

Resolution No. R2017-37

Additional support documents to the resolution:

- Memo from Sound Transit CEO Peter Rogoff
- Memorandum of Understanding between the Puget Sound Regional Council, Sound Transit, and other Puget Sound area transit providers.
- Agreement between the Puget Sound Regional Council and the Washington State Department of Transportation.

MEMO



November 9, 2017

TO: Sound Transit Board

FROM: Peter Rogoff, CEO *PR*

SUBJECT: PSRC MOU for Planning Coordination and Cooperation

This memo follows up on Board discussion and requests at the October 26, 2017 Board meeting. At that meeting the Board considered Resolution No. R2017-37 authorizing execution of a memorandum of understanding between PSRC, Sound Transit and other Puget Sound area transit providers. The Board chose to delay action pending further clarifications. This memo provides additional information requested at the Board meeting. For additional information, please see the staff report for Resolution No. R2017-37 that accompanies this memo.

The proposed MOU is an update to an MOU originally executed in 1994 and updated in 1998 and 2009 that responds to recent changes in federal transportation law. There are no functional changes from prior MOUs. The Fixing America's Surface Transportation (FAST) Act requires that recipients of federal funding have a formal agreement with the Metropolitan Planning Organization, which in this region is the Puget Sound Regional Council, to ensure that the agencies will coordinate and cooperate on regional transportation planning and programming. As part of its oversight responsibilities of entities receiving federal transit dollars, the Federal Transit Administration requires that these agreements are in place. The FTA is currently conducting oversight review of the Seattle Department of Transportation and requires that a fully-executed MOU signed by all parties be complete by November 30. Further, Community Transit, Everett Transit, Kitsap Transit, Pierce Transit, King County Metro Transit, and the King County Marine Division will all undergo FTA reviews in 2018, with the same requirement for an executed MOU.

As requested by Executive Dammeier, I have included the MOU as an attachment to this memo and it will be posted to our website as part of the November 16, 2017 Board meeting materials. For context, I have also included a copy of the separate MOU between PSRC and the Washington State Department of Transportation, as requested by Secretary Millar.

Please let me know if you have further questions about this agreement.

Memorandum of Understanding

for

Planning Coordination and Cooperation

between

The Puget Sound Regional Council

and

Central Puget Sound Regional Transit Authority (Sound Transit);

Snohomish County Public Transportation Benefit Area Corporation (Community Transit);

City of Everett, Transportation Services (Everett Transit);

King County Marine Division;

King County Metro;

Kitsap Public Transportation Benefit Area (Kitsap Transit);

Pierce County Public Works (Pierce County Ferry System);

Pierce County Public Transportation Benefit Area (Pierce Transit); and

City of Seattle

2017

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PARTIES and RECITALS

This Memorandum of Understanding (MOU) is entered into by and between the Puget Sound Regional Council, hereinafter called PSRC; the Central Puget Sound Regional Transit Authority for its designated service area within King, Pierce and Snohomish counties, hereinafter called **Sound Transit**; and the eight following local public transit agencies, which shall hereinafter be collectively called LPTAs: Snohomish County Public Transportation Benefit Area Corporation (**Community Transit**), City of Everett Transportation Services (**Everett Transit**), **King County Marine Division, King County Metro**, Kitsap Public Transportation Benefit Area (**Kitsap Transit**), Pierce County Public Works (**Pierce County Ferry System**), Pierce County Public Transportation Benefit Area (**Pierce Transit**), and City of Seattle (**Seattle Monorail Services and Seattle Streetcar**). All of the foregoing entities, each of which is a signatory to this MOU, may be referred to hereinafter individually as “Party” or collectively as the “Parties.” This MOU will become effective once it is signed by all Parties. The date the MOU is signed by the last Party to sign it, as indicated by the date under that Party’s signature, will be deemed the effective date of this MOU (the “Effective Date”).

WHEREAS, the PSRC’s Interlocal Agreement for Regional Planning in the Central Puget Sound Area, originally executed in 1991 and amended in 1993, 2003 and 2009, established the Puget Sound Regional Council (first formed in 1956, and subsequently reorganized and renamed), as provided under various state and federal statutes, to be responsible for development and maintenance of the following: (a) the regional growth and transportation strategy referred to as VISION 2040; (b) the multicounty planning policies (RCW 36.70A.210(7)); (c) the state mandated regional transportation plan (RCW 47.80.030); and (d) the nearly identical federally mandated multimodal Metropolitan Transportation Plan (MTP) as prescribed in the Fixing America’s Surface Transportation Act, Pub. L. 114-94, Dec. 4, 2015, 23 USC §101 et seq. (FAST Act), and 23 CFR Part 450 and 49 CFR Part 613; and

WHEREAS, the LPTAs (RCW 35.58, 36.57, 36.57A, 35.95A, and/or 36.54) and Sound Transit (RCW 81.104 and 81.112) have been authorized by public vote and state law to plan, fund, develop, and operate a public transportation system serving the people of the Central Puget Sound Region; and

WHEREAS, the LPTAs periodically update their comprehensive transit system plans as required by state law in cooperation with local agencies in their respective service areas and Sound Transit, the Washington State Department of Transportation (WSDOT), and PSRC, to ensure that their public transportation services and facilities that are deemed regionally significant are consistent with PSRC’s MTP for subsequent inclusion in PSRC updates of the MTP; and

WHEREAS, it is desirable and consistent with applicable federal requirements to formalize the involvement of local public transit agencies in the metropolitan transportation planning process to support implementation of VISION 2040 and the intent of federal and state transportation statutes to provide a greater emphasis on urban transit services to improve alternative travel options to reduce the growing dependency on single occupant automobile travel in urban areas; and

WHEREAS, PSRC, the LPTAs, and Sound Transit desire and intend to support and help ensure cooperative and well-integrated multimodal transportation planning and programming between their respective agencies in the Central Puget Sound Region;

NOW, THEREFORE, the Parties to this MOU agree and covenant as follows:

SECTION 1: PURPOSE

This MOU is intended to provide a framework for cooperative transportation planning between the Parties, avoid duplication of effort, and optimize public transportation planning and investments in support of local, countywide, and multicounty growth management policies and objectives in the Central Puget Sound Region. In addition to such cooperation and coordination being in the public interest, this MOU also satisfies federal regulations requiring such an agreement between PSRC (in its role as the designated metropolitan planning organization or "MPO") and the LPTAs and Sound Transit (as local and regional public transit agencies) to specify cooperative procedures for conducting transportation planning (including corridor and subarea studies) and programming.

This MOU is also intended to facilitate a close working relationship and regular communication between PSRC, the LPTAs, and Sound Transit policy bodies and staff in order to avoid disputes and to facilitate the performance of their respective public responsibilities.

SECTION 2: DEFINITIONS

The following terms used in this MOU shall have the meanings set forth in this section and as now or hereafter defined in the referenced federal or state statutes or regulations:

- A. Central Puget Sound Region** means the area within the counties of King, Kitsap, Pierce, and Snohomish in the State of Washington.
- B. Certification** is a statement of verification that local or countywide plans and policies are consistent and coordinated with the adopted regional transportation plan and multicounty policies (RCW 47.80.023).
- C. Consistency** is a condition in which plans and policies affecting the area within the regional agency's jurisdiction are compatible and mutually reinforcing. Consistency is achieved when these plans, taken together, meet state requirements for consistency in local, regional, and state transportation policy plans (RCW 47.06.040, RCW 47.80.023 and RCW 36.70A.210). Pursuant to RCW 81.104.080 (Regional Transportation Planning), PSRC will review regional High Capacity Transportation System plans for conformance with the regional transportation plan and update process to facilitate development of a coordinated multimodal transportation system and to meet federal funding requirements.

