

## MEMORANDUM OF AGREEMENT

### BILLINGS METROPOLITAN TRANSPORTATION PLANNING PROCESS

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "STATE", the CITY OF BILLINGS, hereinafter referred to as "CITY", the COUNTY OF YELLOWSTONE, hereinafter referred to as "COUNTY," and the YELLOWSTONE COUNTY BOARD OF PLANNING, hereinafter referred to as "PLANNING BOARD."

WITNESSETH THAT:

WHEREAS, Title 23, Chapter 1, Section 134 of the United States Code, Title 23 Section 150, and Title 49, Chapter 53, Section 5303 of the United States Code require that a Metropolitan Planning Organization (MPO) be designated for each metropolitan area with a population of 50,000 or greater. As a condition to the receipt of Federal highway and transit funds, that the metropolitan area must have a continuing, cooperative, and comprehensive performance-based multimodal transportation planning process that provides for consideration and implementation of projects, strategies, and services that consider all transportation modes and supports community development and sound goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods; and,

WHEREAS, the parties to this Agreement desire to continue to cooperate in the transportation planning process now in progress and further desire to ensure that transportation planning is an integral part of continuing, cooperative and comprehensive planning; and,

WHEREAS, the parties to this Agreement desire to take a performance-driven, outcome based approach to planning and programming linking investment decision making to the achievement of performance targets; and,

WHEREAS, the PLANNING BOARD is a legally constituted agency and authorized to carry on comprehensive planning under Title 76, Chapter I, Montana Code Anointed (MCA); and,

WHEREAS, the PLANNING BOARD has been designated by the Governor of the State of Montana as the MPO, which designation may be clarified as needed; and,

WHEREAS the STATE, CITY, and COUNTY recognize the PLANNING BOARD as the officially designated MPO for the Billings urbanized area; and,

WHEREAS, the Policy Coordinating Committee (PCC) has been established as the official governing body of the Billings Metropolitan Transportation Planning Process, thus having final local approval of all Federal Surface Transportation Program-Urban Funded transportation projects in the Billings Metropolitan Planning Area, approval of the Metropolitan Transportation Plan, the Transportation Improvement Plan, and the Unified Planning Work Program; and,

WHEREAS, the CITY, acting through the Aviation-Transit Department, operates a transit system and maintains responsibility for providing CITY residents with safe and reliable transit service, as well as implementing improvement to meet changing travel needs; and,

WHEREAS, Title 23, U.S.C., Section 104 (f) and Title 49 U.S.C., Section 5303 provide planning funds (PL and Section 5303) for the purpose of carrying out metropolitan transportation planning requirements of Section 134 of the Title 23; and,

WHEREAS, the STATE and designated MPO shall execute or cause to be executed separate agreements for the distribution of PL and Section 5303 funds; and,

WHEREAS, the STATE and designated MPO shall execute or cause to be executed separate agreements for the roles and responsibilities for air quality conformity; and developing and sharing performance data, setting performance targets, reporting targets, and tracking progress towards meeting targets.

NOW, THEREFORE, BE IT RESOLVED that the parties hereto do mutually agree to:

1. Cooperatively carry out transportation planning and programming in the Billings Metropolitan Planning Area through the following established forum and process:

- A. The Policy Coordinating Committee shall manage the executive business of the Billings Metropolitan Transportation Planning Process and develop and keep current transportation planning in the Billings Metropolitan Planning Area. The Policy Coordinating Committee shall consist of the following officials:

**Voting Members:**

Member – City governing body as designated by the City of Billings  
City Council and a first or second alternate for the designee  
Chairman – Board of Yellowstone County Commissioners  
President – Yellowstone County Board of Planning  
District Administrator - Montana Department of Transportation  
District Administrator – Federal Highway Administration (Non-voting)

- B. The Technical Advisory Committee (TAC) shall provide technical advice to the Policy Coordinating Committee and technical direction to and coordination of the metropolitan transportation planning staff concerning transportation planning. The Technical Advisory Committee shall, at a minimum, consist of the following members:

**Regular Members**

Deputy Public Works Director – City of Billings  
City Engineer – City of Billings  
Traffic Engineer – City of Billings  
City/County Planning Director – City of Billings/Yellowstone County  
Transportation Planning Coordinator – City of Billings/Yellowstone County  
Transit Manager – Billings Aviation-Transit Department  
Transit Planning – Billings Aviation-Transit Department  
Director of Public Works – Yellowstone County  
Civil Engineer/County Public Works – Yellowstone County  
Construction Engineer/Billings District – Montana Department of Transportation  
Statewide & Urban Planning Supervisor – Montana Department of Transportation

**Ex-Officio Members**

Public Works Director – City of Billings  
Program Manager – Environmental Health Services, RiverStone Health  
Director – Billings Aviation-Transit Department  
Director – Billings Community Services Department  
Representative – Billings School District Two  
Public Works Engineer – Montana Rail Link  
Administrator – Rail & Transit Division, Montana Department of Transportation

Ex-Officio members shall have full voting privileges, but their membership shall not count toward a quorum. Their attendance shall be requested when a subject arises concerning their area of expertise.

