

# MVP for Transportation Pre-MPO Steering Committee Meeting

Tuesday, July 12th, 2022  
2:00 - 3:30 pm

## Microsoft Teams meeting

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Phone Conference ID: 659 364 894#

### Meeting Agenda

1. Call to Order
2. Introduction of Pre-MPO Steering Committee Members and other Attendees
3. Approval of the July 12th, 2022, Agenda – **(Action Item)**
4. Approval of the June 14th, 2022, Minutes – **(Action Item)** (Packet pages 2-4)
5. Committee/Working Group Reports (Including the Staff Report)
  - a. Staff Report
6. Voices of the Visitors (Non-Action Items)
7. Old Business
  - a. 2023-2024 Unified Planning Work Program (UPWP)
  - b. Operating Agreement (Packet pages 5-28)
    - Mission and Tasks – Technical Committee and Policy Board (Packet pages 29-30)
    - Technical Committee member recommendations – **(Action Item)** (Packet page 31)
    - Policy Board member recommendations – **(Action Item)** (Packet page 32)
    - Proxy voting policy recommendation – **(Action Item)**
    - Membership dues (Packet page 33)
    - Other issues (Packet pages 34-39)
8. New Business
9. Other Issues
10. Informational Items
  - a. Bipartisan Infrastructure Law (BIL) Metropolitan Planning Program (MPP) Fact Sheet (Packet pages 40-44)
  - b. Other FHWA Fact Sheets: [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fact\\_sheets.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fact_sheets.cfm)
11. Steering Committee Comments
12. Adjournment

Next Scheduled Pre-MPO Steering Committee Meeting – **Tuesday, August 9<sup>th</sup>, 2:00pm-3:30pm**, to be held via Microsoft TEAMS Meeting

# MVP for Transportation Pre-MPO Steering Committee Meeting

**Tuesday, June 14<sup>th</sup>, 2022  
2:00 - 3:30 pm**

## **Meeting Minutes**

- 1. Call to Order**
- 2. Introduction of Pre-MPO Steering Committee Members and other Attendees**

### **Steering Committee Members Present:**

- Kim Sollien, MSB Planning Services Manager (*Chair- non-voting*)
- Brian Winnestaffer, Chickaloon Native Village Transportation Director
- Antonio Weese, MSB TAB Member
- Brian Lindamood, ARRC VP of Engineering
- Brad Sworts, MSB Pre-Design & Engineering Manager
- Joshua Shaver, Alaska Pioneer Homes Administrator
- Brad Hanson, City of Palmer Community Development Director
- Bob Charles, Knik Tribe IRR Roads Manager
- Archie Giddings, City of Wasilla, Public Works Director (*Retired*)
- Josh Cross, MSB TAB (*Vice Chair- non-voting*)
- Allen Kemplen, DOT&PF Mat-Su Area Planner (*non-voting*)
- Aaron Jongenelen, AMATS Transportation Planning Manager/MPO Coordinator (*non-voting*)
- Jackson Fox, FAST Planning Executive Director (*non-voting*)

### **Members Absent:**

- Jennifer Busch, Valley Transit Executive Director
- Todd VanHove, DOT&PF Central Region Chief of Planning
- Jim Beck, Mat-Su Health Foundation Senior Program Officer
- Tom Adams, MSB Director of Public Works

### **Guests and Other Attendees:**

- Clint Alder, ADOT&PF Mat-Su District Office
- Cindy Heil, ADEC
- Kaylan Wade, Chickaloon Native Village
- Kelsey Anderson, MSB Planning
- Angela Staphl, Office of Rep. McCabe
- Jewelz Barker, Catalyst Alaska
- Donna Gardino, Gardino Consulting Services
- Natalie Lyon, RESPEC
- Patrick Cotter, RESPEC
- Adam Moser, DOT&PF

- 3. Approval of the June 14<sup>th</sup>, 2022, Agenda – (Action Item)**

*Motion to approve the June 14<sup>th</sup>, 2022 agenda (Winnestaffer), seconded. Approved unanimously.*

## MVP for Transportation Pre-MPO Steering Committee Meeting

### 4. **Approval of the May 10th, 2022, Minutes – (Action Item)**

*Motion to approve the May 10<sup>th</sup>, 2022 minutes (**Winnestaffer**), seconded. Approved unanimously.*

### 5. **Committee/Working Group Reports (Including the Staff Report)** **a. Staff Report**

Kim Sollien attended a transit conference in Chicago where the MSB was invited to speak about their unique situation in which non-profits currently provide transit services. How transit funding is administered is likely to change after urbanized designation in the MSB, with funding passing through the borough. Kim Sollien will provide a presentation to the Steering Committee later in the summer on this topic.

### 6. **Voices of the Visitors (Non-Action Items)**

N/A

### 7. **Old Business** **a. UPWP Comments Review**

Kim Sollien is to meet with DOT&PF for statewide MPO meeting regarding funding on 6/16/22. The census urbanized designation release has been delayed until fall 2022. The MSB planning team is working on boundary development and may present to the Steering Committee next month with an update.

Donna Gardino provided a walkthrough and summary of Steering Committee and Pre-MPO Policy Board comments on the 2023-2024 UPWP. Jackson Fox provided some updates for the UPWP budget: the new ICAP rate is 7.18%; For Task 200 – match is going to be 9.03% for FTA funds; FAST Planning received comments from FHWA asking the MPO to indicate where the match is coming from (cash, in-kind, legislative appropriations) in the “Assumptions” section at the bottom of the budget page. Aaron Jongenelen will send along FHWA comments on AMATS draft UPWP and TIP to the Mat-Su pre-MPO planning team as well for consideration.

### 8. **New Business** **a. Operating Agreement**

Donna Gardino provided a walkthrough and summary of Steering Committee and Pre-MPO Policy Board comments on the Draft Operating Agreement, highlighting sections of the CFR relevant to the operating agreement.

Steering Committee members discussed the pros and cons of using DOT&PF or the MSB for larger procurements versus doing this in-house at the MPO. Jackson Fox described that FAST Planning uses DOT&PF for larger procurements. Randi Bailey serves as the Contract Manager at DOT&PF and FAST Planning remains the Project Manager. Professional Services Agreements go through DOT&PF. Adam Moser stated that a similar structure could work for the MVP MPO. Brad Sworts noted that the MSB received transit funds in the early 2000s and may have the capacity to work with federal funding regulations again.

## MVP for Transportation Pre-MPO Steering Committee Meeting

Donna Gardino highlighted a potential change in the Operating Agreement from quarterly to monthly progress reporting and reimbursement from DOT&PF to the MPO. This is how FAST Planning works with Northern Region DOT&PF. Clint Adler noted that Central Region has a higher workload, so this may not be ideal for them.

Donna Gardino provided an overview of a 1-page white paper (in packet) describing the difference between the MPO Operating Agreement that will be signed by the Governor and the MOU for Operations of the MPO Office.

### **b. Policy Board Makeup**

- **Membership dues and voting**

The Steering Committee discussed the pros and cons of allowing proxy voting at the final Policy Board level. Donna Gardino noted that the pre-MPO planning team has recommended against allowing proxy voting since this makes it challenging for the board to make fully-informed decisions in the best interest of the MPO.

Jackson Fox explained that FAST Planning also does not allow proxy voting at the Policy Board level since board members serve in a dual role as non-profit business board members and decision makers on transportation planning for the MPO. Proxies are not allowed due to the non-profit business structure.

Donna Gardino explained that one option, if there is a desire to allow proxy voting, is to only allow it for MPO business and not for non-profit business. Or, to have two separate boards, one for non-profit business (no proxies) and one for MPO business (proxies allowed) but this may be overcomplicated to manage.

Clint Adler noted that DOT&PF's concern is that business is not delayed due to the absence of voting members.

Donna Gardino provided an example of a potential membership dues structure that could be used by the MVP MPO.

### **9. Other Issues**

N/A

### **10. Informational Items**

#### **a. Updated Steering Committee Roster**

### **11. Steering Committee Comments**

Bob Charles asked for a rework of the example membership dues structure using round numbers, so that it is clearer and easy to understand.

