

**MEMORANDUM OF AGREEMENT  
FOR COOPERATIVE PERFORMANCE BASED PLANNING**

This memorandum of agreement (MOA), made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the MONTANA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "STATE," the YELLOWSTONE COUNTY BOARD OF PLANNING, hereinafter referred to as "MPO," and CITY OF BILLINGS AVIATION-TRANSIT DEPARTMENT, hereinafter referred to as "BATD," establishes the roles, responsibilities and commitments for cooperatively developing and sharing information related to transportation performance measures and targets:

WHEREAS, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) transformed the Federal-aid highway program by establishing new requirements for performance management to promote the most efficient investment of Federal transportation funds, and

WHEREAS, the MAP-21 mandated rulemaking to establish a strategic and systematic process of operation, maintaining and improving public transportation capital assets effectively, and

WHEREAS, the Fixing America's Surface Transportation (FAST) Act continued these requirements, and

WHEREAS, performance management increases the accountability and transparency of the Federal-aid highway program and provides for a framework to support improved investment decision making through a focus on performance outcomes for key national transportation goals, and

WHEREAS, performance outcome provisions were implemented by rulemaking to establish the regulations needed to effectively evaluate and report safety, infrastructure condition, on-road mobile source emissions, and surface transportation performance across the Nation, and

WHEREAS, the STATE, MPO, and BATD consistent with 23 CFR Parts 450 and 490 and 49 CFR Parts 625 and 630, shall jointly agree upon and develop 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, and the collection of data for the State asset management plans for the NHS and these provisions shall be documented; and

WHEREAS, the selection of targets that address performance measures described in 23 USC 150(c) shall be in accordance with the appropriate target setting framework established at 23 CFR Part 490 and shall be coordinated with the STATE; and

WHEREAS, the selection of performance targets that address performance measures described in 49 USC 5326(c) and 49 USC 5329(d) shall be coordinated between the MPO and BATD; and

WHEREAS, for each applicable performance measure the MPO shall establish targets by either agreeing to plan and program projects so that they contribute toward the accomplishment of the

relevant STATE target for that performance measure, or committing to a quantifiable target for that performance measure for the metropolitan planning area.

NOW, THEREFORE, it is agreed by and between the parties hereto that:

1. The MPO will support the STATE targets for applicable performance measures in 23 CFR 490 for safety, pavement and bridge condition, system performance, freight, CMAQ, and GHG, and will support BATD targets for performance measures in 49 CFR 625 and 630, and it is further agreed the MPO will plan and program projects so that they contribute toward the accomplishment of the relevant STATE targets for each performance measure.
2. The STATE shall coordinate with the MPO on the selection of STATE targets in accordance with 23 USC 135 to ensure consistency, to the maximum extent practicable.
3. The STATE will be responsible for the collection of data for the State asset management plan for the NHS.
4. The MPO will include in the metropolitan transportation plan a description of the performance measures and performance targets used in assessing the performance of the transportation system; a system performance report evaluating the condition and performance of the transportation system with respect to the performance targets including progress achieved by the MPO in supporting the STATE targets in comparison with system performance recorded in previous reports.
5. The MPO will include in the transportation improvement program (TIP) a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets.
6. This agreement shall be for a perpetual term and any alteration or supplement to the terms of this agreement shall be agreed to in writing by the signatory parties.

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

APPROVED FOR YELLOWSTONE  
COUNTY BOARD OF PLANNING

APPROVED FOR THE STATE  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
President, YCBP

By: \_\_\_\_\_  
Director

ATTEST:

LEGAL APPROVAL

By: \_\_\_\_\_  
Secretary, YCBP

By: \_\_\_\_\_  
Legal Counsel

APPROVED FOR BILLINGS AVIATION-TRANSIT DEPARTMENT

By: \_\_\_\_\_  
City Administrator, City of Billings