

SB

260







Support for SB 260

Subject: Support for SB 260

Date: Sun, 14 Mar 2004 14:35:35 -0900

From: carlson family <carlson1@gci.net>

To: Representative\_Pete\_Kott@legis.state.ak.us

CC: Ben Stevens <Senator\_Ben\_Stevens@Legis.state.ak.us>

We strongly urge you to fully support Senate Bill 260. History depicts an appalling lack of representation & communication between AMATS & the public it purports to serve. It is time to insure a better balance & fiduciary decision making when our shrinking dollars must stretch farther.

Thank you for your time and consideration.

Sincerely,

Michael P. Carlson  
Barbara L. Carlson  
6050 W. Dimond Blvd.  
Anchorage, AK 99502  
248-2503

Subject: SB 260

Date: Sat, 13 Mar 2004 11:40:29 -0900

From: Dave Carter <davedane@gci.net>

To: Senator\_Ben\_Stevens@legis.state.ak.us

CC: Representative\_Lesil\_McGuire@legis.state.ak.us

Dear Senator Stevens: As a resident of Anchorage, and as one of your constituents, I wanted to send along this message of support for your efforts to reform the AMATS process to increase public oversight of how federal transportation funds are spent in Anchorage. Frankly, I think AMATS is a mystery to most Anchorage residents. I support your idea to increase the membership of AMATS' policy board from five to seven, and to have members of the board selected by the municipality, the governor's office, and the legislature. Anchorage is and will be facing a number of very significant decisions regarding transportation issues over the next several years. A broader base of board membership, as well as a board which seeks more public input (and reasonable advance notice to the public to allow for reasonable public input) should be encouraged.

Please feel free to share this email with your colleagues in the Senate. By cross-copy of this email to Representative McGuire, I would encourage her to share this email with her colleagues in the House.

David S. Carter  
1920 Shore Dr  
Anchorage, AK 99515

**Subject:** Senate Bill 260

**Date:** Thu, 05 Feb 2004 13:10:34 -0900

**From:** Dee Essert <dessert@gci.net>

**To:** Ben Stevens <Senator\_Ben\_Stevens@legis.state.ak.us>

**CC:** Norman Representative Rokeberg <Representative\_Norman\_Rokeberg@legis.state.ak.us>, Lesil McGuire <Representative\_Lesil\_McGuire@legis.state.ak.us>, Dan Sullivan <sullivand@ci.anchorage.ak.us>

Senator Ben Stevens,

I and many others in the Sand Lake area support Senate Bill 260. Our roads in the Sand Lake area are inadequate, filled with pot holes and have no curbs and shoulders on West Dimond ( between Sand Lake), Kincaid and others.

However, the MOA Traffic Department continues to build and propose to build trails. I support a majority of my gasoline tax going to roads and if trails are built, they should be built along the roads, not in the mud flats.

AMATS has representatives from the Alaska Railroad, the Port, etc. It is reasonable to seat a Legislator on AMATS. It is reasonable to include ROW and construction costs for trails. It we are going to be asked to vole road bonds, we need to know the total costs of what the MOA is spending on enhancements.

Dee Essert

# Alaska State Legislature

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## Senate District N

### House CS for CS for Senate Bill 260 (TRA) am: Metropolitan Planning Organizations

Federal transportation planning regulations require the designation of metropolitan planning organizations (MPO) for urbanized areas with a population of at least 50,000. The current regulations provide the latitude for states and MPOs to establish the voting membership of the policy body, encouraging participation and cooperation by local elected officials, transportation officials and appropriate state officials. The membership of policy committees vary across the United States, at least one of which includes state legislators.

Alaska currently has two federally designated metropolitan planning organizations: the Fairbanks Metropolitan Area Transportation System (FMATS) and the Anchorage Metropolitan Area Transportation Solutions (AMATS). The House Committee Substitute for Senate Bill 260 establishes under state statute, metropolitan planning organizations (MPO) and the makeup of the policy committee for the Anchorage Metropolitan Planning Organizations. The bill also improves Alaska's highway planning statutes by streamlining the design requirement for highway upgrades and new construction projects within an MPO.

The AMATS policy committee currently consists of five members: the Mayor of Anchorage, two members of the Anchorage Assembly, and representatives from both the State Departments of Transportation and Environmental Conservation. To broaden the representation for Anchorage residents, the House CS for Senate Bill 260 increases the members of the policy committee from five to nine by adding two Anchorage-area legislators as non-voting members and two members of the public; one to be designated by the Municipality of Anchorage and one appointed by the Governor. The bill also provides the Governor the flexibility to appoint additional voting and non-voting members in the future, which is consistent with federal policy.

The Anchorage MPO policy committee has programmed over \$1.2 billion in federal funding for transportation projects, including state and municipal roads projects, since 1981. The current process of prioritizing and allocating this funding for transportation projects within Anchorage is difficult to understand and has long been the source of discontent among Anchorage residents. It's time to change the process to better address Anchorage's transportation needs and to be more responsive to the needs of the community.

# Alaska State Legislature

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## Senate District N

### Sectional Analysis House CS for Senate Bill 260 (TRA) am

**Section 1** amends A.S. 19.10.160 to improve the planning requirements of major transportation projects for Fairbanks and Anchorage. Current statute requires planning for major highway upgrades and new construction projects to be designed to adequately serve planned future traffic over a certain time period once the project construction has been completed. Since the planning and design phase and the environmental requirements can take several years, this requirement is difficult to achieve. The amended bill modifies this planning language so that designing transportation projects is more practical.

**Section 2** amends AS 19.20 by adding the following new sections:

**Sec. 19.20.200. Establishment of metropolitan planning organizations.** This section defines metropolitan planning organizations as an urbanized area with a population of more than 50,000 persons when required for participation in a federal transportation program.

**Sec. 19.20.210. Membership of the policy boards of metropolitan planning organizations.** This section establishes the composition of the policy board to consist of at least seven voting members and two non-voting members: Four voting members shall be designated by the municipality who are located within the metropolitan area, one of whom shall be a public member. Three members shall be appointed by the Governor, one of whom shall be a public member residing within the metropolitan area. The two public members shall serve three-year terms. The two non-voting members shall consist of one Anchorage-area Representative and one Anchorage-area Senator. This section also provides the Governor the flexibility to appoint additional voting and nonvoting members to the policy board, if needed in the future, which is consistent with federal code.

**Sec. 19.20.220. Approval of local transportation improvement plan.** This section allows the Governor to approve a Transportation Improvement Program (TIP) or TIP amendment prepared by an MPO policy board that is organized in accordance with the applicable provisions of AS 19.20.220.

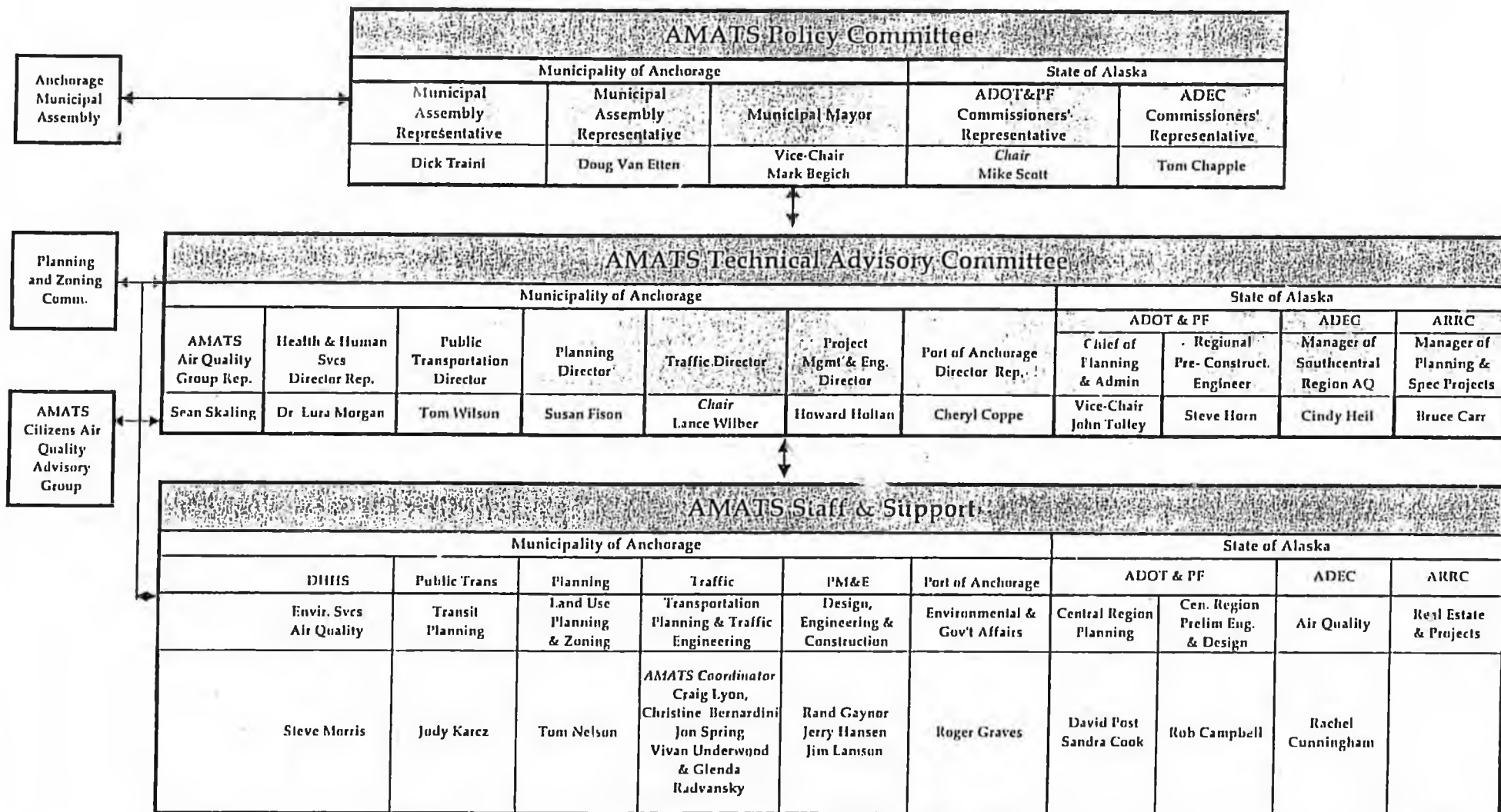
**Section 3** adds a new section to the uncodified law stating that the governor shall enter into an agreement with the Municipality of Anchorage to restructure the policy board for the Anchorage metropolitan area in conformance with AS 19.20.210. It also adds intent language that the restructuring be done in a manner that does not constitute a redesignation of the Anchorage MPO under federal law.

**Section 4** provides an immediate effective date for section 1 of this bill.

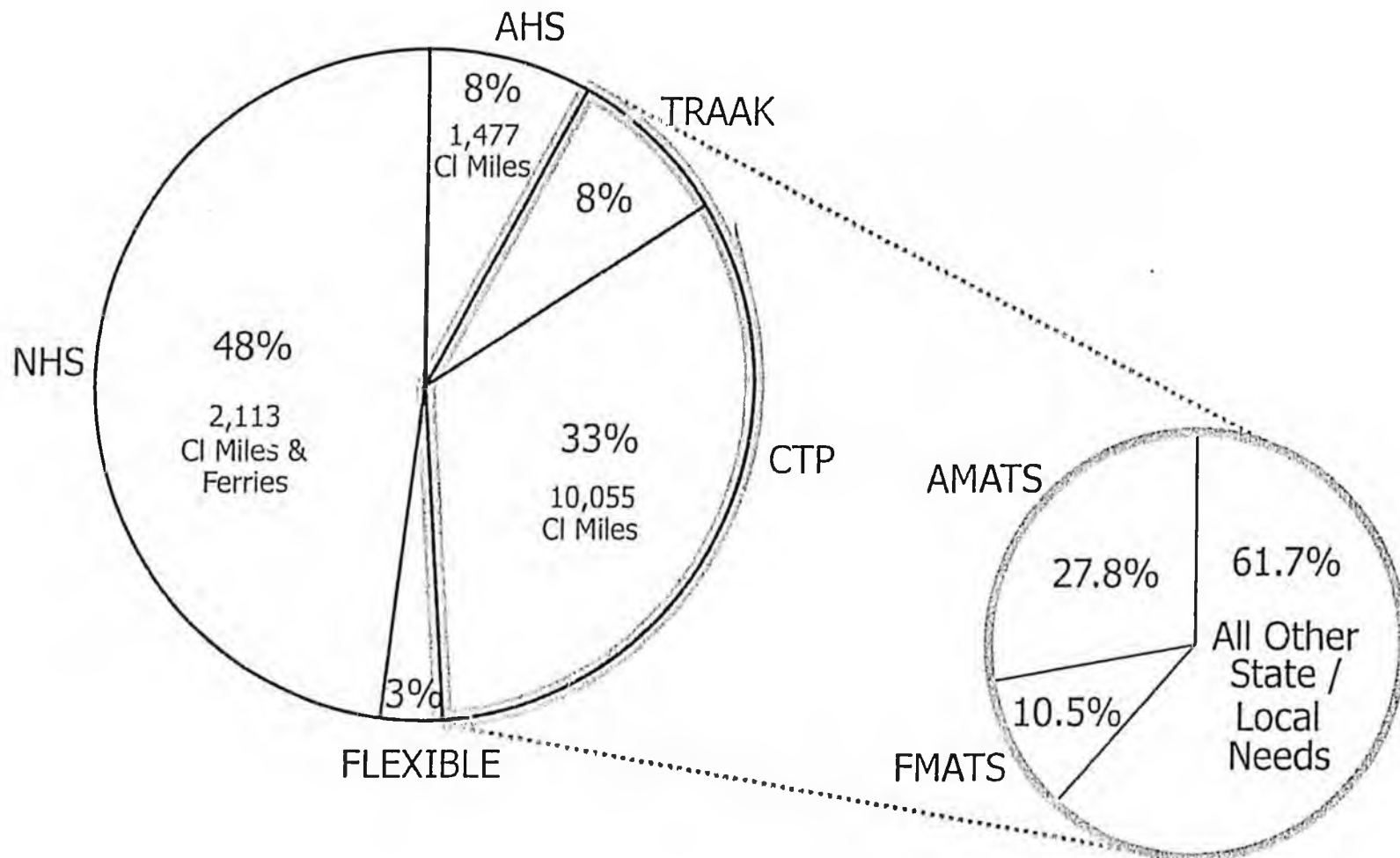
**Section 5** provides an effective date of July 1, 2005 for Section 2 of this bill.

# Anchorage Metropolitan Area Transportation Solutions

## AMATS Organizational Chart



# Distribution of Federal-Aid Transportation Formula Funds Per 17 AAC 05.155-200



Municipality of Anchorage  
and  
State of Alaska

AMATS  
INTER-GOVERNMENTAL OPERATING AGREEMENT  
for  
TRANSPORTATION AND AIR QUALITY PLANNING

In The Metropolitan Area of the  
Anchorage Metropolitan Planning Organization

ERRATA SHEET  
AMATS Operating Agreement  
September, 2002

Page 2, Section 1, Sentence 1: Change to read: "The parties to this Agreement are the State of Alaska (herein the "State") and the Municipality of Anchorage (herein the "Municipality) as the designated Metropolitan Planning Organization (herein also "MPO")." Delete second sentence.

Page 3, Section 3.1, Metropolitan Planning Organization Designation: Change "Study" to "Solutions".

Page 3, Section 4, "ASSEMBLY": Change "6" to "15".

Page 5, Section 5.2, Sentence 1, Line 5: Change "therefor" to "therefore".

**Municipality of Anchorage  
and  
State of Alaska**

**INTER-GOVERNMENTAL OPERATING AGREEMENT  
for  
TRANSPORTATION AND AIR QUALITY PLANNING**

**SECTION 1 – PARTIES TO THIS AGREEMENT**

The parties to this Agreement are the State of Alaska and the Municipality of Anchorage (herein the "Municipality"). The Municipality the designated Metropolitan Planning Organization (herein after also "MPO").

**SECTION 2 – PURPOSE**

This agreement is entered into in accord with 23 USC §134 to provide the structure and process for the continuing, cooperative, and comprehensive consideration, development and implementation of transportation and air quality plans and programs for intermodal transportation in the Metropolitan Planning Area (MPA) herein after of Anchorage, Alaska, 23 USC §134 states in pertinent part:

It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems. 23 USC §134(a).

**SECTION 3 – LEGAL AUTHORITY**

**3.1 Federal Transportation Planning Statutes**

23 USC Sections 104(f) and 134 and the Urban Mass Transportation Act of 1964, as amended, provide funding and require designation of a metropolitan planning organization 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 Municipality to coordinate the planning and construction of all urban transportation facilities with a continuing, cooperative, and comprehensive transportation planning process.