### **12. Adjournment**

*Motion to adjourn (**Charles**). None opposed. Meeting adjourned at 3:34pm.*

**Matanuska-Susitna Borough,  
City of Palmer,  
City of Wasilla,  
Knik Tribe,  
Chickaloon  
Village  
Traditional  
Council,  
A Multimodal  
Advocate and  
State of Alaska**

**MATSU Valley Planning for Transportation (MVP for  
Transportation)**

**INTER-GOVERNMENTAL OPERATING AGREEMENT  
and  
MEMORANDUM OF UNDERSTANDING  
for  
TRANSPORTATION PLANNING**

**In the Metropolitan  
Area of the  
Mat-Su Metropolitan Planning Organization**



Matanuska-Susitna Borough, City of Palmer,  
City of Wasilla,  
Knik Tribe,  
Chickaloon Village  
Traditional Council,  
Multi-modal Advocate  
the and  
State of Alaska

MATSU VALLEY PLANNING FOR TRANSPORTATION  
INTERGOVERNMENTAL OPERATING AGREEMENT  
AND  
MEMORANDUM OF UNDERSTANDING FOR TRANSPORTATION  
PLANNING

In the Metropolitan Area of the Matsu Valley Metropolitan Planning  
Organization

This Matsu Valley Planning for Transportation Intergovernmental Operating Agreement and Memorandum of Understanding is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the State of Alaska, the Matanuska Susitna Borough, the City of Wasilla, the City of Palmer, a Multi-modal advocate, the Knik Tribe and the Chickaloon Village Traditional Council.

WITNESSED, THAT:

Whereas, the above referenced Parties have been working on developing the new Metropolitan Planning Organization since July 2020; and

Whereas, the Pre-MPO Policy Board was formed and met for the first time on September 15, 2001 and is made up of representatives of transportation stakeholders from the Matsu Valley including the Matanuska-Susitna Borough, the City of Wasilla, the City of Palmer, the State of Alaska Department of Transportation and Public Facilities, the Knik Tribe, Chickaloon Village Traditional Council, Valley Transit and a Multi-modal advocate; and

Whereas, the Pre-MPO Policy Board the agreed to name the Metropolitan Planning Organization for the Matanuska Susitna Valley, the *MATSU Valley Planning for Transportation (MVP for Transportation)* on October 20, 2021; and

Whereas, on October 20, 2021, the Pre-MPO Policy Board agreed to oversee the development of all federally required documents necessary to be designated by the Governor as the MPO of the Matsu Valley urbanized area and act as the interim leadership of the MPO in making decisions that will bind the new MPO; and

Whereas, on October 20, 2021, the Pre-MPO Policy Board approved a MPA Boundary Development Strategy that was subsequently implemented to determine the MPA Boundary and attached to this document; and

Whereas, the U.S. Department of Commerce, U.S. Census Bureau, announced the list of new urbanized areas on XXX, 2022, and a portion of the Matanuska-Susitna Borough is now considered urbanized; and

Whereas, the Infrastructure Investment and Jobs Act was passed into law on November 15, 2021 and requires, in designating MPO officials or representatives for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the MPO shall consider the equitable and proportional representation of the population of the MPA; and

Whereas, the Pre-MPO Policy Board unanimously passed the MVP for Transportation Public Participation Plan and the 2022 Addendum for Pre-MPO Formation and used it as a guide to define the public participation in forming the MPO; and

Whereas, the MVP for Transportation Pre-MPO Policy Board passed a motion to form a 501(c)3 nonprofit corporation on March 16, 2022; and

Whereas, the MVP Transportation Pre-MPO policy board passed a motion to adopt Articles of Incorporation, and adopted their Bylaws on xxxxxx; and

Whereas, the Pre-MPO Policy Board passed a resolution to initiate operation of MVP Transportation as an independent organization on xxxxxx; and

Whereas, the Pre-MPO Policy Board filed the Articles of Incorporation with the State of Alaska's Department of Commerce, Community, and Economic Development Division of Corporations, Business, & Professional Licensing to become a nonprofit corporation on xxxxxx.

Now, therefore, the above referenced Parties agree to the Inter-Governmental Operating Agreement and Memorandum of Understanding for Transportation Planning, as follows:

Matanuska-Susitna Borough,  
City of Palmer,  
City of Wasilla,  
Knik Tribe,  
Chickaloon  
Native Village  
A Multimodal  
Advocate  
and  
State of Alaska

**MATSU Valley Planning for Transportation**  
**INTER-GOVERNMENTAL OPERATING AGREEMENT**  
**AND**  
**MEMORANDUM OF UNDERSTANDING**  
**FOR**  
**TRANSPORTATION PLANNING**

In the Metropolitan Area of the Mat-Su Metropolitan Planning Organization

**SECTION 1 – PARTIES TO THIS AGREEMENT**

The Parties to this Agreement are the State of Alaska (State), Matanuska-Susitna Borough (MSB), Knik Tribe, Chickaloon Village Traditional Council, City of Palmer, and City of Wasilla.

**SECTION 2 – PURPOSE**

This Agreement is entered into in accordance with 23 USC § 134 – 135, 49 USC § 5303 – 5306, and 23 CFR 450.300 to provide the structure and process for the continuing, cooperative and comprehensive consideration, consultation, development and implementation of transportation plans and programs for intermodal transportation in the metropolitan planning area (MPA).

Metropolitan Planning Organizations (MPOs) are required to develop long-range transportation plans and Transportation Improvement Programs through a performance-driven, outcome-based approach to planning. The MPO will conduct the transportation planning process and provide for consideration and implementation of projects, strategies, and services that will address the planning factors outlined in 23 CFR 450.306 (b) and (c).

## SECTION 3 – LEGAL AUTHORITY

### 3.1 Federal Transportation Planning Statutes

23 USC § 104(f), 23 USC § 134 and 49 USC § 5303 – 5306 provide funding and require designation of a metropolitan planning organization (MPO) for urbanized areas of at least 50,000 population to carry out a transportation planning process and receive federal funding. Those Statutes require the State and the local governments to coordinate the planning and construction of all urban transportation facilities with a continuing, cooperative, and comprehensive transportation planning process.

### 4.2 MPO Designation

**On <insert month and day>, 2023, the Governor of the State of Alaska designated the MPO and identified the Mat-Su Valley Planning for Transportation (MPO) Policy Board as the body providing the direction of transportation planning in the MPA in accordance with Federal law.**

## SECTION 4 – DEFINED TERMS

“ADOT&PF” means the State of Alaska Department of Transportation and Public Facilities.

“ARRC” means the Alaska Railroad Corporation

“AOR” means the Annual Obligation Report which includes all projects and strategies listed in the Transportation Improvement Program (TIP) for which Federal funds were obligated during the immediately preceding program year.

“ASSEMBLY” means the MSB Assembly, the legislative governing body of the MSB.

“CHICKALOON VILLAGE TRADITIONAL COUNCILS” means

“CITY OF PALMER” means the home rule city, a political subdivision of the State of Alaska within the MPA.

“CITY OF WASILLA” means a first-class city, a political subdivision of the State of Alaska, and the most populated city located within the MPA.

“CONSULTATION” means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken. This definition does not apply to the “consultation” performed by the States and the MPOs in comparing

the long-range statewide transportation plan and the MTP, respectively, to State and tribal conservation plans or maps or inventories of natural or historic resources.

“COOPERATION” means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.

“COORDINATION” means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate.

“DBE” or “Disadvantaged Business Enterprise” means a for-profit small business concern (1) that is at least 51-percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

“DESIGNATED RECIPIENT” means : (i) an entity designated, in accordance with the planning process under Sections 5303 and 5304, by the governor of a state, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under Section 5336 to urbanized areas of 200,000 or more in population; or (ii) a state or regional authority, if the authority is responsible under the laws of a state for a capital project and for financing and directly providing public transportation.

“DIRECT RECIPIENT” means an eligible entity authorized by a designated recipient or state to receive Urbanized Area Formula Program funds directly from FTA. A state or designated recipient may authorize another public entity to be a “direct recipient” for Section 5307 funds. A direct recipient is a public entity that is legally eligible under federal transit law to apply for and receive grants directly from FTA. The designated recipient may make this authorization one time or at the time of each application submission, at the option of the designated recipient.

