon termination of this agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc., prepared by the MPO shall, at the option of the Department, be delivered to the Department.
- E. The Department shall reimburse the MPO for those eligible expenses incurred during the agreement period that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The MPO shall not incur new obligations for the terminated portion after the effective date of termination.

**Article 17. Force Majeure**

Except with respect to defaults of subcontractors, the MPO shall not be in default by reason of failure in performance of this agreement in accordance with its terms (including any failure by the MPO to progress in the performance of the work) if that failure arises out of causes beyond the control and without the default or negligence of the MPO. Those causes may include but are not limited to acts of God or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather. In every case, however, the failure to perform must be beyond the control and without the fault or negligence of the MPO.

**Article 18. Remedies**

- A. Violation or breach of agreement terms by the MPO shall be grounds for termination of the agreement. Any costs incurred by the Department arising from the termination of this agreement shall be paid by the MPO.
- B. This agreement shall not be considered as specifying the exclusive remedy for any dispute, but all remedies existing at law and in equity may be availed of by either party and shall be cumulative.

**Article 19. Gratuities**

- A. Employees of the Department or the MPO shall not accept any benefits, gifts, or favors from any person doing business with, or who may do business with the Department or the MPO under this agreement.
- B. Any person doing business with, or who may do business with the Department or the MPO under this agreement, may not make any offer of benefits, gifts, or favors to Department or

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the MPO employees. Failure on the part of the Department or the MPO to adhere to this policy may result in termination of this agreement.

**Article 20. Compliance with Laws**

The parties to this agreement shall comply with all federal and state laws, statutes, rules, and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the MPO shall furnish the Department with satisfactory proof of its compliance.

**Article 21. Successors and Assigns**

No party shall assign or transfer its interest in this agreement without written consent of the other parties.

**Article 22. Debarment Certifications**

The MPO is prohibited from making any award or permitting any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, Debarment and Suspension. By executing this agreement, the MPO certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The MPO shall require any party to a subcontract or purchase order awarded under this agreement as specified in 49 CFR Part 29 (Debarment and Suspension) to certify its eligibility to receive federal funds and, when requested by the Department, to furnish a copy of the certification.

**Article 23. Equal Employment Opportunity**

The parties to this agreement agree to comply with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations (41 CFR §60).

**Article 24. Pertinent Non-Discrimination Authorities**

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).

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- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

**Article 25. Nondiscrimination on the Basis of Disability**

The MPO agrees that no otherwise qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under this agreement. The MPO shall ensure that all fixed facility construction or alteration and all new equipment included in the project comply with applicable regulations regarding Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, set forth in 49 CFR Part 27, and any amendments to it.

**Article 26. Disadvantaged Business Enterprise (DBE) Program Requirements**

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The MPO shall adopt, in its totality, the State’s federally approved DBE program.
- C. The MPO shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State’s DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The MPO shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each MPO contract with a subprovider. The MPO shall be responsible for documenting its actions.



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- D. The MPO shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address [http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou\\_attachments.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf).
- E. The MPO shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The MPO shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the MPO of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the MPO signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

**Article 27. Procurement and Property Management Standards**

- A. The parties to this Agreement shall adhere to the procurement standards established in Title 49 CFR §18.36, to the property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the MPO's procurement procedures for purchases to be eligible for state or federal funds.
- B. The MPO agrees to comply with applicable Buy America requirements set forth in the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) §401 and the FTA's Buy America regulations in 49 CFR Part 661.
- C. The MPO agrees to comply with the cargo preference requirements set forth in 46 USC §55305 and Maritime Administration regulations set forth in 46 CFR Part 381.

**Article 28. Environmental Protection and Energy Efficiency**

- A. The MPO agrees to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act, 42 USC §7602; Section 508 of the Clean Water Act 33 USC §1368; Executive Order 11738 and Title 40 CFR, "Protection of Environment." The MPO further agrees to report violations to the Department.
- B. The MPO agrees to recognize standards and policies relating to energy efficiency that are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).
- C.

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**Article 29. Federal Reimbursement**

The MPO shall be responsible for any funds determined to be ineligible for federal reimbursement, and shall reimburse the Department the amount of those funds previously provided to it by the Department.

**Article 30. Control of Drug Use**

The MPO agrees to comply with the terms of the FTA regulation, "Prevention of Alcohol Misuse and Prohibited Drug Use in Mass Transit Operations," set forth in 49 CFR Part 655.

**Article 31. Lobbying Certification**

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the MPO shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**Article 32. Amendments**

Any change to one or more of the terms and conditions of this agreement shall not be valid unless made in writing and agreed to by the parties before the change is implemented.

**Article 33. Distribution of Products**

- A. The MPO shall provide a number of copies to be specified by the Department of all information, reports, proposals, brochures, summaries, written conclusions, graphic presentations, and similar materials developed by the MPO and financed, in whole or in part, as provided in this agreement. All reports published by the MPO shall contain the following prominent credit reference to the Department, USDOT, FHWA, and FTA:  
*Prepared in cooperation with the Texas Department of Transportation and the U.S. Department of Transportation, Federal Highway Administration, and Federal Transit Administration.*
- B. Upon termination of this agreement, all documents prepared by the MPO or furnished to the MPO by the Department, shall be delivered to the Department. All documents,

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photographs, calculations, programs, and other data prepared or used under this agreement may be used by the Department without restriction or limitation of further use.

**Article 34. Legal Construction**

In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

**Article 35. Sole Agreement**

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this agreement.

**Article 36. Copyrights**

The Department and the USDOT shall, with regard to any reports or other products produced under this agreement, reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for government purposes.

**Article 37. Federal Funding Accountability and Transparency Act Requirements**

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>
- B. The MPO agrees that it shall:
  - 1. Obtain and provide to the Department a Central Contracting Registry (CCR) number (Federal Acquisition Regulation, Part 4, Sub-part 4.1100) if this award provides for more than \$25,000 in Federal funding. The CCR number may be obtained by visiting the CCR web-site at <https://www.sam.gov/portal/public/SAM/>;
  - 2. Obtain and provide to the Department a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet on-line registration website at <http://fedgov.dnb.com/webform>; and
  - 3. Report the total compensation and names of its top five (5) executives to the Department if:
    - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
    - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

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**Article 38. Single Audit Report**

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the MPO must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at [singleaudits@txdot.gov](mailto:singleaudits@txdot.gov).
- C. If expenditures are less than the threshold during the MPO's fiscal year, the MPO must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$\_\_\_\_\_ expenditure threshold and therefore, are not required to have a single audit performed for FY \_\_\_\_\_."
- D. For each year the Project remains open for federal funding expenditures, the MPO will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

**Article 39. Notices**

All notices to any party by the other parties required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to the party at the following addresses:

<b>MPO:</b>	Christopher Evilia, AICP Director Waco MPO P.O. Box 2570 Waco, TX 76702-2570
<b>Fiscal Agent:</b>	Wiley Stem City Manager City of Waco P.O. Box 2570 Waco, TX 76702-2570
<b>Department:</b>	Director, Transportation Planning & Programming Division Texas Department of Transportation 125 E. 11 <sup>th</sup> Street Austin, Texas 78701


All notices shall be deemed given on the date delivered or deposited in the mail, unless otherwise provided in this agreement. Any party may change the above address by sending written notice of the change to the other parties. Any party may request in writing that notices shall be delivered personally or by certified U.S. mail and that request shall be honored and carried out by the other parties.


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**Article 40. Signatory Warranty**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

**THIS AGREEMENT IS EXECUTED** by the Department, the MPO, and the Fiscal Agent in triplicate.

 **THE MPO**  
 \_\_\_\_\_  
 Signature  
 Dillon Meek  
 \_\_\_\_\_  
 Typed or Printed Name  
 Chair – Waco MPO Policy Board  
 \_\_\_\_\_  
 Title  
 8-16-18  
 \_\_\_\_\_  
 Date

**THE FISCAL AGENT**  
  
 \_\_\_\_\_  
 Signature  
 Wiley Stem  
 \_\_\_\_\_  
 Typed or Printed Name  
 City Manager – City of Waco  
 \_\_\_\_\_  
 Title  
 9-18-18  
 \_\_\_\_\_  
 Date

**THE DEPARTMENT**  
  
 \_\_\_\_\_  
 Signature  
 Peter Smith  
 \_\_\_\_\_  
 Typed or Printed Name  
 Director, Transportation Planning and  
 Programming Division, Texas Department of  
 Transportation  
 \_\_\_\_\_  
 Title  
 9/24/2018  
 \_\_\_\_\_  
 Date



## RESOLUTION 2023-1

Whereas the Waco Metropolitan Planning Organization (MPO) was established to identify and support the implementation of regionally significant transportation projects to address future mobility needs of the Waco Region;

Whereas the Waco MPO Policy Board is composed of representatives appointed by the elected City Councils and Counties located within the jurisdiction of the MPO as well as the Texas Department of Transportation;

Whereas Section 134, Title 23, USC requires a comprehensive and continuing transportation planning process must be carried out cooperatively to ensure funds for transportation projects are effectively allocated to the Waco Metropolitan Area;

Whereas the Waco MPO Policy Board recognized the changes in population growth patterns, mobility needs of the changing neighborhoods and communities, and in the practices of transportation planning processes;

Whereas the Waco MPO Policy Board formed a Strategic Planning Work Group to evaluate and recommend strategic recommendations for the future success of the Waco MPO;

Whereas the Waco MPO Strategic Planning Work Group, with assistance from Texas Transportation Institute, assembled recommendations that address several immediate needs for the Waco MPO and clarified the MPO's roles in the regional transportation planning process;

Whereas the Waco MPO Policy Board adopted the recommendations of the strategic planning work group in their entirety at its October meeting, which also constituted a quorum of the Waco City Council;

Whereas the Waco MPO Policy Board applauds and is deeply appreciative of the support of the City of Waco councilmembers, staff, and the city manager's office in their desire to support the greater good of the region;

Whereas the Waco MPO Strategic Planning Work Group recommended a redesignation of the MPO from the City of Waco to the MPO Policy Board, and reassigning the sole responsibility for the hiring, firing, and oversight of the MPO director to the Waco MPO Policy Board;

Whereas such a redesignation and reassignment will bring Waco MPO in a position similar to other MPOs in Texas, and enhance its ability to serve the greater good of the region;

Now, therefore, be it **RESOLVED**, that the Waco MPO Policy Board

1. Requests the Governor (or TxDOT, the designated entity to act on his behalf) to redesignate the Waco MPO Policy Board as the MPO;
2. further requests the Governor (or TxDOT, the designated entity to act on his behalf) to reassign the sole responsibility for the hiring, firing, and oversight of the MPO director to the Waco MPO Policy Board;
3. further requests the Governor (or TxDOT, the designated entity to act on his behalf) to request the City of Waco to continue to serve as the fiscal agent to the designated MPO;
4. further requests the Governor (or TxDOT, the designated entity to act on his behalf) to make the effective date of redesignation and the effective date of amended planning agreement to be the same;
5. hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law;
6. hereby officially found and determined that all public participation requirements identified within the Waco MPO Public Participation Plan related to this action by the Policy Board were met and completed.