*Welda, the sentence is on page 2.*

### 3.2 Metropolitan Planning Organization Designation



On April 8, 1976 the Governor of the State of Alaska designated the Municipality of Anchorage as the Metropolitan Planning Organization and identified the Anchorage Metropolitan Area Transportation Study ("AMATS") Policy Committee as the then existing policy body providing the direction of transportation planning in the MPO in accordance with Federal law.

### 3.3 Federal Air Quality Regulations

Air Quality Title 42, USC 7504 et. seq. requires each areawide air quality planning agency to prepare an areawide air quality plan providing for attainment of National Ambient Air Quality Standards ("NAAQS"). Alaska Statutes Chapter 46.14 requires the Alaska Department of Environmental Conservation ("ADEC") to develop a State Implementation Plan ("SIP") providing for the attainment of the NAAQS. The Municipality has been designated by the Governor as an air quality planning agency and has adopted an Air Quality Plan, which is the local component of the SIP. The MPO is the planning agency that coordinates transportation related air quality planning within the Municipality. The Unified Planning Work Program includes the annual preparation of a Reasonable Further Progress Report on Air Quality and review of the goals of the Air Quality Plan.

## SECTION 4 - DEFINED TERMS

As used in this Agreement, the following words and phrases shall have the meanings ascribed unless the context clearly indicates otherwise:

"ADEC" is the State of Alaska Department of Environmental Conservation

"ADOT&PF" is the State of Alaska Department of Transportation and Public Facilities

"AIR QUALITY PLAN" is the Anchorage component of the State Implementation Plan for Air Quality regarding air quality strategies in non-attainment areas.

"AQAG" is the Air Quality Advisory Group.

"AMATS", stands for Anchorage Metropolitan Area Transportation Solutions ("AMATS"). Note: the "S" previously meant, "Study" however it has been changes to "Solutions".

"ANCHORAGE" or "MUNICIPALITY" is the Municipality of Anchorage, a unified, home rule, political subdivision of the State of Alaska.

"ASSEMBLY" is the Anchorage Municipal Assembly, the legislative, governing body of the Municipality comprised of 11 elected public officials representing 6 local Assembly election districts within the Municipality.

"DOT" or "USDOT" is the United States Department of Transportation

"DBE" is Disadvantaged Business Enterprises.

"EPA" is the United States Environmental Protection Agency.

"FHWA" is the Federal Highway Administration, United States Department of Transportation.

"FTA" is the Federal Transit Administration, United States Department of Transportation.

"*LRTP*" means and shall be referred to as the AMATS' adopted Long-Range Transportation Plan and all revisions thereto adopted as the MPO's Metropolitan (official intermodal) Transportation Plan for the Metropolitan Planning Area reviewed and approved in accordance with this Agreement.

"*MAJOR AMENDMENTS*" are significant changes that will include any new project or change to an existing project in the Transportation Improvement Program or Long-Range Transportation Plan that requires an air quality conformity determination, an Environmental Impact Statement or an Environmental Assessment, or promotes a change in the type of required environmental document or a project that is deleted from the TIP or LRTP. Major amendments will include a minimum 30-calendar day review period.

"*METROPOLITAN PLANNING AREA*" ("*MPA*") means the geographic area determined pursuant to 23 USC §134(c) in which the MPO carries out the development and implementation of transportation and air quality plans and programs under 23 USC §134 and the Federal Transit Act §8, respectively, shown in *Attachment #1* to this Agreement.

"*MPO*" is the Municipality of Anchorage acting in its capacity as the Metropolitan Planning Organization.

"*MINOR AMENDMENT*" A minor amendment includes a new project or a change in an existing project in the existing Transportation Improvement Program or Long-Range Transportation Plan that does not prompt a change in the type of environmental document or that does not require an Air Quality Conformity Determination. No public involvement comment period is required.

"*NAAQS*" is the National Ambient Air Quality Standards.

"*NON-ATTAINMENT AREA*" is that portion of the Municipality, which has been designated as an air quality non-attainment area in the Federal Register (area shown in *Attachment #2* to this Agreement).

"*OFFICIAL STREETS AND HIGHWAYS PLAN*" establishes the location, classification and minimum right-of-way for those streets and highways required to accommodate the highway transportation needs of the community.

"*PL*" is Metropolitan Transportation Planning funds authorized by 23 USC §134.

"*P&Z (or "Planning and Zoning") Commission*" is the Municipality's Planning and Zoning Commission.

"*PM10*" is the EPA designated standard for air particulates, 10 microns or greater in size.

"*POLICY COMMITTEE*" or "*AMATS POLICY COMMITTEE*" is the AMATS Policy Committee established in Section 5.2 of this Agreement for the cooperative decision making in accordance with this Agreement.

"*SIP*" is State of Alaska Air Quality Implementation Plan.

"*STATE*" is the State of Alaska.

"*STIP*" is the Statewide Transportation Improvement Program, which is the State's three year, state-wide, financially constrained intermodal program of transportation projects. The STIP is consistent with the statewide transportation plan, and incorporates the TIP. It is developed pursuant to 23 USC §135(f), and is approved by the Commissioner of ADOT&PF, the Governor, FTA and FHWA.

"TAC" is or "AMATS" "TECHNICAL ADVISORY COMMITTEE" the AMATS Technical Advisory Committee established in Section 5.3. of this Agreement for the cooperative decision making in accordance with this Agreement

"TEA21" stands for the Transportation Equity Act for the 21<sup>st</sup> Century. It is the federal legislation that guides all transportation plans and improvement programs supported with federal funds. TEA21 was signed into law by President Clinton on June 8, 1998 to carry on the intent of its predecessor the Intermodal Surface Transportation Efficiency Act of 1991.

"TIP" is the Transportation Improvement Program that is the AMATS' three year, financially constrained, intermodal program of transportation projects consistent with the AMATS LRTP for funding Metropolitan Area transportation improvements, updated at least every two years and approved by the AMATS Policy Committee and the Governor in accordance with this Agreement.

"UPWP" is the Unified Planning Work Program that is the annual operating program detailing funding and responsibilities for transportation planning and air quality work tasks within the Metropolitan Area. The UPWP provides for a continuing and comprehensive transportation planning process carried out by AMATS.

## SECTION 5 – ORGANIZATION AND RESPONSIBILITIES

### 5.1 AMATS

AMATS is the balanced, cooperative, coordinated and comprehensive process between the Municipality (MPO) and State for the development of an AMATS Long Range Transportation Plan, a Transportation Improvement Program and the Unified Planning Work Program.

5.1.1 In order to receive and expend federal funding for transportation and air quality improvements there must be cooperation between the State and the MPO as required by federal regulations. Therefore, the purpose of AMATS is to provide the framework and mechanism for the MPO and the State to jointly develop and implement transportation and air quality plans and programs, which will assure compliance with State and Federal transportation planning and air quality requirements. The duties and responsibilities within AMATS are further described in this section.

5.1.2 AMATS is responsible for the metropolitan transportation planning process within the urbanized boundaries in accordance with the Unified Planning Work Program approved by the Policy Committee, the FHWA, and the FTA. The AMATS responsibilities hereunder are subject to appropriations.

### 5.2 AMATS Policy Committee

There is hereby established a five (5) member AMATS Policy Committee (herein also the "Policy Committee") consisting of two Anchorage Assembly members appointed by the Assembly and serving at its pleasure in accordance with Anchorage Charter §12.03, the Mayor of Anchorage or designee, and the Commissioner of the ADOT&PF and Commissioner of ADEC or designees therefor designated to serve by and at the pleasure of the Governor. The Chairman of the Policy Committee shall be the ADOT&PF member. A Vice-Chairman shall be the Mayor to act as the presiding officer in the absence of the Chairman. Each member of the Policy Committee shall have one vote. Actions of the Policy Committee shall be by a majority vote of its total authorized membership (three or more votes) voting in person by the appointed member.

### 5.2.1 The Powers and Duties of the AMATS Policy Committee

The AMATS Policy Committee shall have overall responsibility for the implementation of this Agreement, coordination of the AMATS' efforts and responsibilities of the TAC, the AQAG, the Planning and Zoning Commission's advisory functions, the Assembly review and recommendations on the AMATS LRTP and TIP and the ultimate development and adoption of the AMATS UPWP, the AMATS TIP and the AMATS LRTP. Specifically, the Policy Committee shall:

- (1) Give policy direction to the Technical Advisory Committee ("TAC") in their function of reviewing all AMATS related transportation plans, programs and funding requirements. The Policy Committee shall give direction and approval to the transportation planning effort performed by the State or the Municipality, which shall be reviewed by the TAC.
- (2) Formulate transportation planning policy and objectives and monitor the implementation of the Metropolitan Planning Area transportation and air quality plans to ensure conformance with the State and Federal transportation and air quality and local land use guidelines and requirements.
- (3) Direct, adopt and update the Unified Planning Work Program elements, allocating responsibility for planning activities/studies between the State and the Municipality, in accordance with the guidelines set forth by the Metropolitan Planning Regulations (23 CFR Subpart C, Part 450,) to the extent applicable to AMATS including major planning issues to be addressed, available resources, operating procedures, funding estimates, timetables, and task status for the Air Quality Plan and any subsequent amendments or revisions.
- (4) Prepare and approve all joint financial participation and related operating agreements. Arrange for third party financial participation in the air quality planning process, including other funding sources such as the Federal Environmental Protection Agency ("EPA").
- (5) Provide overall direction to the Technical Advisory Committee, the AQAG, and the transportation planning and air quality planning staffs, including but not limited to, guidance on project alternative plan formation, assessments, development of feasible strategies and report preparation.
- (6) Ensure public involvement throughout the AMATS' transportation and air quality planning process, including, but not limited to, the use of the Planning and Zoning Commission and the AQAG as a citizens' forum and for the scheduling of public hearings.
- (7) Produce and publicize issues, findings, periodic progress reports, conclusions, other pertinent planning process information and the Federally required AMATS documents.
- (8) Ensure the preparation, for the Assembly's review and recommendation, of a Transportation Improvement Program (TIP) and a transportation plan (AMATS LRTP) conforming to Federal law. The Policy Committee shall

annually endorse the AMATS' transportation plans and programs and certify that the AMATS' planning process is being carried out in conformance with all pertinent requirements of 49 USC 5303 et seq; 42 USC 7504, 7506(c) and (d), and 23 CFR Subpart C. of Part 450 applicable to AMATS. In accordance with Anchorage Ordinance 97-139(S), to the extent feasible, the AMATS LRTP shall be consistent with the Municipality's long range transportation plans.

- (a) In accordance with Anchorage Ordinance 97-139(S), the AMATS LRTP and amendments thereto subject to 23 CFR 450.322 shall be submitted to the Assembly for its review and recommendations prior to final action thereon by the Policy Committee. The Assembly shall review and by resolution adopt recommendations on the AMATS LRTP and such amendments within 45 days after the AMATS LRTP or such amendments are introduced for Assembly action, unless the Policy Committee and the Assembly otherwise agree to a longer period of time. If the Assembly fails to submit such a resolution to the Policy Committee within 45 days after such introduction or within the time otherwise agreed to by the Policy Committee and the Assembly, then the requirement for an Assembly resolution prior to final action on the AMATS' LRTP by the Policy Committee is waived.
  - (b) The TIP and major amendments thereto under 23 CFR 450.326 shall be submitted to the Assembly for its review and recommendations prior to final action thereon by the AMATS Policy Committee. The Assembly shall review and by resolution adopt recommendations on the TIP or such amendments within 30 days after the TIP or such amendments are introduced for Assembly action, unless the AMATS Policy Committee and the Assembly otherwise agree to a longer period of time. If the Assembly fails to submit such resolution to the Policy Committee within 30 days after such introduction or within the time otherwise agreed to by the Policy Committee and the Assembly, then the requirement for such Assembly resolution prior to final action by the Policy Committee is waived. To the extent feasible, the Assembly review and recommendation shall be scheduled to occur annually during the same time period as consideration of the municipal capital improvement budget.
  - (c) The statements, reports, and recommendations of the Policy Committee, the TAC and the Municipal Planning and Zoning Commission on the AMATS LRTP and the TIP shall be forwarded to the Assembly for consideration in connection with such LRTP and TIP.
- (9) Provide guidance for the development of an Air Quality Plan and recommend it to the Municipal Assembly for adoption and municipal submittal to the ADEC for incorporation into the State Air Quality Implementation Plan.
  - (10) Annually review this Agreement, the Air Quality Plan and progress made towards the achievement of National Ambient Air Quality standards throughout the area.

### 5.3 Technical Advisory Committee (TAC)

There shall be an eleven (11) member Technical Advisory Committee ("TAC") consisting of the Municipality's Directors of the Departments of Planning, Project Management & Engineering, Health and Human Services, Port of Anchorage, Public Transportation and Traffic, or such Director's designees; the ADOT&PF Chief of Central Region Planning and Administrative Services or designee, ADOT&PF Regional Pre-Construction Engineer or designee; the ADEC Manager of the Southcentral Region Air Quality Program, or designee; a representative from the Alaska Railroad Corporation or designee; and a member of the AMATS Air Quality Advisory Group designated by said Group. The Chairman of the TAC shall be the Municipality's Director of Traffic. A Vice-Chair shall be the ADOT&PF, Chief of Central Region Planning and Administrative Services to act as the presiding officer on the absence of the chairman. Each member of the TAC shall have one vote and all actions of the TAC, including recommendations to the Policy Committee, shall be by a majority vote of the total authorized number of members (six or more votes).

5.3.1 The AMATS Technical Advisory Committee is subordinate to and shall report to the AMATS Policy Committee. The TAC shall be responsible for the AMATS' transportation plans and programs and air quality plan development, reviews and recommendations to the Municipal Planning and Zoning Commission, the Assembly and AMATS Policy Committee.

5.3.2 The Technical Advisory Committee shall:

- (1) Provide assistance and recommendations to the Policy Committee, the Municipal Planning and Zoning Commission and the Assembly regarding the effects of transportation and air quality plans and programs on the plans of member agencies.
- (2) Provide technical assistance, advice and recommendations to the Policy Committee, the Municipal Planning and Zoning Commission and the Assembly in fulfilling their responsibilities for the continuing, comprehensive and cooperative transportation and air quality planning processes within the Metropolitan Planning Area.
- (3) Prepare and maintain the Metropolitan Planning Area's transportation plans, technical studies, joint planning process certification, air quality plan and other transportation and air quality programs.
- (4) Provide assistance, advice, and periodic reviews of the progress and findings of on-going projects and recommendations to the Policy Committee in its review of Federal and State funded transportation projects and programs.

### 5.4 Municipality's Planning and Zoning Commission

The Municipality's Planning and Zoning Commission shall provide a public forum for and advisory reports to other AMATS committees and groups and officials in its review and consideration of citizen comments and recommendations on suggested transportation and air quality plans and programs.

As a body representative of the community at large, the Municipality's Planning and Zoning Commission shall provide land use advice and transmit advisory recommendations on the AMATS LRTP, for the Anchorage Bowl and Chugiak/Eagle River areas, and the TIP to the Assembly and the Policy Committee prior to final Assembly review and recommendations and Policy Committee final approval.

The Planning & Zoning Commission will also consider the:

- (1) Official Streets and Highways Plan;
- (2) Air Quality Plan;
- (3) The UPWP; and
- (4) Other relevant transportation plans to include but not limited to Trails, Congestion Management, and Freight Mobility etc.

#### 5.5 Air Quality Advisory Group

An AMATS Air Quality Advisory Group ("AQAG"), shall be an air quality technical advisory group consisting of experienced professional, technical and public persons with scientific, professional or technical training in or experience with air quality issues relating to AMATS. AQAG shall be a public forum for and provide advisory comments and recommendations to other AMATS bodies on AQAG issues relevant to the AMATS LRTP, TIP, UPWP, and the Air Quality Plan.

##### 5.5.1 Responsibilities of the Air Quality Advisory Group

The AQAG shall:

- (1) Review and submit advisory recommendations to the AMATS Technical Advisory Committee and the AMATS Policy Committee regarding air quality planning proposals developed by the AMATS TAC; and
- (2) Assist in facilitating public participation in the AMATS air quality planning process.

#### 5.6 The Municipal Assembly

As the governing (legislative) body of the Municipality the Assembly shall:

- (1) In accordance with Anchorage Ordinance 97-139(S) and this Agreement, timely review and by resolution make recommendations on the AMATS LRTP required by 23 USC §134(g) prior to final approval by the AMATS Policy Committee and its transmittal to the Governor for informational purposes pursuant to 23 USC §134(g)(5); and
- (2) In accordance with Anchorage Ordinance 97-139(S) and this Agreement, timely review and by resolution make recommendations on the TIP required by 23 USC 134(h) prior to final approval by the Policy Committee and its transmittal to the Governor for approval and incorporation into the STIP.