**Non-Voting Members**

Planning & Program Development Engineer – Federal Highway Administration

Additional members can be appointed to this committee by a majority vote of the membership.

A member of the TAC may authorize an alternate to represent him/her at any time by communicating that to the Chairperson or to staff.

- C. Public Involvement. Procedures for obtaining public involvement will be adopted by the Policy Coordinating Committee. These procedures will describe methods to obtain additional local input in the planning process.
- D. Transportation Planning Area At a minimum, continuing, cooperative and comprehensive transportation planning will be conducted in that portion of the Billings area that is expected to become urbanized during any forecast period. Said area shall be referenced as the Billings Transportation Planning Area. Any transportation planning that may be conducted outside the transportation planning area will be determined by the TAC and approved by the PCC.
- E. Scope of Services the transportation planning process shall be:
  - 1) Cooperative, in that, the State, County, City, and Planning Board shall cooperatively accomplish the transportation planning process in response to the needs and changes occurring in the study area.

The STATE, MPO and CITY shall coordinate their respective targets for performance measurement to ensure consistency, to the maximum extent practicable. This includes, but is not limited to, identifying how performance-based planning provisions will be cooperatively implemented.

- 2) Comprehensive, in that, all elements affecting metropolitan area development and transportation shall be considered. These elements and requirements are described in various documents published by the U. S. Department of Transportation.
- 3) Continuing, in that, the planning process is intended to continue indefinitely and shall be maintained as long as this Agreement is in force.

The operational scope of the transportation planning process will involve conducting the following general activities:

- (a) Establish a coordinated process for the collection and sharing of performance data, the selection of performance targets, reporting targets, and tracking progress towards meeting targets for the metropolitan area.
- (b) Collect, maintain, analyze and disseminate basic planning information and engineering data.
- (c) Serve the public and private sectors, by providing current information concerning plans, programs, projects, recommendations and implementation schedules.
- (d) Prepare, update and revise long and short-range transportation plans to consider all transportation modes in the transportation planning area; develop transportation improvement programs for project implementation; prepare, update and revise a public involvement plan; and, conduct air quality conformity determinations, to the extent required, for new or revised transportation plans and improvement programs.
- (e) Prepare and distribute studies, reports, maps, plans, etc., for documentation and information purposes; participate in meetings, seminars, etc., at all levels of government; coordinate planning and plan implementation activities; and, conduct public information and involvement programs.
- (f) Research, investigate and develop estimating, forecasting and related planning procedures.

F. Work Program – An annual unified planning work program shall be prepared by the participating agencies, which defines the urban transportation and transportation related planning activities to be conducted within the MPO planning area, regardless of funding sources. The unified planning work program shall include:

- 1) A brief discussion of program objectives and accomplishments, including performance targets, during the previous 12-month period; and
- 2) A description of major activities to be performed during the next year, who will perform the work, the resulting products and a summary of the total amounts and sources of federal and matching funds.

2. Mechanisms governing the agreement are as follows:

- A. Changes in Agreement – Any alteration, extension or supplement to the terms of this agreement, as detailed herein, shall be agreed to, in writing, by the signatory parties.
- B. Bylaws – Both the Policy Coordinating Committee and the Technical Advisory Committee shall adopt and comply with bylaws as are justified and warranted to enact the purposes of this Agreement.

- C. Term of Agreement – This Agreement shall be for a perpetual term unless changed as provided for in paragraph 2.A. above, or terminated in the manner described as follows: Any party may terminate its interests and obligations under this Agreement by giving at least ninety (90) days’ notice, in writing, to the other parties.
  
- D. Previous Agreements – This Agreement supersedes previous Agreements between the STATE, CITY, COUNTY, and PLANNING BOARD executed on March 25, 1964, August 9, 1971, December 19, 1972, May 8, 1978, June 13, 1983, April 3, 1986, February 22, 1990, July 7, 1992, and February 18, 2009.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals the day and year first above written.

APPROVED FOR CITY OF BILLINGS

APPROVED FOR THE STATE

By \_\_\_\_\_  
 City Council Designee or Alternate of the Designee

By \_\_\_\_\_  
 Director, Montana Department of Transportation

ATTEST:

By \_\_\_\_\_  
 City Clerk

By \_\_\_\_\_  
 Legal Counsel,  
 Montana Department of Transportation

APPROVED FOR YELLOWSTONE COUNTY

APPROVED FOR YELLOWSTONE COUNTY  
 BOARD OF PLANNING

By \_\_\_\_\_  
 Chairman, Board of County Commissioners

By \_\_\_\_\_  
 President

ATTEST:

By \_\_\_\_\_  
 Clerk and Recorder