- D. Consultation or to consult** means that one Party confers with other identified Parties in accordance with an established process and, prior to taking action(s), considers the views of the other Parties and periodically informs them about action(s) taken (23 CFR 450.104).
- E. Cooperation or to cooperate** means that the Parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective (23 CFR 450.104).
- F. Coordination** or to coordinate with means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing; and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate (23 CFR 450.104).
- G. High Capacity Transportation System** means a system of public transportation services within an urbanized region operating principally on exclusive rights-of-way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating in general purpose roadways (RCW 81.104.015). The regional transit system in this MOU means the same as the regional High Capacity Transportation System and its related financing plan, which is under the jurisdiction of Sound Transit pursuant to chapters 81.112 and 81.104 RCW.
- H. Local Public Transportation Agency (LPTA)** means a local publicly owned operator of public transportation that is eligible to be a direct recipient of Federal Transit Administration (FTA) funds. For this agreement, the LPTAs are: Snohomish County Public Transportation Benefit Area Corporation (Community Transit), City of Everett Transportation Services (Everett Transit), King County Department of Transportation (King County Metro), King County Marine Division, Kitsap Public Transportation Benefit Area (Kitsap Transit), Pierce County Public Works (Pierce County Ferry System), Pierce County Public Transportation Benefit Area (Pierce Transit), and City of Seattle (Seattle Monorail Services and Seattle Streetcar).
- I. Metropolitan Planning Organization (MPO)** means the forum for cooperative transportation decision making for a metropolitan planning area (23 CFR 500.103). Federal laws (23 USC §134, 23 USC §150, and 49 USC §5303, as amended) require that the MPO designated for each urbanized area carry out a continuing, cooperative, and comprehensive performance-based multimodal transportation planning process, including the development of a MTP and aTIP, that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and

commuter vanpool providers), foster economic growth and development, and takes into consideration resiliency needs, while minimizing transportation-related fuel consumption and air pollution, and encourages continued development and improvement of metropolitan transportation planning processes guided by the planning factors set forth in 23 USC §134(h) and 49 USC §5303(h) (23 CFR 450.306). PSRC is the MPO for the Central Puget Sound Region.

- J. Metropolitan Transportation Plan (MTP)** means the federally required multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO (i.e., PSRC) through the metropolitan transportation planning process for the metropolitan planning area (23 CFR 450.104, 450.320 and 450.322). Such a plan shall lead to the safe and efficient development, management, and operation of an integrated multimodal transportation system that facilitates the efficient, economic movement of people and goods (23 CFR 450.300 and 450.322). The MTP is also the same plan required by the State of Washington Growth Management Act (GMA) and state legislation for Regional Transportation Planning Organizations, which refers to such a plan as a Regional Transportation Plan (RCW 47.80.030).
- K. Project Selection** means the procedures followed by PSRC, WSDOT, and local general purpose governments, including public transportation operators, to advance projects from the first four years of an approved Regional Transportation Improvement Program (TIP), and/or State Transportation Improvement Program (STIP) to implementation, consistent with federal regulations (23 CFR 450.104, 23 CFR 450.220, 23 CFR 450.324, and 23 CFR 450.330).
- L. Public Transportation System Plan** means the long-range general comprehensive transit plan for public transit service as required by the state for the establishment and ongoing funding of Sound Transit and LPTAs. Such a comprehensive public transit plan includes, but is not limited to, levels of service that can be reasonably provided within service benefit area, identification of funding requirements, and impact of a transportation program on other LPTAs operating within that county or adjacent counties.
- M. Regionally Significant Project** means a transportation project (other than projects that may be grouped in the TIP and/or STIP or exempt projects as defined in EPA's transportation conformity regulation (40 CFR 93.101 and 23 CFR 450.104) that is on a facility that serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals) and would normally be included in the modeling of the metropolitan area's transportation network. At a minimum, this includes all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

- N. Regional Transportation Plan (RTP)** is the regional transportation plan required of the Regional Transportation Planning Organization (RTPO) under state legislation (RCW 47.80.030). The state RTP requirement is met by and referred to as the MTP.
- O. Regional Transportation Planning Organization (RTPO)** is the agency authorized under state and federal law (RCW 47.80 and 23 CFR 450.104) to develop and adopt a regional transportation plan (RCW 47.80.030), and to certify that the transportation element of local comprehensive plans conform to requirements of state law and are consistent with the regional transportation plan. PSRC is both the RTPO and MPO for the Central Puget Sound Region. PSRC's transportation planning process and transportation plans are intended to meet both state and federal transportation planning and programming mandates. Kitsap County is in two RTPOs: PSRC and Peninsula. Kitsap Transit participates in planning documents in the two RTPOs, although all financial related coordination and funding occurs only in PSRC as part of this MOU.
- P. Transportation Improvement Program (TIP)** means a prioritized listing and/or program of transportation projects covering a period of four years that is developed and formally adopted by PSRC as part of the metropolitan transportation planning process, consistent with the MTP, and required for projects to be eligible for funding under Title 23 USC and 49 USC Chapter 53 (23 CFR 450.104). The TIP is incorporated as part of the state TIP (23 USC §135(g) and 23 CFR 450.328). The TIP is submitted to appropriate federal funding agencies for a conformity finding (23 CFR 450.328).
- Q. Transportation Planning Study** means a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process (23 CFR 450.318(a)). Transportation planning studies shall be undertaken to develop or refine the regional transportation system elements of the MTP and lead to decisions by PSRC in cooperation with WSDOT, and other participating agencies, on the design, concept, and scope of the investment (23 CFR 450.318). To the extent practicable, transportation planning studies undertaken by WSDOT for its WSDOT projects or programs shall involve consultation or joint efforts with PSRC as provided by federal regulations. Results of such transportation planning studies may be used as part of the overall project development process.
- R. Unified Planning Work Program (UPWP)** means a statement of work identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of the funds (23 CFR 450.104).

SECTION 3: ORGANIZATIONAL ROLES AND RESPONSIBILITIES

The Parties agree to cooperation, consultation, and coordination with each other as follows:

A. Transportation Planning

Sound Transit and the LPTAs shall consult with PSRC in the development and modifications of each respective agency's transit system and financing plan to ensure consistency with PSRC's development, refinement, and maintenance of its MTP. PSRC shall similarly consult with Sound Transit and all LPTAs for development and updating of PSRC's MTP to ensure consistency with the adopted system and financing plan for Sound Transit and each LPTA. PSRC, Sound Transit, and the LPTAs will cooperate with each other (and include WSDOT and other entities as appropriate) to identify those regional projects and programs that might serve as common elements for any regional and or locally sponsored major metropolitan transportation investment studies, which must be undertaken to achieve regional transit system implementation objectives. PSRC, Sound Transit, and the LPTAs shall also coordinate their system planning activities to ensure achievement of mutually compatible and coordinated land use, and high capacity and conventional transportation system plans. This latter activity shall include cooperation with local agencies in development and refinement of their comprehensive plans consistent with adopted PSRC and Sound Transit policies for mutual cooperation with local government for High Capacity Transportation System station area planning.

1. PSRC Emphasis on Multimodal Comprehensive System Planning

PSRC is generally responsible for coordinating comprehensive system and multimodal transportation planning in cooperation with local governments, transit operating agencies, the WSDOT, and port districts within the Central Puget Sound Region. (FAST Act; 23 USC §134(c); 23 CFR 450.306; RCW 47.80.030(1)(b)).