**PASSED AND APPROVED** this the 19<sup>th</sup> day of January 2023.

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Jim Holmes  
Council Member – City of Waco  
Chair – Waco MPO Policy Board

ATTEST:

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Mukesh Kumar  
Director

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# WACO MPO STRATEGIC PLANNING WORK GROUP RECOMMENDATIONS





## Disclaimer

Texas A&M Transportation Institute staff prepared this document with support and input from the Waco Metropolitan Planning Organization (MPO) Strategic Planning Work Group. The purpose of this document is to provide information to the Waco MPO Policy Board so that its members can vote on the proposed recommendations from the Waco MPO Strategic Planning Work Group.

The contents of this document reflect the views and opinions of the authors, who are responsible for the facts and accuracy of the information presented herein. The contents do not necessarily reflect the views or opinions of the Texas Department of Transportation or Waco MPO staff.

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## List of Acronyms

3-C	Continuing, Cooperative, and Comprehensive
CMP	Congestion Management Process
DOT	Department of Transportation
FCR	Federal Certification Review
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	Geographic Information System
MAB	Metropolitan Area Boundary
MPO	Metropolitan Planning Organization
MTP	Metropolitan Transportation Plan
TAC	Technical Advisory Committee
TDC	Transportation Development Credit
TIP	Transportation Improvement Program
TMA	Transportation Management Area
TPF	Transportation Planning Funds
TPP	Transportation Planning and Programming
TTI	Texas A&M Transportation Institute
TxDOT	Texas Department of Transportation
UPWP	Unified Planning Work Program
UZA	Urbanized Area

## Definitions

**PL funds:** Federal Highway Administration planning funds used to operate metropolitan planning organizations.

**Section 5303 funds:** Federal Transit Administration funds used for transit planning efforts.

**Transportation planning funds (TPF):** funds designated for use by the Texas Department of Transportation to identify the combination of PL and Section 5303 funds to use to fund metropolitan planning organization operations.

## Executive Summary

The Waco Metropolitan Planning Organization (MPO) is a federally mandated decision-making body tasked with crafting policy, planning, and programming decisions related to transportation for all of McLennan County. The Waco MPO Policy Board serves as the metropolitan forum for informed and inclusive decision-making.

The Waco MPO formed a strategic planning work group to evaluate and recommend strategic goals for the future success of the MPO. The Waco MPO Strategic Planning Work Group recommends the following for consideration and voting by the Waco MPO Policy Board.

## Regional Identity

1. The MPO Policy Board concurs with or modifies this work of the Waco MPO Strategic Planning Work Group and the contents of this document.
2. The MPO Policy Board changes the MPO name so that the new name promotes a more regional and inclusive nature.
3. The MPO Policy Board requests a redesignation of the MPO from the City of Waco to the MPO Policy Board.
4. The MPO Policy Board redesignates the Waco MPO Policy Board to be solely responsible for the hiring, firing, and oversight of the MPO executive director.
5. The MPO Policy Board approves the creation of a short video or other promotional materials to educate the public about the purpose of the MPO.
6. The MPO collaborates with potential stakeholders in the metropolitan area to highlight the MPO's purpose (e.g., presentations at the Greater Waco Chamber of Commerce Annual State of the State Meeting, regional civic organization meetings [see the "Waco MPO Entities, Partners, and Stakeholders" section], and articles in the *Waco Tribune-Herald*).

## Preparation for TMA Status

1. The MPO Policy Board directs the Technical Advisory Committee (TAC) to develop a project selection process to solicit and review project ideas for the metropolitan area, which the Policy Board would then approve or modify.

## MPO Capacity

1. The MPO Policy Board authorizes the TAC and MPO staff to identify and evaluate supplemental funding opportunities (e.g., grant opportunities).
2. The MPO Policy Board encourages the TAC to develop small work groups to address future needs and to maintain an understanding of the current and expected issues in the metropolitan area, per TAC bylaws.



## MPO Background

Federal law, set forth in the Code of Federal Regulations (23 CFR 450), requires that an MPO be designated when a Census-designated urbanized area (UZA) reaches a population of 50,000 or more. When the population within a UZA reaches 200,000 or more, the MPO becomes a transportation management area (TMA).

## Transportation Planning Process

Each MPO provides a continuing, cooperative, and comprehensive (3-C) transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. The 3-C process defines planning as continuing (i.e., happens all of the time and is repeated), comprehensive (i.e., covers all modes), and cooperative (i.e., all entities provide input and exchange plans and ideas). These plans and programs lead to the development and operation of an integrated, intermodal transportation system that facilitates the safe and efficient movement of people and goods.

MPOs develop long-range transportation plans and program projects. The plans serve as the roadmap for future projects and programs. MPOs also conduct short-range programming to identify projects and funding sources. Federal law requires that the MPO plan for a metropolitan area boundary (MAB), which at a minimum reflects the area anticipated to be urbanized within the next 25 years.

The MPO is responsible for supporting transportation needs and is accountable to each entity in the MAB.

## Funding

Texas has 23 MPOs. Each MPO receives federal funding for transportation planning. These federal funds require a 20 percent match from state and/or local entities. In Texas, the Texas Department of Transportation (TxDOT) provides the 20 percent match through transportation development credits (TDCs). A TDC is a transportation funding tool used to meet federal funding match requirements. In Texas, TDCs are made available as a result of tolls on roads and bridges. In some states, departments of transportation (DOTs) provide less of the required match, requiring MPO member entities to provide the balance through cash.

The state DOT's match does not provide cash for the MPO process; therefore, the federal funds provide 100 percent of the cash with which most MPOs operate. The federal funds, known as transportation planning funds (TPFs) in Texas, are a combination of money provided by Federal Highway Administration (FHWA) planning (PL) funds and Federal Transit Administration (FTA) Section 5303 funds. TMAs have additional federal requirements, and those in Texas receive additional federal funding through an allocation formula.

Some Texas MPOs also receive non-federal funds, such as local funding from member entities, to carry out their mandated planning activities.



## Waco MPO Background

The Texas governor designated the City of Waco as the MPO in 1974 to ensure that transportation decisions within the MPO area are performed in a 3-C process and are guided by local and public input. In 1974, the MAB did not include all of McLennan County, nor as many of the incorporated towns currently included. Through the following years, the MAB expanded to eventually include the entire county.

## Organization

The Waco MPO coordinates transportation planning activities for its MAB, which includes all of McLennan County and the 19 incorporated cities and towns listed in the “Waco MPO Entities, Partners, and Stakeholders” section of this document. The Waco MPO Policy Board is the governing body of the MPO and is comprised of representatives of member governments. The Policy Board is tasked with making informed transportation policy, planning and programming decisions within the metropolitan area. The TAC provides technical review of transportation projects, plans, and programs, and offers recommendations to the Policy Board for action. The TAC is comprised of member entity staff.

## Funding

An MPO fiscal agent is responsible for providing the upfront costs needed to run the MPO, and then TxDOT reimburses the MPO using TPFs. The City of Waco serves as the fiscal agent for the Waco MPO. Through an interlocal agreement, the City of Waco, as fiscal agent to the Waco MPO, accepts responsibility for providing necessary services, such as human resources, payroll, and legal services.

## Plans and Programs

The Waco MPO collaborates with local stakeholders and gathers public input for several plans and programs, including:

- **Metropolitan Transportation Plan (MTP):** includes projects with a 25-year horizon.
- **Transportation Improvement Program (TIP):** includes projects funded within a 4-year window.
- **Unified Planning Work Program (UPWP):** outlines the MPO’s 2-year activities and use of planning funds.
- **Public Participation Plan (PPP):** includes MPO procedures to engage the public about transportation plans, projects, and related activities.
- **Limited English Proficiency (LEP) Plan:** describes accessibility to MPO processes for persons who are not proficient in the English language.

Additionally, MPOs may create other planning documents, such as an active transportation plan and a thoroughfare plan. The Waco MPO currently has both of these optional plans.

The Waco MPO is working to identify a meaningful method to assess information that can:

- Set long-term priorities for the metropolitan area through a regional visioning process.
- Prepare for possible TMA designation.
- Respond to regional growth patterns with mobility options.

This regional vision requires the input of the MPO member entities and will focus on the MPO's core required practice of the 3-C planning process.

## Strategic Planning Purpose

The Waco MPO formed a strategic planning work group of selected members and stakeholders to define strategic goals for the future success of the MPO. This report outlines the Waco MPO Strategic Planning Work Group's effort and provides recommendations to the Waco MPO Policy Board for action. The strategic planning process was motivated by two primary factors:

- The likelihood of a change to TMA status of the Waco MPO and the related responsibilities this change will bring.
- The growth pattern in the Waco metropolitan planning area and its effect on the mobility needs that exist across the planning area.

Through an interagency agreement with TxDOT, the Texas A&M Transportation Institute (TTI) currently supports MPOs across Texas to ensure that MPOs comply efficiently with all state and federal requirements while providing the best transportation planning and programming process possible. TxDOT did not initiate TTI's work due to any problems or perceived deficiencies with current processes, and both TxDOT and local stakeholders are supporting TTI in its efforts.

## Strategic Planning Work Group

With approval from the Waco MPO Policy Board, the Waco MPO staff created the Waco MPO Strategic Planning Work Group to develop a strategic plan for the Waco MPO. This five-member work group routinely met with Waco MPO staff, TxDOT, and TTI staff from April through June 2022 to discuss issues impacting the Waco metropolitan area and to plan for future success at the MPO. The Waco MPO staff anticipate this process will yield a 3–5-year road map for its future. This road map will set the course to reach achievable and aspirational outcomes.