“FHWA” means the Federal Highway Administration, an operating agency of the United States Department of Transportation (USDOT).

“FINANCIAL PLAN” means documentation required to be included with a metropolitan transportation plan and TIP that demonstrates the consistency between reasonably available and projected sources of Federal, State, local and private revenues and the costs of implementing proposed transportation system improvements.

“FRA” means the Federal Railroad Administration, created by the Department of Transportation Act of 1966.

“FTA” means the Federal Transit Administration, an operating agency of the USDOT.

“Knik Tribe” means

“**MATSU VALLEY PLANNING FOR TRANSPORTATION (MVP)**” means the Matsu Metropolitan Planning Organization, also known as MVP for Transportation

“METROPOLITAN PLANNING AGREEMENT” means a written agreement between the MPO, the State(s), and the providers of public transportation serving the metropolitan planning area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan transportation planning process.

“MPA” or “METROPOLITAN PLANNING AREA” means the geographic area in which the MPO carries on metropolitan transportation planning process as described in Section 5.4 of this Agreement.

“MPO” or “METROPOLITAN PLANNING ORGANIZATION” means the policy board created by Section 5.2 of this Agreement to carry out the metropolitan transportation planning process.

“MSB” means the Matanuska-Susitna Borough, a second-class borough, a political subdivision of the State of Alaska that includes the City of Palmer, City of Wasilla, and MPA within its boundaries.

“MTP” or “METROPOLITAN TRANSPORTATION PLAN” means the official multimodal transportation plan addressing no less than a 20-year planning horizon that the MPO develops, adopts, and updates through the MTP process.

“PALMER CITY COUNCIL” means the legislative governing body of the City of Palmer.

“PERFORMANCE-BASED APPROACH” means the application of performance management within the planning and programming process to achieve desired performance outcomes for the multimodal transportation system.

“PERFORMANCE MEASURE” means an expression on a metric that is used to establish targets and to assess progress toward achieving the established targets.

“PERFORMANCE METRIC” refers to “Metric” as defined in 23 CFR 490.101 and means a quantifiable indicator of performance or condition.

“PERFORMANCE TARGET” refers to “Target” as defined in 23 CFR 490.101 and means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period.

“PL FUNDS” means the Federal Highway Administration Metropolitan Transportation

Planning funds authorized under 23 USC 104 to carry out the requirements of 23 USC 134.

“POLICY BOARD” means the board established under Section 5.2 of the Agreement for cooperative decision-making in accordance with this Agreement.

“PUBLIC PARTICIPATION PLAN” means a documented process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representative of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

“SECTION 5303 FUNDS” means the FTA funds made available under 49 USC 5305(g) to carry out the requirements of 49 USC 5303.

“SSOW” OR “SIMPLIFIED STATEMENT OF WORK” means a statement of work documenting metropolitan transportation planning activities performed with funds provided under title 23 U.S.C. and title 49 U.S.C. Chapter 53 in accordance with the provisions of 23 CFR 450.308 and 23 CFR part 420.

“STATE” means the State of Alaska.

“TECHNICAL COMMITTEE” means the Mat-Su MPO committee established in Section 5.3 of this Agreement for the cooperative decision-making in accordance with this Agreement.

“TIP” or the “TRANSPORTATION IMPROVEMENT PROGRAM” means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the MTP process, consistent with the MTP, and required for projects to be eligible for funding under title 23 USC and title 49 USC chapter 53.

“TRANSIT” means public transportation systems, including buses subways, light rail, commuter rail, trolleys and ferries.



“UPWP” or “UNIFIED PLANNING WORK PROGRAM” means a statement of work identifying the planning priorities and activities to be carried out within an MPA. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of funds.

“URBANIZED AREA” means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

“USDOT” means the United States Department of Transportation.

“WASILLA CITY COUNCIL” means the legislative governing body of the City of Wasilla.

## SECTION 5 – ORGANIZATION AND RESPONSIBILITIES

### 5.1 MVP for Transportation

**MVP for Transportation** is the MPO’s staffed organization, in cooperation with the State, units of local government and public transportation operators.

5.1.1 In order to receive and expend federal funding for transportation in urbanized areas with a population of more than 50,000 individuals, there must be coordination between the State and the MPO as required by federal regulation. Therefore, the purpose of the **MVP for Transportation** is to provide the framework and mechanism for the MPO and the State to jointly develop and implement transportation plans and programs, which will assure compliance with State and Federal transportation planning.

### 5.2 Policy Board

The **MVP for Transportation** Policy Board (Policy Board) shall have as members, a **designated representative of the ADOT&PF, MSB Mayor, City of Palmer Mayor, City of Wasilla Mayor, Knik Tribe Representative, Chickaloon Village Traditional Council Representative, Multimodal Advocate and a designated representative of the MSB Assembly**. Each member of the Policy Board shall have one vote. **MVP for Transportation’s** Executive Director will serve as Secretary to the Policy Board.

#### 5.2.1 Powers and Duties of the Policy Board

The Policy Board shall have overall responsibility for the implementation of this Agreement, coordination of MVP for Transportation’s efforts and responsibilities of MVP for Transportation’s Technical Committee, and the ultimate development and adoption of the UPWP, TIP, and MTP.

### 5.3 Technical Committee

**MVP for Transportation** shall have a Technical Committee, which consists of representatives, such as planners, engineers, and other specialists from the City of Palmer, City of Wasilla, MSB, ADOT&PF, local transit providers, Port Mackenzie, ADEC, University of Alaska Palmer, Alaska Railroad Corporation, Mat-Su local

freight industry, Mat-Su Health Foundation and local Tribal entities. Each member of the **MVP for Transportation's** Technical Committee (Technical Committee) shall have one vote and all actions of the Technical Committee, including recommendations to the Policy Board, shall be by a majority vote of the total authorized number of members.

#### 5.4 Metropolitan Planning Area (MPA)

The MPA specified by 23 USC § 134(e) shall be the geographical area shown on Attachment #1 to the Agreement incorporated herein by reference. Provided such boundaries conform to the requirements of 23 USC § 134(e), the MPO and the Governor may mutually agree to change the boundaries of the MPA.

#### 5.5 MPO Self-certification

Every four years the MPO will, in coordination with the ADOT&PF, self-certify to the FHWA and the FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements of 23 CFR 450.336(a).

### SECTION 6 – KEY PLANS and PROGRAMS

6.1 There are three primary planning or programming activities that the MPO is responsible for developing. This section summarizes these key plans and programs, which include the MTP, TIP, and UPWP.

#### 6.1.1 MTP

The MPO, in cooperation with the State, is responsible for developing or updating an MTP. The MPO shall follow the latest federal planning requirements, as prescribed in 23 CFR 450.324. The MPO shall update the MTP every five (5) years as prescribed by 23 USC § 134(i).

#### 6.1.2 Transportation improvement Program (TIP)

The MPO, with full assistance from the State and all other cooperating agencies, is responsible for developing or updating the TIP. The MPO shall follow the latest federal planning requirements, as prescribed in 23 CFR 450.326 and 23 USC § 134(j).

#### 6.1.3 Unified Planning Work Program (UPWP) or Simplified Scope of Work (SSOW)

(1) The MPO, with full assistance from the State and all other

cooperating agencies, is responsible for developing or adjusting the UPWP or SSOW, as prescribed by 23 CFR 450.308. The MPO shall:

- (a) Describe all the transportation activities to be completed in a fiscal year.
  - (b) Ensure early coordination with FHWA and FTA.
- (2) No later than July 1 of each year, the ADOT&PF, in consultation with the MPO, will provide to the Policy Board in writing the amount of estimated Federal PL and Section 5303 funds, and required match ratios, to be made available to **MVP for Transportation** for the next fiscal year of October 1 through September 30. ADOT&PF, MSB, City of Palmer, City of Wasilla, and **MVP for Transportation** staff shall recommend work tasks with budgets for tasks in which it participates. **MVP for Transportation** staff shall develop and implement a UPWP or SSOW public involvement program, within a Public Participation Plan, and prepare a UPWP or SSOW with the full cooperation of ADOT&PF, MSB, the City of Palmer, the City of Wasilla and the MPO. Discussions between ADOT&PF, MSB, City of Palmer, City of Wasilla and the MPO shall take place to determine how the proposed tasks can be accomplished in the most efficient and effective manner. The UPWP or SSOW shall be reviewed by the Technical Committee, approved by the Policy Board, and forwarded to ADOT&PF for concurrent approval by FHWA and FTA prior to any work being performed.

