



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



CANCELATION NOTICE

April 10, 2018 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **NOTICE:** The Tuesday, April 10, 2018 Planning Board meeting is canceled due to a lack of agenda items. The next meeting will be held as legally advertised and announced on Tuesday, April 24, 2018, 6:00 p.m.

2. **DELAYED. APPROVAL OF MEETING MINUTES: MARCH 27, 2018**

Attachments

PlnBMinutes_2018_03_27_DRAFT

FUTURE AGENDA ITEMS FOR TUESDAY, APRIL 24, 2018

- a. **Introduction/Welcome:** Jon Thompson, Planning Board City Ward 5 representative. President Tunnickliff and Planning Board.

Attachments

2018_PLNB_W5_JThomson

- b. **Motion/Recommendation to PCC. Memorandum of Agreement Billings Metropolitan Transportation Planning Process.** Scott Walker, Transportation Coordinator, presenting.

Attachments

2018 MOA Draft-4-04-18

- c. **Motion/Recommendation to PCC. Memorandum of Agreement for Cooperative Performance Based Planning.** Scott Walker, Transportation Coordinator, presenting.

Attachments

TPM AGREEMENT Billings-4-04-18

- d. **Presentation/Discussion. Subdivision Review Process and Procedures.** Monica Plecker, Planning Division Manager, presenting.

Planning Board Meeting Cancellation Notice

2.

Meeting Date: 04/10/2018

Information

Subject

DELAYED. APPROVAL OF MEETING MINUTES: MARCH 27, 2018

Attachments

PlnBMinutes_2018_03_27_DRAFT

CITY/COUNTY PLANNING BOARD

"Serving Billings, Broadview and Yellowstone County"

MARCH 13, 2018

DRAFT-To be approved by a motion on March 27, 2018

1. Call the Meeting to Order

Vice President Woods called the meeting to order at 6:00 p.m. on Tuesday, March 27, 2018, in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

Vice President Woods called for introductions of the members of the Planning Board and staff. He announced the City Council has approved Mr. Jon Thompson to be appointed as Planning Board representative for City Ward V. It is expected Mr. Thompson will attend the April 24, 2018 Planning Board.

Attending Planning staff members: Monica Plecker, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk

Others in Attendance: Forrest Sanderson, KLJ Engineering; Travis Copper, KLJ Engineering

Approval of the March 27, 2018 Agenda

Motion:

Board member Cook made a motion and it was seconded by Board member Boucher to approve the March 27, 2018 meeting agenda as submitted. The agenda was approved with a unanimous voice vote.

Approval of Minutes: March 13, 2018.

Motion

Board member Cook made a motion and Board member Woods seconded the motion to approve the March 13, 2018 meeting minutes as corrected. The motion carried with a unanimous voice vote.

- 3. Public Comment:** Vice President Woods asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no public comments.

5-6. Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff.

The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There were no Conflicts of Interest and no Ex Parte Communications reported by the Board.

CITY/COUNTY PLANNING BOARD

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7. OLD BUSINESS

8a. Public Hearing. Motion/Recommendation to City Council. Silver Creek Estates, 2nd Filing. City Major Subdivision. Dave Green, Planner II, presenting. Planner Dave Green opened this agenda item with an overview of the staff report.

INTRODUCTION

On February 1, 2018, KLJ Engineering for Boyer Land, LLC, applied for preliminary major plat approval for Silver Creek Estates Subdivision, 2nd Filing. The proposed subdivision would create 68 lots from a single lot. The subject property is generally located on the east side of 50th Street West and south of Rimrock Road. The property is zoned Residential 7000, (R-70) and Residential 6000 (R-60). Currently the property is farmland. The Yellowstone County Board of Planning reviewed the plat on March 13, 2018 and will conduct a public hearing on March 27, 2018.