PSRC's transportation planning will be supportive of and integrated with local, countywide, and multicounty growth management policies, and Washington State Transportation System Plan policies (23 CFR 450.306 and RCW 47.80.030). In its planning processes, PSRC shall include policy coordination with Sound Transit and LPTAs to achieve integrated and supportive efforts in development of the annual UPWP, ongoing development and maintenance of the MTP, and development and maintenance of the TIP. PSRC's MTP shall incorporate and periodically update a regional financial plan, with no less than a 20-year planning horizon, as required by 23 CFR 450.324(g)(11) and RCW 47.80.030(1)(d). This financial plan includes Sound Transit's and LTPAs' financial needs for the implementation of the respective Sound Transit and LPTA system plans that support their respective service area's comprehensive plan for public transit service and respective six-year transit plans (RCW 35.58.240 and RCW 36.57A.060).

2. Sound Transit and LPTA Emphasis on System and Operations Planning

Each public transportation operator is responsible for developing and implementing a comprehensive transit system plan that is consistent with the regional MTP. The overall

implementation plan for the regional transit system element in the MTP will be cooperatively maintained by all Parties to this MOU as a major component of PSRC's multimodal MTP and shall include consideration of short- and long-range transit system needs as identified in each public transportation operator's six-year transit plan.

3. Cooperation on Regionally Significant Projects

Sound Transit, the LPTAs, and PSRC shall cooperate on the conduct and completion of appropriate major metropolitan transportation investment studies for corridors and/or subareas to ensure effective integration of long- and short-range planning and implementation programming to support growth management plans and policies within the Central Puget Sound Region.

4. Cooperation on Transportation Management Systems

PSRC, in cooperation with WSDOT, and as part of the metropolitan transportation planning process, will consult with Sound Transit and the LPTAs on public transportation service and facility issues in developing and implementing a congestion management system for the Central Puget Sound Region. The purpose of the congestion management system is to provide for the effective management of the region's existing and new transportation facilities through an informational planning process that supports travel demand reduction and operational strategies to manage traffic and enhance mobility (23 CFR 500.109). PSRC supports coordination between Sound Transit, LPTAs, and WSDOT in the development and implementation of other required or optional management systems that are under state responsibility [23 CFR 500.105 (c)]. Sound Transit and the LPTAs and PSRC will agree to cooperate with WSDOT to ensure that the information resulting from each management system will, as appropriate, be considered in the development of the statewide transportation plan or the MTP, and in development of the state TIP, and the regional TIP; and in making project selection decisions [23 CFR 500.105 (d)].

5. Regional Data Coordination

To ensure consistency in planning activities, PSRC shall periodically provide Sound Transit and the LPTAs with current and forecasted demographic, economic, transportation, and other appropriate data as is mutually agreed upon by all Parties. Such data requests will be coordinated and processed according to PSRC's established data request policy.

An integral part of the development and maintenance of the MTP shall be a coordinated and consistent monitoring of the performance of the regional transportation system. Sound Transit, the LPTAs, and PSRC agree to cooperate and coordinate in the collection, analysis, and dissemination of data in support of the development, maintenance, and use of the management systems; and in support of the development and maintenance of the RTP.

6. Cooperation on Performance-Based Planning and Programming

Sound Transit, the LPTAs, and PSRC shall cooperatively develop and share information related to transportation performance data, the selection of performance targets, the

reporting of performance targets, and the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the Central Puget Sound Region (23 CFR 450.314 (h)). The performance measures and targets shall be used to create a system performance report and subsequent updates evaluating the condition and performance of the transportation system pursuant to 23 CFR 450.324(f)(4).

PSRC shall establish performance targets that address transit asset management and transit safety performance measures or standards addressed under 49 U.S.C. 5326(c) and 49 U.S.C. §5329(d) to use in tracking progress toward reaching critical outcomes for the region. The selection of targets that address transit asset management and transit safety performance measures shall be coordinated, to the maximum extent practicable, with Sound Transit and the LPTAs to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. §5326(c) and 49 U.S.C. §5329(d).

Sound Transit, the LPTAs, and PSRC shall cooperatively develop and share information related to transportation performance measures and targets evaluating the performance of the transportation system pursuant to 23 CFR 450.306(b), including factors related to economic vitality, social equity, safety, security, accessibility, sustainability, integration and connectivity, efficiency and reliability.

7. Cooperation on Coordinated Public Transit-Human Services Plan

Sound Transit, the LPTAs, and PSRC shall cooperate on the development and maintenance of a coordinated public transit-human services transportation plan as required by federal law. This plan will be adopted through a process that includes representatives of public, private, and nonprofit transportation and human service providers and participation by the public.

B. Programming—Regional Transportation Improvement Program (TIP)

1. Puget Sound Regional Council

Consistent with 23 CFR 450.324, Development and Content of the Transportation Improvement Program (TIP), PSRC, in cooperation with Sound Transit, LPTAs, WSDOT, and local general purpose governments, is responsible for developing, adopting, and maintaining an approved multi-year regional TIP of all prioritized projects that have been approved and programmed by PSRC for federal funding, after having been found consistent with the MTP and applicable state and federal planning and air quality requirements. PSRC must include all Regionally Significant Projects whether or not federal funding is used. PSRC must also list regionally significant planning projects in the TIP and the UPWP.

Where applicable within the context of PSRC's federal or state project programming authority, project and program implementation for the High Capacity Transportation System shall favor cities and counties with comprehensive plans

compatible with the development and implementation of the regional High Capacity Transportation System plan (RCW 81.104.080).

2. Sound Transit and the LPTAs

Sound Transit and the LPTAs may submit applications to PSRC (annually or as PSRC's TIP schedule may require) for public transportation planning and system implementation projects for consideration for funding and inclusion in the regionally prioritized TIP. PSRC shall give such applications full and fair consideration and emphasis commensurate with the importance assigned to the planning and implementation of a High Capacity Transportation System for the region in RCW 81.112.010 and for the implementation of the transit component of the MTP Plan as required by RCW 47.80.030(1).

C. Public Involvement

PSRC conducts outreach using its Public Participation Plan, which meets federal and state requirements under the FAST Act and Washington's Growth Management Act (GMA) and State Environmental Policy Act (SEPA). The LPTAs and Sound Transit use PSRC's Public Participation Plan and outreach process to satisfy FTA's program of projects requirements.

PSRC also fully complies with Title VI of the Civil Rights Act of 1964, Executive Order 12898, and the Americans with Disabilities Act (ADA). PSRC requires project sponsors receiving federal funds through PSRC to certify annually that they are meeting all applicable federal, state, and local requirements in their operations. PSRC will work with its member organizations to coordinate public information efforts and seek joint opportunities for public involvement as needed.

SECTION 4: OTHER SERVICES

Any Party to this MOU may enter into additional agreements with any of the other Parties for purposes and services determined to be mutually beneficial. PSRC agrees to give timely and fair consideration to requests for assistance from Sound Transit and any of the LPTAs.

SECTION 5: AMENDMENTS AND MODIFICATIONS

Any party to this MOU may request changes to this MOU by written notice to the other Parties' designated representatives identified in Section 12 of this MOU. Such changes as are mutually agreed upon by the Parties shall be incorporated in written amendments to this MOU executed by authorized representatives of the Parties.

SECTION 6: POLICY DEVELOPMENT COORDINATION

A. Board Relations

PSRC, Sound Transit, and the LPTAs intend to cooperate closely in the development of their respective policies, plans, and programs and to actively seek cooperative consultation on issues of major public importance. To that end, PSRC, Sound Transit, and the LPTAs agree to the following:

1. Reporting

PSRC, Sound Transit, and the LPTAs agree to encourage timely and appropriate briefings before their respective policy boards to explain progress, have discussions, and seek input on their respective activities that relate to each Party's interests or responsibilities.