## 6.2 Changes/Amendments to Key Plans and Programs

### 6.2.1 Amendments to the MTP and TIP

The MPO, with its responsibility to maintain existing plans and programs, shall approve amendments, in accordance with its Public Participation Plan. An Amendment is triggered by the addition or deletion of a project or a major change in the project cost, project / project phase initiation dates, or a major change in design concept or design scope. An amendment is a revision that requires public review and comment periods consistent with the MPO public involvement policy and re-demonstration of fiscal constraint. Amendments require the concurrence of the MPO, ADOT&PF, FHWA, and FTA before becoming effective.

### 6.2.2 Administrative Modifications to the MTP and TIP

The MPO, with its responsibility to maintain existing plans and

programs, shall approve Administrative Modifications in accordance with the Public Participation Plan. An Administrative Modification is triggered by a minor revision to a metropolitan transportation plan or TIP that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. It is a revision that does not require public review and comment, or re-demonstration of fiscal constraint. Administrative Modifications require the concurrence of the MPO and the ADOT&PF before becoming effective. The FHWA and FTA will be notified as soon as possible of these changes.

#### 6.2.3 Amendments/Changes to the UPWP or SSOW

Changes in work assignments and studies to be performed to meet transportation planning requirements may be made by the MPO at such times and to such extent as deemed necessary. Total funds to be made available for the performance of said work and services shall not exceed the amount specified in the UPWP or SSOW. Reimbursement will be made by ADOT&PF in accordance with procedures stated herein and shall be expended only on the UPWP or SSOW approved by the MPO, ADOT&PF, FHWA, and FTA.

(1) Changes in funding levels for tasks, or changes in tasks, shall be requested as soon as possible after the need for such change is recognized.

(a) Amendment to the UPWP or SSOW

(No additional funding required)

An Amendment to the UPWP or SSOW is triggered when task budget amounts exceed 20 percent of the original approved program budget, when there are individual changes of \$35,000 or more to task budgets, or when there are significant scope changes. Amendments require the concurrence of the MPO, ADOT&PF, FHWA, and FTA before becoming effective. Amendments to the UPWP or SSOW require public review.

(b) Administrative Modifications to the UPWP or SSOW

(No additional funding required or no significant change to scope)

An Administrative Modification is triggered when task budget amounts do not exceed 20 percent of the approved program budget or when individual changes are for \$35,000 or less of a task budget. Administrative Modifications require the concurrence of the MPO and the ADOT&PF

before becoming effective. The FHWA and FTA will be notified as soon as possible of these changes.

## **SECTION 7 – CONSULTANT CONTRACTS**

- 7.1 FHWA and FTA Approval: For all federally funded work to be done under a consultant contract, prior FHWA and/or FTA approval of a Project Development Authorization including the scope of work is required before a Request for Proposal (RFP) is issued. Early coordination is essential. The contracting agency will be the ADOT&PF which will coordinate review and approvals directly with FHWA and FTA.
- 7.2 ADOT&PF Approval: For solicitations over \$50,000, the contracting agency will be the ADOT&PF for review of the final RFP, scope of services, project budget, and project management plan. ADOT&PF shall also reserve the right to select members for the Selection Committees for all consultant contracts. ADOT&PF may provide opportunity to the MPO, as appropriate, to serve on the Selection Committees. The MPO will be the contracting agency for all solicitations under \$50,000 and will follow their approved procurement policies.
- 7.3 Work Products: ADOT&PF and the MPO will have an opportunity to review draft work products prior to review by the Technical Committee and Policy Board.
- 7.4 Inspection of Work: ADOT&PF and/or the owner of the facility shall always be accorded review and inspection of the work performed by consultants and shall at all reasonable times have access to the premises, to all data, notes, records, correspondence, and instruction memoranda or description which pertain to the work involved.

## **SECTION 8 – ADDITIONAL AND SEPARATE WORK PROJECTS**

From time to time, ADOT&PF or the MPO may desire one of the other parties to perform additional work projects for services separate and apart from those set forth in the UPWP. At such times, the requesting party will notify the other party of the intention, including a request for the specific work and/or services desired. If the other party is willing and able to do the work or perform the services requested, written acceptance by the requesting party of the terms accepted shall constitute authority to proceed with the work and/or services requested. The requesting party shall pay for such work or services within a reasonable time after billing. Such billing shall be made pursuant to the terms agreed upon for each particular work project.

## **SECTION 9 – PROGRAM REPORTING REQUIREMENTS**

- 9.1 Reporting: UPWP or SSOW

In accordance with 23 CFR 420.117, the ADOT&PF is responsible for monitoring the UPWP or SSOW supported activities to assure compliance with applicable Federal requirements and assure performance goals are being achieved. Monitoring must cover each program, function or activity. The reporting procedures shall include, but are not limited to, the following:

#### 9.1.1 Quarterly Reports

All parties receiving federal planning funds pursuant to this Agreement shall prepare a quarterly financial statement and a narrative progress report, in a format provided by the ADOT&PF, for all tasks identified in the UPWP or SSOW for which they are responsible and submit to the ADOT&PF Central Region office no later than 30 days following the last day of each UPWP or SSOW fiscal quarter. The quarterly reports shall serve as the basis for quarterly reimbursements.

Within 40 days of the last day of the fiscal quarter, ADOT&PF will compile all reports and shall either, review and approve the reports, or request modifications. Upon approval, the ADOT&PF Central Region staff will forward the reports to the MPO.

If ADOT&PF requests modifications, the report will be forwarded to the MPO as a draft report. Within 50 days following the last day of each UPWP or SSOW fiscal year quarter, all requested report modifications shall be submitted to ADOT&PF Central Region. Upon approval, the ADOT&PF will re-submit the report to the MPO no later than 60 days following the last day of each UPWP fiscal year quarter.


This final UPWP or SSOW Quarterly Report shall consist of the following:

- (1) A financial statement which shall include task and program summary of the following data:
  - (a) Current quarterly expenditures
  - (b) UPWP fiscal year to date expenditures
  - (c) PL, Sec. 5303, and local funds / in-kind expended to date
  - (d) PL, Sec. 5303, and local funds / in-kind remaining
- (2) A narrative progress report which shall include:
  - (a) A description of work accomplished during the quarter
  - (b) Significant events (i.e. travel, training, conferences)
  - (c) Milestones reached in sufficient detail to justify the quarterly expenditures

For tasks consisting of a scheduled completion date, the progress report shall include each task's percentage complete, explanatory information on the progress, and any issues relating to the task such as schedule delays.

#### 9.1.2 Annual Report

Upon receipt of the final (fourth quarter) UPWP or SSOW Quarterly Report, the ADOT&PF will draft the UPWP or SSOW Annual Report. The ADOT&PF will forward the UPWP or SSOW Annual Report to the MPO no later than 60 days following the last day of the UPWP or SSOW fiscal year. The ADOT&PF will submit the UPWP or SSOW Annual Report to FHWA and FTA to meet the reporting requirements of 23 CFR 420.117, as currently adopted or hereafter amended. DOT&PF may combine the UPWP or SSOW Annual Report with similar reports from other subrecipients of federal planning funds into a single report.

The Annual Performance and Expenditure Report for the UPWP or SSOW fiscal year will contain  information required by 23 C.F.R. 420.117.

#### 9.1.3 Significant Events

Events that have significant impact on UPWP or SSOW work elements must be reported by the Parties to this Agreement to ADOT&PF as soon as they become known. The types of events or conditions that require reporting include: problems, delays, or adverse conditions that will materially affect the ability to attain program objectives. This disclosure must be accompanied by a statement of action taken, or contemplated, and any Federal assistance required resolving the situation.

#### 9.1.4 Other Reports

Copies of formal reports, informal reports, and material emerging out of a task specified in the UPWP or SSOW shall be governed by Section 10 of this Agreement.