RECOMMENDATION

Staff recommends the Planning Board recommend conditional approval of the preliminary plat of Silver Creek Estates Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on local services and ensure public safety, prior to final plat approval and prior to installation of any infrastructure the applicant will provide the City of Billings Engineering Division with installation and maintenance plans for the water, sewer and storm water systems for review and approval.
2. To provide for the installation of private utilities, prior to final plat approval the applicant will coordinate with private utility providers for any needed easements and show them on the final plat as requested by the private utility companies.
3. To provide for proper addressing, prior to final plat approval the applicant will provide street names for the two streets running north and south between Silver Creek Trail and Blue Mountain Trail on the proposed plat.
4. To ensure public health and safety and provide for the maintenance and continued use of the High Ditch by the City of Billings for drainage purposes, prior to final plat approval a ditch easement agreement between Boyer Land LLC and High Ditch Company (District) shall name the City of Billings as a third party. The easement agreement shall:

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State the District grants the City first right of refusal to accept transfer of ownership of the District’s facilities and title, if applicable. Include language pertaining to the property owners within the subdivision to continue to meet the Subdivision Improvements Agreement pertaining to the ditch. Allow the City to utilize the easement for the public good and not restrict it to storm water collection and discharge. Include easement boundaries as approved by the District. The easement document must be either written or reviewed by an attorney familiar with property law and transfers.

5. To ensure understanding of the use of the High Ditch easement, prior to final plat approval the applicant in the SIA under the heading VIII. Irrigation shall outline the requirements of the easement document for the High Ditch and how it is used and the City of Billings involvement with the ditch.

6. To minimize impacts on local services, prior to final plat approval centralized mail delivery site(s) shall be coordinated and identified and a letter from USPS shall be provided for verification.

7. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

8. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Discussion

Vice President Woods called for discussion and questions from the members of the Board.

Applicant

Vice President Woods called for presentation by the applicant.

Forrest Sanderson, KLJ Engineering, (forrest.sanderson@kljeng.com)

Mr. Sanderson is representing applicant, Jim Boyer, Boyer Land LLC. He commended Dave Green and Planning staff for their work with this project and said they are willing to comply with the Conditions of Approval as given. He said the TIS analyzed impacts at Poly Drive and 46th Street West; Poly Drive and Shiloh Road; Rimrock Road and 46th Street West; and Rimrock Road and Shiloh Road. With the first filing of this subdivision, Boyer Land LLC met with the City Engineering Division and established an agreement for the impacts associated with the 1st filing and the 2nd filing. The impacts were based on traffic counts for an additional 28 dwelling units in a mixed development, which is substantially denser than what is under consideration this evening. The SIA agreement

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for the 1st filing was that the overall impacts for traffic and intersections totals \$35,500 to be applied to intersection improvements. This broader scope allows use of the impact fees to address intersections with immediate warrants and follow with others as they build toward warrants for signalization. The developer paid \$10,000 in impact fees with the 1st Filing with \$25,150 remaining to be paid with the 2nd Filing. The traffic study did not hit any safety or threshold targets for immediate impacts. The developer is prepared to move forward with the SIA and the distribution of funds as discussed with the City Engineering Division. Mr. Sanderson made himself available for questions.

Discussion

Vice President Woods related President Tunnicliff’s concerns during the plat review with the lack of north to south connections from Rimrock Road to Grand Avenue and the increasing amount of traffic dumping to Poly Drive and Shiloh Road. He said Mr. Sanderson’s explanation this evening of the plan to move forward with the impact fees should alleviate the concerns of keeping the traffic safe and flowing in that area. Board member Williams asked if basements are allowed on the lower lots adjacent to the ditch. Mr. Sanderson said ground water will make that determination and the lots should be evaluated prior to construction of a basement. Travis Copper, KLJ Engineering, stated the ground water is deeper on the south side of the parcel than in other areas of the subdivision. He said groundwater will be factor and a geotechnical investigation will be done with each lot. Board member Williams commented on differing results if test holes are dug in January versus August when the ditch is full. He asked if there is waiver or restriction in the Covenants and Restrictions. Board member Williams pointed out it is an active irrigation ditch in season. Mr. Cooper said there is a notice in the SIA of the need for geotechnical evaluation.