The purpose of the Waco MPO Strategic Planning Work Group was to review and discuss potential strategies and changes to the MPO process based on group discussions, analysis of current processes, and review of other MPO processes. The Waco MPO Strategic Planning Work Group provided the recommendations to the Waco MPO Policy Board contained in this document, which will improve current processes. The Waco MPO Strategic Planning Work Group will prepare for when the MPO becomes a TMA, will explore whether the MPO is functioning similarly to its peers, and will ensure that the MPO has the necessary tools to make the best decisions for the entire metropolitan area.

The Waco MPO Strategic Planning Work Group made progress with the process review and held work sessions to develop these strategic recommendations on the following dates:

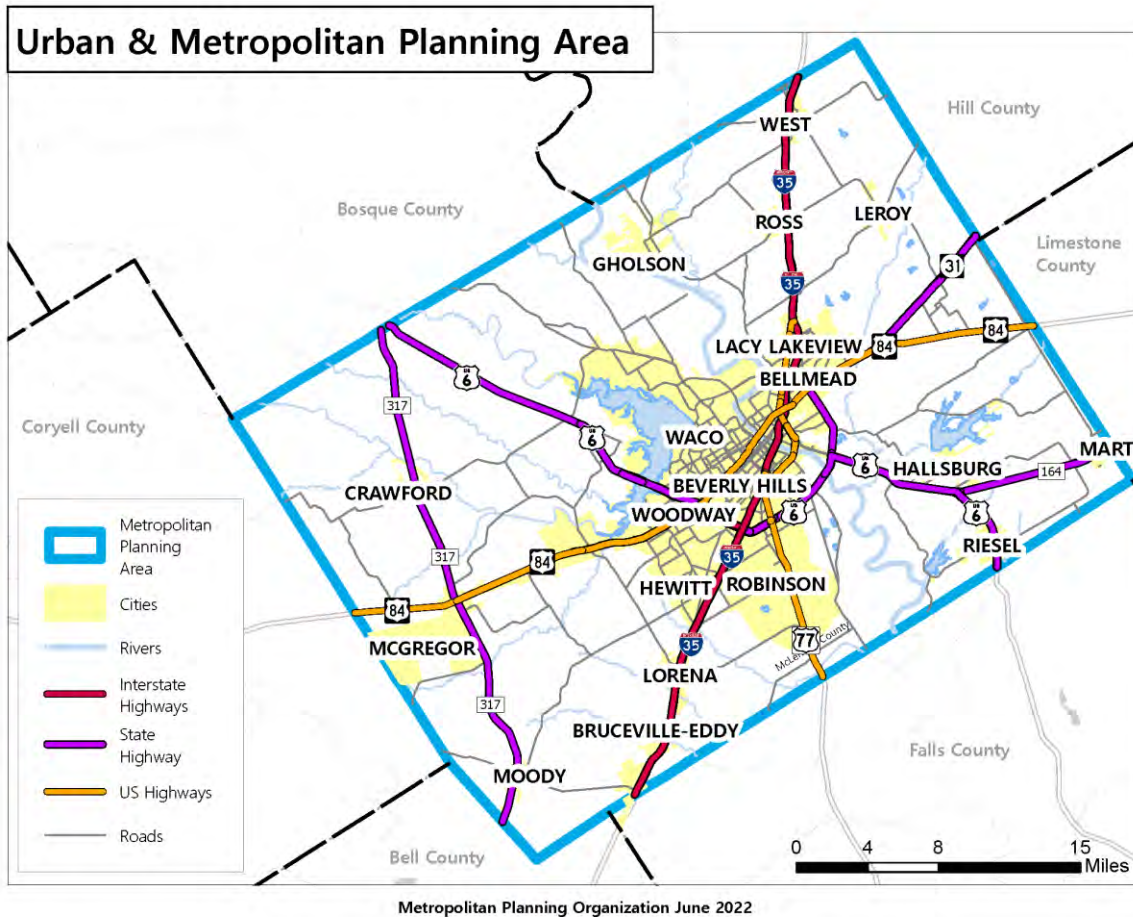
- March 18, 2022.
- April 1 and 22, 2022.
- May 6 and 20, 2022.
- June 3 and 17, 2022.

The remainder of this section highlights how recent changes within the Waco MPO and in the Waco MAB created a need for a strategic plan and the resulting recommendations by the Waco MPO Strategic Planning Work Group.

### Regional Growth

According to the 2010 Census, the Waco UZA's population was 172,378 [1]. Current estimates put the population of the UZA closer to 200,000, meaning that the Waco MPO could become a TMA after the 2020 Census. The 2020 population estimate for the MAB is between 198,000 and 212,000.

Figure 1 shows a map of the Waco urban and metropolitan planning area. The MAB, the area anticipated to be urbanized within the next 25 years, is all of McLennan County (shown by the thick blue border line).



*Figure 1. Waco MPO Metropolitan Area Boundary and Urbanized Area Designation.*

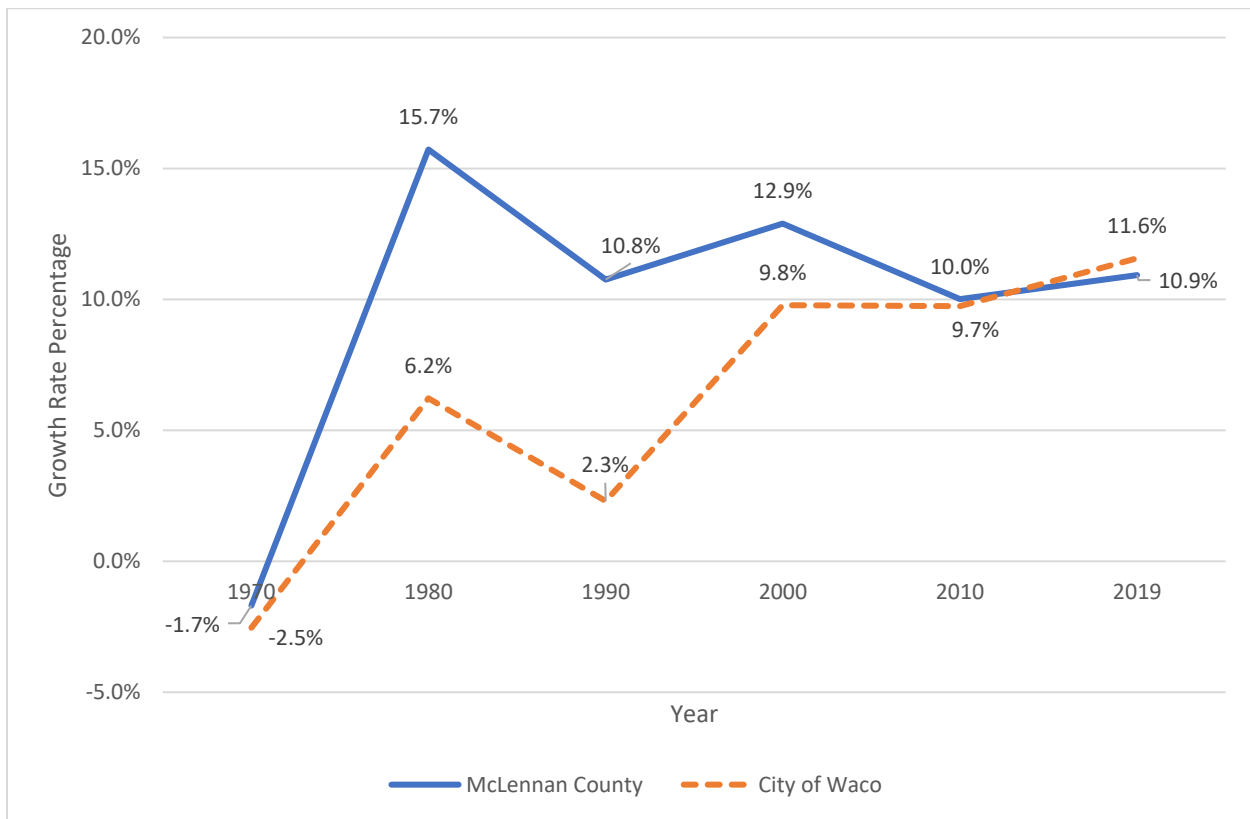
It is essential to recognize critical differences among MPO member governments, the types of growth pressures being experienced, variation among mobility needs, and how each fit into a larger regional framework. Until recently, most projects were in reaction to pressing needs such as asset deterioration and traffic challenges (including safety and delay). The Waco MPO has a significant opportunity to cooperatively plan for and implement a regional vision for the next 20–25 years and beyond.

Once FHWA identifies new MPOs and TMAs, the MPOs have 12 months to comply with certain federal requirements. New TMAs must adopt a congestion management process (CMP), within 1 year and experience a federal certification review (FCR) within 4 years. During the FCR, FHWA and FTA representatives review the TMA’s planning processes and documents to ensure compliance with federal requirements.

Regional growth and infrastructure funding have changed significantly during the last decade, and the Waco MPO expects continued growth in the Waco MAB with increased funding availability for infrastructure.

Waco MPO staff determined that a strategic plan is essential to a forward-thinking and cooperative regional planning process. Federal regulations require MPOs to follow the 3-C process in their planning and programming efforts.

While the time frame for a change in TMA status is not yet known, the Waco metropolitan area experienced significant growth since the 1970s. Over the last two decades, the population growth rate was approximately the same in the urban core and across the metropolitan area. This growth pattern demonstrates that the mobility needs for the metropolitan area reflect the changing population and economic diversity in terms of income, education, race, housing profiles, and job prospects across the entire MPO area. Figure 2 shows the growth rates between 1970 and 2019 for McLennan County and the City of Waco.



*Figure 2. McLennan County and City of Waco Growth Rates*

### MPO Funding

FHWA provides MPO funding, made available through a TxDOT reimbursement process. The City of Waco functions as the fiscal agent for the Waco MPO; the city is responsible for advancing funds to the MPO for approximately 2–3 months' worth of operating costs. The MPO submits invoices to TxDOT for repayment; after review and approval, TxDOT then reimburses the fiscal agent. The fiscal agent is also responsible for providing support services and resources to the MPO, such as legal, financial, information technology, and office space, reimbursed by the MPO. The specific support services are included in a memorandum of

understanding between the MPO and the fiscal agent. The Waco MPO is not currently supported by any non-federal funds.

Several categories of federal funding are available to pay for transportation projects in the Waco metropolitan area. FHWA and FTA allocate these federal funds, and the state distributes them to the MPO. The Texas Transportation Commission determines the funding allocation formula for the 23 MPOs in Texas. Table 1 highlights some of the funding categories available to MPOs in Texas. While not an exhaustive list, the table displays funding categories currently applicable to the Waco MPO and those that would be available when the MPO becomes a TMA. Other funding sources, such as grant opportunities or local contributions, are also available or can be developed.