#### 5.7 Metropolitan Planning Area under 23 USC 134(c).

The Metropolitan Planning Area (formerly referred to as the "Study Area") specified by 23 USC §134(c) shall be the geographical area shown on Attachment #1 to this Agreement incorporated hereto by reference. Provided such boundaries conform to the requirements of 23 USC §134(c), the MPO and the Governor may mutually agree to change the boundaries of the Metropolitan Planning Area.

## SECTION 6 –KEY PLANS, PROGRAMS

6.1 There are four primary planning or programming activities, which AMATS is responsible for developing. This section summarizes these key plans and programs, which include the Air Quality Plan, the AMATS Long-Range Transportation Plan, the AMATS Transportation Improvement Program and the AMATS Unified Planning Work Program.

### 6.2 Air Quality Plan

6.2.1 The Municipality, with full assistance from the State and all other cooperating agencies, is responsible for developing and updating an Air Quality Plan, which shall:

- (1) Identify areawide objectives and policies required to attain the NAAQS for carbon monoxide (CO) and particulate matter for the Metropolitan Planning Area;
- (2) Inventory technical, physical, and other air quality planning data;
- (3) Analyze alternatives and establish strategies designed to attain the NAAQS for the Metropolitan Planning Area;
- (4) Address any other air quality issues required by the EPA or US Department of Transportation;
- (5) Provide for the implementation of the adopted air quality strategies as expeditiously as practical; and
- (6) Provide for and show Reasonable Further Progress towards achievement of carbon monoxide and particulate matter standards within the non-attainment area.

### 6.3 AMATS Long-Range Transportation Plan

The Municipality, in cooperation with the State, is responsible for developing or updating an AMATS Long-Range Transportation Plan that shall:

- (1) Follow the latest federal planning requirements, (as prescribed in October 1993, 23 CFR Part 450, subsection 450.322).
- (2) In summary:
  - (a) Include the development of a transportation plan addressing at least a twenty-three year horizon with short and long range strategies/actions that leads to an integrated intermodal transportation system that facilitates the efficient movement of people and goods;
  - (b) Be reviewed and updated at least every three years;
  - (c) Be financially constrained;
  - (d) Meet air quality conformity requirements of the Clean Air Act; and
  - (e) Provide a minimum 30-day public comment period on plan development (draft document) and major amendments.

#### 6.4 Transportation Improvement Program

6.4.1. The Municipality, in cooperation with the State, is responsible for developing or updating the AMATS Transportation Improvement Program, which shall:

- (1) Follow the latest federal planning requirements, (as prescribed in October 1993, 23 CFR Part 450, subsection 450.324); and
- (2) In summary:
  - (a) Include capital transportation improvements and projects (roads, transit, pedestrian/bicycle, and congestion mitigation etc.) that are consistent with the AMATS Long-Range Transportation Plan;
  - (b) Cover a period of time not less than three years;
  - (c) Be reviewed and updated at least every two years;
  - (d) Be financially constrained;
  - (e) Provide an air quality conformity analysis;
  - (f) Provide a minimum 30-day public comment period on program development (draft program) and major amendments.

#### 6.5 Amendments to the AMATS Long-Range Transportation Plan (LRTP) and AMATS Transportation Improvement Program (TIP).

##### 6.5.1 A major amendment will include the following:

- Any new project in the AMATS LRTP or the AMATS TIP that requires an Air Quality Conformity Determination, an environmental impact statement (EIS), or an environmental assessment (EA).
- Any change in an existing project in the AMATS LRTP or the AMATS TIP that requires an Air Quality Conformity Determination, or promotes a change in the type of required environmental document
- Any project deleted from the AMATS LRTP or the AMATS TIP.

Major amendments will include a 30 calendar-day review period. When written and oral comments are received on the draft AMATS LRTP or the AMATS TIP, a summary, analysis, or report on the nature of the comments shall be made part of the final AMATS LRTP and /or AMATS TIP as part of the document or as an appendix. Major amendments will require Assembly action, as described in Section 5, and Policy Committee approval.

##### 6.5.2 A minor amendment or revision will include the following:

- Any change in an existing project that does not prompt a change in the type of required environmental document.
- Any new project that does not require an air quality conformity determination, an EIS, or an EA.

Minor amendments to the AMATS LRTP or AMATS TIP do not require Assembly action or AMATS Policy Committee approval and no public review will be required. The AMATS Technical Advisory Committee with its responsibility to maintain existing plans and programs while meeting the overall policy direction set by the AMATS Policy Committee shall approve minor amendments. Notification of such amendments will be provided as information to the Assembly and AMATS Policy Committee following the AMATS Technical Advisory Committee action.

6.6 AMATS Unified Planning Work Program

6.6.1. The Municipality, with full assistance from the State and all other cooperating agencies, is responsible for developing or adjusting the AMATS Unified Planning Work Program, which shall:

- (1) Describe all the transportation and air quality planning and operational activities to be completed in a calendar year;
- (2) Be developed in accordance with Section 7 of this agreement.

6.6.2 Changes in work assignments and studies to be performed to meet the air quality and transportation planning requirements may be made by the AMATS Policy Committee 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 annual AMATS Unified Planning Work Program. Reimbursement will be made by ADOT&PF to the Municipality, in accordance with procedures stated herein, and shall be expended only on the AMATS Unified Planning Work Program approved by the AMATS Policy Committee, FHWA and FTA.

**SECTION 7 -- UNIFIED PLANNING WORK PROGRAM**

7.1 Unified Planning Work Program Preparation

No later than October 1 of each year, ADOT&PF shall submit to the Municipality in writing the amount of estimated Federal PL funds, and the required match ratios, to be made available to AMATS for the next UPWP. ADOT & PF shall recommend work tasks and its budget for tasks in which it participates. AMATS shall develop and implement a UPWP public involvement program and prepare a UPWP with the full cooperation of ADOT&PF and members of the AMATS TAC, AQAG and P&Z. Discussion between ADOT&PF and the Municipality shall take place to determine how the proposed tasks can be accomplished in the most efficient and effective manner. The AMATS UPWP shall be reviewed by the AMATS TAC, approved by the AMATS Policy Committee and forwarded for concurrent approval by FHWA and FTA prior to any of the approved work being performed.

7.2 Unified Planning Work Program Changes/Amendments

Changes in funding levels for tasks, or changes in tasks, shall be requested as soon as possible after the need for such changes is recognized. Generally, after appropriate AMATS approvals, major revisions shall go through the same approval procedures as for the AMATS UPWP. Minor revisions shall be forwarded to ADOT&PF for approval. Formal ADOT&PF policy and procedures govern specific revisions of tasks funded by PL funds. The Municipality shall be responsible for the performance of tasks in the AMATS UPWP, as revised. No charges which exceed the adopted AMATS UPWP budget will be eligible for reimbursement until the AMATS UPWP budget is adjusted as per the following procedures.

- 7.2.1 Major AMATS UPWP Adjustments (no additional funding required). Cumulative adjustments to the element budget amounts that exceed 20 percent of the original approved element budget, individual changes of \$25,000 or more to element budgets, or significant scope changes require the concurrence of the AMATS Policy Committee, ADOT&PF, and FHWA before becoming effective.
- 7.2.2 Minor AMATS UPWP Adjustments (no additional funding required). Changes to element budgets that do not affect the total program funding level and are 20 percent or less of the original element budget amount may be submitted to ADOT&PF for approval without formal AMATS Policy Committee approval. Minor adjustments to funding levels among tasks and elements can be made while adhering to the AMATS Policy Committee's intent. The AMATS Technical Advisory Committee with its responsibility to "maintain" existing plans and programs while meeting the overall policy direction set by the AMATS Policy Committee shall approve minor adjustments. The AMATS Policy Committee will be notified of changes at the first AMATS Policy Committee meeting following ADOT&PF approval.
- 7.2.3 Program Total Funding Adjustments

Requests for additional program funding will require the approval of ADOT&PF, the Policy Committee, FHWA, and FTA.

#### **SECTION 8 – ASSIGNMENT OR TRANSFER OF WORK**

- 8.1 AMATS staff or the Municipality of Anchorage staff (depending on project management responsibility) shall provide a copy of a draft scope of work for consultant services for ADOT&PF review and approval. ADOT&PF shall submit that scope of work to ADOT&PF Headquarters staff and to the FHWA with a recommendation for final review and approval. No Request for Proposals can be issued until FHWA has approved the scope of work. If a private consultant is chosen to assist in preparing a pre-solicitation cost estimate for a future contract, that consultant is precluded from responding to the Request for Proposals.
- 8.2 The Municipality shall offer the ADOT&PF the opportunity to serve on the selection committee for all proposed contracts. The Municipality shall provide eight copies of all Municipal and consultant draft final work products to ADOT&PF for review and comment prior to review and approval by the AMATS TAC and/or AMATS Policy Committee.

#### **SECTION 9 – INSPECTION OF WORK**

ADOT&PF, as well as FHWA and FTA, shall at all times be accorded review and inspection of the work and shall at all reasonable times have access to the premises, to all data, notes, records, correspondence, and instruction memoranda or descriptions which pertain to the work involved in the AMATS UPWP.

#### **SECTION 10 -- ADDITIONAL AND SEPARATE WORK PROJECTS**

From time to time, ADOT&PF or the Municipality may desire one of the other parties to perform additional work projects for services separate and apart from those set forth in the AMATS UPWP. At such times, the requesting party will notify the other party of this intention, including a request for the specific work and/or services desired. If there is a willingness and ability 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 11 – PROGRAM REPORTING REQUIREMENTS

### 11.1 Reporting:

All information developed by the planning process shall be available upon request to each party within a reasonable time after development of such information. The Municipality, with the full support of the other parties involved, shall report regularly upon the status of such planning and progress made on associated documents. The reporting procedures shall include but not be limited to, the following:

### 11.2 Quarterly Reports:

A quarterly narrative progress report and financial statement shall be submitted by the Municipality to ADOT&PF no later than the 23rd day following the last day of each AMATS UPWP fiscal quarter, in order to meet the requirements of 49CFR 18.40 as supplemented by 23 CFR 420.113. Within 30 days of the last day of the fiscal quarter, ADOT&PF shall either review, and approve the report, or if found necessary, request modifications. ADOT&PF staff will forward the report to ADOT&PF Headquarters staff. It will be reviewed and forwarded to FHWA to meet the reporting requirements of 23 CFR, Part 420. If ADOT&PF staff request modifications, the report will be forwarded to ADOT&PF Headquarters staff as a draft report. The Municipality shall then convey a revised submittal to ADOT&PF no later than 40 days following the last day of each fiscal year quarter. ADOT&PF shall approve or request additional modifications to the re-submittal no later than 50 days following the last day of each fiscal year quarter. This final report shall serve as the basis for reimbursement, pending review and approval by FHWA.

11.2.1 In the financial statement of each quarterly report, the following data shall be included for each task: 1) current quarter expenditures, 2) fiscal year to date expenditures, 3) PL and local funds/in-kind expended to date, and 4) PL and local funds/in-kind remaining. The following information shall be included for the program summary: 1) current quarter expenditures, 2) fiscal year to date expenditures, 3) PL and local funds/in-kind expended to date, and 4) PL and local funds/in-kind remaining.

11.2.2 The narrative progress report shall include 1) a description of work accomplished during the quarter, 2) significant events (i.e. travel, training, conferences, and 3) milestones reached in sufficient detail to justify the quarterly expenditures. For each task, the percentage complete shall be given, how the scheduled completion date matches the program estimated date, as well as the estimated completion date. Explanatory information shall be provided if the estimated completion date differs from the date contained in the Unified Planning Work Program.

11.2.3 Quarterly reports prepared by the Municipality shall contain financial and narrative progress information concerning the disposition of PL funds and tasks for which PL funds have been made available. Completed reports and material emerging out of the tasks shall be identified in the quarterly reports and copies shall be attached. Six copies of each report with necessary attachments shall be forwarded to the ADOT&PF Central Region Planning Manager.

### 11.3 Final Fiscal Year Quarterly Report.

The final quarterly report for the AMATS UPWP fiscal year will contain an annual technical report concerning and summarizing the pertinent development, activities, and accomplishments of the tasks outlined within the Unified Planning Work Program of the past fiscal year. The annual technical report will be submitted within 90 days of the end of the fiscal year. The report will contain 1) a complete comparison of actual performance with established goal, 2) status of expenditures

comparing budgeted (approved) amounts with actual costs incurred; 3) identify overruns and underruns and all information being consistent with AMATS UPWP revisions.

#### 11.4 Significant Events.

Events that have significant impact on the work program shall be reported as soon as they become known. The type of events or conditions that require reporting include problems, delays or adverse conditions that materially affect the ability to attain program objectives. This disclosure shall be accompanied by a statement of the action taken or contemplated, and any state or federal assistance required resolving the situation.

#### 11.5 Other Reports.

Copies of formal reports, informal reports, and material emerging out of a task specified in the Unified Planning Program shall be governed by Section 9 of this agreement.

### SECTION 12 -- PLANNING REPORTS

#### 12.1 Planning Reports:

From time to time, ADOT&PF and the Municipality 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 AMATS TAC shall review the report, and four copies of the report in draft form must be submitted to ADOT&PF for review and comment.

#### 12.2 Publication

Publication by any party to the Agreement shall give credit to the other parties and FHWA. However, if any party or FHWA does not wish to subscribe to the findings or conclusion of the study the following statement shall be added:

"The opinions, findings, and conclusions expressed in this publication are those of the authors and not necessarily those of the [excluded party(ies) or the ] FHWA".

#### 12.3 Copies

Two (2) copies of the draft reports and four (4) copies of the final report shall be sent to FHWA through ADOT&PF for informational purposes. Two (2) copies of the draft and final reports should be sent through ADOT&PF to GTA for informational purposes. ADOT&PF, FTA and FHWA reserve license to publish, reproduce, or otherwise utilize any copyrighted material developed under this Agreement.

### SECTION 13 -- DIVISION OF COST AND PAYMENT

#### 13.1 Reimbursement

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

- (1) The Municipality shall submit to ADOT&PF a quarterly narrative progress report and financial statement, as defined in Section 11 of this Agreement.
- (2) Reimbursement will be made within 30 days after ADOT&PF receipt and approval of the quarterly narrative progress reports and financial statements, subject to Federal Planning Funds being made available and received for the allowable costs.
- (3) Within 60 days of ADOT&PF approval of the last quarter narrative progress report and financial statement for the fiscal year, ADOT&PF will close the AMATS UPWP 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 to the extent possible.

#### 13.2 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 Municipality with all necessary documentation in order to permit the preparation of the reports required in Section 11 of this agreement, Program Reporting Requirements, (2) upon ADOT&PF approval of the quarterly narrative progress reports and financial statements, ADOT&PF shall submit a billing to FHWA for direct payment to ADOT&PF for approved AMATS UPWP costs, (3) ADOT&PF shall be reimbursed at the rate contained in the applicable Unified Planning Work Program, (4) ADOT&PF shall promptly provide the Municipality with copies of its billings and statements.

#### 13.3 Overruns:

The ADOT&PF and the Municipality acknowledge that they will receive benefits from the information developed by performance of the elements outlined in the AMATS UPWP. They agree to pay that portion of their element costs which exceed the total program funding level budgeted for the agency, as shown in the AMATS UPWP, without recourse to the other parties.

#### 13.4 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 AMATS UPWP line item budget and verified by audit. Such overhead shall be allocated on an equitable basis. Eligibility shall conform to the provisions of 23 CFR 420.111(c);
- (4) Training as approved specifically in the AMATS UPWP or otherwise specifically approved by ADOT&PF and FHWA.

#### 13.5 Rate of Reimbursement:

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

13.6 Financial Accounting Level:

The expended funds will be accounted for at the task level (110, 120, 130, etc.)

13.7 Fiscal Year and Quarters:

The AMATS UPWP fiscal year will coincide with the municipal fiscal year of January 1 to December 31. The AMATS UPWP fiscal year quarters shall end on the last day of March, June, September, and December.

**SECTION 14 -- 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 41 CFR Part 1 - 8.5, 48 CFR, and 49 CFR Part 18.31 - 33.

**SECTION 15 -- AUDIT PROCEDURES**

15.1 In addition to the requirements stated in this section, requirements for audit as defined in 23 CFR Part 420 and 49 CFR Part 18 will be used as guidelines. Also, with respect to contract cost principles and procedures, 48 CFR Part 31 will be used as guidelines.

15.2 Each participating agency 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:

15.2.1 Each participating agency 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 MOA procedures. The load rate factor is subject to adjustment based upon audits occurring during the life of this Agreement.

15.2.2 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.

15.2.3 Materials

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

15.2.4 Out-of-pocket Expenses

Copies of receipts shall support all expenses.

15.2.5 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 AMATS UPWP.

15.2.6 Cost Overruns

When expenditures are anticipated to overrun in one AMATS UPWP work element, the procedures for budget changes as outlined in Section 7.2 must be followed.