### SECTION 10 – PLANNING REPORTS

#### 10.1 Planning Reports

From time to time, ADOT&PF and the MPO may publish reports, documents, etc., upon completion of a portion and/or a phase of a particular planning element in the continuing transportation planning process. In order for the preparation and

publishing of such reports to be eligible for participation of Federal funds, the Technical Committee shall review the reports with final approval by the MPO Policy Board, as appropriate.

## 10.2 Publication

Publication, whether in hard copy or through the use of digital technologies such as via the World Wide Web, by any party to the Agreement shall give credit to other parties, FTA, and FHWA. However, if any party, FTA, or FHWA does not wish to subscribe to the findings or conclusions in the reports, the following statement shall be added:

“This report was funded in part through grant(s) from the Federal Highway Administration and/or the Federal Transit Administration, U.S. Department of Transportation. The views and opinions of MVP for Transportation expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation.”

Furthermore, consultant logos are prohibited from the cover of all reports, documents, etc. that are approved by FTA and FHWA.

## 10.3 Copies

Copies of draft and final reports, documents, etc., will be provided as required to Federal and State Agencies. Parties to this Agreement will be provided copies as requested.

The FHWA reserves a royalty-free, non-exclusive, and irrevocable right to reproduce, publish, or otherwise use, and authorize others to use, the work for Government purposes.

# SECTION 11 – DIVISION OF COST AND PAYMENT

## 11.1 Reimbursement

The maximum amount of Metropolitan Planning Funds available each year for reimbursement to the Parties shall not exceed the budget approved in the UPWP or as amended. ADOT&PF will make reimbursement in accordance with the following procedures:

- (1) The Parties shall submit to ADOT&PF quarterly narrative progress reports and financial statements, as defined in Section 10 of this Agreement.

- (2) Reimbursement will be made within 30 days after ADOT&PF receives and approves the quarterly narrative progress reports and financial statements, subject to Federal planning funds being made available and received for the allowable cost.
- (3) Within 60 days of ADOT&PF's approval of the last quarter narrative progress report and financial statement for the fiscal year, ADOT&PF will close the UPWP or SSOW account and request that an audit be performed.
- (4) The audit will be completed, and final payment adjustments made within 120 days of the last quarter or as soon thereafter as reasonably possible.

## 11.2 ADOT&PF Tasks

The Parties may agree that ADOT&PF can most efficiently and effectively perform a task or a portion of a task to be funded with PL funds in the approved UPWP. In such cases, ADOT&PF shall:


- (1) Provide the MPO with all necessary documentation in order to permit the preparation of the reports required in Section 10 of this Agreement.
- (2) Upon ADOT&PF approval of the quarterly, ADOT&PF shall submit a billing to FHWA for direct payment to ADOT&PF for approved UPWP or SSOW costs.
- (3) ADOT&PF shall be reimbursed at the rate contained in the applicable UPWP or SSOW.
- (4) ADOT&PF shall promptly provide the MPO with copies of its billings and statements.

## 11.3 Overruns

When expenditures are anticipated to overrun in any UPWP or SSOW work element, the procedures for budget changes as outlined in Section 6.2 must be followed.

## 11.4 Cost Limitations

Reimbursement of administrative and operational costs will be made without profit or markup. These costs shall be limited to:

- (1) Direct salaries and wages, with payroll taxes and fringe benefits at actual costs, or if prorated to be allocated on an equitable basis;
- (2) Telephone charges and necessary travel limited to program specific charges; 
- (3) Overhead or indirect costs as approved annually in the respective UPWP or SSOW line item budget and verified by audit. Eligibility shall conform to the provisions of 23 CFR 420.113;
- (4) Training as approved specifically in the UPWP or SSOW or otherwise specifically approved by ADOT&PF, FHWA or FTA.

#### 11.5 Rate of Reimbursement

Reimbursement shall be at the rate specified and contained in the applicable UPWP.

#### 11.6 Financial Accounting Level

The expended funds will be accounted for at the task level (100, 200, 300 etc.).

#### 11.7 Fiscal Year

The UPWP or SSOW fiscal year will be October 1 to September 30.

### **SECTION 12 – PROCUREMENT, MANAGEMENT, AND DISPOSITION OF PROPERTY**

Procurement and management of property acquired for the program, including disposition of property if the program is discontinued, will be in accordance with 23 C.F.R. 420.121(f) and any other regulatory requirements applicable to the expenditure of federal funds made available for the implementation of this Agreement.

### **SECTION 13 – AUDIT PROCEDURES**

- 13.1 In addition to the requirements stated in this section, requirements for audit as defined in 23 CFR 420 will be used as guidelines.
- 13.2 Each participating party will maintain complete records of all manpower, materials and out-of-pocket expenses, and will accomplish all record keeping in accordance with the following procedures:

13.2.1 Each participating party will furnish ADOT&PF copies of all certified

payrolls which shall include the hourly rate for each employee working on the project during the reporting period. In addition, a loaded rate factor will be shown in a manner compatible with existing approved local procedures. The load rate factor is subject to adjustment based upon audits occurring during the life of this Agreement.

#### 13.2.2 Time Sheets

Individual time sheets will be maintained reflecting the daily total amount of hours worked and amount of time spent on each task within the program. It is imperative that the hours be traceable to the task.

#### 13.2.3 Materials

Copies of invoices shall support costs of any purchased materials utilized on this project.

#### 13.2.4 Out-of-Pocket Expenses

Copies of receipts shall support all expenses.

#### 13.2.5 Record System

The record system will be such that all costs can be easily traceable from all billings through the ledgers to the source document. Each expenditure must be identified with the task within the current approved UPWP or SSOW.

13.3 Each consultant contract or professional services agreement, in which any party engages, may require a specific audit for that project or agreement. The award of any such construction related engineering design services contract must be made in conformity with applicable Federal and ADOT&PF contracting procedures including ADOT&PF Procedure 10.02.010, and related Professional Services Agreement Handbook, or based on acceptable alternative contracting procedures approved by ADOT&PF and FHWA. This requirement is in addition to any agency-wide audit conducted pursuant to OMB Circular A-133 (Single Audit Requirements).

13.4 MVP for Transportation may be audited every year by ADOT&PF Internal Review auditors for compliance and to insure adequate coverage. MVP for Transportation will additionally hire an independent Certified Public Accountant (CPA) to conduct an annual audit of all revenues and expenditures, as well as participate in a state and/or federal single audit as requested. All Parties and/or their subcontractors under this Agreement shall maintain all records and accounts relating to their costs and expenditures for the work during any fiscal

year for a minimum of three (3) years following receipt of the final payment and shall make them available for audit by representatives of ADOT&PF, FHWA, and FTA at reasonable times. All Parties shall maintain records in a form approved by ADOT&PF. Final payment is defined as the final voucher paid by FHWA to ADOT&PF based on an audit. A request to close out a fiscal year or project account does not constitute final payment.

- 13.5 Any review, which does not meet Federal requirements, will be resolved between ADOT&PF and the other party. The financial records relating to a UPWP or SSOW year may be closed out once FHWA accepts the audit and final payment adjustments have been made.

## **SECTION 14 – COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964**

All Parties hereby agree as a condition to receiving any Federal financial assistance from USDOT, to comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to Title 49 CFR, Part 21, Nondiscrimination in Federally Assisted Programs of the USDOT, Effectuation of Title VI of the Civil Rights Act of 1964.

## **SECTION 15 – DBE PROGRAM REQUIREMENTS**

### **15.1 Compliance**

The Parties, their agents and employees shall comply with the provisions of 49 CFR 26 and Title VI of the Civil Rights Act of 1964. 49 CFR 26 requires that all parties shall agree to abide by the statements in paragraphs 15.2 and 15.3 and shall include these statements in all Parties' USDOT financial assistance agreements and in all subsequent agreements between any party and any sub-grantees and any contractor.

### **15.2 Policy**

It is the policy of the USDOT that DBEs, as defined in 49 CFR 26.5, shall have an equal opportunity to participate in the performance of contracts financed in whole or part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR 26 apply to this Agreement.