2. Representation

As directed by federal and state laws [23 CFR 450.310, RCW 47.80.040, and RCW 47.80.060], and to facilitate cooperation and coordination on matters of mutual interest, PSRC shall include, as voting members, local general purpose government elected officials representing Sound Transit and the LPTAs on the PSRC's General Assembly, Executive Board, and Transportation Policy Board. The specific numbers of such representatives shall be consistent with state statutes and established PSRC procedures, including the PSRC's Interlocal Agreement and Bylaws, for determining composition of these bodies.

To ensure representation by providers of public transportation, the Transportation Policy Board (TPB) shall include one dedicated voting seat from Sound Transit, to be appointed from among the Sound Transit Board, and one dedicated voting seat per county to represent LPTAs from each county. The dedicated voting seats for each county's LPTA shall be appointed by the largest LPTA as measured by service population from among its governing board membership and in consultation with other LPTAs within the county.

Sound Transit and the LPTAs are entitled to one representative from within each agency (to be appointed by the Transit Executive of each agency or his/her designated representative) on PSRC's Transportation Operators Committee (TOC). The TOC is comprised of representatives from Sound Transit, the LPTAs, and WSDOT's Marine and Public Transportation divisions. The TOC was established to provide a forum to cooperatively carry out regional public transportation planning as part of the MPO/RTPO planning and programming process, and to address interagency issues, exchange information, and to advise the TPB on public transportation planning and programming matters. As a committee with funding recommendation authority to the TPB, the TOC has a non-voting seat on the TPB to help facilitate this communication.

B. Planning Coordination

In an effort to coordinate the agencies' planning efforts as efficiently as possible, PSRC, Sound Transit, and the LPTAs, in cooperation with WSDOT, agree as follows (23 CFR 450.314(a) and RCW 47.80.023):

1. Procedures for UPWP and Financial Support

PSRC shall cooperatively develop a UPWP on an annual or biennial basis that describes all public transportation and major transportation-related planning activities for the next one- or two-year period, regardless of funding sources or agencies conducting the activities. PSRC will prepare a UPWP and budget that outlines PSRC's work activities to be conducted, the schedule for completion, and the products that will be produced. The schedule for the draft UPWP and final submittal will be determined by the dates specified in each current UPWP Guidance for MPOs and RTPOs prepared by the WSDOT Multimodal Planning Division, WSDOT Public Transportation Division, the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). PSRC will notify Sound Transit and the LPTAs of the current development schedule once it is finalized. A draft UPWP will be completed for review by all of the above on or before the date specified in the UPWP Guidance each year for the following fiscal year.

In consultation with the Parties to this MOU, PSRC's Executive Board shall establish the annual budget for the UPWP that shall continue to support public transportation issues. Prior to PSRC's adoption of its given Fiscal Year Budget and Work Program in March, proportional allocation assumptions will be determined by mutual agreement of all Parties to this MOU. Annual or biennial assessments will be paid on July 1 of each year.

The final UPWP and budget shall be adopted by PSRC and submitted to WSDOT prior to the date specified in the current UPWP Guidance preceding the start of each fiscal year. If amendments to an annual or biennial UPWP are desired at any time by one or more Parties to this agreement, all Parties that could be impacted by any such proposed amendments shall be consulted prior to any PSRC action on such amendments. The UPWP and budget may be amended at any time by PSRC in accordance with its adopted operational procedures when such amendments do not require changes to LPTA or Sound Transit assessments, pending approval by WSDOT, FTA, and FHWA.

2. Procedure for MTP and VISION 2040 Updates

When PSRC determines that an update of either VISION 2040 or the MTP is necessary, it will notify Sound Transit and the LPTAs in writing. This notification shall include information regarding both the process and the schedule that PSRC intends to follow for making the MTP update. PSRC will consult and coordinate with the LPTAs, WSDOT, and Sound Transit as PSRC develops potential modifications to the MTP. The development and update of the MTP will also be coordinated with other transportation providers, including regional airport sponsors, maritime port operators, rail freight operators, etc. (23 CFR 450.316(b)).

3. Procedure for Transit System and Operational Plan Update

Sound Transit and the LPTAs are responsible for developing and implementing a public transportation system and financing plan that is consistent with the MTP and local comprehensive plans. When any or all of the LPTAs and/or Sound Transit determine that an update or modification to comprehensive public transportation plan(s) is(are) necessary, the LPTA and/or Sound Transit will notify PSRC in writing. This notification will include both the process and schedule that the LPTAs and Sound Transit intend to follow. Sound Transit and the LPTAs agree to consult with PSRC and coordinate with local general purpose governments during the planning process to ensure continued consistency with the MTP. Sound Transit and the LPTAs will provide written notification to PSRC of system plan updates.

4. Procedure for Development of Regional and State TIPs

On a timeline consistent with state and federal law, PSRC shall cooperatively develop and/or update a regional TIP for all Regionally Significant Projects regardless of funding source. This financially constrained regional TIP shall be developed through a collaborative process involving regional and subregional forums that include representation of WSDOT, public transit and port interests. In accordance with federal regulation, the development of PSRC's regional TIP will also be coordinated with other transportation providers, including regional airport sponsors, maritime port operators, rail freight operators, etc., and agencies and officials responsible for other planning activities within the MPA that are affected by transportation (23 CFR 450.316(b)). When building a new regional TIP, PSRC will provide to WSDOT, on an agreed upon schedule, the regional TIP with supporting documentation for incorporation into the state TIP and federal and state approvals.

5. Procedures for Certification of Transportation Elements of Comprehensive Plans for Cities and Counties

PSRC's adopted Policy and Plan Review Process will be used to certify that the transportation elements of the comprehensive plans for counties, cities, and towns within the Central Puget Sound Region are in conformance with state planning requirements and are consistent with the PSRC's MTP. PSRC, as part of the above process, must also certify that countywide planning policies for King, Kitsap, Pierce, and Snohomish counties and the MTP Plan are consistent. PSRC's adopted processes provide direction for certifying the transportation elements and countywide planning policies, and provide an opportunity to coordinate and share information.

Counties, cities, and towns within the region will notify PSRC in writing of amendments to comprehensive plans and countywide planning policies; certification review is required and may result in additional certification of the amendment or transportation element. These review and certification processes are to be used to increase the coordination of the transportation planning activities of the LPTAs, WSDOT, Sound Transit, and PSRC with all local jurisdictions.

6. Procedures for Reviewing the State Transportation Plan and Transit Agency Plans

As part of the PSRC's review process, WSDOT's long-range state transportation plan and the long-range public transportation system plans as developed by LPTAs and Sound Transit to serve the Central Puget Sound Region shall also be reviewed for consistency with the adopted MTP. PSRC shall prepare a report on consistency when it reviews these plans and will make the report available to WSDOT and the Washington State Transportation Commission, or appropriate local or regional transit agency for review and comment. As required by state law (RCW 81.104.080), PSRC will take action on the findings of conformance of Sound Transit's amendments to the Sound Transit System Plan. Upon requests of the LPTAs, PSRC will also take action on findings of conformance on long-range system plans developed by the LPTAs.

SECTION 7: DISPUTE RESOLUTION

Significant differences between the Parties regarding issues not otherwise addressed or covered under a separate dispute resolution process and which are not able to be readily resolved by informal discussion and negotiations between the Executive Directors of PSRC and one or more of the affected transit agency Parties to this agreement (Sound Transit and LPTAs), will be submitted for discussion to a dispute resolution panel to be composed of up to three (3) board members from the affected Parties involved in a given dispute and up to three (3) board members representing PSRC. Each Party's respective governing board, director, or General Manager shall appoint representatives to serve on the panel. The panel shall seek and propose a majority recommendation of the panel members that shall then be presented for consideration to the full boards of each Party.