**Table 1. MPO Funding Categories.**

Funding Category	Name	Eligibility	Project Determination	Description
CAT 2	Metro and Urban Area Corridor Projects	MPO	TxDOT in consultation with MPOs	Mobility and added capacity projects on on-system roads (i.e., roadways designated on the State Highway System and maintained by TxDOT)
CAT 4	Statewide Connectivity Corridor Projects	MPO	TxDOT	Mobility projects on on-system roads that provide connectivity between urban areas and other statewide corridors
CAT 7	Metropolitan Mobility and Rehabilitation	TMA	TMA's in consultation with TxDOT	Mobility projects for on- or off-system roads (i.e., roadways not designated on the State Highway System and not maintained by TxDOT)
CAT 9	Transportation Alternatives	TMA	TMA's in consultation with TxDOT	Nonmotorized projects, such as sidewalks and bicycle and pedestrian infrastructure
CAT 12	Strategic Priorities	MPO	Texas Transportation Commission	Projects on on-system roads focused on strategic priorities

### Waco MPO Staffing Constraints

The Waco MPO staff currently manages its workload but is unable to add work efforts. Staffing is a concern for the MPO when it transitions to a TMA because it will have additional tasks and staff requirements.

Staff members have a physical limitation on the number of hours they can work. When the Waco MPO Strategic Planning Work Group was created, the Waco MPO had three full-time employees. By the time the Waco MPO Strategic Planning Work Group sessions concluded, the Waco MPO had two full-time employees and is seeking to fill two positions. The MPO also procured the assistance of two interns to assist with projects during the summer. Based on a



staffing study by TTI, the Waco MPO staff has the workload of more than four full-time employees. Once TMA status is achieved, the MPO will likely need approximately 5.5 full-time equivalents.

The fiscal agent has strict requirements that limit the abilities of the MPO, such as hiring freezes. Even though the City of Waco is reimbursed with federal money for these staffing funds, it is concerned about the perceptions of an agency hiring staff when city departments are unable to do so. Currently, the Waco MPO can hire staff but must abide by City of Waco guidelines. The City of Waco currently requires clear justification for hiring.

Currently, the Waco city manager has complete authority to hire and fire the MPO executive director. While no issues have occurred with this arrangement, the perception could be that the MPO executive director must follow the wishes of the city manager and may not be able to equally represent each entity throughout the MPO. The MPO executive director needs to be able to deliver a clear message based on the 3-C transportation planning process that is equitable for the entire MPO. In many MPOs of a similar size to the Waco MPO, the policy board has the authority to hire, fire, evaluate, and discipline the MPO executive director.

Policy board members, MPO member entities, and fiscal agent staff need to understand that the MPO is funded by federal money and the fiscal agent is reimbursed for the costs associated with running an MPO. An MPO must complete specific documents and processes. Waco MPO staff need to be able to focus on planning tasks included in the federally required UPWP. Any work completed by MPO staff that is not included in the UPWP is not reimbursable with federal funds.

## Waco MPO Entities, Partners, and Stakeholders

The Waco MPO is the regional facilitator and convenor of its member governments. Its Policy Board acts as a regional forum for informed and inclusive decision-making. The Waco MPO coordinates with local, state, and national partners to improve the transportation system of the Waco metropolitan area and seeks to collaborate and cooperate with these partners to develop effective and successful products.

### Member Entities

- City of Bellmead
- City of Beverly Hills
- City of Bruceville-Eddy
- City of Crawford
- City of Gholson
- City of Hallsburg
- City of Hewitt
- City of Lacy Lakeview
- City of Leroy
- City of Lorena
- City of Mart
- City of McGregor
- City of Moody
- City of Riesel
- City of Robinson
- City of Ross
- City of Waco
- City of West
- City of Woodway
- McLennan County
- TxDOT

## Federal and State Partners

- United States Department of Transportation
- State of Texas House of Representatives
- State of Texas Senate
- United States Senate
- United States House of Representatives

## Current Stakeholders

- Baylor University
- Bellmead Chamber of Commerce
- Cen-Tex African American Chamber of Commerce
- Cen-Tex Hispanic Chamber of Commerce
- Greater Hewitt Chamber of Commerce
- McLennan Community College
- McLennan County Rural Transit District (operated through the Heart of Texas Council of Governments)
- Greater Waco Chamber of Commerce
- Waco Regional Airport
- Waco Transit System

## Potential Stakeholders

- Americans with Disabilities Act/disability advocacy groups
- Bike/pedestrian interest groups
  - Waco/Baylor Bicycle Club
  - Waco Walks
- Council for Aging/AARP
- Economic development corporations (McGregor, Bellmead, etc.)
- Foundations (Waco, Cooper, and Rappaport)
- Freight generators (Walmart, H-E-B, etc.)
- Further partnerships with current metropolitan area partners
  - Department of Parks and Recreation
  - Public Health Department (McLennan County, City of Waco, etc.)
- Hospitals
  - Baylor Scott and White–Hillcrest
  - Ascension Providence
- Heart of Texas Council of Governments
- Independent School Districts throughout the metropolitan area
- Live Well Waco
- National Association for the Advancement of Colored People
- Prosper Waco
- Religious groups
- Rotary Clubs



- Texas State Technical College
- United Way
- Waco Business League
- Waco Family Medicine
- Waco Tourist Information Center

## Strategic Planning Work Group Findings and Recommendations

The Waco MPO is actively searching for ways to expand its vision, collaboration, and cooperation, and to add value to member entities by evolving beyond its minimum requirements.

The MPO's primary purposes are to establish regional transportation policy, identify regional project priorities, and to draft and adopt all federally required plans and programs. The Waco MPO is responsible for ensuring that the public and all relevant transportation agencies and stakeholders can participate in the transportation planning process. The Waco MPO:

- Is responsible for the McLennan County metropolitan transportation planning process.
- Equips citizens and decision-makers with information on MPO activities and the anticipated positive outcomes of MPO plans developed.
- Develops strong and effective working relationships with stakeholders.
- Develops coordinated efforts to plan and promote growth and help cities understand the impacts of these decisions.
- Considers and plans for long-term metropolitan growth and the resulting transportation implications.

The MPO's vision is to provide a resilient transportation system and to plan for future growth and transportation needs. The MPO provides value by bringing together stakeholders and member entities, and provides mutual benefit to all who are engaged in the process.

MPO staff plans to review this document annually to ensure that the Waco MPO continues to focus on its strategic priorities.

### Regional Identity

The Waco MPO Strategic Planning Work Group recommends the following items (shown in bold) to the Waco MPO Policy Board for action and approval to address the regional identity of the Waco MPO:

1. **The MPO Policy Board concurs with or modifies this work of the Waco MPO Strategic Planning Work Group and the contents of this document.**
  - This document reflects the discussions held over several months between the Waco MPO Strategic Planning Work Group, Waco MPO staff, TxDOT, and TTI.
  - Due: November 2022.
  - Responsible parties: Waco MPO Policy Board.

2. **The MPO Policy Board changes the MPO name so that the new name promotes a more regional and inclusive nature.**
  - The Waco MPO Strategic Planning Work Group favors the Heart of Texas Metropolitan Planning Organization but is open to other recommendations.
  - A name change would provide the perception that the Waco MPO is more inclusive of all member entities and maintains a regional focus.
  - Other MPOs in Texas (e.g., Permian Basin MPO and Grayson County MPO) successfully changed their names with the approval of the policy board.
  - Due: 2023.
  - Responsible parties: Waco MPO Policy Board.
3. **The MPO Policy Board requests a redesignation of the MPO from the City of Waco to the MPO Policy Board.**
  - The Waco MPO Strategic Planning Work Group determined that it would be beneficial to have a clear separation of powers and the Waco MPO should be redesignated. There currently are concerns that there is a misunderstanding about whom the MPO represents.
  - In Texas, most MPOs have the policy board as the designated MPO. In Waco, the City of Waco is both the fiscal agent and the designated MPO, which can lead to perception issues, conflict of interest, and other logistical issues.
  - MPOs are federally funded and therefore are required to follow the 3-C process in all MPO matters.
  - A redesignation would improve MPO efficiencies. The original agreement has not changed since the MPO was designated in 1974, so a review of this issue is timely.
  - Education is also critical to provide a better understanding of the roles and responsibilities of each stakeholder and the purpose of an MPO.
  - The City of Waco will remain the fiscal agent for the Waco MPO.
  - Due: 2023.
  - Responsible parties: Waco MPO Policy Board, TxDOT, and Waco MPO staff.
4. **The MPO Policy Board redesignates the Waco MPO Policy Board to be solely responsible for the hiring, firing, and oversight of the MPO executive director.**
  - The City of Waco, acting as the fiscal agent, currently exercises the sole responsibility to hire, supervise, evaluate, and terminate the Waco MPO executive director.
  - All MPO tasks must be outlined in the UPWP, and therefore Waco MPO staff should focus their priorities on these tasks.
  - Due: 2023.
  - Responsible parties: Waco MPO Policy Board, TxDOT, and Waco MPO staff.
5. **The MPO Policy Board approves the creation of a short video or other promotional materials to educate the public about the purpose of the MPO.**
  - Marketing materials could be used throughout the metropolitan area to promote the MPO's purpose and benefits.
  - Due: 2023.

- Responsible parties: Waco MPO staff.
6. **The MPO collaborates with potential stakeholders in the metropolitan area to highlight the MPO’s purpose (e.g., presentations at the Greater Waco Chamber of Commerce Annual State of the State Meeting, regional civic organization meetings [see the “Waco MPO Entities, Partners, and Stakeholders” section], and articles in the *Waco Tribune-Herald*).**
- The Waco MPO currently collaborates with several different stakeholders but could collaborate with additional organizations in order to increase understanding of the MPO’s purpose in the metropolitan area.
  - Due: 2025.
  - Responsible parties: Waco MPO staff.

### Preparation for TMA Status

The Waco MPO Strategic Planning Work Group recommends the following for action and approval by the Waco MPO Policy Board (shown in bold) to prepare for TMA status:

1. **The MPO Policy Board directs the TAC to develop a project selection process to solicit and review project ideas for the metropolitan area, which the Policy Board would then approve or modify.**
  - A project selection process entails a call for projects (e.g., an online portal to submit ideas that the MPO would review and collect for historical documentation purposes), a project review process completed by the TAC in consultation with MPO staff, and a final project prioritization process completed by the MPO Policy Board that clearly defines how projects are selected in order to address safety, congestion, equity, and other transportation needs in the metropolitan area.
  - A project selection process provides a method for transparently collecting project ideas for the metropolitan area to be considered on an ongoing basis as funding sources become available.
  - Developing a project selection process assists the Waco MPO in its goal to be a regional convener and facilitator for transportation planning.
  - Due: 2023.
  - Responsible parties: Waco MPO TAC.