- 15.3 The Municipality will prepare overhead cost allocation plans within 60 days of each fiscal year, submit a copy to ADOT&PF annually, and maintain these plans on file. ADOT&PF will review the Municipal annual cost allocation plan and forward its recommendations on the overhead rate to FHWA. The cost allocation plan will be completed and forwarded by the Municipality to ADOT&PF at the end of each calendar year. Upon receipt of FHWA's concurrence, this rate will be reflected in the following year's UPWP and the PL billings.
- 15.4 Each consultant contract or professional services agreement, in which the Municipality or ADOT&PF 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 PSA 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 23 CFR Part 12 - Single Audit Requirements.
- 15.5 The AMATS Program is to be audited annually by ADOT&PF Internal Review auditors to insure adequate coverage. ADOT&PF may opt to request audits be performed every other year. ADOT&PF and the Municipality and/or its subcontractors under this Agreement shall maintain all records and accounts relating to its 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. The Municipality 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 Municipal request to close out a fiscal year or project account does not constitute final payment.
- 15.6 Any review, which does not meet Federal requirements, will be resolved between ADOT&PF and the Municipality. The financial records relating to a AMATS UPWP year may be closed out once FHWA accepts the audit and final payment adjustments have been made.

#### **SECTION 16 – COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964**

- 16.1 The Municipality hereby agrees as a condition to receiving any Federal financial assistance from the US Department of Transportation, to comply with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 USC. 2000d - 2000d-4 hereinafter referred to as the "Act") and all requirements imposed by or pursuant to Title 49 CFR, US Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the US Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), 49 CFR Part 26 Participation of Disadvantaged Business Enterprises in Department of Transportation financial assistance programs (see Section 14 of this document), and the Americans with Disabilities Act and other pertinent directives to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or activity for which the Municipality receives Federal financial assistance from the US Department of Transportation, including FHWA and FTA, and hereby gives assurance that it will promptly take any measure necessary to effectuate this Agreement. This assurance is required by 49 CFR Part 21, subsection 21.7A(1),
- 16.2 More specifically, and without limiting the above general assurance, the Municipality hereby gives the following specific assurance with respect to the project:

- 16.2.1 The Municipality agrees that each "program" and "facility" as defined in subsections 21.23 (b) and (e) of the Regulations, will be (with regard to a program) conducted or will be (with regard to a facility) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
  - 16.2.2 The Municipality shall insert the clauses of this assurance in every contract subject to the Act and Regulations.
  - 16.2.3 Where the Municipality received Federal financial assistance to carry out a program of managerial training, under section 10(a) of the UMTA Act of 1964, as amended, the assurance shall obligate the Municipality to make selection of the trainee or fellow without regard to race, color, sex, or national origin.
  - 16.2.4 Where the Municipality receives Federal financial assistance to carry out a program under the UMTA Act of 1964, as amended, the assurance shall obligate the Municipality to assign transit operators, and to furnish transit operators, for charter purposes without regard to race, color, sex, or national origin.
  - 16.2.5 Where the Municipality receives Federal financial assistance to carry out a program under the UMTA Act of 1964, as amended, routing scheduling, quality of service, frequency of service, age/quality of vehicles assigned to routes, quality of stations serving different routes, and locations of routes may not be determined on the basis of race, color, sex, or national origin.
  - 16.2.6 This assurance obligates the Municipality for the period during which Federal financial assistance is extended to the project, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon; in which case the assurance obligates the Municipality or any transferee for the longer of the following periods: a) The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or b) the period during which the Municipality retains ownership or possession of the property.
  - 16.2.7 The Municipality shall provide for such methods of administration for the program, as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other Municipal sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
  - 16.2.8 The Municipality agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, Regulations and this assurance.
- 16.3 This Assurance is given in consideration of and for the purpose of obtaining, any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date thereof to the Municipality by the FHWA and/or FTA program. and is binding on it, other Municipal sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in FHWA and/or FTA programs. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Municipality.

## **SECTION 17 Disadvantaged Business Enterprises (DBE) PROGRAM REQUIREMENTS**

### **17.1 Compliance**

The parties, their agents and employees shall comply with the provisions of 49 CFR Part 26 and Title VI of the Civil Rights Act of 1964. 49 CFR Part 26 requires that each Municipality shall agree to abide by the statements in paragraphs 17.1 and 17.2 and shall include these statements in the Municipality's USDOT financial assistance agreement and in all subsequent agreements between the Municipality and any sub-grantee and in all subsequent USDOT assisted contracts between the Municipality or sub-grantees and any contractor.

### **17.2 Policy**

It is the policy of the USDOT that disadvantaged business enterprises as defined in 49 CFR Part 26 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 Part 26 apply to this Agreement.

### **17.3 DBE Obligation**

The Municipality or its contractor agrees to ensure that Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26 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 Municipality and/or its contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBE's have an equal opportunity to compete for and perform contracts. The Municipality and/or its contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of USDOT assisted contracts.

## **SECTION 18 -- HOLD HARMLESS CLAUSE**

Insofar as they may legally do so, the State and the Municipality shall indemnify each other and hold each other harmless against any and all suits, actions, claims or losses of any kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the State and Municipality in the fulfillment of their respective work which is the subject of this Agreement.

## **SECTION 19 -- 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 AMATS Policy Committee the FHWA and the FTA.

## **SECTION 20 -- LIMITATION OF LIABILITY**

No liability shall be attached to the State and/or the Municipality by reason of entering into this Agreement, except as expressly provided herein.

## **SECTION 21 -- COMPLIANCE WITH LAWS**

In addition to the laws, statutes, regulations and requirements stated herein, the State and Municipality 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 22 -- TERMINATION OF AGREEMENT**

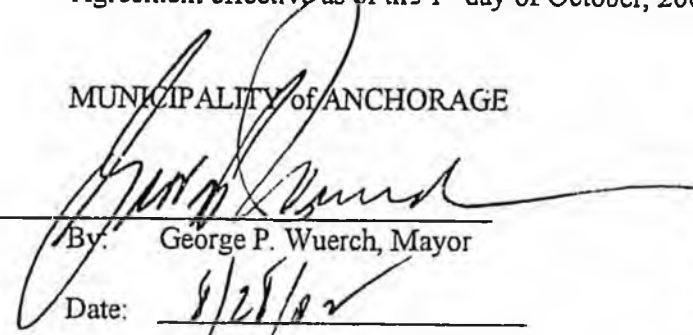
- 22.1 The State and Municipality may terminate this Agreement at such time as they choose not to approve the AMATS UPWP for the continuing transportation planning process or a portion thereof. To do so, a party shall give 60 days written notice to the other parties. The resigning party may also request the other party revise and resubmit the AMATS UPWP for reconsideration. Furthermore, in the event that the Municipality is dissolved or its present structure radically changed, the remaining party may, at its option, terminate this Agreement upon 60 days written notice to the parties subject to this Agreement.
- 22.2 In the event of any termination by any of the parties outlined above, full payment of the State's and Municipality's applicable reimbursable share of actual costs pursuant to and subject to the provisions set forth above and in the AMATS UPWP shall be made for all work performed to the date of termination.
- 22.3 It is anticipated that this Agreement will continue in force until or unless the State and Municipality terminate the Agreement in writing as previously described.

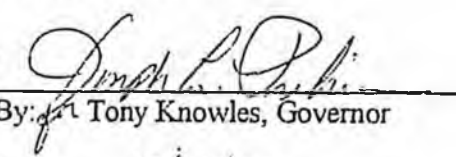
**SECTION 23 -- AGREEMENT SIGNATURES**

This Agreement, having been approved on the 23<sup>rd</sup> day of April 2002 by Anchorage Municipal Assembly Resolution No. ("AR") 2002 - 119, the parties to this Agreement hereby enter into this Agreement effective as of the 1<sup>st</sup> day of October, 2002.

MUNICIPALITY of ANCHORAGE

STATE OF ALASKA

  
By: George P. Wuerch, Mayor  
Date: 8/28/02

  
By: for Tony Knowles, Governor  
Date: 10/16/02



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

**Federal Transit  
Administration**

**SENT BY ELECTRONIC MAIL**

Subject: INFORMATION: Eligibility of Membership Dues for FHWA/FTA Planning Funds (signed by Cindy Burbank) Date: October 8, 2002

From: Cynthia J. Burbank, FHWA Associate Administrator for Planning, Environment & Realty (signed by J.M. Ryan for) Charlotte Adams, FTA Associate Administrator for Planning Reply to: HEP-2 Attn. of: TPL-10

To: FHWA Division Administrators  
FHWA Resource Center Managers  
FTA Regional Administrators

The purpose of this memorandum is to provide guidance on the use of FHWA and FTA State planning and research and metropolitan planning funds for membership dues in professional associations or other organizations.

This responds to several recent questions from field offices, State DOTs, and MPOs. The guidance below is based on the guidelines in the following OMB Circulars: A-87, Cost Principles for State, Local and Indian Tribal Governments; A-21, Cost Principles for Educational Institutions; and A-122, Cost Principles for Non-Profit Organizations.

A basic guideline in these OMB circulars is that for a cost to be allowable, as either a direct or indirect cost, it must be necessary and reasonable for proper and efficient performance of the Federally funded program and must be assignable to the Federal program and other activities in accordance with the benefits received by those activities. In essence, a cost can be billed to a Federal award based on the relative benefits to the work being performed with the Federal funds versus other benefiting activities.

For organizations such as the American Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA), and the National Association of Regional Councils (NARC), which are multipurpose organizations that provide benefits to their members for more than just transportation planning, the membership dues need to be treated as an indirect cost or the dues must be allocated to all benefiting activities of the member agency on an equitable basis that considers the relative benefits to the federally funded transportation planning work.



In the case of the Association of Metropolitan Planning Organizations (AMPO), which is an organization that specifically serves the MPOs responsible for carrying out the metropolitan planning process required by title 23 U.S.C. and Chapter 53 of title 49, U.S.C., the eligible portion of the dues may be billed directly to FHWA/FTA funds if similar costs are billed directly to other benefiting activities. Similarly, NARC Transportation Supplemental Services membership fees may be billed as a direct cost.

Memberships in any organization or professional association must be in the name of the member agency and not in the name of an individual in order to be allowable. In addition, in all cases the portion of the organization's dues that is used for lobbying is unallowable and cannot be billed to Federal funds as either an indirect or direct cost. In the case of non-profit organizations such as AASHTO, NARC, APTA, and AMPO, those activities that are considered to be lobbying and unallowable are identified in OMB Circular A-122, Attachment B, paragraph 25 (copy attached). If these organizations do not notify their members of the portion of the dues that are for lobbying activities, the State DOT or MPO should request such information from the organization.

If you have any questions about this subject, please contact Tony Solury on 202-366-5003 or at [tony.solury@fhwa.dot.gov](mailto:tony.solury@fhwa.dot.gov) or Candace Noonan on 202-366-1648 or at [candace.noonan@fta.dot.gov](mailto:candace.noonan@fta.dot.gov).

Attachment

## OMB Circular A-122, Attachment B

### 25. Lobbying.

a. Notwithstanding other provisions of this Circular, costs associated with the following activities are unallowable.

(1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;

(2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;

(3) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;

(4) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or

(5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

b. The following activities are excepted from the coverage of subparagraph a:

(1) Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.

(2) Any lobbying made unallowable by subparagraph a.(3) to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.

(3) Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.

c. (1) When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of subparagraph B.3 of Attachment A.

(2) Organizations shall submit, as part of the annual indirect cost rate proposal, a certification that the requirements and standards of this paragraph have been complied with.

(3) Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to paragraph 25 complies with the requirements of this Circular.

(4) Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this paragraph during any particular calendar month when: (1) the employee engages in lobbying (as defined in subparagraphs (a) and (b)) 25 percent or less of the employee's compensated hours of employment during that calendar month, and (2) within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs. When conditions (1) and (2) are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions (1) and (2) are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.

(5) Agencies shall establish procedures for resolving in advance, in consultation with OMB, any significant questions or disagreements concerning the interpretation or application of paragraph 25. Any such advance resolution shall be binding in any subsequent settlements, audits or investigations with respect to that grant or contract for purposes of interpretation of this Circular; provided, however, that this shall not be construed to prevent a contractor or grantee from contesting the lawfulness of such a determination.

COMPLIMENTS OF  
ALASKA STATE ARCHIVES

June 25, 1974

The Honorable Alexander P. Butterfield  
Administrator  
Federal Aviation Administration  
U. S. Department of Transportation  
800 Independence Avenue, Southwest  
Washington, D. C. 20591

Dear Mr. Butterfield:

In response to your joint letter of June 3, 1974, concerning urban transportation planning in Anchorage, I wish to inform you that a joint metropolitan planning organization has been in operation for several years.

This organization, the Anchorage Metropolitan Area Transportation Study (AMATS), is headed by a Policy Committee consisting of the Mayor of the City of Anchorage, the Mayor of the Greater Anchorage Area Borough, and the Commissioner of Highways. By mutual agreement the AMATS Policy Committee recently consummated a revised agreement which states that the Greater Anchorage Area Borough has the responsibility of drafting the Unified Work Program and for carrying on the continuing phase of AMATS. It further provides that the AMATS Policy Committee shall have the responsibility of providing policy direction and of approving Unified Work Programs and funding.

I am personally convinced that in order to have a workable, continuing, comprehensive, cooperative urban transportation planning program, it is essential that each governmental agency involved have a proper share of both decision-making authority and actual responsibility for implementation of the planning process. In analyzing the difficulties which have arisen in other metropolitan areas throughout the country it appears that, too often, designation of one specific governmental entity to implement the continuing planning process has resulted in abdication of responsibility by those agencies and local governments not directly involved in actually achieving results. As a consequence it appears that in some instances frictions and lack of cooperation have followed, and the goal of cooperative, comprehensive planning has been circumvented.

*Highway*  
3-2

The Honorable  
Alexander P. Butterfield -2-

June 25, 1974

I fully agree with your commitment to implement new programs with maximum flexibility for State and local governments, as only with such flexibility will the best interests of the public be served. As a consequence I concur in the agreement reached by the AMATS Policy Committee, and agree that funding made available for urbanized area transportation planning from all sources should be administered in the same manner and by the same organization.

I hope that this designation will bring about a continuation of the cooperative, intergovernmental planning approach in Alaska's most populous urban community.

Sincerely,

William A. Egan  
Governor

bcc: Mr. James A. Walsh  
Chairman, Intermodal Planning Group  
Federal Standard Region  
Federal Highway Administration  
412 Mohawk Building  
222 Southwest Morrison Street  
Portland, Oregon 97204

The Hon. John R. Roderick  
Mayor of the Greater Anchorage Area Borough

The Hon. George M. Sullivan  
Mayor of Anchorage

Division of Planning and Research

Department of Highways

HIGHWAYS/WC:LL:cw

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To	From	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

April 3, 1976

Mr. Bruce Cannon, Chairman  
 Intermodal Planning Group  
 Department of Transportation  
 Federal Highway Administration  
 222 S. W. Morrison Street  
 Portland, Oregon 97204

Dear Mr. Cannon:

As a result of the unification election in September 1975 the City of Anchorage and the Greater Anchorage Area Borough combined into one governing entity, the Municipality of Anchorage. The approved boundaries of the urbanized area fall within the new boundaries. At this time, the State would like to designate the new Municipality of Anchorage as the Metropolitan Planning Organization (MPO), not only to reflect the political changes but to promote a planning process as responsive to the desires of local residents as possible.

The previous designation letter, sent to Mr. Butterfield by former Governor Egan on June 25, 1974, designated a representative membership of local government as the MPO. The designation will not affect the make-up of the bodies which establish the direction of transportation planning in the Anchorage area. The three-person Policy Committee has two elected representatives - the Mayor and a Municipal Councilman - and the third member is the Commissioner of Highways. The Technical Committee also has three voting members - the Municipal Planning Director, the Municipal Director of Transportation, and the State Department of Highways' District Engineer. As required by current regulations, this process will enable transportation planning to be carried out by the MPO in cooperation with the highway agency and the transit operator. The Highway Department has representation on both committees. Since the transit operation is a division of the Municipal Department of Transportation, it too, implicitly, has representation on these committees, though only implicitly. Also, the transit operator is an associate member of the Technical Committee.



Mr. Bruce Cannon

-2-

April 3, 1976

As Anchorage has been designated an urbanized area for only two years, its transportation planning activities are still evolving, but it is felt that transferring the responsibility to the Municipality will hasten further development and improvement.