### **15.3 DBE Obligation**

The Parties to this Agreement agree to ensure that DBEs, as defined in 49 CFR 26.5, have an equal opportunity to participate in the performance of contracts and sub-contracts financed in whole or part with Federal funds provided under this Agreement. In this regard the Parties to this Agreement and/or

their contractors shall not discriminate on the basis of race, color, national origin, or in the award and performance of USDOT assisted contracts.

#### **SECTION 16 - AMENDMENTS**

This Agreement may be amended only in writing and must be done prior to undertaking changes or work resulting therefrom or incurring additional costs or any extension of time. Said amendments are subject to approval by the MPO and the State.

#### **SECTION 17 – LIMITATION OF LIABILITY**

No liability shall be attached to any party to this Agreement by reason of entering into this Agreement, except as expressly provided herein.

#### **SECTION 18 – COMPLIANCE WITH LAWS**

In addition to the laws, statutes, regulations and requirements stated herein, all Parties to this Agreement shall be knowledgeable of and comply with all Federal, State and local laws and ordinances applicable to the work to be done under this Agreement.

#### **SECTION 19 – TERMINATION OF AGREEMENT**

This Agreement will continue in force until or unless the Parties terminate the Agreement in writing.

#### **SECTION 20 – NON-APPROPRIATION CLAUSE**

Nothing in this agreement shall obligate any party to expend monies if there are insufficient or other lack of funds lawfully appropriated by their respective legislative bodies for performance under this Agreement.

## SIGNATURES

\_\_\_\_\_  
**Mayor – Matanuska-Susitna Borough**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mayor – City of Palmer**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mayor – City of Wasilla**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Multimodal Advocate**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Chickaloon Village Traditional Council**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Knik Tribe**

\_\_\_\_\_  
**Date**



\_\_\_\_\_  
**Governor – State of Alaska**

\_\_\_\_\_  
**Date**

**Attachment #1**

**<insert name> Metropolitan Planning Area Boundary Map**



**Mat-Su Valley Planning for Transportation  
Technical Committee  
Draft Mission and Tasks  
06.28.2022**

**Mission**

To assist the Policy Board in fulfilling its oversight responsibilities on specific technical matters and plans.

- Provide recommendation to the Policy Board
- Serve as an advisory body to the Policy Board at the Staff Level of the MPO
- Review draft plans and policies and make recommendations
- Make informed recommendations to the Policy Board regarding MPO plans and policies
- Work together to make recommendations to the Policy Board that are in the best interest of the MPO
- Represent the MPO and make recommendations about the best way forward for the MPO to accomplish its mission
- Meet with their leadership representatives on the Policy Board on a regular basis to inform leaders about technical issues and provide answers to any questions they may have regarding matters before the Policy Board

**Tasks**

- Conduct public meetings in accordance with Roberts Rules of Order and the Public Participation Plan
- Review, provide written feedback, and make recommendations to the Policy Board on the development and implementation of the:
  - Public Participation Plan
  - Title VI Implementation Plan
  - Unified Planning Work Program (UPWP)
  - Metropolitan Transportation Plan (MTP)
  - Transportation Improvement Program (TIP)
  - Policy and Procedures of the MPO
  - Interagency and Intergovernmental Agreements, as applicable
  - Other plans and policies
- Other tasks, as required.

**Rules of Engagement**

- Proxy voting will be allowed at the Staff Level of the Technical Committee, given written notice by the voting member prior to the meeting.

**MVP for Transportation  
Policy Board  
Draft Mission and Tasks  
06.28.2022**

**Mission**

To carry out the metropolitan transportation planning process for the metropolitan planning area.

- Make decisions for the Metropolitan Planning Organization (MPO)
- Serve as a key decision point for MPO plans and studies
- Communicate with MPO staff and your staff member(s) on the Technical Committee on a regular basis to obtain answers to any questions you may have regarding matters before the Policy Board.

**Tasks**

- Conduct public meetings in accordance with Roberts Rules of Order, the Bylaws and the Public Participation Plan
- Attend all meetings of the Policy Board
- Participate in Technical Committee meetings as time allows
- Vet, approve and oversee the implementation of the:
  - Public Participation Plan (PPP)
  - Title VI Implementation Plan
  - Unified Planning Work Program (UPWP)
  - Metropolitan Transportation Plan (MTP)
  - Transportation Improvement Program (TIP)
  - Policy and Procedures of the MPO
  - Interagency and Intergovernmental Agreements, as applicable
  - Other plans, as desired
- Serve as the Board of Directors for MVP for Transportation Corporation
- Other tasks, as required

**Rule of Engagement**

- No proxy voting will be allowed as it is expected that the leaders selected for the Policy Board are fully involved in the process to make the best decisions regarding the future of transportation infrastructure, policy and organizational structure. While a Proxy member can attend in case of an absence by a Policy Board member, that individual will not have the ability to vote.

# EXTERNAL MEMORANDUM

**To:** Kim Sollien  
Planning Services Manager  
Mat-Su Borough  
350 East Dahlia Avenue  
Palmer, AK 99645

**From:** Patrick Cotter, AICP  
Project Manager  
RESPEC  
1028 Aurora Drive  
Fairbanks, AK 99709

**Date:** June 29, 2022

**Subject:** MVP for Transportation Technical Committee Composition

Kim:

The RESPEC team recommends the following seats on the MVP for Transportation technical committee. These seats are based on our analysis of local stakeholders, peer MPO technical committees, and best practices.

1. MSB Transportation Advisory Board chair
2. Alaska Railroad Corporation
3. MSB School District operations
4. Public transit provider
5. Alaska Department of Transportation and Public Facilities – planning
6. Alaska Department of Transportation and Public Facilities – pre-construction
7. Alaska Department of Environmental Conservation – air quality
8. MSB – Planning
9. MSB – Public Works
10. Mobility advocate
11. Road Service Area Advisory Board chair
12. City of Wasilla
13. City of Palmer
14. Knik Tribe
15. Chickaloon Tribe

# EXTERNAL MEMORANDUM

**To:** Kim Sollien  
Planning Services Manager  
Mat-Su Borough  
350 East Dahlia Avenue  
Palmer, AK 99645

**From:** Patrick Cotter, AICP  
Project Manager  
RESPEC  
1028 Aurora Drive  
Fairbanks, AK 99709

**Date:** July 5, 2022

**Subject:** MVP for Transportation Policy Board Composition

Kim:

The RESPEC team has identified three potential configurations for the Policy Board.

9-seat board with broad representation:

1. MSB Manager
2. MSB Assembly
3. City of Wasilla Mayor
4. City of Palmer Manager
5. DOT&PF Central Region Director
6. Knik Tribe
7. Chickaloon Village Traditional Council
8. Multi-modal advocate
9. Health & safety advocate

7-seat board with government-only representation:

1. MSB Manager
2. MSB (Assembly or Mayor)
3. City of Wasilla Mayor
4. City of Palmer Manager
5. DOT&PF Central Region Director
6. Knik Tribe
7. Chickaloon Village Traditional Council

7-seat board with broad representation:

1. MSB (Manager or Assembly)
2. City of Wasilla Mayor
3. City of Palmer Manager
4. DOT&PF Central Region Director
5. Knik Tribe
6. Chickaloon Village Traditional Council
7. Multi-modal advocate

**Examples for MVP for Transportation - DISCUSSION PURPOSES ONLY**

Percent

<b>Government</b>	<b>Population</b>	<b>Membership Fee</b>	<b>Annuals Dues</b>	
State of Alaska	82,662	\$ 194,632	\$ 19,012	100%
MatSu Borough	68,662	\$ 161,644	\$ 15,790	83%
City of Wasilla	8,000	\$ 18,851	\$ 1,862	10%
City of Palmer	6,000	\$ 14,138	\$ 1,381	7%
Chickaloon Village	3078	\$ 7,069	\$ 691	4%
Traditional Council				
Knik Tribe	5334	\$ 12,489	\$ 1,220	6%
Multimodal	250	\$ 589	\$ 58	0.3%
	173,986	<b>\$ 409,411</b>	\$ 40,013	