Public Hearing

At 6:38 p.m., Vice President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against Silver Creek Estates, 2nd Filing. There was none. Vice President Woods closed the public hearing and called for a motion.

Motion

Board member Cook made a motion and Board member Boucher seconded the motion to recommend conditional approval of the preliminary plat of Silver Creek Estates Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

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OTHER BUSINESS/ANNOUNCEMENTS

a. Discussion. Motion. April 10, 2017 Planning Board meeting.

Director Friday said staff is proposing canceling the April 10, 2018 Planning Board meeting due to a lack of agenda items. Three items will be brought forward during the April 24, 2018 Planning Board meeting. Staff will give a presentation and hold discussion on the Subdivision Review Process. The Board will hear a presentation from Transportation Coordinator Scott Walker on two documents related to the MPO and MDT; a Memorandum of Agreement, and a Cooperative Performance Based Document. Staff will e-mail copies of these documents to the Board next week to allow time for Board members to familiarize themselves with the documents prior to the hearing. The Planning Board will forward a recommendation to PCC. It is the consensus of the Board to cancel the April 10, 2018 Planning Board meeting.

b. Standing Item. Long Range Strategic Issues and an overview of future City and County issues and projects.

1. **Announcement: Strategy Partners Leadership Meeting.** Update and Next Steps for One Big Sky District Development, Phase II and III Planning Project, March 28, 2018, 4:00 P.M. to 6:00 P.M., FIB Operations Center

2. **Announcement: Project Re:Code Monthly Steering Committee Meeting.** Granite Tower, 22 N 32nd St, 1st Floor, 3:00 p.m.-5:00 p.m.

ADJOURNMENT: 6:25 p.m.

DRAFT-To be approved by a motion on April 24, 2018

Planning Board Meeting Cancelation Notice

a.

Meeting Date: 04/10/2018

Information

Subject

Introduction/Welcome: Jon Thompson, Planning Board City Ward 5 representative. President Tunnicliff and Planning Board.

Attachments

2018_PLNB_W5_JThomson



CITY OF BILLINGS

BILL COLE, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 657-8296
FAX (406) 657-8390
coleb@ci.billings.mt.us

March 28, 2018

Jon Thompson
3903 Heritage Drive
Billings MT 59102

Dear Mr. Thompson:

This letter is to confirm that the Billings City Council endorsed your appointment to the Yellowstone County Planning Board at their regular Council meeting on March 26, 2018.

Please let us know if there is anything we can do to assist you in the performance of your duties. Meetings are held the 2nd and 4th Tuesday of every month at 6:00 pm in the Miller Building, 1st Floor Conference Room, 2825 3rd Avenue North.

Sincerely,

Bill

Congratulations Jon, and welcome aboard!

William A. Cole
Mayor

WAC:wjm

Term Expires: 12/31/2018 (Unexpired term of Patrick Klugman)

cc: Wyeth Friday
File

*Billings Pride:
City-wide*

Planning Board Meeting Cancelation Notice

b.

Meeting Date: 04/10/2018

Information

Subject

Motion/Recommendation to PCC. Memorandum of Agreement Billings Metropolitan Transportation Planning Process. Scott Walker, Transportation Coordinator, presenting.

Attachments

2018 MOA Draft-4-04-18

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

Planning Board Meeting Cancelation Notice

c.

Meeting Date: 04/10/2018

Information

Subject

Motion/Recommendation to PCC. Memorandum of Agreement for Cooperative Performance Based Planning. Scott Walker, Transportation Coordinator, presenting.

Attachments

TPM AGREEMENT Billings-4-04-18

**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 21st 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