Sincerely,

Jay S. Hammond  
Governor

BCC: Gene A. Hanna, FHWA, Juneau  
George Sullivan, AMATS Policy Committee  
George Dickson, AMATS Policy Committee  
Jack Spake, AMATS Technical Committee  
William Fort, UMTA, Seattle  
Department of Highways

JSH/JLU/mth

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FAX NO. 9073434220

P. 08



FEDERAL HIGHWAY ADMINISTRATION

Room 412 Mohawk Building  
222 S.W. Morrison Street  
Portland, Oregon 97204

720  
(AMATS)

April 29, 1976

Honorable Jay S. Hammond  
Governor of Alaska  
Juneau, Alaska 99801

Dear Governor Hammond:

Anchorage Urban Area, Designation of  
Metropolitan Planning Organization

IN REPLY TO	Alaska Division	Int
	Division Admin.	
	Exec. Coord.	
	Asst. Exec. Coord.	
	Eng. Coord.	
	Bridge Engineer	
	R.O.W. Officer	
X	Plan. & Res. I, 2	
	Field Off. Engr.	
	Area A	
	Area B	
	Area C	
	Asst. Area Engr.	
	Audit	
	Admin. Manager	1/ST
	Fiscal	
	State	
	1707 & 1714	

We acknowledge your April 8, 1976 designation of the Municipality of Anchorage as the Metropolitan Planning Organization (MPO) for the Anchorage urban area.

With this designation, the Municipality is the established eligible recipient of Department of Transportation planning funds for comprehensive urban transportation planning. Also the organization, together with the State, is responsible for conducting the metropolitan transportation planning program. The policy and technical committees structured by you and the Municipality are the means to fulfill this responsibility.

The U.S. Department of Transportation administrations in this region are looking forward to continuing their working relationship with the Municipality of Anchorage and the State on the Anchorage transportation/land use planning process.

Sincerely yours,

*Bruce Cannon*

Bruce Cannon, Chairman  
Intermodal Planning Group,  
Region X

5/14/76

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Blankenship  
1/85

## TRANSPORTATION PLANNING AGREEMENT

## Anchorage Metropolitan Area

This agreement is entered into this 3 day of February, 1977, by and between the ALASKA DEPARTMENT OF HIGHWAYS, hereinafter called the "DEPARTMENT", the MUNICIPALITY OF ANCHORAGE, hereinafter call the "MUNICIPALITY".

## WITNESSETH:

WHEREAS, voters of the former Greater Anchorage Area Borough and the former City of Anchorage created a single government entity, the Municipality of Anchorage, which was incorporated as a unified home rule Municipality on September 15, 1974; and

WHEREAS, the former Borough passed and approved Resolution No. 212 on April 15, 1968, providing for the participation by the Borough in the Anchorage Metropolitan Area Transportation Study AMATS; and

WHEREAS, the May 7, 1968, Agreement between the DEPARTMENT, the former BOROUGH and the former CITY provided for a cooperative effort by the signatories in the AMATS as well as in its continuing phase; and

WHEREAS, the MUNICIPALITY has, by state law, areawide planning powers throughout its jurisdiction and is responsible for comprehensive planning; and

WHEREAS, the Bureau of Census announced the designation of the Anchorage area as an urbanized area on March 1, 1974; and

WHEREAS, for purposes of complying with Section 134 and Section 104(f), Title 23, U.S. Code, the date recognized for planning purposes has been established as February, 1974; and

WHEREAS, Federal regulations promulgated in the September 17, 1975, Federal Register call for an urban transportation process to be carried out in urbanized areas by a Metropolitan Planning Organization (MPO), in cooperation with the State and in cooperation with publicly-owned operators of mass transportation services; and

WHEREAS, The MUNICIPALITY is the only publicly-owned operator of mass transportation serviced in the study area; and

WHEREAS, the Governor of the State of Alaska designated the MUNICIPALITY as the Metropolitan Planning Organization for the Anchorage Metropolitan Area on April 8, 1976; and

WHEREAS, the designation establishes the MUNICIPALITY as the eligible recipient of planning funds from the Department of Transportation for conducting comprehensive urban transportation planning and gives it the responsibility in cooperation with the DEPARTMENT to conduct an urban transportation planning process; and

WHEREAS, the Anchorage Metropolitan Area Transportation Study AMATS Policy and Technical Committees represent the mechanism whereby the MUNICIPALITY and the DEPARTMENT exercise the above responsibility; and

WHEREAS, the AMATS Policy Committee is composed of the Commissioner of Highways from the DEPARTMENT, and the Municipal Mayor and one representative from the Municipal Assembly from the MUNICIPALITY, and provides necessary policy direction to the Technical Committee to accomplish details required in the continuing phase of study; and

WHEREAS, the AMATS Technical Committee is composed of the Division Engineer from the DEPARTMENT, the Municipal Director of Transportation and the Municipal Director of Planning, or their representatives as voting members, and additional non-voting members as appointed by the Policy Committee and is responsible to the Policy Committee for giving technical advice in performing the continuing phase of AMATS, and has the additional responsibility of technically reviewing the work produced in conjunction with the continuing phase of AMATS.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL BENEFITS and the provisions, promises, and considerations herein provided to satisfy the requirements of Title 23, U.S. Code, Section 134 and Section 104(f), and the Urban Mass Transportation Act of 1964 as amended, the parties hereto agree as follows:

The MUNICIPALITY with full assistance of the DEPARTMENT and other cooperating agencies shall be responsible for annually drafting a Unified Work Program for approval by the Policy Committee. The MUNICIPALITY shall assume the responsibility as outlined in the Prospectus for managing the urban transportation planning process of AMATS, and the MUNICIPALITY shall proceed in accordance with the Unified Work Program approved by the Policy Committee.

Changes in work assignments and studies to be performed may be made by the Policy Committee 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 annual Unified Work Program. Reimbursement will be made by the DEPARTMENT to the MUNICIPALITY in accordance with procedures to be established by the DEPARTMENT in the Fiscal and Reporting Agreement and shall be expended only on the Unified Work Program approved by the Policy Committee.

The AMATS Technical Committee, within the study area, shall have the responsibility of technically reviewing all plans prepared and monitoring all studies in progress as part of the continuing phase of AMATS. The Technical Committee shall report to the Policy Committee on a periodic basis concerning the progress and preliminary findings of the ongoing urban transportation planning process.

The AMATS Policy Committee shall have the responsibility of giving policy direction to the Technical Committee in their function of reviewing and acting on work produced through the continuing phase of AMATS and shall approve Unified Work Programs and necessary funding. In addition, all plans and reports must be approved by the Policy Committee prior to issuance of official documents. The AMATS Policy Committee has the authority to give direction and approval to

the transportation planning effort in accordance with Section 104(f), Title 23, U.S. Code, which is performed by the MUNICIPALITY and the Technical Committee in their managing function of the continuing phase. All actions of the Policy Committee shall be by majority vote.


This agreement shall remain in effect unless terminated or revised. Should any of the signatories find reason to terminate this agreement, they may do so upon sixty (60) days written notice to each of the other members of the Policy Committee. In the event of termination of this agreement, full payment of the applicable reimbursable share of actual costs pursuant to and subject of the reimbursable provision set forth above shall be made by the DEPARTMENT for all work performed to the date of termination.

The comprehensive planning area for the purpose of this agreement shall be the area within the study boundaries as shown in Figure 1, Volume II of the Future Travel Demands and Recommended Transportation Plan, dated August, 1970. The urbanized area boundary, as approved by the Policy Committee in August, 1975, is included within this study area. The study area may be adjusted upon mutual agreement by the DEPARTMENT, the MUNICIPALITY and approval by the Federal Highway Administration and the Urban Mass Transportation Administration.

IN WITNESS WHEREOF, the undersigned members of the State and the Municipality have executed this AGREEMENT on the day and year first above written.

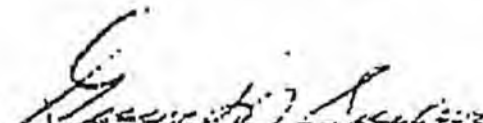
STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS

By:

  
\_\_\_\_\_  
H. D. Scougal, Commissioner

MUNICIPALITY OF ANCHORAGE

By:

  
\_\_\_\_\_  
George H. Sullivan, Mayor

MEMORANDUM OF UNDERSTANDING  
FOR AREAWIDE AIR QUALITY PLANNING

This memorandum of understanding entered into this 25 day of September, 1970, by and between the State of Alaska Department of Environmental Conservation and the Municipality of Anchorage.

The parties agree as follows:

Section 1. Legal Authority.

A. 42 USC 7504 et. seq. requires each areawide air quality planning agency to prepare an areawide air quality plan providing for attainment of national ambient air quality standards. The Municipality has been designated an areawide air quality planning agency and intends to adopt such a plan for submission to the state as the local revision to the State's Implementation Plan.

B. Chapter 46.03 of the Alaska Statutes requires the State to develop a State Implementation Plan providing for the attainment of national ambient air quality standards.

C. The Federal Highway Act of 1962 (23 USC 134), as amended, and the Urban Mass Transportation Act of 1964 (49 USC 1601), as amended, require the State and the Municipality to coordinate the planning and construction of all urban transportation facilities with a continuing, cooperative, and comprehensive transportation planning process. The Governor of the State has designated the Municipality as the Metropolitan Planning Organization in accordance with federal law. The

Metropolitan Planning Organization shall ensure the preparation and adoption of a transportation plan as required by federal law. The Metropolitan Planning Organization Policy Committee shall review and endorse AMATS annually.

D. The Demonstration Cities and Metropolitan Development Act of 1966 (42 USC 3334), as amended, and OMB Circular A-95, as amended, require an areawide air quality planning agency to review all applications for federal assistance with metropolitan projects. The Governor of the State has designated the Municipality as the areawide clearing-house for the Area.

Section 2. Definitions.

A. "Advisory Committee" means the Environmental Health Advisory Committee, an arm of the Municipal Health Commission.

B. "Air Quality Plan" or "Planning" means the local revision to the State Implementation Plan with regard to the Area.

C. "AMATS" means the Anchorage Metropolitan Area Transportation Study.

D. "Area" means that portion of the Municipality which has been designated as nonattainment in the Federal Register.

E. "Municipality" means the Municipality of Anchorage.

F. "Policy Committee" means the Air Quality Planning Policy Committee.

G. "State" means the State of Alaska Department of Environmental Conservation.

H. "Technical Committee" means the Air Quality Planning Technical Advisory Committee.

Section 3. Purpose.

The State and Municipality agree to develop jointly an air quality plan for the area which will assure Area compliance with state and federal air quality requirements.

Section 4. Air Quality Planning Policy Committee.

A. ~~There shall be a Policy Committee consisting of three members of the AMATS Policy Committee, one municipal assemblyman who is concurrently serving as a member of the Cook Inlet Air Resources Management District Commission, and the Commissioner for the State Department of Environmental Conservation. Each member shall have one vote.~~

B. The Policy Committee shall:

1. Prepare, adopt, and update a Unified Work Program allocating responsibility for planning activities and studies between the State and the Municipality in accordance with the guidelines set forth in the Federal Intermodel Planning Group, Region X, and including a multi-year prospective, major planning issues to be addressed, available

- resources, operating procedures, funding estimates, timetables, task status for the air quality plan.
2. Supervise the development and adopt a recommended Air Quality Plan for the Area and submit it to the State and Municipality for adoption.
  3. Coordinate effective public participation in the air quality planning process including, among other things, use of the Advisory Committee as a citizens advisory committee and the scheduling of public hearings.
  4. Arrange for third party financial participation in the air quality planning process.
  5. Provide overall direction to the municipal air quality planning staff and the technical committee including, but not limited to, guidance on alternative formation and assessments, development of feasible strategies, and report preparation.
  6. Annually review this agreement, the Unified Work Program, the air quality plan, and progress made towards the achievement of national ambient air quality standards throughout the Municipality.

7. Produce and publicize periodic written reports describing factual findings, planning conclusions, planning progress, and other pertinent information about the planning process.

C. The Policy Committee shall elect a chairman from among its members.

Section 5. Air Quality Planning Technical Advisory Committee.

A. There shall be a Technical Committee consisting of six members selected by the Policy Committee and including one representative from the Municipal Health Department, one representative from the Municipal Planning Department, one representative from the Municipal Transportation Department, one representative from the State Department of Environmental Conservation, one representative from the State Department of Transportation and Public Facilities, and one representative from the Advisory Committee. Each member shall have one vote.

B. The Technical Committee shall:

1. Coordinate with the municipal air quality planning staff to develop an air quality plan for the area for submission to the policy committee; and
2. Assist, advise, and submit recommendations to the policy committee with regard to planning proposals developed by the municipal air quality planning staff.

C. The Municipality shall provide an air quality plan coordinator and staff to work with the Technical Committee to develop an air quality plan for the Area.

D. The Policy Committee shall select a chairman for the Technical Committee.

Section 6. Public Participation.

The Policy Committee and the Technical Committee shall endeavor to maximize public participation in the air quality planning process herein provided.

Section 7. Air Quality Plan.

The Air Quality Plan shall:

A. Identify areawide objectives and policies required to attain the national ambient air quality standards for carbon monoxide for the Area by December 31, 1982.

B. Inventory technical, physical and other air quality planning data.

C. Analyze alternatives and establish strategies designed to attain the national ambient air quality standards for the area.

D. Address any other air quality issues required by the federal Environmental Protection Agency or the United States Department of Transportation.

E. Provide adequate assurance that there will be sufficient personnel, funding, and authority to carry out the selected plan.

F. Provide for the implementation of all reasonably available strategies as expeditiously as practical.

G. Provide for and show reasonable further progress towards achievement of carbon monoxide standards.

Section 8. Coordination with Transportation Planning.

To minimize transportation related emissions, the State and Municipality shall endeavor to integrate and coordinate the air quality planning process provided herein with AMATS.

Section 9. Termination.

Either party may terminate this agreement for cause by delivering written notice to that effect at least sixty (60) days before the effective date of termination, but not before January 1, 1979.

Section 10. Civil Rights.

The parties, their agents and employees shall comply with the provisions of 49 CFR 21 and Title VI of the Civil Rights Act of 1964. Attachment A which assures the the Municipality shall comply with the Civil Rights Act of 1964 and is attached hereto and incorporated herein as if set forth in full. /

Section 11. Review of Agreement.

The parties shall review this agreement annually and revise it as necessary.

Section 12. Amendment.

The parties may amend this agreement only by written agreement, which shall be attached as an appendix hereto.

Section 13. Term.

This agreement shall become effective on Sept. 25 1977, and continue to be in force until its purposes are accomplished or it has been terminated as provided herein.

Section 14. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first hereinabove written.

MUNICIPALITY OF ANCHORAGE

STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

[Signature]  
Name \_\_\_\_\_  
Title Treasurer

[Signature]  
Name \_\_\_\_\_  
Title \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

[Signature]  
Municipal Clerk [Signature]

[Signature]  
State Attorney General

APPROVED AS TO FORM:

[Signature]  
Assistant Municipal Attorney



MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF TRANSPORTATION  
AND  
THE ENVIRONMENTAL PROTECTION AGENCY  
REGARDING  
THE INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING

I. Introduction

The Clean Air Act Amendments of 1977 were signed into law by the President on August 7, 1977. These Amendments require state and local governments to develop for all areas where national ambient air quality standards have not been attained, revisions to state implementation plans (SIPs). The revised SIPs must be submitted by the state to the Environmental Protection Agency (EPA) by January 1, 1979. These revised plans must provide for attainment of the national ambient air quality standards by 1982 or, in the case of areas with severe photochemical oxidant or carbon monoxide problems, not later than 1987. The revised plans must also provide for incremental reductions in emissions ("reasonable further progress") between the time the plans are submitted and the attainment deadline.

In many major urbanized areas of the country the revised SIPs will require transportation controls, i.e. strategies designed to reduce emissions from transportation-related sources by means of structural and operational changes in the transportation system. A mechanism is required that will enable state and local governments to: (1) develop a wide range of alternative transportation control strategies, (2) analyze the air quality and other impacts of the strategies, and (3) select among the alternatives in a timely and informed manner.

Federal transportation planning requirements in urbanized areas are implemented by the Department of Transportation (DOT) through a joint delegation of authority to the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA). The FHWA and UMTA provide funds to states and local governments to plan, develop, and improve transportation systems and services. In urbanized areas improvements are implemented according to a continuing, comprehensive, and cooperative transportation planning process carried out pursuant to FHWA/UMTA joint regulations. It

is in this context that "DOT" is utilized in this document. In order to effectively achieve the objectives of the 1977 Clean Air Act Amendments, the DOT and Environmental Protection Agency (EPA) agree that the transportation-related air quality planning requirements of EPA will be integrated with the transportation planning process administered by the DOT. Closer integration of the planning requirements of DOT and EPA will ensure the timely consideration of air quality concerns and will reduce potentially duplicative, overlapping, and inconsistent activities at the state and local level. DOT administers other planning programs through other administrations (e.g. FAA and FRA) which have lesser impact on air quality but may be subject to future discussion.

## II. Purpose

This Memorandum of Understanding, developed pursuant to the President's request, is designed (1) to establish certain principles which DOT and EPA agree to follow in the preparation of more detailed regulations and administrative procedures required to achieve the objective of integrating the air quality and transportation planning processes; (2) to identify specific areas of agreement with regard to the joint administration of the air quality aspects of the planning process.