### MPO Capacity

The Waco MPO Strategic Planning Work Group recommends the following for action and approval by the Waco MPO Policy Board (shown in bold) to address MPO staffing and funding constraints:

1. **The MPO Policy Board authorizes the TAC and MPO staff to identify and evaluate supplemental funding opportunities (e.g., grant opportunities).**
  - Project selection and activities are constrained by the fact that the MPO is federally funded.
  - Grant opportunities often require a local match. For these reasons, the Waco MPO should consider additional strategies to fund projects and activities.
  - Due: 2025.

- Responsible parties: Waco MPO TAC and Waco MPO staff.
2. **The MPO Policy Board encourages the TAC to develop small work groups to address future needs and to maintain an understanding of the current and expected issues in the metropolitan area, per TAC bylaws.**
    - The Waco MPO TAC already has work groups, and the Policy Board should proactively encourage the TAC to continue its work, to prepare the Waco metropolitan area for future transportation needs.
    - Due: 2025.
    - Responsible parties: Waco MPO TAC and Waco MPO staff.

## Reference

1. U.S. Department of Commerce and U.S. Census Bureau. *United States Summary: 2010: Population and Housing Unit Counts*. September 2012.  
<https://www.census.gov/library/publications/2012/dec/cph-2.html>.

## WACO MPO STRATEGIC PLANNING WORK GROUP RECOMMENDATIONS

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Waco Metropolitan Planning Organization

### FOR MORE INFORMATION

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**Waco Metropolitan Planning Organization Policy Board**

**Meeting Date:** January 19, 2023

**Agenda Item: Discussion and Consideration regarding approval of Resolution 2023-2: Creation of a Local Fund to meet local match requirements for grant recipients**

**Comments:** The Infrastructure Investment and Jobs Act (IIJA) created many new programs that provide unprecedented levels of resources to address a variety of mobility needs at the local level over the next four years. Many of these federal infrastructure grants can be a good fit for small and midsize communities. However, most USDOT grant programs do not allow the program to cover 100% of project costs and expect project proposals to be shovel-ready and included in current plans. A recipient is required to provide a non-Federal match to supplement the Federal grant, if awarded. The maximum Federal assistance provided through most of the IIJA programs is 80% which means applicants are responsible for a minimum of 20% of the total project cost.

The Waco MPO has a vested interest in ensuring that local entities become competitive for eligible and available IIJA program funds by planning for projects across the MPO boundary that are application ready. The MPO Policy Board can consider creating a “Local Fund” which is financed by member entities to meet local match requirements for such grant applications. If MPO members contributed to the “Local Fund” on an annual basis, the application process for discretionary grants would be simplified. Additionally, a “Local Fund” could be used for opportunities beyond local match requirement if the Policy Board chooses, and financing from other sources can be pursued if the Policy Board desires. Establishment of a Local Fund promotes a shared responsibility for overall regional transportation outcomes.

This “80/20” funding split presents a major obstacle to grant applications that take advantage of available IIJA programs for the next five years and beyond. The requirements for project submission and the allocation of resources to meet those requirements can be monumental tasks, especially with short notice.

The MPO’s Technical Advisory Committee (TAC) is recommending the MPO Policy Board create a Local Fund to meet local match requirements for grant recipients and determine a potential annual contribution for member jurisdictions based on population and board representation.

**Action Required:**

1. Review TAC recommendation for Local Fund creation
2. Discussion
3. Consideration and action

**Motion By:**

**Seconded:**

**Content of Motion:**

**Vote:**



## Local Fund Creation

### Background

- The Infrastructure Investment and Jobs Act (IIJA) created many new programs that will provide unprecedented levels of resources over the next four years to address current and future mobility needs. All municipalities and communities can benefit from many IIJA grants, though they typically require a 20% match on behalf of the applicant and expect shovel-ready projects as parts of an official “Plan.”
- Project readiness limits application feasibility for many communities in McLennan County that may want to take advantage of IIJA programs yet lack immediate availability of necessary resources to get projects ready for grant application and included as part of official plan documents.
- The Waco MPO has a vested interest in ensuring local entities become competitive for eligible and available IIJA program funds. The MPO Policy Board can consider creating a “Local Fund”, financed by member entities, to meet local match requirements and other related needs. Annual contributions by MPO members would simplify the grant application process. This fund would also enable funding of other opportunities if desired by the Policy Board.

### Annual Contribution Scenarios

Member Entities	Population on Apr 1, 2020	Population Based Contribution			
		% Population	Base Dues	Scenario 1	Scenario 2
Bellmead	10,564	4%	4,054	\$ 5,000	\$ 4,000
Hewitt	15,945	6%	6,119	\$ 5,000	\$ 4,000
Lacy-Lakeview	7,029	3%	2,697	\$ 5,000	\$ 4,000
McGregor	5,338	2%	2,049	\$ 5,000	\$ 4,000
Robinson	12,532	5%	4,809	\$ 5,000	\$ 4,000
Waco	137,948	53%	52,939	\$ 50,000	\$ 50,000
Woodway	9,428	4%	3,618	\$ 5,000	\$ 4,000
McLennan County	260,579	24%	23,714	\$ 20,000	\$ 26,000
Total	260,579	100%	100,000	\$ 100,000	\$ 100,000

## Potential Use in a Federal Grant

- Total Expected Local Match = \$140,000
- In-Kind Match = \$40,000
  - Calculated non-cash value of personnel, goods, and services
    - Hours of service donated by Comprehensive Safety Action Plan steering committee members selected from MPO Technical Advisory Committee (TAC)
- Cash Match = \$100,000 (divided among 20 voting members) - As per the earlier *table*
  - Central City (Waco) = ~\$50,000 (50%)
  - McLennan County (small cities) = ~\$26,000 (26%)
  - Other Cities (>5,000 population) = ~\$25,000 (6 cities @ \$4,000 each) (24%)





## RESOLUTION 2023-2

Whereas the Waco Metropolitan Planning Organization (MPO) was established to identify and support the implementation of regionally significant transportation projects to address future mobility needs of the Waco Region;

Whereas the Waco MPO Policy Board is composed of representatives appointed by the elected City Councils and Counties located within the jurisdiction of the MPO as well as the Texas Department of Transportation;

Whereas the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) have made unprecedented levels of resources to address current and future mobility needs, safety, reliability, equity, technology, and climate resilience;

Whereas member entities of the Waco MPO have limited capacity to offer shovel-ready projects eligible for federal funding under IIJA and IRA acts;

Whereas Waco MPO has a vested interest in assisting local entities become more competitive for eligible discretionary and competitive federal grant funds;

Whereas Waco MPO has submitted grant applications to develop a *Comprehensive Safety Action Plan* under the federal grants program of Safe Street for ALL (SS4A) and to develop a *Plan for Reconnecting McLennan County Communities* under the Reconnecting Communities Program (RCP);

Whereas Waco MPO intends to pursue more planning grants to assist the member entities in their preparation for implementation grant applications;

Whereas most of these federal grants require a twenty percent (20%) local match and no current source of funds exist for such a purpose;

Whereas The Waco MPO's Technical Advisory Committee (TAC) is recommending the MPO Policy Board to create a "Local Fund" with membership dues.

Now, therefore, be it **RESOLVED**, that the Waco MPO Policy Board

1. Establishes a “Local Fund” with annual contributions from member governments beginning fiscal year 2022-2023 at following levels of dues –
  - a. Cities with population above 5000 but below 50,000 will contribute \$5,000 at the beginning of each fiscal year,
  - b. Cities with population above 50,000 will contribute \$50,000 at the beginning of each fiscal year,
  - c. McLennan County will contribute \$ 20,000 at the beginning of each fiscal years
2. further resolves that the fiscal agent of the Waco MPO (City of Waco) will manage the “Local Fund” account similar to the other comparable federal grants;
3. further resolves that the MPO staff will make available any information related to the “Local Fund” to any member of the Policy Board on request;
4. further resolves that the MPO staff will present a separate budget resolution each year in February with detailed accounting of expenditure for a board approval with a minimum of two thirds of votes among present members;
5. further resolves that all expenses charged to the Local Fund must be preapproved by a minimum of two thirds of votes among present members of the Policy Board except the categories listed below –
  - a. the MPO Director is authorized to use the funds as a local match (up to the maximum of \$100,000) for federal grants approved by the Policy Board,
  - b. the MPO Director is authorized to use the funds for workgroups related expenses (up to the maximum of \$250) per meeting, and,
  - c. the MPO Director is authorized to use the funds for maintaining professional memberships (e.g. PE, AICP) for the MPO staff.
6. hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law;
7. hereby officially found and determined that all public participation requirements identified within the Waco MPO Public Participation Plan related to this action by the Policy Board were met and completed.

PASSED AND APPROVED this the 19<sup>th</sup> day of January, 2023.

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Jim Holmes  
Council Member – City of Waco  
Chair – Waco MPO Policy Board

ATTEST:

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Mukesh Kumar  
Director

DRAFT

**Waco Metropolitan Planning Organization Policy Board**

**Meeting Date:** January 19, 2023

**Agenda Item: Consideration and Action regarding establishment of a schedule for a 2023 Carbon Reduction Program Call for Proposal**

**Comments:** The Carbon Reduction Program (CRP) was established by the Infrastructure Investment and Jobs Act (IIJA) in November of 2021 to provide \$6.4 billion in funds over five years to reduce transportation emissions from on-road highway sources by funding projects designed to reduce transportation emissions. The Waco MPO will receive a suballocation of CRP funds of approximately \$549,084 per year for the next five years.

The MPO Policy Board approved Resolution 2022-14 in October 2022 which adopted a CRP project selection and evaluation process for the Waco MPO planning area. Using this process, the MPO's Technical Advisory Committee (TAC) will evaluate project proposals submitted by local units of governments designed to use the funds in ways that support reduction of transportation emissions.