SECTION 8: TERMINATION

This MOU may be terminated by any Party to this MOU upon written notice to the other Parties' designated representatives specified in Section 12 (Notification), at least six months prior to the start of the other Parties' fiscal year. Such notice shall explain the rationale for the declaration of the intent to terminate the MOU and shall confirm that such termination is approved through action of the initiating Party in the same manner as the original MOU was approved.

SECTION 9: REPLACEMENT CLAUSE

As of the date of final execution of this MOU, this MOU fully supersedes and replaces any prior versions of this MOU.

SECTION 10: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

PSRC, Sound Transit, and the LPTAs shall each comply with all applicable local, state, and federal laws and regulations. Nothing in this MOU alters, or seeks to alter, the existing statutory authority of any Party to this MOU under state or federal law. If any of the provisions of this MOU are held to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 11: TERMS

This MOU shall be effective as of the date first written above and shall extend for an indefinite period until terminated by the Parties as provided for herein. The responsible individual identified below for each Party to this MOU (Section 12) shall review the implementation of the MOU during the third calendar quarter following the year of initial MOU execution, and every three years thereafter, and upon enactment of major state and/or federal legislation to ensure the MOU is being administered in an effective manner that satisfies the needs of the Party.

SECTION 12: NOTIFICATION

Any official notifications among the Parties to this MOU that would substantially affect the terms or conditions of this MOU shall be directed to the designated representatives of each of the Parties as follows:

Puget Sound Regional Council

Josh Brown, Executive Director
Puget Sound Regional Council
1011 Western Avenue, Suite 500
Seattle, Washington 98104-1035

Community Transit

Emmett Heath, Chief Executive Director
Community Transit
7100 Hardeson Road
Everett, Washington 98203-5834

City of Everett

Tom Hingson, Director of Transportation
Services

Everett Transit
3201 Smith Avenue Suite 215
Everett, Washington 98201

King County Marine Division

Paul Brodeur, Division Director
King County Marine Division
King County KSC-TR-0816
201 S. Jackson St. Room 816
Seattle, WA 98104

King County Metro

Rob Gannon, General Manager
King County Metro
King County KSC-TR-0415
201 S. Jackson St.
Seattle, Washington 98104-3856

Kitsap Transit

John Clauson, Executive Director
Kitsap Transit
60 Washington Ave Suite 200
Bremerton, Washington 98337

Pierce County Ferry System

Lauren Behm, Interim Airport and Ferry
Administrator
2702 S 42nd Street Suite 201
Tacoma, WA 98409-7322

Pierce Transit

Sue Dreier, Chief Executive Officer
Pierce Transit
3701 96th Street SW
P.O. Box 99070
Lakewood, Washington 98499

City of Seattle

Scott Kubly, Director
Seattle Department of Transportation
700 Fifth Avenue Suite 3800
P.O. Box 34996
Seattle, WA 98124

Sound Transit

Peter Rogoff, Chief Executive Officer
Sound Transit
401 S. Jackson Street
Seattle, Washington 98104

SECTION 13: COUNTERPARTS

This MOU may be executed in multiple counterparts, any one of which shall be regarded for all purposes as an original.

This Memorandum of Understanding is executed by the authorized representatives of the Parties hereto on the dates shown below their respective signatures.

Each party represents that the individual signing this Agreement on its behalf has the authority to do so and to so legally bind the party.

**SNOHOMISH COUNTY PUBLIC
TRANSPORTATION BENEFIT AREA
CORPORATION**

Emmet Heath, Executive Director

Date:_____

KING COUNTY MARINE DIVISION

Paul Brodeur, Division Director

Date:_____

CITY OF EVERETT

Ray Stephanson, Mayor

Date:_____

KING COUNTY METRO

Rob Gannon, General Manager

Date:_____

Attest:_____
Sharon Fuller, City Clerk

Approved as to form only:

James D. Iles, City Attorney

Date:_____

**KITSAP PUBLIC TRANSPORTATION
BENEFIT AREA**

John W. Clauson, Executive Director

Date:_____

PIERCE COUNTY PUBLIC WORKS

Lauren Behm, Interim Airport and Ferry
Administrator

Date:_____

**PIERCE COUNTY PUBLIC
TRANSPORTATION BENEFIT AREA**

Sue Dreier, Chief Executive Officer

Date:_____

CITY OF SEATTLE

Scott Kubly, Director

Date:_____

**CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY**

Peter Rogoff, Chief Executive Officer

Date:_____

Approved as to form:

Date:_____

PUGET SOUND REGIONAL COUNCIL

Josh Brown, Executive Director

Date:_____

APPROVED AS TO LEGAL FORM:

General Counsel, Puget Sound Regional Council

Date:_____

**AGREEMENT RELATING TO MUTUAL RESPONSIBILITIES
IN CARRYING OUT THE METROPOLITAN TRANSPORTATION PLANNING PROCESS IN
THE
CENTRAL PUGET SOUND REGION**

GCB 1362

This AGREEMENT is entered into by the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) and PUGET SOUND REGIONAL COUNCIL (PSRC), collectively referred to as the "Parties" and individually as "Party" in this AGREEMENT.

RECITALS

WHEREAS, PSRC, as the Metropolitan Planning Organization (MPO) designated for the central Puget Sound region Metropolitan Planning Area (MPA), is charged with the responsibility of carrying out transportation planning and programming processes that lead to the development and operation of an integrated, intermodal transportation system; and

WHEREAS, WSDOT is the state highway agency as referenced in Title 23 CFR and Title 49 CFR with the responsibility to preserve, manage, and operate the state-owned transportation system's facilities and services including, but not limited to, highways, ferries, airports, and rail; and

WHEREAS, the Parties desire to ensure a continuing, cooperative, and comprehensive transportation planning process ("3-C" Process) for the central Puget Sound region MPA (PSRC MPA) that involves cooperation and coordination between PSRC and WSDOT; and

WHEREAS, WSDOT is responsible for carrying out a statewide transportation planning process as defined by 23 CFR 450.206 and is the administrator of all federal planning funds received, or to be received, for carrying out the planning processes as defined in 23 USC 104(f)(4)(A) and 49 USC 5305(d)(2); and

WHEREAS, WSDOT is responsible for delivering a federally compliant statewide transportation plan, engaging in the metropolitan and non-metropolitan planning processes as both a network asset manager and a compliance and fiduciary agent of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), by administering federal pass-through funds to the MPOs in Washington, including PSRC; and

WHEREAS, it is mandated and consistent with federal requirements to formalize the roles and responsibilities of PSRC and WSDOT in order to cooperatively carry out their respective metropolitan and statewide transportation planning and programming requirements to support regional and state transportation plan implementation; such cooperation being agreed and understood in this AGREEMENT to mean where lawful, practicable and in good faith; and

NOW, THEREFORE, pursuant to the Washington Interlocal Agreement Act RCW 39.34, and the above recitals that are incorporated herein, it is mutually agreed as follows:

SECTION 1: PURPOSE

The purpose of this AGREEMENT is to memorialize a multi-agency cooperative planning process and to satisfy the requirements of 23 CFR 450.314. The AGREEMENT defines the processes for cooperation, communication, and exchanging information among the Parties to advance the metropolitan transportation planning processes consistent with 23 CFR 450(Subpart C). This AGREEMENT includes specific provisions for cooperatively developing and sharing of information related to financial plans that support the Metropolitan Transportation Plan (MTP), the

Metropolitan Transportation Improvement Program (TIP) as MTP and TIP are defined in 23 CFR 450, and the annual listing of obligated projects.

SECTION 2: AUTHORITY

2.1 Compliance with Applicable Laws and Regulations

PSRC and WSDOT shall comply with all applicable local, state, and federal laws and regulations in effect at the time of execution of this AGREEMENT. Nothing contained herein shall modify an existing duty or responsibility of any Party, except to the extent expressly set forth herein and as permitted by law.