## III. Principles that Will Guide the Integration of the Air Quality and Transportation Planning Processes

- A. The reduction of air pollution is an important national goal and must be among the highest priorities of the transportation planning process in areas not meeting primary Air Quality Standards. However, the transportation planning process must also consider other national and local objectives such as mobility, safety, energy conservation, urban economic development, full employment and orderly metropolitan growth.
- B. It is the affirmative responsibility of federal, state and local agencies involved in funding or conducting transportation planning and implementation to ensure that evaluation of an adequate range of alternative transportation control strategies is conducted in order to furnish local, state and federal officials with an adequate basis on which to reach informed decisions.
- C. Any transportation planning activities conducted pursuant to this agreement must continue to provide for an adequate process of consultations with and involvement of the general purpose local government, responsible state agencies and the public as called for in the joint UMTA/FHWA Urban Transportation Planning regulations.

D. It is the objective of the activities undertaken pursuant to this agreement to contribute to the maximum extent feasible, in combination, with other emission reduction measures, to a reduction of emissions necessary to meet the prescribed air quality standards.

IV. Joint Administration of the Air Quality Aspects of the Urban Transportation Planning Process

The Department of Transportation and Environmental Protection Agency agree to modify existing procedures concerning the administration of the urban transportation and air quality planning processes in nonattainment areas as follows:

1. DOT and EPA regional/division offices will have the opportunity for joint review of and concurrence in the Unified Work Program (UWP) required pursuant to paragraph 450.114 of the Joint Planning Regulations (23 CFR 450), to ensure that adequate air quality planning tasks are included in the planning programs. Any disagreements at the regional level shall be referred to the DOT Secretary for resolution. Before making his final decision on the UWP, the Secretary will consult with the EPA Administrator and will notify EPA of the disposition of its comments, with appropriate supporting materials. In addition, where an MPO has failed, without adequate reason to carry out the analysis or other activities committed in its Unified Work Program, DOT will prescribe conditions which will require specified remedial actions to be taken in order to correct the identified failure in the Unified Work Program. DOT and EPA will develop in the near future a document identifying appropriate categories of remedial actions.

*Joint concurrence in UWP*

2. DOT and EPA regional/division offices will have the opportunity for joint review of transportation plans (including TSM elements) in nonattainment areas required pursuant to paragraph 450.116 of the Joint Planning Regulations, to ensure that air quality considerations are adequately addressed. DOT and EPA will consult with the planning agency on how air quality related planning deficiencies will be corrected. DOT will also explicitly consider EPA comments in taking subsequent actions on program approvals and will notify EPA of the disposition of its comments, with appropriate supporting materials.

*Joint review and EPA comment disposition on transportation plans.*

3. DOT and EPA regional/division offices will have the opportunity for joint review in connection with the annual planning certification required pursuant to paragraph 450.122 of the Joint Planning Regulations, on the adequacy of the planning process to address air quality considerations. DOT and EPA will consult with the planning agency on how air quality related planning deficiencies will be corrected. DOT will also explicitly consider EPA comments in making any certification decisions and will notify EPA of the disposition of its comments, with appropriate supporting material.

*same*

Joint review of  
TIP and disposition  
of EPA comments.  
If EPA disapproves  
part of "176" until  
see DOT OK's.

4. DOT and EPA regional/division offices will have the opportunity for joint review of the Transportation Improvement Program (TIP) and its annual element required pursuant to paragraph 450.118 of the Joint Planning Regulations for consistency with the air quality elements of the transportation plan and/or the SIP. DOT will explicitly consider EPA's comments in program approvals, and will notify EPA of its disposition of the comments. If EPA disagrees with the disposition of its comments, the procedures for resolution set forth in Addendum 1 to this memorandum will be followed.

5. DOT and EPA regional/division offices will have the opportunity for joint review of the revised SIPs, for compliance with the objectives of statutes administered by DOT (e.g., Title 23 USC and the Urban Mass Transportation Act) to provide for mobility and for safe and efficient transportation. EPA will explicitly consider DOT comments in approving or disapproving SIP revisions, and will notify DOT of its disposition of the comments, with appropriate supporting materials. If DOT disagrees with the disposition of its comments, the procedures for resolution set forth in Addendum 2 to this memorandum will be followed.

6. DOT and EPA agree to work toward greater coordination in the administration of their respective grants for local planning activities by including these grants in the UWP, to ensure that such grants support effectively the related objectives of both agencies while avoiding duplication and overlapping planning activities.

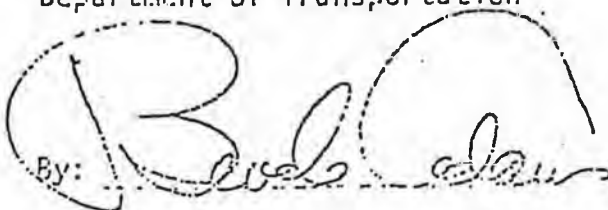
DOT and EPA will take appropriate steps to alter their existing internal procedures and to issue a joint appendix to the existing transportation planning regulations to implement the above understandings.

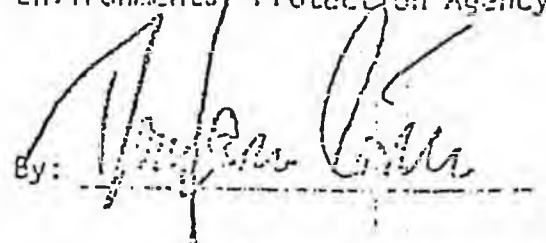
DOT and EPA agree to consult one another in the development of criteria and procedures required by Section 176 of the Clean Air Act, including insuring that all major capital improvement projects are consistent with the SIP.

Signed in Washington, D.C. this 14th day of June, 1978.

Department of Transportation

Environmental Protection Agency

By: 

By: 

ADDENDUM 1

If the EPA Regional Administrator disagrees with the disposition of his comments by DOT, he will so notify the DOT Regional/Division Administrator within seven days. In such a case, the DOT Regional/Division Administrator will not approve the element or elements of the TIP in disagreement until so advised by headquarters.

*2 in 105*  
Within 30 days after the EPA Regional Administrator notifies DOT of his disagreement, the EPA Administrator will notify the Secretary of Transportation if the EPA Administrator disagrees with the DOT field staff disposition of EPA comments, and the reason for the EPA Administrator's disagreement.

If such notification is received within 30 days, the Secretary of Transportation will carefully consider the EPA Administrator's views and in the event of disagreement will notify the EPA Administrator of the disposition of his comments, with appropriate supporting materials before making his decision.

## ADDENDUM 2

If the DOT Regional/Division Administrator disagrees with the disposition of his comments by EPA, he will so notify the EPA Regional Administrator within seven days. In such a case, the EPA Regional Administrator will not approve the SIP until so advised by headquarters.

Within 30 days after the DOT Regional/Division Administrator notifies EPA of his disagreement, the Secretary of Transportation will notify the EPA Administrator if the Secretary of Transportation disagrees with the EPA field staff disposition of DOT comments, and the reason for the Secretary's disagreement.

If such notification is received within 30 days, the EPA Administrator will carefully consider the Secretary of Transportation's views and in the event of disagreement will notify the Secretary of the disposition of his comments, with appropriate supporting materials before making his decision.

FEDERAL HIGHWAY PROGRAM - ADOT&PF  
DRAFT REPORT OF NET OBLIGATIONS  
FFY81-FFY03

FISCAL YEAR	NHS ANCHORAGE	NON-NHS ANCHORAGE	ANCHORAGE	% OF STATEWIDE	CENTRAL	% OF STATEWIDE	STATEWIDE
81	\$36,672,000	\$7,372,000	\$44,044,000	30.4%	\$65,295,598	45.0%	\$145,101,328
82	\$13,780,000	\$9,547,000	\$23,327,000	21.6%	\$48,637,800	45.0%	\$108,084,000
83	\$55,906,000	\$14,538,000	\$70,444,000	47.6%	\$83,920,000	56.7%	\$147,914,431
84	(\$1,951,000)	\$35,453,000	\$33,502,000	21.8%	\$78,378,000	50.9%	\$153,835,509
85	\$21,820,000	\$42,326,000	\$64,146,000	40.3%	\$65,994,920	41.4%	\$159,363,306
86	\$20,000,000	\$21,300,000	\$41,300,000	27.3%	\$62,287,166	41.2%	\$151,150,323
87	\$44,400,000	\$16,800,000	\$61,200,000	40.2%	\$66,332,534	43.5%	\$152,396,403
88	\$1,300,000	\$44,300,000	\$45,600,000	34.4%	\$56,926,235	42.9%	\$132,653,576
89	\$18,000,000	\$27,000,000	\$45,000,000	31.0%	\$50,397,727	34.7%	\$145,290,927
90	\$45,339,209	\$20,450,556	\$65,789,765	43.8%	\$67,276,715	44.8%	\$150,269,333
91	\$7,942,800	\$20,011,500	\$27,954,300	15.8%	\$78,633,123	44.5%	\$176,523,889
92	\$48,429,487	\$9,072,832	\$57,502,319	27.2%	\$84,224,427	39.9%	\$211,137,539
93	\$38,461,400	\$8,713,900	\$47,175,300	25.8%	\$84,590,437	46.2%	\$183,032,721
94	\$11,004,005	\$17,505,336	\$28,509,341	12.8%	\$98,532,700	44.2%	\$223,063,500
95	\$22,968,143	\$18,013,787	\$40,981,930	18.4%	\$98,532,700	44.2%	\$223,063,500
96	\$3,315,305	\$20,112,291	\$23,427,596	10.9%	\$122,631,426	57.0%	\$215,107,738
97	\$13,620,444	\$20,939,060	\$34,559,504	16.9%	\$80,862,276	39.5%	\$204,930,257
98	\$33,995,440	\$16,757,483	\$50,752,923	17.8%	\$130,004,016	45.6%	\$285,010,332
99	\$16,576,996	\$22,294,905	\$38,871,901	12.9%	\$148,983,844	49.3%	\$301,984,992
2000	\$29,548,838	\$37,806,882	\$67,355,720	22.8%	\$176,523,796	59.7%	\$295,793,040
2001	\$22,993,406	\$41,621,915	\$64,615,321	20.9%	\$207,100,021	67.0%	\$309,246,538
2002	\$9,565,097	\$45,872,708	\$55,437,805	16.9%	\$154,000,948	47.0%	\$327,611,853
2003	\$24,370,022	\$27,085,821	\$51,455,843	20.1%	\$157,039,768	61.3%	\$256,225,689
2004	\$14,250,000	\$40,977,000	\$55,227,000	16.2%	\$167,804,400	49.4%	\$340,000,000
2005	\$29,450,000	\$40,977,000	\$70,427,000	20.7%	\$110,726,400	32.6%	\$340,000,000
2006	\$2,650,000	\$46,961,000	\$49,611,000	13.0%	\$140,164,300	36.7%	\$382,000,000
TOTAL			\$1,258,217,568	22.0%	\$2,685,801,277	46.9%	\$5,720,791,124

SOURCES: STATEWIDE; 81 THROUGH 93; D. MICKLE (DOT&PF HQ) 12/28/93  
CENTRAL; 81 THROUGH 82; J. BOWDEN ESTIMATE (DOT&PF CE) 12/28/93  
CENTRAL; 83 THROUGH 84; J. BOWDEN (DOT&PF CE) 12/28/93  
CENTRAL; 85 THROUGH 93; D. MICKLE (DOT&PF HQ) 12/28/93  
ANCHORAGE; 81 THROUGH 85; S. VAN HORN (DOT&PF CE) 2/13/85  
ANCHORAGE; 86 THROUGH 89; P. McNEES (DOT&PF CE) 1/5/90  
ANCHORAGE; 90 THROUGH 93; L. MITCHELL & M. MAYO (DOT&PF CE) 1/4/93  
ALL COLUMNS; 94 YEAR END STIP; 12/31/94  
ALL COLUMNS; 95 YEAR END STIP; 1/31/96  
96-98 ALL COLUMNS; ORACLE FROM J.VANHORN, DONE BY J. WILSON & L. JANKOWSKI (DOT&PF CE) 11/27/98  
99-03 ALL COLUMNS FROM ORACLE FROM J. WITT 1/27/04  
04-06 ALL COLUMNS BASED ON PROJECTED FUNDING IN TIP AND STIP



U.S. Department  
of Transportation

Federal Highway  
Administration

Alaska Division

[www.fhwa.dot.gov/akdiv](http://www.fhwa.dot.gov/akdiv)

P.O. Box 21648  
Juneau, Alaska 99802-1648  
907-586-7418

February 22, 2001

HCA-AK  
Adm-Gen 11

Senator Randy Phillips  
State Capitol, Room 103  
Juneau, AK 99801-1182

RECEIVED

MAR 19 2001

Senate Finance  
Committee

Dear Senator Phillips:

Thank you for your phone call of February 22. You specifically asked "Is there anything in Federal law precluding participation of State Legislators on the AMATS Policy Board." We offer the following for your consideration:

The Federal regulations on MPO membership are contained in Title 23 CFR Section 450.306. In general, they provide considerable flexibility in recognition of the variation in local government authority across the United States and the need to give each State and its local officials the flexibility to determine the institutional form of each MPO. Providing the provisions of Title 23 CFR Section 450 are followed, Federal regulations do not preclude the participation of State legislators on the AMATS Policy Board.

Sincerely,

David C. Miller  
Division Administrator

budgets now in place were based on the outdated MOBILE5 emission model from EPA.

EPA has changed the computer model used to predict air emissions levels from transportation activity. The EPA model, known as "Mobile" has changed to version 6 (known as MOBILE6). There are enough differences between version 5 and 6 that you can't reliably compare a list of new projects against the emissions calculated with the previous model for the baseline condition.

EPA regulations require the use of the new version of the model starting in January 2004. Alaska Department of Environmental Conservation staff note that we must update the baseline emissions inventory with the new model. Otherwise, the LRTPs (long range transportation plan) and TIPs will not demonstrate conformity, and funding for new projects in 2004 are most likely in jeopardy.

#### Options for updating the air emissions budget

There are two options to update the emission budgets:

- Revise the SIP using the new model to update the budget used to demonstrate attainment;
- Prepare a Maintenance Plan using the new model to establish a new budget.

The Municipality of Anchorage, Fairbanks North Star Borough, and the Department of Environmental Conservation plan to update the air emissions budgets for each community by preparing a new Maintenance Plan. They predict completion of the Maintenance Plans and approval of the emission budgets no later than April 2004. This leaves a gap of up to four months between the time when MOBILE6 must be used in conformity analyses and when the new emission budgets will

be available for use. Conformity determinations conducted during that period will exceed the budgeted air emissions.

Except for projects that are exempt from air quality conformity, this means that no new work may be authorized in the non-attainment areas during the possible 4 months lapse.

#### New CMAQ project selection criteria

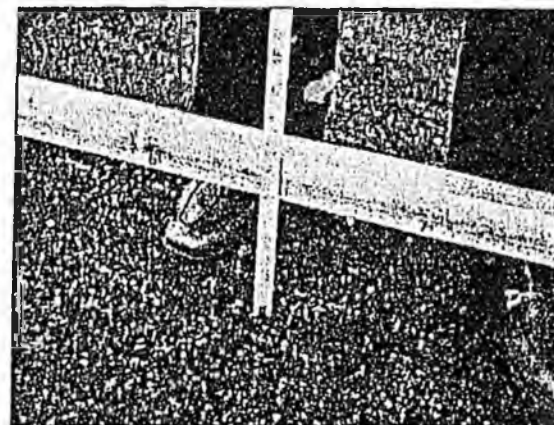
Project selection process for the Statewide Congestion Mitigation and Air Quality funds will be adopted separately.



## Dividing the STIP funds between MPOs and other communities

### Special status of urbanized areas – Fairbanks and Anchorage

The manner in which funding is allocated and projects are selected within urban areas over 50,000 population differs from other areas of the state. This difference is based on requirements for communities with a population greater than 50,000 in a federally designated urbanized area. This designation is based on both total



Pavement rut depth of nearly 4" due to studded tire wear. In 2003 state law was changed to require a tax on tires, intended in part, to provide funds to repair such damage.

population and relative density per square mile. The determination about whether an area is urbanized is made by the US Census Bureau, and then the state and the affected local governments must work together to establish an MPO (Metropolitan Planning Organization). The state allocates a portion of the federal transportation funds to each MPO.

All MPOs including AMATS (Anchorage Metropolitan Area Transportation Solutions) and FMATS (Fairbanks Metropolitan Area Transportation System) are empowered under federal rules to select their own list of transportation projects within the MPO boundary, except for National Highway System projects.

Both AMATS and FMATS prepare a Transportation Improvement Program (TIP) based on all funding sources available to the MPO. Like the state as a whole, the dominant sources of funds for surface transportation in both AMATS and FMATS is a share of the federal funds that flow from the federal program to Alaska DOT&PF.

#### Anchorage

AMATS, using a process very similar to the state, prepares a Transportation Improvement Program (TIP) based on all funding sources available to AMATS. Like the state as a whole, the dominant source of funds for surface transportation in AMATS is the federal funds that flow from TEA-21.