Now that the project selection and evaluation process is established, the TAC is recommending the MPO Policy Board establish a schedule for a 2023 CRP Call for Proposals. The schedule suggested by the TAC sets the length of the 2023 Call for Proposals, including opening/closing dates, dates for proposal evaluation and award, and provision of public input and evaluation. The TAC requests the Policy Board direct staff to conduct a 2023 CRP Call for Projects according to the suggested schedule.

FHWA carbon reduction priorities and eligible activities are outlined in their [CRP Implementation Guidance](#). Project evaluation criteria may be found in the MPO's [CRP Project Submission Form](#).

**Action Required:**        1. Review proposed schedule for Call for Proposals  
                                     2. Consideration and action

**Motion By:**

**Seconded:**

**Content of Motion:**

**Vote:**

**Waco Metropolitan Planning Organization Policy Board**

**Meeting Date:** January 19, 2023

**Agenda Item: Review and Discussion regarding regional transportation performance targets for calendar year 2023**

**Comments:** The Fixing America’s Surface Transportation (FAST) Act requires the MPO’s Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) to demonstrate a performance-based decision-making process that ties back to regional transportation system performance. MPOs are required to consider annual performance targets related to public transit safety and public transit asset condition.

In September 2021, Waco Transit identified baseline safety metrics for fatalities, serious injuries, and the number of safety events and significant mechanical failures for both fixed route and demand response services. Each year, these metrics are required to be reassessed and new **transit safety targets set**. Waco Transit set transit safety targets for 2023 which were adopted by the Waco City Council in December 2022. The number and rate of fatalities and serious injuries are low and would be difficult to improve upon. The mechanical failure rate, however, is on the high side and related to the age of the vehicles in use. This rate should improve as the City of Waco purchases newer vehicles.

Waco Transit set 2023 **transit asset condition targets** in December 2022, for their rolling stock, equipment, and facilities. As transit vehicles age, they are more prone to unexpected mechanical failures which lead to a greater risk of delay for transit passengers. Although Waco Transit’s fleet of vehicles continues to age, the fleet is considered adequately safe. Waco Transit passenger and maintenance facilities score well for overall condition and have a relatively low percent of elements considered to be less than adequate.

By supporting both sets of transit targets, the MPO agrees to evaluate projects within the MTP and TIP based on whether they assist Waco Transit in achieving their safety and asset condition targets. MPO Staff recommends supporting Waco Transit’s 2023 safety and asset condition targets.

**Action Required:**            1. Review and discuss proposed performance targets for 2023  
   2. Direct staff to begin public process for requesting comments

**Motion By:**

**Seconded:**

**Content of Motion:**

**Vote:**

## 2023 Rolling Stock and Equipment Condition Targets- Waco Transit System

*\*Useful Life Benchmark (ULB):* defined by FTA as the expected amount of time in years that a vehicle type is estimated to function, when acquired new and assuming routine maintenance is practiced.

Service Area	Asset Class	2023 Target for Exceeding Useful Life Benchmark*
Urban	Bus	68%
Urban	Cutaway	67%
Urban	Van	100%
Urban	Automobile	100%
Urban	Service Vehicle	100%
Rural	Cutaway	33%
Rural	Van	100%
Rural	Minivan	100%
Rural	Automobile	0%
Urban	Non-Revenue Utility Vehicle	100%
Rural	Non-Revenue Supervisor Vehicle	0%

## 2022 Facility Condition Targets- Waco Transit System

Facility	Overall Condition Score	2023 Target
Transit Administration & Maintenance Building	4.4 out of 5.0	12% of elements rated less than adequate
Transit Intermodal Terminal	4.4 out of 5.0	12% of elements rated less than adequate

*\*\*Transit Economic Requirements Model (TERM Scale):* a 5-point scale used by FTA as a tool to assess facility conditions. A transit asset is deemed to be in good repair if it has a TERM rating of 3, 4 or 5.

## 2023 PTASP Performance Targets

Beginning in July, 2020, and in each subsequent year, Waco Transit System must certify it has a safety plan in place that meets the requirements of the federal rule. Waco Transit System presented the updated PTASP to Waco City Council on December 6, 2022, and the updated plan was adopted. The 2023 targets have been updated based on 2022 data sets.

Target Metric	Fixed Route	Demand Response
Fatalities	0	0
Rate of Fatalities*	0	0
Injuries	2.6	1.0
Rate of Injuries*	0.000000	0.000000
Safety Events	2.2	2.8
Rate of Safety Events*	0.000000	0.000000
Mean Distance Between Major Mechanical Failure	33,980 miles	39,920 miles

\*rate = total number for the year/total revenue vehicle miles traveled

## TAM Performance Measures

### Background

In 2012, MAP-21 mandated FTA to develop a rule establishing a strategic and systematic process of operating, maintaining, and improving public capital assets effectively through their entire life cycle. The TAM Final Rule 49 USC 625 became effective Oct. 1, 2016 and established four performance measures. The performance management requirements 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.

### Performance Measures

**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.

**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.



## TRANSIT ASSET MANAGEMENT

### Data To Be Reported - Optional Report Year 2017, Mandatory Report Year 2018

**Rolling Stock:** The National Transit Database (NTD) lists 23 types of rolling stock, including bus and rail modes. Targets are set for each mode an agency, or Group Plan Sponsor, has in its inventory.

**FTA default ULB or Agency customized ULB:** Default ULBs represent maximum useful life based on the TERM model. Agencies can choose to customize based on analysis of their data OR they can use the FTA provided default ULBs.

**Equipment:** Only 3 classes of non-revenue service vehicles are

collected and used for target setting: 1) automobiles, 2) other rubber tire vehicles, and 3) other steel wheel vehicles.

**Facilities:** Four types of facilities are reported to NTD. Only 2 groups are used for target setting 1) Administrative and Maintenance and 2) Passenger and Parking.

**Infrastructure:** The NTD lists 9 types of rail modes; the NTD collects data by mode for track and other infrastructure assets.

BRT and Ferry are NTD fixed guideway modes but are not included in TAM targets.

**TAM Performance Metrics:** The NTD collects current year performance data. The NTD will collect additional Asset Inventory Module (AIM) data but targets forecast performance measures in the next fiscal year.

**TAM Narrative Report:** The TAM Rule requires agencies to submit this report to the NTD annually. The report describes conditions in the prior year that led to target attainment status.

[www.transit.dot.gov/TAM/ULBcheatsheet](http://www.transit.dot.gov/TAM/ULBcheatsheet)

**TERM Scale:** Facility condition assessments reported to the NTD have one overall TERM rating per facility. Agencies are not required to use TERM model for conducting condition assessment but must report the facility condition assessment as a TERM rating score.

TERM Rating	Condition	Description
Excellent	4.8–5.0	No visible defects, near-new condition.
Good	4.0–4.7	Some slightly defective or deteriorated components.
Adequate	3.0–3.9	Moderately defective or deteriorated components.
Marginal	2.0–2.9	Defective or deteriorated components in need of replacement.
Poor	1.0–1.9	Seriously damaged components in need of immediate repair.

## What You Need to Know About Establishing Targets

**Include:**

- Only those assets for which you have direct capital responsibility.
- Only asset types specifically referenced in performance measure.

**Group Plans:**

- Only one unified target per performance measure type.
- Sponsors may choose to develop more than one Group Plan.

**MPOs:**

- 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.
- Opportunity to collaborate with transit providers.

## Example Target Calculations

**Rolling Stock and Equipment:** Each target is based on the agency’s fleet and age. Agencies set only one target per mode/class/asset type. If an agency has multiple fleets in one asset type (see example BU and CU) of different service age, it must combine those fleets to calculate the performance metric percentage of asset type that exceeds ULB and to set the following fiscal year’s target. The performance metric calculation does not include emergency contingency vehicles.

Asset Category	Vehicle Class/Type	Fleet Size	Vehicle age	default ULB	FY 16 Performance Metric (% Exceeding ULB)	FY17 Target
Rolling Stock	Over the road bus (BU)	10	5	14 years	0%	60%
		15	13	14 years		
	Cutaway bus (CU)	19	8	10 years	21%	21%
		5	12	10 years		
	Mini Van (MV)	5	5	8 years	0%	0%
	Van (VN)	1	10	8 years	67%	67%
2		5	8 years			
Equipment	Auto (AO)	5	4	8 years	0%	0%

This example assumes no new vehicle purchases in the calculation of targets for FY17, therefore the FY17 target for over the road bus (BU) increases due to the second fleet vehicles aging another year and exceeding the default ULB. If an agency is more conservative, then it might set higher value targets. If an agency is more ambitious or expects funding to purchase new vehicles, then it might set lower value targets.

There is no penalty for missing a target and there is no reward for attaining a target. Targets are reported to the NTD annually on the A-90 form. The fleet information entered in the inventory forms will automatically populate the A-90 form with the range of types, classes, and modes associated with the modes reported.



# Fact Sheet: Public Transportation Agency Safety Plans Notice of Proposed Rulemaking (NPRM)

## Overview

Pursuant to 49 U.S.C. 5329(d), FTA must promulgate a rule to implement the statutory requirements for Agency Safety Plans. Under the proposed rule, each operator of public transportation that receives Federal financial assistance under 49 U.S.C. Chapter 53 would be required to develop and implement an Agency Safety Plan based on the principles of Safety Management Systems (SMS). Each transit operator would be required to develop an Agency Safety Plan within one year after the effective date of a final rule.

## General Requirements for Agency Safety Plans

The proposed rule would require an operator to develop and implement an Agency Safety Plan based on SMS principles. Each operator’s plan would require, at minimum:

- Approval of the plan by the board of directors or equivalent entity;
- Methods for identifying and evaluating safety risks throughout the system;
- Strategies to minimize the exposure of the public, personnel and property to hazards;
- An annual review and update of the plan;
- Performance targets based on the safety performance criteria established in a National Public Transportation Safety Plan;
- An adequately trained Safety Officer who reports directly to the general manager, president, or equivalent officer; and
- A comprehensive training program for personnel directly responsible for safety.

## Who Would the Agency Safety Plan NPRM Not Apply To?

The NPRM requirements **would not apply** to:

- An operator that does not provide public transportation.
- A commuter rail operator that is subject to the Federal Railroad Administration’s safety requirements.
- A passenger ferry operator that is subject to the U.S. Coast Guard’s safety requirements.