2.2 PSRC

The Parties agree that PSRC, a regional planning agency that operates under the authority of various state and federal laws as referenced in Resolution No. PSRC-EB-2015-01, is the single MPO designated by the Governor of Washington for the PSRC MPA. PSRC is organized through an Interlocal Agreement of its members, and is responsible for fulfilling the federal metropolitan planning requirements as prescribed in the current Federal Surface Transportation Act, 23 USC 134, 23 CFR 450, and 49 CFR 613.

2.3 WSDOT

WSDOT is the steward of a large and robust transportation system, and is responsible for ensuring that people and goods move safely and efficiently. In addition to building, maintaining, and operating the state highway system, WSDOT is responsible for the state ferry system, and works in partnership with others to maintain and improve local roads, railroads, airports, and multi-modal alternatives to driving.

2.3.1 WSDOT tracks, reports, and manages its programs and projects according to the six transportation policy goals adopted by the Legislature in RCW 47.04.280. The six policy goals are safety, preservation, mobility (congestion relief), environment, stewardship, and economic vitality. These goals are interdependent and support the overall vision for all transportation agencies in the state, which includes WSDOT.

SECTION 3: POLICY DEVELOPMENT AND REGIONAL COORDINATION

3.1 Scope of Metropolitan Transportation Planning Process

PSRC, in cooperation with WSDOT, conducts a metropolitan planning process that is continuous, cooperative, and comprehensive, and provides for the consideration of projects, strategies, and services that will address the eight planning factors as specified in 23 CFR 450.306 and MAP-21 national policy goals. This planning process will be carried out in coordination with the statewide transportation planning processes conducted by WSDOT as required by 23 CFR 450 (Subpart B) and 49 USC 5303.

3.2 PSRC Board and Committee Structure

PSRC operates through a General Assembly and Executive Board structure, as set forth in an Interlocal Agreement under Chapter RCW 39.34, with adopted Bylaws establishing its officers, voting procedures, committees, public participation, and related matters. WSDOT participates as voting member of the PSRC General Assembly and Executive Board.

3.2.1 PSRC has an Executive Board, whose purpose is to hold meetings, appoint committees and task forces, and generally promote cooperative and coordinated transportation planning/programming processes, to adopt a MTP, to select and program transportation grant funds as directed by federal and state law, and perform other duties pursuant to applicable federal and state laws.

3.2.2 PSRC's Executive Board has established a Transportation Policy Board (TPB), which coordinates and guides the regional transportation planning program in accordance with adopted Board policy. The regional planning program includes those tasks to carry-out 23 CFR 450 (Subpart C), which include transportation policy development, the development of regional transportation plans, and the programming of transportation projects for funding. PSRC is responsible for coordination and administration of the TPB. WSDOT agrees to provide information and updates to the TPB about plans, studies, and programs relevant to TPB's mission.

3.3 PSRC Unified Planning Work Program

On an annual or biennial basis, PSRC develops a Unified Planning Work Program (UPWP) consistent with 23 CFR 450.308, that describes, to the extent practicable, all major transportation and related public transportation planning activities in the MPA for the next one or two year period. The UPWP shall include a budget that outlines PSRC's work activities to be conducted, the schedule for completion, and the work to be produced to carry-out the MPO's duties under 23 CFR 450 Subpart C.

3.3.1 Between January and May of each year, or of every other year, PSRC, in cooperation with WSDOT, the region's transit agencies, the local jurisdictions, and other members of PSRC, will prepare the UPWP as required by 23 CFR 450.308. The UPWP will be reviewed by the TPB, distributed for public review consistent with PSRC's Public Participation Plan, and approved by the PSRC General Assembly. The UPWP and budget may be amended at any time by PSRC in accordance with its adopted operational procedures and pending approval by WSDOT, FTA, and FHWA.

3.3.2 By December 31 of each year, WSDOT will provide written notice to PSRC of expected allocations of FHWA Metropolitan Planning funds (PL funds), FTA Section 5303 funds, State Regional Transportation Planning Organization (RTPO) funds, and any other State administered funds that are available to PSRC for the following State fiscal year.

3.3.3 PSRC agrees to coordinate with the WSDOT in developing and preparing the UPWP work program. The Parties agree to cooperatively review their proposed work components to enhance coordination and avoid duplicate planning work efforts.

3.4 Boundary Designation

The MPA boundary requirements are defined within 23 CFR 450.312 and for PSRC as agreed to between PSRC and the Governor of Washington. The PSRC planning process is conducted within the defined MPA boundary.

3.4.1 The MPA boundary will be reviewed by PSRC if new urbanized area boundaries are established following each decennial census, and at intermediate intervals as prompted by requests by local or state governments to modify the current MPA boundary. Boundary adjustments shall conform to the procedures defined in 23 CFR 450.310 and 23 CFR 450.312.

3.4.2 PSRC shall prepare and maintain a description and map of the current PSRC MPA boundary, and make it available to its member agencies and the public.

3.5 Regional Data Coordination

An integral part of the development and maintenance of the regional transportation planning process is a coordinated and consistent monitoring of the performance of the regional transportation system within the MPA. The Parties agree to coordinate in the collection, analysis, and dissemination of data in support of the regional transportation planning process.

3.5.1 To help ensure consistency in planning activities, PSRC shall periodically provide WSDOT with current and forecasted demographic, economic, transportation, and other appropriate data as

is mutually agreed upon by the Parties. Data distributed by PSRC for these purposes will be used for the purposes of regional transportation planning, programming and air-quality conformity analysis. Data Requests to PSRC will be coordinated and processed according to PSRC's established Data Request policy. Data Requests to WSDOT will be coordinated and processed according to its established Data Request procedures.

3.6 Regional Travel Demand Model

PSRC develops, maintains, and updates the regional travel demand model that is used for the MTP and TIP, transportation studies, and for evaluating transportation related air quality impacts within the PSRC MPA. PSRC agrees to consult with WSDOT regarding various modeling issues, including software platforms, data requirements, and overall model performance for such regional travel demand model. PSRC agrees to provide the model and information from the model to WSDOT for its own planning purposes. The regional travel demand model developed by PSRC for these purposes will be used for the purposes of regional transportation planning, programming, and air-quality conformity analysis. Data Requests from WSDOT for model information will be jointly coordinated and processed according to PSRC's established data request policy.

3.6.1 WSDOT may modify the PSRC travel demand model to meet its specific planning purposes. When such modifications are made, WSDOT agrees: 1) to provide a written list of the modifications to PSRC; and 2) that the modified model will not be portrayed publicly or privately as the PSRC travel demand model, unless prior written consent is provided by PSRC.

3.7 Self Certification and Federal Certification

As part of the submittal of the proposed TIP, PSRC, and WSDOT shall certify that the metropolitan transportation planning process is being carried out in accordance with all applicable federal planning requirements (23 CFR 450.334). In addition, FHWA and FTA jointly review and evaluate the planning process no less than once every four years. PSRC is responsible for ensuring compliance with the applicable federal regulations, and agrees to coordinate with WSDOT throughout the federal certification process.

SECTION 4: TRANSPORTATION PLANNING

4.1 Metropolitan Transportation Planning (MTP)

The MTP is the comprehensive transportation planning document for the PSRC MPA. As the designated MPO, PSRC agrees to prepare, adopt, and maintain a MTP in accordance with 23 USC 134, 23 CFR 450, and 49 USC 5303(i). The Parties agree to work together cooperatively to validate data utilized in preparing other existing modal plans for providing input into the MTP. PSRC agrees to transmit the adopted MTP for use by WSDOT, the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA).

4.1.1 The Parties agree to monitor internal plans, studies, and other activities to identify potential issues or conflicts with the MTP and will work together to take actions with a goal to resolve any potential issues or conflicts. WSDOT agrees to provide technical assistance, data and information to PSRC during the development or amendment of the MTP.