AMATS also prepares a Needs List and follows a public review process similar to the Department's. If you have questions about a project in Anchorage or the AMATS planning process contact the AMATS office at the number shown on the inside front cover.

#### Fairbanks

The Fairbanks urbanized area was federally designated on May 1, 2002 and formally established as an MPO in May

2003. For purposes of surface transportation program development, Fairbanks is now similar to Anchorage. Beginning in FFY 2004 the Fairbanks MPO (FMATS) will receive a STIP funding allocation for use in the MPO-boundary area. The new MPO must have an approved long-range transportation plan and planning process established, before it can directly select projects. This is anticipated by FFY 2006.

Until Fairbanks completes a long-range transportation plan, Alaska DOT&PF will prepare Fairbanks project schedules in the STIP as follows:

- The Alaska DOT, consulting with the new Fairbanks MPO, will select surface transportation projects (other than National Highway System and bridge projects) within the boundaries of the metropolitan planning area.
- Funding for the surface transportation projects selected on behalf of the Fairbanks MPO will come from an allocation in the STIP.
- With the development of the new STIP for FFY 2006 – 2008 the MPO will prepare it's own TIP.

### **The new formula for sharing STIP funds with MPOs**

The new state transportation regulations (17 AAC 05) guide the department in determining the level of funding to be allocated to the urbanized areas of the state in Anchorage and Fairbanks. Criteria to be considered when making this calculation may include one or more of the following included in 17 AAC 05.150(b):

- (1) *the number of lane miles of existing and proposed highways and roads in each metropolitan planning area as compared to the remainder of the state;*

- (2) *the geometric and functional deficiencies of highways and roads in each metropolitan planning area as compared to the remainder of the state;*
- (3) *the number of miles of sidewalks, trails, and waysides in each metropolitan planning area as compared to the remainder of the state;*
- (4) *the number of vehicle miles traveled or traffic congestion in each metropolitan planning area as compared to the remainder of the state;*
- (5) *the number and severity of traffic accidents in each metropolitan planning area as compared to the remainder of the state;*
- (6) *the capacity of the tax and employment base to contribute local money to the cost of surface transportation within each metropolitan planning area as compared to the remainder of the state;*
- (7) *the population within each metropolitan planning area as compared to the remainder of the state;*
- (8) *the degree of unmet need for new or improved transportation features within each metropolitan planning area as compared to the remainder of the state;*
- (9) *consideration of the unmet needs for minority and low-income population in each metropolitan planning area compared to the remainder of the state.*

The department circulated a formula for allocating funds to both MPOs using comparisons based on the preceding criteria. This formula used several types of readily available

data to compare the relative need between urban and less developed areas.

With the widely available data, the following five formula factors and relative weights are proposed:

- (10%) Population: All things equal, more people need more lanes and higher class systems
- (40%) Centerline Miles: The existing system is an important investment and must be kept in usable, safe condition.
- (10%) Major Accidents (major injury and fatalities): An indicator of both poor roadway geometry and high intensity of use.
- (20%) Total Accidents: An indicator of both high VMT and system inadequacies.
- (20%) Lane Mile Burden: Based on total lane miles<sup>1</sup> and ratio of lane miles to population. (Recognizes Alaska has vast land area but small population, hence limited tax capacity relative to local system size should not be penalized.)

Using statistics for both boroughs that contain the two MPOs, and data for the remainder of the state, the result is that entire Municipality of Anchorage would garner 27.75% and Fairbanks North Star Borough 10.55%. Both of these borough-wide calculations must be further reduced to account for the smaller geographic footprint within each borough occupied by the MPO boundary. For this final adjustment, population was chosen as the method of division.

<sup>1</sup> In fact centerline equivalents are used for this calculation due to inadequate data concerning lane miles across the entire state.

**Applying the MPO allocation formula to Anticipated  
Federal Funds for 2004 to 2006**  
(in thousands)

AMATS	2004	2005	2006
Total:	\$44,477.4	\$44,477.4	\$53,343.3
CTP	31,935.5	31,935.5	36,966.6
TRAAK	3,452.5	3,452.5	3,996.4
Flexible	2,589.4	2,589.4	2,997.8
Prev.	4,000.0*	3,500.0	6,382.5
Maint.			
CMAQ	3,000.0	3,000.0	3,000.0

\*Additional funds were made available by not using formula funding for Emergency Repairs in 2004. In the STIP, this is \$4,000.0.

FMATS	2004	2005	2006
Total:	\$18,997.4	\$18,509.9	\$20,815.6
CTP	7,891.8	7,891.8	9,135.1
TRAAK	853.2	853.2	987.6
Flexible	639.9	639.9	740.7
Prev.	1,500.0	1,500.0	1,577.2
Maint.			
CMAQ	2,000.0	2,000.0	2,000.0
75% of On-going Projects	6,112.5	5,625.0	6,375.0

The above tables are based on predicted funding targets for the various program categories during FFY 2004 – 2006. For each federal fiscal year (FFY) the total of CTP, TRAAK and Flexible funds is multiplied by the derived MPO formula.

As the funding that goes to the MPOs is a percentage of actual federal funds received, these allocations will be adjusted to reflect the final values made available to the state, using the same ratios.

For both MPOs, the allocation formula was also applied to the Flexible 3% portion of the STIP. Additionally, a category of preventative maintenance and CMAQ funds was sub-allocated to both MPOs.

For FMATS additional money was allocated to help the transition covering 75% of the cost of two large on-going projects already begun in that community—University Avenue Widening and Illinois-Barnette & Bridge. Both of these projects are time traps as well.

In addition, both MPOs are eligible for HSIP (highway safety improvement program) funds, and can also compete for statewide CMAQ funds.

### Is this allocation equitable?

Outside Alaska, the other 49 states derive funding to the MPOs in their jurisdiction based on a national formula established in federal law. Were this same formula applicable to Alaska (federal law exempts Alaska at present time) the funds allocated to the MPOs would be about 20% of the amount allocated in the formula developed by Alaska DOT.

Another method of comparison is to evaluate the allocations by ratios to population served and existing extent of the road network in each area. By these comparisons, the two MPOs both receive substantially more funding per centerline mile of existing road than the remainder of the state. On a per capita basis, the FMATS MPO is above the remainder of the state, and AMATS receives less on this basis. These comparisons do not include federal funds allocated to the NHS or AHS, nor earmarks and other non-flexible funds such as transit or ferry funding.

**Comparison of Average of 2004 & 2005 Federal Formula Funds Allocation by Population and Centerline Mile**

Area	\$ Per CL Mile	\$ Per Capita
AMATS	\$32,946	\$172.61
FMATS	\$18,172	\$267.27
Non-MPO	\$11,570	\$215.60

**Intelligent Transportation Systems**

Intelligent Transportation Systems (ITS) is the application of computers, communications, and sensor technology to the transportation system. Used effectively, ITS opens the door to new ways of understanding, operating, expanding, refining, reconfiguring and using the transportation system. To date, Congress has provided significant earmarks of ITS funds for Alaska.



**FHWA final rule/FTA policy on ITS:**

On January 8, 2001 the US DOT published two important and related documents in the Federal Register: The FHWA Final Rule on the National ITS Architecture and the FTA's Policy on the National ITS Architecture. The Rule/Policy implements Section 5206(e) of TEA-21, which requires that all ITS project funded from the Highway Trust Fund be in conformance with the National ITS Architecture and National ITS Standards.

The National ITS Architecture is a common framework that defines the system components, key functions, organizations involved in developing an architecture, and the type of information to be shared between organizations and between parts of the system. Because it's unlikely that the entire National ITS Architecture would be fully implemented, the

Rule/Policy requires that the National ITS Architecture be used to develop a regional ITS architecture. Currently, the ADOT&PF have implemented a statewide architecture called the *Alaska Iways Architecture Implementation*.

**Alaska ITS program: iways**

The ADOT&PF adopted *iways* as a user-friendly term for ITS. "i" stands for integration, intelligence, internet and information. "ways" is multi-modal to include air, sea and roadways since Alaska is reliant on all modes of travel.

**Iways applications**

Following are significant near-term applications in Alaska:

- ◆ Road Weather Information Systems (RWIS): RWIS are road weather sensors along the state highway corridors that maintenance personnel use to determine deicing and snow removal operations. Information is also available to the public for real-time road condition information. The information on this web site has rapidly become one of the most visited.
- ◆ 511 Travel In the Know: Near real-time and real-time travel information is available on the web or by phone. The public can access <http://511.Alaska.gov> on the web or dial 5-1-1 anywhere in the state to get urgent reports, driving conditions, roadwork, ferry arrival/departure information and more.
- ◆ ITS/CVO: Advanced technology is improving commercial vehicle operations (CVO). The Infra-Red Inspection System (IRIS) is a mobile inspection van using optical scanning technology. Inspectors use IRIS to make accurate, on the spot determination of malfunctioning braking systems.
- ◆ Land Mobile Radio Communications (LMRS): Land mobile radios will improve communications among transportation maintenance personnel and other agencies during emergency situations.

## Glossary of Terms

**ADOT&PF** – Alaska Department of Transportation and Public Facilities – The agency within Alaska state government empowered to own, operate, plan, design and construct transportation facilities.

**AC or Advance Construction** – This is a financial tool permitted under FHWA rules. With approval of the FHWA the state may begin a federally funded project early, prior to the availability of federal funds to reimburse the project. With this flexibility the state can construct a federally eligible project one or more years before reimbursement, taking advantage of federal funds prior to their availability.

**ADEC** – Alaska Department of Environmental Conservation – The agency within Alaska state government responsible for air quality programs, including transportation air quality matters.

**AHS** – Alaska Highway System – The Alaska Highway System is composed of those transportation facilities, excluding those on the National Highway System, that provide greater utility to Alaska as a whole, than to individual communities.

**AIP** – Airport Improvement Program – A schedule of projects for airports throughout the state, funded with Federal Aviation Administration funds.

**AMATS** – Anchorage Metropolitan Area Transportation Solutions – A joint local-state planning and programming organization, designated as the Metropolitan Planning Organization for Anchorage and charged with developing a Transportation Improvement Program for the Anchorage urbanized area in compliance with the current federal surface transportation law.

**AMHS** – The Alaska Marine Highway System – The department's system of vessels, terminals and routes that link most of Alaska's coastal communities from the Aleutians to Southeast.

**Apportionments** – Program funding levels authorized from the federal Highway Trust Fund. These amounts are calculated annually and distributed to states. They are available for four years, typically. Expenditures of apportionments are generally subject to and limited by annually appropriated obligation authority.

**ARRC** – Alaska Railroad Corporation – a state owned agency responsible for management and operation of the Alaska Railroad.

**Bridge Discretionary Program** – A competitive program administered by the FHWA for major bridge replacement or for new bridges that replace ferry routes.

**BIA** – Bureau of Indian Affairs – Some federal funds are allocated directly to the BIA for ultimate distribution to Alaska Native villages. These funds must be included in the STIP but are not controlled or allocated by the State.

**CMAQ** – Congestion Mitigation/Air Quality – A specific funding program targeted to reducing air pollutants in nonattainment areas, specifically Anchorage, Eagle River, Fairbanks and Juneau.

**Community Access Projects** – Priority projects that have been defined to improve community connectivity to the state's transportation networks, improving the movement of people and goods, strengthening local economies and taking advantage of local infrastructure proximity. Funding may include STIP funds or other sources.

**Conformity** – A federally required process used to ascertain if proposed transportation plans or projects will reduce emissions of pollutants in areas that are considered to be in nonattainment. Generally speaking, plans, such as the TIP and STIP and individual projects must be reviewed for conformity. Absent a finding of conformity, such decisions, except for specified categories of projects, plans or projects cannot be implemented in the nonattainment areas.

**CTP** – Community Transportation Program – A program of the Alaska Department of Transportation and Public Facilities that addresses a wide range of community transportation modes, including rural and urban roads, remote, ITS and transit.

**Discretionary Funding** – Several dedicated funding sources wherein projects compete nationally including Ferry Boat, Bridge, Scenic Byways and Public Lands.

**Earmark** – Earmark or earmarked projects have been selected during the Congressional approval process as to funding amount, purpose and geographic location. The state has no authority to change these requirements.

**Environmental Justice** – An emerging federal requirement, based on Title VI of the 1964 Civil Rights Act and Executive Order #12898, 1994. The essence of this Executive Order, pertaining to transportation issues, is the requirement that the delivery of transportation benefits shall be equitable with regard to populations protected under the Civil Rights Act.

**ER or Emergency Repair**—Special federal funding allocated to projects that repair damage caused by natural disaster. We are waiting for reimbursement of expenditures for the Denali Earthquake damage to our highways. Federal appropriations in 2003 were not sufficient to cover the nationwide natural disasters and therefore, Alaska is delaying reimbursement of the Emergency Repairs until additional federal funds are appropriated.

**Forest Highway Program** – A funding program for public highways on federal lands administered directly by the FHWA. In Alaska this program uses a three-agency project selection committee including FHWA, the US Forest Service and ADOT&PF. These funds must be included in the STIP but are not controlled or allocated by the state.

**Ferry Boat Discretionary Program** – A program administered by the FHWA for ferry and terminal projects. Under TEA-21 Alaska receives \$10 million annually in specified

funds from the program and is further eligible for nationwide competition for the unspecified portion of the program.

**FAA** – Federal Aviation Administration – The federal agency of the US Department of Transportation responsible for funding airport and aviation projects.

**FFY** – Federal Fiscal Year – The period October 1 – September 30. For example, the FFY 2004 is the period October 1, 2003 – September 30, 2004.

**FHWA** – Federal Highway Administration – The federal agency of the US Department of Transportation responsible for funding highways, trails and ferry projects.

**FMATS** - Fairbanks Metropolitan Area Transportation System – A joint local-state planning and programming organization, designated as the Metropolitan Planning Organization for the North Star Borough and Cities of Fairbanks and North Pole. The MPO is charged with developing a Transportation Improvement Program for the Fairbanks urbanized area in compliance with the current federal surface transportation law.

**FRA** – Federal Railroad Administration – The federal agency of the US Department of Transportation responsible for railroad issues.

**FTA** – Federal Transit Administration – The federal agency of the US Department of Transportation responsible for funding transit projects.

**High Priority Funding** – Dedicated funds for specific projects established in federal law. Also known as demonstration (demo) or earmarked projects.

**Industrial Access Projects**—Priority projects identified to enhance the state's economic development through transportation infrastructure investment. Funding may be STIP or other sources.

**ISTEA** – Intermodal Surface Transportation Efficiency Act of 1991 – An act of Congress providing funding authorization for highways, safety, and mass transportation for a six-year period for federal fiscal years 1992 through 1997. This law was responsible for some new programs, such as CMAQ and Transportation Enhancements, and implementing the STIP planning requirements.

**ITS** – Intelligent Transportation System – A range of technologies designed to improve the effectiveness of existing and new transportation investments. There are several possible ITS applications within Alaska that are under consideration.

**MPO** – Metropolitan Planning Organization – The forum for cooperative transportation decision making for an urbanized area involving multiple government agencies. In Alaska, Anchorage and Fairbanks are the only MPOs, known as AMATS and FMATS respectively.

**NAAQS** – National Ambient Air Quality Standard – Standards established in the Clean Air Act for various pollutants. Those most concerning Alaska transportation issues are CO (carbon monoxide) and PM (particulate matter – dust and smoke).

**Needs List** – Transportation Needs and Priorities in Alaska – A document of the Alaska Department of Transportation and Public Facilities that lists all desired transportation projects in the state, including highways, ferries, trails, transit, airports, harbors, and buildings. The Needs List is used as a starting point for preparation of the STIP.

**NHS** – National Highway System – The most important highways and ferry routes in the United States. Congress must approve NHS designations based on recommendations by the FHWA.

**Nonattainment Area** – A designated geographic area, which based on long-term air quality sampling, has been found to be in nonattainment for one or more NAAQS. In Alaska, there are four nonattainment areas: Juneau-Mendenhall Valley, Anchorage, Eagle River and Fairbanks.

**Non-metropolitan consultation rule** – changes to federal regulations (23 CFR 450) were instituted in February 2003 requiring state's to institute new procedures for consulting with non-metropolitan area local officials on transportation planning issues, including the Statewide Transportation Plan (SWTP) and the Statewide Transportation Improvement Program. These new procedures must be adopted by ADOT&PF by February 24, 2004.

**Obligation Authority** – The total amount of federal highway funds that can be authorized for projects in a given FFY. This amount results from annual Congressional appropriations and has historically been less than the annual total program apportionments authorized by TEA-21 and predecessor legislation.

**PEB** – Project Evaluation Board – The board empowered to evaluate and score projects; it is a team of managers from the Alaska Department of Transportation and Public Facilities. There is a board for surface transportation and another for aviation.