## What are the Proposed SMS Components of an Agency Safety Plan?

<p><b>Safety Management Policy</b></p> <ul style="list-style-type: none"> <li>• Safety Objective and Performance Targets</li> <li>• Confidential Employee Reporting Program</li> <li>• Organizational Accountabilities and Safety Responsibilities</li> </ul>	<p><b>Safety Assurance</b></p> <ul style="list-style-type: none"> <li>• Safety Performance Monitoring and Measurement</li> <li>• Management of Change</li> <li>• Continuous Improvement</li> </ul>
<p><b>Safety Risk Management</b></p> <ul style="list-style-type: none"> <li>• Hazard Identification and Analysis</li> <li>• Safety Risk Evaluation and Mitigation</li> </ul>	<p><b>Safety Promotion</b></p> <ul style="list-style-type: none"> <li>• Safety Communication</li> <li>• Competencies and Training</li> </ul>

## Who Develops and Implements an Agency Safety Plan?

- Large operators would develop and implement their own Agency Safety Plans.
- A small, rural, or tribal operator could develop its own plan or have the State develop a plan on its behalf; in either case, each operator must implement its own Agency Safety Plan.

## Who Approves an Agency Safety Plan?

- Each plan would be annually certified by an operator's Accountable Executive.
- Each plan would be approved by the board of directors or equivalent entity (such as a mayor, county executive, or grant manager).
- For rail transit operators only, the State Safety Oversight Agency would review and approve the operator's Agency Safety Plan.

## What is the Relationship Between an Agency Safety Plan and a Transit Asset Management Plan?



- An operator would consider the results of its condition assessments while performing safety risk management and safety assurance activities.
- The results of the condition assessments, and subsequent SMS analysis, would inform an operator's determination as to whether an asset meets the state of good repair standards.
- The Accountable Executive has the ultimate responsibility for decisions related to both plans.

## What is the Relationship Between the Agency Safety Plan NPRM and the Proposed National Public Transportation Safety Plan?

Under the Agency Safety Plan, an operator would be required to set safety **performance targets** based on the following performance measures in the Proposed National Safety Plan.

- Fatalities
- Injuries
- Safety Events
- System Reliability (State of Good Repair)

## Additional Information:

- The public comment period closes on April 5, 2016.
- Submit electronic comments to <http://www.regulations.gov/#!documentDetail;D=FTA-2015-0021-0001>.



For questions, please contact:

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For more information, please visit the Rulemaking Page on FTA's website at [http://www.fta.dot.gov/tso\\_15918.html](http://www.fta.dot.gov/tso_15918.html).

**Waco Metropolitan Planning Organization Policy Board**

**Meeting Date:** January 19, 2023

**Agenda Item: Review and Discussion regarding regional transportation performance targets for calendar year 2023**

**Comments:** The Fixing America’s Surface Transportation (FAST) Act requires the MPO’s Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) to demonstrate a performance-based decision-making process that ties back to regional transportation system performance. MPOs are required to consider annual performance targets related to roadway safety.

In 2019, TxDOT identified baseline safety metrics for fatalities and serious injuries on roadways in Texas and set a goal to achieve zero statewide fatalities by 2050. Since 2020, the annual statewide **roadway safety targets** adopted by TxDOT incorporate this goal, however, TxDOT continues to use a 2% less than trendline reduction goal for serious injuries and non-motorized fatalities + serious injuries for target setting. The trendline goal still produces an ever-increasing number of serious injuries and non-motorized deaths / injuries, albeit fewer than if nothing were to be done.

Each year, the MPO must decide to support the roadway safety targets approved by TxDOT or to adopt a separate set of regional targets. By supporting TxDOT targets, the MPO agrees to evaluate projects within the MTP and TIP based on whether they assist TxDOT in achieving their safety targets. By adopting regional targets, the MPO would evaluate projects based on regional safety criteria. Since 2020, TxDOT has been implementing infrastructure improvements, high-visibility enforcement strategies, and community-based education and occupant protection programs aimed at aggressively addressing safety. MPO Staff recommends supporting TxDOT’s 2023 roadway safety targets. ([Texas FY 2023 Highway Safety Plan](#))

**Action Required:**        1. Review and discuss proposed performance targets for 2023  
                                     2. Direct staff to begin public process for requesting comments

**Motion By:**

**Seconded:**

**Content of Motion:**

**Vote:**

# FY2023 STRATEGIC HIGHWAY SAFETY PLAN (SHSP) PERFORMANCE TARGETS

**Performance Measures and Target Setting** – The Texas Transportation Commission (TTC) adopted Minute Order 115481 in May of 2019, directing the Texas Department of Transportation (TxDOT) to work toward the goal of reducing the number of deaths on Texas roadways by half by the year 2035 and to zero by the year 2050. TxDOT has modified its performance measures and target calculations accordingly.

## Performance Targets:

### Target: Total number of traffic fatalities

2023 Target: To decrease the expected rise of fatalities to not more than a five-year average of 3,682 fatalities in 2023. The 2023 Target expressed as a 5-year average would be as follows:

Year	Target or Actual Data
2019	3,619
2020	3,874
2021	4,486
2022	3,272
2023	3,159
2023 Target expressed as 5-year average	3,682

As noted in the table above, the calendar year target for 2023 would be 3,159 fatalities.

### Target: Total number of serious injuries

2023 Target: To decrease the expected rise of serious injuries to not more than a five-year average of 17,062 serious injuries in 2023. The 2023 Target expressed as a 5-year average would be as follows:

Year	Target or Actual Data
2019	15,858
2020	14,659
2021	19,434
2022	17,539
2023	17,819
2023 Target expressed as 5-year average	17,062

As noted in the table above, the calendar year target for 2023 would be 17,062 serious injuries.

# FY2023 STRATEGIC HIGHWAY SAFETY PLAN (SHSP) PERFORMANCE TARGETS

## Target: Fatalities per 100 million vehicle miles traveled

2023 Target: To decrease the expected rise of fatalities per 100 MVMT to not more than a five-year average of 1.38 fatalities per 100 MVMT in 2023. The 2023 Target expressed as a 5-year average would be as follows:

Year	Target or Actual Data
2019	1.26
2020	1.49
2021	1.70
2022	1.25
2023	1.20
2023 Target expressed as 5-year average	1.38

As noted in the table above, the calendar year target for 2023 would be 1.20 fatalities per 100 MVMT.

## Target: Serious Injuries per 100 million vehicle miles traveled

2023 Target: To decrease the serious injuries per 100 MVMT to not more than a five-year average of 6.39 serious injuries per 100 MVMT in 2023. The 2023 Target expressed as a 5-year average would be as follows:

Year	Target or Actual Data
2019	5.50
2020	5.63
2021	7.35
2022	6.70
2023	6.77
2023 Target expressed as 5-year average	6.39

As noted in the table above, the calendar year target for 2023 would be 6.77 serious injuries per 100 MVMT.

# FY2023 STRATEGIC HIGHWAY SAFETY PLAN (SHSP) PERFORMANCE TARGETS

## **Target: Total number of non-motorized fatalities and serious injuries**

2023 Target: To decrease the expected rise of non-motorized fatalities and serious injuries to not more than a five year average of 2,357 non-motorized fatalities and serious injuries in 2023. The 2023 Target expressed as a 5-year average would be as follows:

<b>Year</b>	<b>Target or Actual Data</b>
2019	2,291
2020	2,206
2021	2,628
2022	2,321
2023	2,340
2023 Target expressed as 5-year average	2,357

As noted in the table above, the calendar year target for 2023 would be 2,340 non-motorized fatalities and serious injuries.

# Safety Performance Measures Fact Sheet

## Safety Performance Measures

**Number of Fatalities:** The total number of persons suffering fatal injuries in a motor vehicle crash during a calendar year.

**Rate of Fatalities:** The ratio of total number of fatalities to the number of vehicle miles travelled (VMT, in 100 million VMT) in a calendar year.

**Number of Serious Injuries:** The total number of persons suffering at least one serious injury in a motor vehicle crash during a calendar year.

**Rate of Serious Injuries:** The ratio of total number of serious injuries to the number of VMT (in 100 million VMT) in a calendar year.

**Number of Non-motorized Fatalities and Non-motorized Serious Injuries:** The combined total number of non-motorized fatalities and non-motorized serious injuries involving a motor vehicle during a calendar year.

Five Performance Measures	
✓	Number of Fatalities
✓	Rate of Fatalities per 100 million VMT
✓	Number of Serious Injuries
✓	Rate of Serious Injuries per 100 million VMT
✓	Number of Non-motorized Fatalities and Non-motorized Serious Injuries

## Data Sources

**Fatality Data:** Fatality Analysis Reporting System (FARS). Final FARS data is to be used if it is available, otherwise FARS Annual Report File (ARF) data may be used, which is generally available one year before Final FARS data.

**Volume Data:** State VMT data is derived from the Highway Performance Monitoring System (HPMS). Metropolitan Planning Organization (MPO) VMT, if applicable, is estimated by the MPO.

**Serious Injury Data:** State motor vehicle crash database. Agencies must use the definition for "Suspected Serious Injury (A)" from the MMUCC, 4<sup>th</sup> edition by April 14, 2019. Prior to April 14, 2019 agencies may use injuries classified as "A" on the KABCO scale through use of NHTSA conversion tables. However, agencies are encouraged to begin using the MMUCC, 4<sup>th</sup> edition definition and attributes at the beginning of 2019 for a complete and consistent data file for the calendar year.

**Number of Non-motorized Fatalities and Non-motorized Serious Injuries:** FARS and State motor vehicle crash database. The number of non-motorized fatalities is the total number of fatalities with the FARS person attribute codes: (5) Pedestrian, (6) Bicyclist, (7) Other Cyclist, and (8) Person on Personal Conveyance. The number of non-motorized serious injuries is the total number of serious injuries where the injured person is, or is equivalent to, a pedestrian (2.2.36) or a pedalcyclist (2.2.39) as defined in ANSI D16.1-2007.

## What You Need to Know About Establishing Targets

### States:

- States will first establish statewide targets in their August 31, 2017 HSIP Annual Report for calendar year 2018, and annually thereafter.
- Targets are applicable to all public roads regardless of functional classification or ownership.
- For common performance measures (number of fatalities, rate of fatalities and number of serious injuries), targets must be identical to the targets established for the NHTSA Highway Safety Grants program in the Highway Safety Plan.
- States also have the option to establish any number of urbanized area targets and one non-urbanized area target for any or all of the measures. If a State chooses to do so, it is required to report the urbanized area boundaries used and evaluate and report progress for each target. Urbanized and non-urbanized area targets are not included in the significant progress determination.