4.1.2 PSRC agrees to consult and coordinate with WSDOT during the MTP update process to ensure continued consistency between the State Transportation Plan (23 USC 450.214) and the long range transit plan (49 USC 5303). The Parties agree to coordinate related planning activities and studies to promote consistency between metropolitan, transit, and statewide planning strategies and outcomes. This includes mutual consideration of visions and priorities articulated in each entity's transportation planning documents and project identification processes.

4.1.3 MTP amendments are generally undertaken for purposes that include, but are not limited to, adding, deleting, or significantly changing a regionally significant project, or changing a project

between scheduled MTP updates to maintain no less than a twenty year planning horizon as of the effective date of the MTP. The effective date is the date of MTP adoption. PSRC will ensure that MTP amendments adhere to relevant federal planning requirements and are developed and adopted through the metropolitan transportation planning process. When PSRC determines that an update of the MTP is necessary, it will notify WSDOT in writing. This notification shall include information regarding both the update process and the schedule that PSRC intends to follow. PSRC will consult and coordinate with WSDOT as it develops potential modifications to the MTP. After the PSRC Board's approval of such plan updates, PSRC will notify and transmit to WSDOT in writing the final Board approved MTP.

4.2 Statewide Plans

The State of Washington also develops plans, including statewide transportation plans, in compliance with federal regulations in order to receive particular federal funds. These plans include:

- a) The Long-Range Statewide Transportation Plan that the Washington State Department of Transportation is committed to update as per the stewardship agreement with the Federal Highway Administration and the Federal Transit Administration. This plan is a requirement that allows the state to receive federal surface transportation funds for cities, counties, and state highways;
- b) The Strategic Highway Safety Plan (Target Zero) that is developed in cooperation with Target Zero partners, including the Washington State Traffic Commission, the Washington State Patrol, and the Washington State Department of Transportation. It is necessary for this plan to comply with regulations from the Federal Highway Administration, for the state to be eligible to receive federal funds for highway safety improvements; and
- c) The State Rail Plan that is developed by the Washington State Department of Transportation in compliance with the Federal Rail Administration regulations. This plan is a requirement that allows the state to receive federal funds for freight rail improvements.

4.2.1 When WSDOT determines that an update or modification to a portion of these statewide plans, policies and performance measures and targets that specifically relates to the PSRC MPA is necessary, it will notify PSRC in writing. This notification will include information regarding both the process and schedule WSDOT intends to follow. WSDOT will consult and coordinate with MPOs, including PSRC, during this process to assure continued consistency with the MTP. Upon approval of such updates, WSDOT will formally notify PSRC in writing of the final content of the updates.

4.2.2 WSDOT and PSRC will ensure that all statewide transportation plan components and elements that relate to the PSRC MPA and the region's MTP shall be consistent. WSDOT agrees that the statewide transportation plan, in relation to the PSRC MPA, shall be developed in cooperation with PSRC, as required by 23 CFR 450.214(f). The state-owned component of the highway system plan, which includes preservation, maintenance, operations, safety, and capacity improvement elements for state owned facilities shall serve as the basis for WSDOT's ten year Capital Improvement and Preservation Program (CIPP) and WSDOT's two year biennial budget request to the legislature pursuant to RCW 47.06.050.

4.3 Air Quality Conformity

PSRC is responsible for compliance with Section 176(c) of the Clean Air Act (42 USC 7506) by coordinating the development of transportation plans and improvement programs with the State Implementation Plan (SIP) development process. PSRC shall meet minimum Federal conformity provisions as set forth in 40 CFR 93. The Parties agree to participate in periodic interagency consultation meetings to ensure compliance of plans and programs with Federal conformity provisions.

4.3.1 PSRC agrees to develop and maintain a written agreement with the Puget Sound Clean Air Agency (PSCAA) and the Washington State Department of Ecology describing the respective roles and responsibilities for air quality related transportation planning. WSDOT agrees to provide available data to PSRC for regional and hot spot air quality analyses.

4.4 Congestion Management Process

PSRC, as a Transportation Management Area (TMA), pursuant to 23 CFR 450.320 and 23 CFR 500.109, is required to address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy. As part of this process, PSRC agrees to cooperatively develop and implement a metropolitan-wide strategy. The PSRC shall establish methods to collect and monitor data and report this data. It shall update the data at minimum often enough to provide relevant, recent information as an input to each MTP update. PSRC will define the congestion management objectives and performance measures in consultation with WSDOT and metropolitan local agencies.

4.4.1 WSDOT agrees to provide available data to PSRC in support of this process. WSDOT and PSRC will consider the information resulting from their respective management process activities to the maximum extent practicable, in developing and updating the statewide multimodal transportation plan and the MTP. Such plans will be used by the Parties to inform project selection decisions for updating the State Transportation Improvement Plan (STIP) and the TIP. WSDOT agrees to cooperate with PSRC in the development and implementation of other required or optional management systems or processes under state responsibility as required by law or agreement.

4.5 Local Coordinated Human Services Transportation Plan (HSTP)

The Parties shall ensure coordination and consistency between the local coordinated Human Services Transportation Plan (HSTP) and other statewide and regional planning processes as set forth in 23 CFR part 450 and 49 CFR part 613. PSRC shall lead the development of the HSTP in partnership with the region's public transportation agencies and other providers of human services transportation.

4.6 Roadway Functional Classification

PSRC agrees to assist WSDOT in developing and maintaining the FHWA Functional Classification system, and to provide comments to WSDOT regarding requests from local agencies to designate a roadway or to change the designation of a roadway pursuant to applicable guidelines. WSDOT shall consider comments from PSRC and shall give consideration to criteria consistent with RCW 47.05.021 and federal regulations relating to the functional classification of highways. PSRC staff will review local agency roadway reclassification requests and will forward recommendations to WSDOT for action.

4.7 Transportation Planning Studies and Project Development

The Parties agree to cooperate on the identification, conduct, and completion of major corridor and subarea studies to assure effective integration of long- and short-range planning and to refine the MTP, as consistent with the provisions of 23 CFR 450.212 and 23 CFR 450.318. The Parties also agree to coordinate in identifying project planning needs as part of PSRC's Unified Planning Work Program development process.

4.7.1 The Parties agree to enter into additional work agreements, when needed, to complete mutually identified transportation planning studies and project development activities.

4.8 Procedures for Reviewing Mutual Plans

The Parties agree to review and provide comments as appropriate on mutual plans. The purpose of this review is not part of a formal approval process, but rather to help ensure regional

consistency. The Parties agree to work cooperatively to address discrepancies when they are identified.

4.9 Performance Management

Performance management will transform the regional transportation system and will provide a means to the most efficient investment of Federal transportation funds through performance-based planning and programming. The PSRC shall establish performance measures and targets in the MTP in consultation with WSDOT in accordance with 23 USC 150(c) and (d). Selection of performance measures and targets shall be coordinated with WSDOT to the maximum extent practicable. The Parties agree to share performance information and data on a periodic basis to report regional transportation system performance in accordance with 23 USC 150(e).

SECTION 5: TRANSPORTATION PROGRAMMING

5.1 Transportation Improvement Program (TIP)

The PSRC, in cooperation with WSDOT, is responsible for developing, adopting and maintaining an approved four year regional TIP pursuant to 23 CFR 450.324. The TIP must include, but is not limited to, all projects that have been approved and programmed by PSRC for federal funding and projects with committed federal funds after having been found consistent with applicable state and federal planning and air quality requirements, and also after having been found consistent with the MTP. After approval by the PSRC Board and the Governor or the Governor's delegate, WSDOT shall include the TIP, without change, directly or by reference, into the State Transportation Improvement Program as required under 23 CFR 450.326(b), contingent upon air quality conformity findings by the FHWA and FTA.