**Public Lands Discretionary** – A program administered by the FHWA under Federal Lands Highways for highways on public lands. Alaska can apply for nationwide competitive funds annually.

**Regional Transportation Plan** – Also known as an "area transportation plan", a detailed multimodal plan for a region or geographical area within Alaska prepared by the ADOT&PF. As defined, the regional transportation plans are an element of the SWTP and comprise the recommended projects for the SWTP for a given region. Several regional transportation plans are currently in progress. The plans for Southeast Alaska, Prince William Sound and Yukon-Kuskokwim Area Plans are complete. The Northwest Area Transportation Plan will be complete after public review is finished and assimilated. The Southeast Alaska Transportation Plan is being updated.

SHAKWAK/Alaska – Otherwise unusable federal program authorization transferred to a special fund. These funds do not require state match and have no expiration date. SHAKWAK funds, by federal law, are limited to projects for the AMHS and Haines Highway.

SHAKWAK/Canada – Special funds available for use on the Alaska Highway and Haines Cutoff in Canada. These funds do not decrease Alaska's share of federal-aid highway funding.

SIP – State Implementation Plan – A state (ADEC) prepared plan defining how the NAAQS will be met in areas currently defined by the US EPA as not meeting national standards for air quality. Transportation elements called for in the SIP are eligible for CMAQ funds and must be implemented in the year defined in the SIP.

STIP – State Transportation Improvement Program – A staged, multi-year, statewide, intermodal program of surface transportation projects which is governed by surface transportation regulations and funded primarily with surface transportation program funds. The STIP is prepared by ADOT&PF and is approved by FTA and FHWA.

SwTP – Statewide Transportation Plan – A federally required plan upon which projects in the STIP are developed. In Alaska the SwTP is a policy plan for the state as a whole. Regional plans are prepared for individual areas of the state, which outline recommended projects and are each an element of the Statewide Plan.

TCSP – Transportation and Community and System Preservation Program – A discretionary grant program providing funds for comprehensive initiative of research and grants to investigate the relationships between transportation and community and system preservation and private sector-based initiatives.

TEA-21 – Transportation Equity Act for the 21<sup>st</sup> Century – The most current law describing the surface transportation policy of the United States and making program allocations for funding in various categories to the states. The law is valid from 1998 – 2003 and has been extended until March 1, 2004.

TIP – Transportation Improvement Program – A subset of the STIP developed by AMATS or FMATS for transportation projects within the MPO boundary.

"Time Trap" – By federal highway regulations, a project must proceed to the earlier of construction or right of way acquisition within 10 years. The consequences are that the state may have to repay any expenditures that have been reimbursed.

TRAAK – Trails and Recreational Access for Alaska – A program of the ADOT&PF and the Alaska Department of Natural Resources that address trails, scenic highways, recreational access points and interpretive facilities.

code of  
federal regulations

*Serrano*

Highways

23

Revised as of April 1, 1999

CONTAINING  
A CODIFICATION OF DOCUMENTS  
OF GENERAL APPLICABILITY  
AND FUTURE EFFECT

AS OF APRIL 1, 1999

*With Ancillaries*

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the Federal Register



meet, to an acceptable degree, the requirements of 23 U.S.C. 135 and these regulations (including subpart C where a metropolitan TIP is involved), they will approve the STIP. Approval action will take one of the following forms, as appropriate:

- (1) Joint approval of the STIP;
- (2) Joint approval of the STIP subject to certain corrective actions being taken;
- (3) Joint approval of the STIP as the basis for approval of identified categories of projects; and/or
- (4) Under special circumstances, joint approval of a partial STIP covering only a portion of the State.
  - (i) The joint approval period for a new STIP or amended STIP will not exceed two years. Where the State demonstrates that extenuating circumstances will delay the submittal of a new STIP or amended STIP for approval, FHWA and FTA will consider and take appropriate action on requests to extend the approval beyond two years for all or part of the STIP for a limited period of time. Where the request involves projects in a metropolitan planning area(s), the affected MPO(s) must concur in the request and if the delay was due to the development and approval of the TIP, the affected MPO(s) must provide supporting information for the request. If non-attainment and/or maintenance areas are involved, a request for an extension cannot be granted if the conformity determination on the TIP is no longer valid under EPA's conformity regulations (40 CFR part 51).
  - (ii) If, upon review, the FHWA and the FTA Administrators jointly determine that the STIP or amendment does not substantially meet the requirements of 23 U.S.C. 135 and this part for any identified categories of projects, they will not approve the STIP.
  - (iii) The FHWA and the FTA will notify the State of actions taken under this section.
  - (iv) Where necessary in order to maintain or establish operations, the Federal Transit Administrator and/or the Federal Highway Administrator may approve operating assistance for specific projects or programs even though the projects or programs may not be included in an approved STIP.

#### § 450.222 Project selection for implementation.

- (a) Except as provided in §§ 450.220(f) and 450.216(a)(7), only projects included in the Federally approved STIP shall be eligible for funds administered by the FHWA or the FTA.
- (b) In metropolitan planning areas, transportation projects requiring title 23 or Federal Transit Act funds administered by the FHWA or the FTA shall be selected in accordance with procedures established pursuant to the project selection portion of the metropolitan planning regulation in subpart C of this part.
- (c) Outside metropolitan planning areas, transportation projects undertaken on the National Highway System with title 23 funds and under the bridge and interstate maintenance programs shall be selected by the State in consultation with the affected local officials. Federal lands highway projects shall be selected in accordance with 23 U.S.C. 204. Other transportation projects undertaken with funds administered by the FHWA shall be selected by the State in cooperation with the affected local officials, and projects undertaken with Federal Transit Act funds shall be selected by the State in cooperation with the appropriate affected local officials and transit operators.
- (d) The projects in the first year of an approved STIP shall constitute an "agreed to" list of projects for subsequent scheduling and implementation. No further project selection action is required for the implementing agency to proceed with these projects except that if appropriated Federal funds available are significantly less than the authorized amounts, § 450.332(a) provides for a revised list of "agreed to" projects to be developed upon the request of the State, MPO, or transit operators. If an implementing agency wishes to proceed with a project in the second and third year of the STIP, the specific project selection procedures stated in paragraphs (b) and (c) of this section must be used. Expedited allocation procedures which provide for the advancement of projects from the second or third year of the STIP may be used if agreed to by all the parties involved in the selection.

#### § 450.224 Phase-in of new requirements.

The State shall, by January 1, 1995, identify the official statewide transportation plan, described under § 450.314, to be used as a basis for subsequently approved STIPs. Until such a plan is identified, but no later than January 1, 1995, the State may identify existing plans and policies which can serve as the official interim plan. STIP development shall be based upon a transportation plan which serves as the official plan (including an interim plan, if appropriate, prior to January 1, 1995, provided that all factors identified in § 450.208 are considered).

#### Subpart C—Metropolitan Transportation Planning and Programming

##### § 450.300 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 134 and section 8 of the Federal Transit Act, as amended, which require that a Metropolitan Planning Organization (MPO) be designated for each urbanized area and that the metropolitan area has a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods.

##### § 450.302 Applicability.

The provisions of this subpart are applicable to agencies involved in the transportation planning, program development, and project selection processes in metropolitan planning areas.

##### § 450.304 Definitions.

Except as otherwise provided in subpart A of this part, terms defined in 23 U.S.C. 101(a) are used in this part as so defined.

#### § 450.306 Metropolitan planning organization: Designations and redesignation.

(a) Designations of metropolitan planning organizations (MPOs) made after December 18, 1991, shall be by agreement among the Governor(s) and units of general purpose local governments representing 75 percent of the affected metropolitan population (including the central city or cities as defined by the Bureau of the Census), or in accordance with procedures established by applicable State or local law. To the extent possible, only one MPO shall be designated for each UZA or group of contiguousUZAs. More than one MPO may be designated within an UZA only if the Governor(s) determines that the size and complexity of the UZA make designation of more than one MPO appropriate.

(b) The designation shall clearly identify the policy body that is the forum for cooperative decisionmaking that will be taking the required approval actions as the MPO.

(c) To the extent possible, the MPO designated should be established under specific State legislation, State enabling legislation, or by interstate compact, and shall have authority to carry out metropolitan transportation planning.

(d) Redesignation (designation of a new MPO(s) to replace an existing MPO) shall occur by agreement of the Governor and affected local units of government representing 75 percent of the population in the entire metropolitan area. The central city(ies) must be among the units of local government agreeing to the redesignation.

(e) Nothing in this subpart shall be deemed to prohibit the MPO from utilizing the staff resources of other agencies to carry out selected elements of the planning process.

(f) Existing MPO designations remain valid until a new MPO is redesignated, unless revoked by the Governor and local units of government representing 75 percent of the population in the area served by the existing MPO (the central city(ies) must be among those desiring to revoke the MPO designation), or as otherwise provided under State or local procedures. If the Governor and

local officials decide to redesignate an existing MPO, but do not formally revoke the existing MPO designation, the existing MPO remains in effect until a new MPO is formally designated.

(g) Redesignation of an MPO in a multistate metropolitan area requires the approval of the Governor of each State and local officials representing 75 percent of the population in the entire metropolitan planning area. The local officials in the central city(ies) must be among those agreeing to the redesignation.

(h) Redesignation of an MPO covering more than one UZA requires the approval of the Governor and local officials representing 75 percent of the population in the metropolitan planning area covered by the current MPO; the local officials in the central city(ies) in each urbanized area must be among those agreeing to the redesignation.

(i) The voting membership of an MPO policy body designated/redesignated subsequent to December 18, 1991, and serving a TMA, must include representation of local elected officials, officials of agencies that administer or operate major modes or systems of transportation, e.g., transit operators, sponsors of major local airports, maritime ports, rail operators, etc. (including all transportation agencies that were included in the MPO on June 1, 1991), and appropriate State officials. Where agencies that operate other major modes of transportation do not already have a voice on existing MPOs, the MPOs (in cooperation with the States) are encouraged to provide such agencies a voice in the decisionmaking process, including representation/membership on the policy body and/or other appropriate committees. Further, where appropriate, existing MPOs should increase the representation of local elected officials on the policy board and other committees as a means for encouraging their greater involvement in MPO processes. Adding such representation to an MPO will not, in itself, constitute a redesignation action.

(j) Where the metropolitan planning area boundaries for a previously designated MPO need to be expanded, the membership on the MPO policy body

and other committees, should be reviewed to ensure that the added area has appropriate representation.

(k) Adding membership (e.g., local elected officials and operators of major modes or systems of transportation, or representatives of newly urbanized areas) to the policy body or expansion of the metropolitan planning area does not automatically require redesignation of the MPO. To the extent possible, it is encouraged that this be done without a formal redesignation. The Governor and MPO shall review the previous MPO designation, State and local law, MPO bylaws, etc., to determine if this can be accomplished without a formal redesignation. If redesignation is considered necessary, the existing MPO will remain in effect until a new MPO is formally designated or the existing designation is formally revoked in accordance with the procedures of this section.

#### § 450.308 Metropolitan planning organization: Metropolitan planning area boundaries.

(a) The metropolitan planning area boundary shall, as a minimum, cover the UZA(s) and the contiguous geographic area(s) likely to become urbanized within the twenty year forecast period covered by the transportation plan described in § 450.322 of this part. The boundary may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census. For geographic areas designated as nonattainment or maintenance areas (as created by the Clean Air Act Amendments of 1990 (CAAA)) for transportation related pollutants under the CAA, the boundaries of the metropolitan planning area shall include at least the boundaries of the nonattainment or maintenance areas, except as otherwise provided by agreement between the MPO and the Governor under the procedure specified in § 450.310(f) of this part. In the absence of a formal agreement between the Governor and the MPO to reduce the metropolitan planning area to an area less than the boundaries of the nonattainment or maintenance area, the entire nonattainment or maintenance

area is subject to the applicable provisions of this part. Where a portion of the nonattainment or maintenance area is excluded from the metropolitan planning area boundary, the STP funds suballocated to urbanized areas greater than 200,000 in population shall not be utilized for projects outside the metropolitan planning area boundary.

(b) The metropolitan planning area for a new UZA served by an existing or new MPO shall be established in accordance with these criteria. The current planning area boundaries for previously designated UZAs shall be reviewed and modified if necessary to comply with these criteria.

(c) In addition to the criteria in paragraph (a) of this section, the planning areas currently in use for all transportation modes should be reviewed before establishing the metropolitan planning area boundary. Where appropriate, adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies.

(d) Approval of metropolitan planning area boundaries by the FHWA or the FTA is not required. However, metropolitan planning area boundary maps must be submitted to the FHWA and the FTA after their approval by the MPO and the Governor.

#### § 450.310 Metropolitan planning organization: Agreements.

(a) The responsibilities for cooperatively carrying out transportation planning (including corridor and sub-area studies) and programming shall be clearly identified in an agreement or memorandum of understanding between the State and the MPO.

(b) There shall be an agreement between the MPO and operators of publicly owned transit services which specifies cooperative procedures for carrying out transportation planning (including corridor and subarea studies) and programming as required by this subpart.

(c) In nonattainment or maintenance areas, if the MPO is not designated for air quality planning

under section 174 of the Clean Air Act (42 U.S.C. 7504), there shall be an agreement between the MPO and the designated agency describing their respective roles and responsibilities for air quality related transportation planning.

(d) To the extent possible, there shall be one cooperative agreement containing the understandings required by paragraphs (a) through (c) of this section among the State, MPO, publicly owned operators of mass transportation services, and air quality agencies.

(e) Where the parties involved agree, the requirement for agreements specified in paragraphs (a), (b), and (c) of this section may be satisfied by including the responsibilities and procedures for carrying out a cooperative process in the unified planning work program or a prospectus as defined in § 450.314(c).

(f) If the metropolitan planning area does not include the entire nonattainment or maintenance area, there shall be an agreement among the State department of transportation, State air quality agency, affected local agencies, and the MPO describing the process for cooperative planning and analysis of all projects outside the metropolitan planning area but within the nonattainment or maintenance area. The agreement also must indicate how the total transportation related emissions for the nonattainment or maintenance area, including areas both within and outside the metropolitan planning area, will be treated for the purposes of determining conformity in accordance with the U.S. EPA conformity regulation (40 CFR part 51). The agreement shall address policy mechanisms for resolving conflicts concerning transportation related emissions that may arise between the metropolitan planning area and the portion of the nonattainment or maintenance area outside the metropolitan planning area. Proposals to exclude a portion of the nonattainment or maintenance area from the planning area boundary shall be coordinated with the FHWA, the FTA, the EPA, and the State air quality agency before a final decision is made.

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April 1, 2004

APR 2 2004

The Honorable Ben Stevens  
State Senator  
State Capitol Room 119  
Juneau, Alaska 99801-1182

Dear Senator Stevens,

### OMPO Policy Committee Composition

As requested by your staff, I am writing to describe the membership of the Oahu Metropolitan Planning Organization's Policy Committee. The Policy Committee is OMPO's decision-making body.

Since OMPO was established in 1975, its Policy Committee has always included state legislators. The first Policy Committee consisted of nine members from the Honolulu City Council, five members of the Hawaii Senate, and five members of the Hawaii House of Representatives.

In the mid-1980's, the Policy Committee's composition was reduced from 19 to 13 – five members from the Honolulu City Council, three members of the Hawaii Senate, three members of the Hawaii House of Representatives, a member appointed by the Governor of Hawaii, and a member appointed by the Mayor of Honolulu.

In 1997, the composition of the Policy Committee was again changed. In place of the Governor's and Mayor's appointees, the Hawaii Department of Transportation Director and the Honolulu Department of Transportation Services Director were made members.

Please call me if you have any further questions regarding this matter.

Sincerely,



Gordon G.W. Lum  
Executive Director

## OAHU METROPOLITAN PLANNING ORGANIZATION

# Policy Committee

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[\[Upcoming Meeting\]](#) [\[Past Meetings and Agendas\]](#)

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### About the Policy Committee

The Policy Committee is the "heart" of the OMPO planning process. It determines the direction of the OMPO effort, considers and approves transportation planning issues, and makes the final approval for OMPO matters.

The Policy Committee is made up of 13 members. Five members are from the City Council, including the chair of the Council's transportation committee. Three members are State senators, including the chair of the Senate's transportation committee. Three members are State representatives, including the chair of the House's transportation committee. One member is the Director of the State Department of Transportation (DOT) and one member is the Director of the City Department of Transportation Services (DTS).

### Policy Committee Members

Chair: Senator Cal Kawamoto

Vice Chair: Councilmember Nestor Garcia

#### Honolulu City Council:

- Romy Cachola
- Charles Djou
- Nestor Garcia
- Ann Kobayashi
- Gary Okino

#### State Senate:

- Brian Kanno
- Cal Kawamoto
- Gordon Trimble

#### House of Representatives:

- Kirk Caldwell
- Mark Moses
- Joseph Souki

#### State DOT Director:

- Rodney Haraga

**City DTS Director:**

- Cheryl Soon

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