*\* MPA population minus City populations*

Assumptions: \$410,000 PL funds annually; 9.03% non-federal share

## MVP Transportation Operating Agreement Comments and Responses

#	Comment	Response
1	Both Knik Tribe and Chickaloon Native Village need to be spelled out in the first page of the agreement, definitions, and signature block. We should also compare operating agreements from other states, such as Washington that have tribes in their MPO. Attached is a copy of guidance from Washington state.	The Washington State guidance has been reviewed. Only one county in WA does not belong to an RTPO. Tribal involvement is spelled out in the Interlocal Agreements.
2	Page 4: Add a multimodal advocate as a party to the agreement throughtout.	Done.
3	Provide copies of the regulations for reference.	These will be made available on the website.
4	Section 3.2 MPO Designation: Who is the designated recipient of Urbanized Formula Grants?	Designated recipient” means: (i) an entity designated, in accordance with the planning process under Sections 5303 and 5304, by the governor of a state, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under Section 5336 to urbanized areas of 200,000 or more in population; or (ii) a state or regional authority, if the authority is responsible under the laws of a state for a capital project and for financing and directly providing public transportation. We may remove this last sentence as this does not need to be part of the agreement. Getting clarification from the State.
5	In Section 5.2 Policy Board: If we have one tribal member then we have both? If so to get to nine I believe MSB should have Mayor, Assembly member, and Manager as reps	Policy Board make-up is still to be determined.
6	In Section 5.2 Policy Board: I would also prefer a transit rep over trails if goal is nine.	Final makeup of the Policy Board, as to number and representatives, will be up for discussion.

## MVP Transportation Operating Agreement Comments and Responses

#	Comment	Response
7	Sub-Section 5.2 Policy Board – Further discussion is warranted as to exact make-up of the Policy Board. Example: Given past action regarding Air Quality Alerts in the Mat-Su, it may be appropriate to include a representative from ADEC.	Final makeup of the Policy Board, as to number and representatives, will be up for discussion.
8	Sub-Section 5.3 Technical Committee – Further discussion is warranted as to exact make-up of the Technical Committee. Some examples: Should a member from the Mat-Su School District be included as operations of pupil transportation can significantly impact the performance of the transportation system. Port MacKenzie may be outside the Metropolitan Planning Area and thus not priority concern of the MPO. The City of Houston may warrant a position on the Technical Committee. The Borough may warrant more than one person on the Technical Committee (Transportation Planning, Pre-Design, etc.	Final makeup of the Technical Committee is to be determined.
9	Spell out MTP and TIP	MTP is already spelled out on page 6. Will spell out TIP.
10	In 7.2 I like the idea of using ADOT for procurement. They understand the federal requirements and should be able to keep the MPO from making mistakes with federal funds. The Borough does not have that kind of experience or knowledge.	This needs to be further discussed by the Steering Committee.
11	7.2 DOT&PF Approval – Clarification is necessary. The language applies to Design and Construction Contracts but not to all Planning projects. For example, the MTP is often managed by the MPO with participation by the ADOT&PF.	To be discussed.
12	9.1.2 Annual Report – ADOT&PF requires an MPO to submit in order to process necessary reimbursements. However, it is the responsibility of the MPO to compile all quarterly reports into the Annual Report. There is a typo in the third sentence (SSWOW).	This should be discussed. The DOT has that responsibility in the Northern Region and is the state's responsibility to monitor according to 23 CFR 420.117.
13	Section 11 Division of Cost and Payment: These sections may warrant language addressing the process for financial participation by the units of local government (City of Wasilla, City of Palmer, MSB) and other entities.	To be discussed.
14	Section 17 Limitation of Liability – This language may warrant revision.	To be discussed.
15	Section 19 Termination of Agreement – This language is inadequate. A more detailed process should be spelled out.	To be discussed.
16	Section 20 Non-appropriation clause – This language may warrant revision.	To be discussed.

## MVP Transportation Operating Agreement Comments and Responses

#	Comment	Response
17	There may be utility in having the Operating Agreement and MOU clearly delineated. It is difficult to understand where one begins and the other starts.	See <b>attached white paper</b> on the purpose of the Operating Agreement and the MOU for the Implementation of the Office of the MPO (MOU)
18	There may be utility in having the documents placed side-by-side with other relevant documents in order to establish a clear picture of how everything fits together.	We will provide the FAST Planning documents for comparison to include the Operating Agreement, MOU, Bylaws, Articles of Incorporation
19	Document has varying composition of decision-making body.	The Policy Board has yet to be established. Once it has been established, the signatories and the members will be match. This note was included in the document.
20	There is uncertainty about how the proposed agreement adheres to 23 CFR 450.314 Metropolitan planning agreements which states	Section 23 CFR 450.314 applies to the MOU and not this Operating Agreement. See the attached white paper.
21	<p>(a) The MPO, the State(s), and the providers of public transportation shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for the development of financial plans that support the metropolitan transportation plan (see § 450.324) and the metropolitan TIP (see § 450.326), and development of the annual listing of obligated projects (see § 450.334)</p> <p>The MPO(s), State(s), and the providers of public transportation shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see § 450.306(d)), and the collection of data for the State asset management plan for the NHS for each of the following circumstances</p>	<p>A separate agreement between the MPO and the state will address the development of performance targets, etc. This is how it is structured within Alaska. This level of detail is more appropriate in a separate agreement that can be more easily modified.</p>

October 4, 2021

Updated 05.23.2022, 06.02.2022

## MVP Transportation Operating Agreement Comments and Responses

#	Comment	Response
22	d. Section (h)(2) of the above CFR states these provisions shall be documented either:	
23	i. As part of the metropolitan planning agreements required under paragraphs (a), (e), and (g) of this section; or	
	ii. Documented in some other means outside of the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation	
24	Given the language in 23.450.314 Metropolitan planning agreements, it may be productive if greater clarity was established between what specific sections warrant inclusion in the initial Operating Agreement establishing the MVP MPO and what other metropolitan planning agreements are necessary along with a projected timeline for development of said agreements.	This timeline is attached. It has not been revised based on the latest information that the Census data will not be released until the "fall" instead of July 1.
25	The proposed Operating Agreement is relatively quiet on the third main document required for MPO's – the TIP. Further discussion may be warranted in order to reduce ambiguity and provide greater clarity of actions and responsibilities.	The MOU will delineate the responsibilities of others, besides the MPO, as to the development of the TIP and Annual listing of obligated projects in the MOU.
26	The proposed Operating Agreement may warrant inclusion of a new Section addressing how the new MPO will develop and manage the required Transportation Improvement Program (TIP). Specifically, who will be responsible for implementation including the issues of required Match and/or the annual listing of obligated projects.	The MOU will delineate the responsibilities of others, besides the MPO, as to the development of the TIP and annual listing of projects. Generally, the MPO will be responsible for the development of the Annual Listing of Obligated Projects in Coordination with the State and transit providers (see 23 CFR 450.334). The state is responsible for the development of Match and Maintenance agreements. This is more of a strategic document rather than an operational document.

## MVP Transportation Operating Agreement Comments and Responses

#	Comment	Response
27	9. Section 6 – Key Plans and Programs, 6.1.2 TIP may warrant further description of how the TIP is to be implemented.	The Operating Agreement discusses the development of the plans, not the implementation of the plans.
28	Section 6 – Key Plans and Programs, 6.1.3 UPWP or SSOW, Bullet #2 does not include the Tribes. This is inconsistent with other sections of the document.	Noted.
29	Additional definitions may be warranted. These could include:	Added.
	a. Financial Plan	Added.
	b. Federal Railroad Administration	Added.
	c. Transit	Added.
	d. Obligation Report	Added a definition of the Annual Obligation Report, however, this report includes capital expenditures as well, which is not the focus of the Operating Agreement. To be discussed.
	e. Performance Measures and Targets	Added definitions of Measures, Metrics and Targets
	f. Alaska Railroad Corporation	Added.
30	12. Section 7 – Consultant Contracts may warrant a sub-section titled “Project Management” in order to clarify how responsibilities may vary. For example, would Planning-related projects be better managed by the MPO whereas Design and Construction could be better managed by the DOT&PF.	When it is decided, this can be clarified. See question 2 above. This is a discussion item.
31	13. Section 9 – Program Reporting Requirements, 9.1.1 – Add (d) Copies of discrete deliverables produced during the quarter.	To be discussed. See reporting requirements in 23 CFR 420.117
32	14. Section 10 – Planning Reports – It may be useful to include a discussion regarding the Annual Listing of Obligated Projects in this section or in another Section relating more specifically to the TIP.	The requirements and responsibilities of the Annual Listing of Obligated Projects should not be in the Operating Agreement but may be more appropriately included in the MOU, if necessary.
33	a. Page 4, 2nd Whereas paragraph could be re-worded for clarity.	Please provide an alternative.
34	b. Page 6, Section 2 Purpose, 2nd paragraph – Spell out MPO or define acronym earlier in the document.	Done