### Coordination and Collaboration:

- Performance management connects the Highway Safety Improvement Program (HSIP) and Highway Safety Plan (HSP) to the Strategic Highway Safety Plan (SHSP) to promote a coordinated relationship for common performance measures, resulting in comprehensive transportation and safety planning.
- The State DOT and MPOs in the State must coordinate when establishing targets, to the maximum extent practicable.
- A wide range of stakeholders should work together to establish targets. This includes, the State DOT, State Highway Safety Office, MPOs, FHWA Division Office, NHTSA Regional Office, Law Enforcement Agencies and EMS (Include all 4 E's of Highway Safety)
- Set targets that are data-driven and realistic, maintain momentum and remain focused.





## What You Need to Know About Establishing Targets (continued)

### MPOs:

- MPOs must establish targets specific to the MPO planning area for the same five safety performance measures for all public roads in the MPO planning area within 180 days after the State establishes each target. The MPO can choose between:
  - agreeing to support the State target; **OR**
  - establishing specific numeric targets for a safety performance measure (number or rate);
- MPOs may select either option for each individual safety performance measure.
- MPOs that choose to establish a rate target must report the VMT estimate used to establish that target and the methodology to develop the VMT estimate. MPOs should make maximum use of data prepared for HPMS when preparing the rate-based target denominator. If an MPO develops data specifically for the denominator, it should use methods to compute VMT that are consistent with those used for other Federal reporting purposes.
- MPO targets are reported to the State DOT, which must be able to provide them to FHWA, upon request. MPO targets are not included in the assessment of whether a State met or made significant progress toward meeting its targets.

Performance Measure	State Target		MPO Target For Each Performance Measure, Support State Target <b>or</b> Establish MPO-Specific Target
	Target Reported in HSIP Annual Report for FHWA	Target Reported in Highway Safety Plan for NHTSA	
Number of Fatalities	✓	= ✓	✓
Rate of Fatalities	✓	= ✓	✓
Number of Serious Injuries	✓	= ✓	✓
Rate of Serious Injuries	✓	Not required	✓
Number of Non-motorized Fatalities and Non-motorized Serious Injuries	✓	Not required	✓

## Example Target Calculations

**5-Year Rolling Average:** Each target is based on a 5-year rolling average, which is the average of 5 individual, consecutive points of data. The 5-year rolling average provides a better understanding of the overall data over time without eliminating years with significant increases or decreases; and provides a mechanism for accounting for regression to the mean. If a particularly high or low number of fatalities and/or serious injuries occur in one year, a return to a level consistent with the average in the previous year may occur.

The **number targets** are calculated by adding the number for the measure for each of the most recent 5 consecutive years ending in the year for which the targets are established, dividing by 5, and rounding to the **tenth** decimal place. The **rate targets** are calculated similarly yet rounded to the **thousandth** decimal place. This more accurately reveals the change from one 5-year average to another that might otherwise be obscured if the number was truncated.

### Example: Number of Fatalities

Year	2011	2012	2013	2014	2015
Number of Fatalities	471	468	493	468	462*

\*From FARS Annual Report File, if Final FARS is not available

To determine the target for number of fatalities:

- Add the number of fatalities for the most recent 5 consecutive calendar years ending in the year for which the targets are established:  $471 + 468 + 493 + 468 + 462 = 2,362$
- Divide by five and round to the nearest tenth decimal place:  $2,362 / 5 = 472.4$

### Example: Rate of Fatalities

Year	2011	2012	2013	2014	2015
Number of Fatalities	471	468	493	468	462*
100 VMT	454	490	466	492	495
Rate of Fatalities	1.04	0.96	1.06	0.95	0.93

\*From FARS Annual Report File, if Final FARS is not available

To determine the target for rate of fatalities:

- Add the rate of fatalities for the most recent 5 consecutive calendar years ending in the year for which the targets are established:  $1.04 + 0.96 + 1.06 + 0.95 + 0.93 = 4.94$
- Divide by five and round to the nearest thousandth decimal place:  $4.94 / 5 = 0.988$





**Waco Metropolitan Planning Organization Policy Board**

**Meeting Date:** January 19, 2023

**Agenda Item: Update and Discussion regarding Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant Notice of Funding Opportunity (NOFO)**

**Comments:** The Infrastructure Investment and Jobs Act (IIJA) appropriated \$1.5 billion for the FY 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program with the purpose of providing competitive funding for infrastructure improvements focused on safety, environmental sustainability, quality of life, mobility and community connectivity, economic competitiveness, equity, and innovation. RAISE grant applications are due February 28, 2023.

The Waco MPO staff is preparing a grant proposal to the Federal Highway Administration (FHWA) to develop a Smart Corridor Plan for the MPO planning area through the FHWA's RAISE discretionary grant program. If awarded, the MPO will develop a Smart Corridor Plan in support of the RAISE program's aim of investing in surface transportation that will have a significant local or regional impact. Plan development will include corridor selection and consideration of appropriate interventions which align with community vision and regional goals.

"Smart Corridors" broadly refer to transportation corridors which utilize various technologies to promote safe and efficient movement. These corridors incorporate technology, data sharing, and systems communication to enhance overall transportation performance and safety outcomes.

US Department of Transportation (DOT) will announce RAISE grant award selections by June 28, 2023. Funds will be available for obligation through September 30, 2027 and must be expended by September 30, 2032.

The Secretary may increase the Federal share of total eligible activity costs of a project above 80% in a rural area, Historically Disadvantaged Community, or Area of Persistent Poverty. The Waco Urbanized Area qualifies as a rural area by population.

Project merit criteria for this grant application include (i) Safety, (ii) Environmental Sustainability, (iii) Quality of Life, (iv) Improves Mobility and Community Connectivity, (v) Economic Competitiveness and Opportunity, (vi) State of Good Repair, (vii) Partnership and Collaboration, and (viii) Innovation.

**Action Required:**        1. Receive update on RAISE grant opportunity  
                                     2. Discussion

**Motion By:**

**Seconded:**

**Content of Motion:**

**Vote:**

# Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program

## Description and Deadlines

- [FY 2023 Notice of Funding Opportunity](#)
- IJA appropriated \$1.5 billion for the FY 2023 RAISE grant program
  - \$750 million each for rural and urban (urbanized area > 200,000 in 2010 census) areas
- Funds awarded on a competitive basis for surface transportation infrastructure projects that will improve:
  - *Safety*
  - *Environmental sustainability*
  - *Quality of life*
    - *Increased affordable transportation choices and access to housing, jobs, opportunities and recreation*
  - *Mobility and community connectivity*
    - *Physical connections, bridging gaps, and universal design/ADA improvements*
  - *Economic competitiveness and opportunity including tourism*
  - *State of good repair*
  - *Partnership and collaboration*
    - *Includes meaningful engagement with residents to ensure equity considerations for underserved communities throughout the lifecycle of the project as well as capacity building through the Federal interagency Thriving Communities Network*
  - *Innovation*
- For investments in surface transportation that will have a significant local or regional impact
- Applications must be submitted by 11:59:59 PM Eastern on February 28, 2023
- Applications must be submitted through Grants.gov

## Planning Projects

- In addition to capital awards, DOT will award at least \$75 million for eligible planning, preparation or design of projects eligible for RAISE Grants that do not result in construction with FY2023 RAISE funding
- Activities eligible for funding under RAISE planning grants are related to the planning, preparation, or design of eligible surface transportation capital projects listed below and may not result in construction with RAISE FY 2023 funding
  - *Highway, bridge, or other road projects*
  - *Public transportation projects*

- *Passenger and freight rail transportation projects*
- *Port infrastructure investments*
- *Surface transportation components of an airport*
- *Intermodal projects*
- *Projects to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species*
- *Projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government*
- *Any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goals of the program:*
  - *Public road and non-motorized projects that are not otherwise eligible*
  - *Transit-oriented development projects*
  - *Mobility on-demand projects that expand access and reduce transportation cost burden*
  - *Intermodal projects*
- *Related to multidisciplinary projects or regional planning, such as:*
  - *Development of master plans, comprehensive plans, **transportation corridor plans**, and integrated economic development, land use, housing, and transportation plans*
  - *Zero emissions plan for transit fleet*
  - *Planning activities related to the development of a multimodal freight corridor*
  - *Planning activities related to zero emissions goods movement*
  - *Development of port and regional port planning*
  - *Risk assessments and planning to identify vulnerabilities and address the transportation system's ability to withstand probable occurrence or recurrence of an emergency or major disaster*

## Priority Uses

- DOT also seeks to award projects under the RAISE Program that improve equity and environmental justice by addressing transportation-related disparities and climate change-related consequences
- DOT also seeks to fund projects that, to the extent possible, address the J40 Initiative
- Applications that have identical project scope to applications that were submitted and evaluated under the FY 2022 Reconnecting Communities Program and received the designation of Reconnecting Extra, will automatically advance for second-tier analysis if they receive an overall merit rating of "Recommended" and have at least one "High" rating in a priority criterion
  - Should note in the RAISE Project Information Form whether FY 2023 RAISE application was also submitted under the FY 2022 Reconnecting Communities Program and received a Reconnecting Extra designation

## Funding

- RAISE grants awarded with BIL funding may not exceed \$25 million
- Minimum award amounts for planning grants:
  - Rural areas - \$1 million
  - Urban areas - \$5 million
- Available for obligation through September 30, 2027
- Must be expended by September 30, 2032

## Cost Sharing

- 80/20 match
  - Secretary may increase the Federal share above 80% to pay for the eligible costs of a project in a rural area, historically disadvantaged community, or Area of persistent poverty

## Submissions

- Application checklist available [here](#)
- Descriptions of required documents begin on page 21 of NOFO
  - [SF-424](#)
  - [Project Information form](#)
  - Project Description (5 pages)
  - Project Location File (*Shapefile, GEOJSON, KML/KMZ, or CSV*)
  - Project Budget (5 pages)
  - Funding Commitment Documentation
  - Merit Criteria Narrative (15 pages)
  - Project Readiness (5 pages)
  - Benefit-Cost Analysis Narrative
  - Benefit-Cost Analysis Calculations (*Excel*)
  - Letters of Support (*optional*)
- Single-spaced, standard 12-pt font. PDF format unless otherwise specified
- Other supporting documents may be attached but may not be reviewed
- Merit criteria outlined beginning on page 28 of NOFO
  - **DOT will consider how projects enhance the environment for connected, electric, and automated vehicles to improve the detection, mitigation, and documentation of safety risks. DOT will also assess the extent to which the project uses innovative technology that supports surface transportation to significantly enhance the operational performance of the transportation system. Please note that all innovative technology must be in compliance with 2 CFR § 200.216.3**