## MVP Transportation Operating Agreement Comments and Responses

#	Comment	Response
35	c. Page 6, Section 2 Purpose, 2nd paragraph – Capitalize long-range transportation plan and insert acronym.	This wording is consistent with 23 CFR 450.306. A capitalized LRTP would refer to the states's long term plan and may cause confusion as the MPO's long term plan is referred to as a Metropolitan Transportation Plan (MTP).
36	d. Pages 7-8 - Definitions needed for Knik Tribe and Chickaloon Native Villages. Is there more than one Chickaloon Village?	Defer to the tribes; Chickaloon Village Traditional Council and Knik Tribe
37	e. Page 12, 6.1.3 UPWP or SSOW – Bullet #2 should be aligned with #1	Corrected.
38	f. Page 22, insert Page Break for Signature page.	Done.

U.S. Department of Transportation  
**Federal Highway Administration**  
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**BIPARTISAN INFRASTRUCTURE LAW**



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# FACT SHEETS

## Metropolitan Planning Program (MPP)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$358 M	\$438 M*	\$447 M*	\$456 M*	\$465 M*	\$474 M*

\*Calculated (sum of estimated individual State Metropolitan Planning Program apportionments)

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

### Program Purpose

The BIL continues the Metropolitan Planning Program, which establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions in metropolitan areas. Program oversight is a joint Federal Highway Administration/Federal Transit Administration responsibility.

## Statutory Citations

- § 11201; 23 U.S.C. 134

## Funding Features

Except as specified above and below, BIL continues all funding features that applied to Metropolitan Planning (PL) funding under the FAST Act.

## Type of Budget Authority

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

## Apportionment of Funds

- As under the FAST Act, the BIL directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs.
- Each State's PL apportionment is calculated based on a ratio specified in law. [23 U.S.C. 104(b)(6)] (See "Apportionment" fact sheet for a description of this calculation)
- The State DOT is then required to make the PL funds available to metropolitan planning organizations (MPOs) in accordance with a formula developed by the State DOT and approved by the FHWA. [23 U.S.C. 104(d)]

## Set-aside for Increasing Safe and Accessible Transportation Options

- The BIL requires each MPO to use at least 2.5% of its PL funds (and each State to use 2.5% of its State Planning and Research funding under 23 U.S.C. 505) on specified planning activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities. [§ 11206(b)]
- A State or MPO may opt out of the requirement, with the approval of the Secretary, if the State or MPO has Complete Streets standards and policies in place, and has developed an up-to-date Complete Streets prioritization plan that identifies a specific list of Complete Streets projects to improve the safety, mobility, or accessibility of a street. [§ 11206(c) and (e)]
- For the purpose of this requirement, the term "Complete Streets standards or policies" means standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles. [§ 11206(a)]

## Transferability to Other Federal-aid Apportioned Programs

- The BIL continues to prohibit transfer of PL funds to other apportioned programs. [23 U.S.C. 126(b)(1)]

## Federal Share

- As a general rule, in accordance with 23 U.S.C. 120. (See the “Federal Share” fact sheet for additional detail.)
- For activities funded by the set-aside for Increasing Safe and Accessible Transportation Options (see above), the BIL provides for a Federal share of 80%, unless the Secretary determines that the interests of the Federal-aid Highway Program would be best served by decreasing or eliminating the non-Federal share. [§ 11206(d)]

## Travel Demand Data and Modeling

- The BIL requires the Secretary to—
  - carry out a study that gathers travel data and travel demand forecasts from a representative sample of States and MPOs and compares travel demand forecasts with observed data; and to use this information to develop best practices or guidance for States and MPOs to use in forecasting travel demand for future investments in transportation improvements; [§ 11205(b)(1)]
  - seek opportunities to support States’ and MPOs’ transportation planning processes by providing data to improve the quality of transportation plans, models, and travel demand forecasts; and [§ 11205(b)(2)]
  - develop, and make publicly available, a multimodal web-based tool to enable States and MPOs to evaluate the effect of highway and transit investments on the use and conditions of all transportation assets within the State or area served by the metropolitan planning organization, as applicable. [§ 11205(b)(3)]

## Other Program Features

Except as specified above and below, BIL continues all requirements that applied to the Metropolitan Planning Program under the FAST Act.

## Fiscal Constraint on Long-range Plans

- The BIL requires the United States Department of Transportation to amend Federal regulations to define a metropolitan transportation plan’s outer years as beyond the first four years. [§ 11202; 23 CFR 450.324(f)(11)(v)]

## Representation

- The BIL requires an MPO that serves an area designated as a transportation management area, when designating officials or representatives for the first time and subject to the MPO’s bylaws or enabling statute, to consider the equitable and proportional representation of the

population of the metropolitan planning area. [§ 11201(a)(1); 23 U.S.C. 134(d)(3)(D)]

## Designation of More Than One MPO in an Urbanized Area

- The BIL changes an existing requirement such that more than one MPO may be designated within an existing urbanized area (as opposed to within a metropolitan planning area under the FAST Act) only if the Governor and the existing MPO determine that the size and complexity of the area make such a designation for the area appropriate. [§ 11201(a)(1)(B); 23 U.S.C. 134(d)(7)]
- If more than one MPO is designated within an urbanized area, the BIL requires the MPOs to—
  - consult with the other MPOs designated for the area and the State in coordination of plans and transportation improvement plans (TIPs) required by 23 U.S.C. 134; and [ § 11201(a)(2); 23 U.S.C. 134(g)(1)]
  - ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand, while clarifying that they are not required to jointly develop planning documents, including a unified long-range transportation plan or unified TIP. [§ 11201(a)(2); 23 U.S.C. 134(g)(4) and (5)]

## Public Participation

- The BIL allows MPOs to use social media and other web-based tools to encourage public participation in the transportation planning process. [§ 11201(a)(3); 23 U.S.C. 134(i)(6)(D)]

## Housing Coordination

- The BIL makes several changes to include housing considerations in the metropolitan transportation planning process, including—
  - updating the policy to include, as items in the national interest, encouraging and promoting the safe and efficient management, operation, and development of surface transportation systems that will better connecting housing and employment; [§ 11201(d)(1); 23 U.S.C. 134(a)(1)]
  - adding officials responsible for housing as officials with whom the Secretary shall encourage each MPO to consult; [§ 11201(d)(2); 23 U.S.C. 134(g)(3)(A)]
  - requiring the metropolitan transportation planning process for a metropolitan planning area to provide for consideration of projects and strategies that will promote consistency between transportation improvements and State and local housing patterns (in addition to planned growth and economic development patterns); [§ 11201(d)(3); 23 U.S.C. 134(h)(1)(E)]
  - adding assumed distribution of population and housing to a list of recommended components to be included in optional scenarios developed for consideration as part of development of the metropolitan transportation plan; [§ 11201(d)(4)(A); 23 U.S.C. 134(i)(4)(B)]

- adding affordable housing organizations to a list of stakeholders MPOs are required to provide a reasonable opportunity to comment on the metropolitan transportation plan; and [§ 11201(d)(4)(B); 23 U.S.C. 134(i)(6)(A)]
- within a metropolitan planning area that serves a transportation management area, permitting the transportation planning process to address the integration of housing, transportation, and economic development strategies through a process that provides for effective integration, including by developing a housing coordination plan. [§ 11201(d)(5); 23 U.S.C. 134(k)]

## Additional Information and Assistance

- For more information about this program, visit the FHWA Planning webpage: <https://www.fhwa.dot.gov/planning/index.cfm>
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical\\_support.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm).

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