The TIP shall contain all regionally significant surface transportation projects requiring an action by FHWA or the FTA, whether or not the projects are to be funded under title 23 USC or title 49 USC. For public information and conformity purposes, the TIP shall include all regionally significant projects proposed to be funded with federal funds other than those administered by the FHWA and FTA, as well as all regionally significant projects to be funded with non-Federal funds. The four year regional TIP must be financially constrained to those funds that are available or reasonably expected to be available during that timeframe.

As applicable, the TIP should include reporting on performance and implementation results relative to MTP performance goals, measures and targets.

5.1.1 At least every four years per 23 CFR 450 324, PSRC shall cooperatively develop and/or update a regional four year TIP for all federally funded projects and regionally significant transportation projects regardless of funding source. PSRC shall develop the TIP through a cooperative process involving WSDOT. In accordance with federal regulation, the development of PSRC's TIP will also be coordinated with other interested parties, per PSRC's Public Involvement Plan. PSRC's TIP shall be provided to WSDOT in October of the given PSRC TIP-update year, for incorporation into the STIP pursuant to 23 CFR 450 216 (b).

5.1.2 WSDOT shall work cooperatively with PSRC in recommending programming and project selection for state transportation projects eligible for federal funding under WSDOT's project selection responsibility, for inclusion in PSRC's TIP pursuant to 23 CFR 450.330(c). The TIP, as approved by the Governor or the Governor's delegate, shall be included in the STIP.

5.1.3 Recommendations for WSDOT's programming of state highway components in the TIP shall be based on statewide transportation plans and area/corridor specific studies and shall be consistent with and implement the MTP.

5.1.4 WSDOT agrees to provide PSRC its estimate of available federal and state revenue that can be utilized in developing the TIP. The Parties agree to work cooperatively to develop final

estimates of funds that are reasonably expected to be available to support the TIP (23 CFR 450.324(h)), as defined in Section 7.2-Financial Planning.

5.2 Statewide Transportation Improvement Plan (STIP)

STIP is a four year, fiscally constrained, prioritized program of transportation projects, compiled from local and regional plans, along with the long range statewide multimodal transportation plan. These projects have been identified through state, regional and local planning processes, as the highest priority for the available funding to preserve and improve the state's transportation network.

5.2.1 WSDOT is responsible for developing the STIP and for incorporating the TIP (and subsequent amendments) into the STIP on a timely basis. WSDOT agrees to work cooperatively with PSRC in developing reasonable financial principles, revenue forecasts, and information for the STIP.

5.2.2 WSDOT agrees to coordinate with FHWA and FTA to develop and adopt procedures and criteria for incorporating STIP and TIP amendments and administrative modifications into the STIP. PSRC agrees to develop and document procedures, criteria, and schedules for amendments and administrative modifications that are consistent with the WSDOT, FHWA, and FTA approved criteria and schedule. WSDOT agrees to transmit STIP related policies, criteria, procedures and schedules to PSRC on a timely basis.

5.2.3 PSRC agrees to submit requests for STIP/TIP amendments and administrative modifications to WSDOT via the web based STIP. On a monthly basis from January through October, WSDOT agrees to compile the projects submitted by PSRC and to submit them to FHWA and FTA for approval.

5.3 Annual Listing of Obligated Projects

The Parties agree to work cooperatively to develop an annual listing of projects within PSRC's MPA boundary for which federal transportation funds were obligated in the preceding program year. This requirement applies to projects funded with federal funding sources.

5.3.1 WSDOT agrees to provide PSRC with all project obligation reports within forty five (45) calendar days of the end of the transportation program year, which is the end of the calendar year. PSRC agrees to coordinate directly with the WSDOT Highway and Local Programs Division regarding designated regional fund obligation administration and reporting. PSRC will publish the annual listing and make it available to WSDOT, transit agencies, and the public as provided in PSRC's Public Participation Plan within ninety (90) calendar days of the end of such program year.

5.4 PSRC Program of Projects

There are three urbanized areas (UZAs) in the PSRC MPA, with seven recipients designated by the Governor of Washington to receive and apportion federal funds under Title 49 USC.

5.4.1 PSRC, in coordination with the transit providers in the region, is responsible for developing a program of projects for apportioned FTA funds in the UZA, in a manner that is consistent with the requirements of the United States Code and the Code of Federal Regulations (Program of Projects). The programming of projects utilizing Title 49 USC funds into the TIP will be conducted per the Memorandum of Understanding between PSRC and the region's transit agencies.

SECTION 6: PUBLIC INVOLVEMENT

6.1 PSRC Public Participation Plan

PSRC will proactively develop, adopt, periodically update, and implement a public participation plan in accordance with 23 USC 134(i)(5) and 23 CFR 450.316. To coordinate effective planning

and programming activities, the Parties to this AGREEMENT shall, to the maximum extent practicable, coordinate their public information efforts and seek joint opportunities for public involvement.

6.2 WSDOT Public Participation

WSDOT will develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points, as required to comply with 23 CFR 450.210. To coordinate effective planning and programming activities, WSDOT, to the maximum extent practicable, will coordinate public information efforts with PSRC, and seek joint opportunities for public involvement.

SECTION 7: FINANCIAL PLANNING AND FUNDING

7.1 Distribution of Planning Funds

In consultation with PSRC, WSDOT agrees to develop, implement, and periodically review a transparent process for the distribution of FHWA and FTA planning funds to PSRC. PSRC agrees to work cooperatively with WSDOT in this process. WSDOT agrees to coordinate with FHWA and FTA to develop procedures for the efficient and timely transfer of funds to PSRC.

7.1.1 As provided under 23 USC 104(f)(4)(A) WSDOT has the responsibility to allocate the FHWA Metropolitan Planning (PL) grant funds to MPOs. As required by 23 CFR 420.109, WSDOT shall make all PL funds authorized by 23 USC 104(f) available to PSRC in accordance with a formula developed by WSDOT, in consultation with the MPOs, and the allocation approved by the FHWA Division Administrator.

7.1.2 WSDOT also has the responsibility under 49 USC 5305(d)(2) to allocate the FTA Metropolitan Planning 49 USC 5303 grant funds to PSRC. Amounts apportioned to WSDOT shall be made available no later than thirty (30) calendar days after the date of apportionment to the MPO under a formula that: considers the population of urbanized areas; and provides an appropriate distribution for urbanized areas to carry out a cooperative planning process. WSDOT shall develop the formula in cooperation with MPOs, including PSRC; and, the allocation with approval by the FTA Regional Administrator.

7.2 Financial Planning

A "Financial Plan" is documentation to be included with a MTP and TIP that demonstrates the consistency between reasonably available and projected sources of federal, state, local, and private revenues, and the costs of implementing proposed transportation system improvements (23 CFR 450.104).

7.2.1 Federal requirements for financial planning are defined in 23 CFR 450.314 (metropolitan planning agreements), 23 CFR 450.322 (development and content of the metropolitan transportation plan), 23 CFR 450.324 (development and content of the transportation improvement program), and 23 CFR 450.332 (annual listing of obligated projects). The Parties agree to cooperatively develop and share information related to the development of financial plans to support these activities.

7.2.2 In preparing the financial plan, PSRC shall take into account all projects and strategies proposed for funding under 23 USC and 49 USC Chapter 53, along with other Federal, State, local and private fund sources. The Parties agree to work cooperatively to develop estimates of revenue that demonstrate financial constraint for the MTP and the TIP. PSRC agrees to develop and maintain procedures and methodologies, in cooperation with WSDOT, for generating revenue forecasts that are consistent with federal guidance for financial forecasting. WSDOT agrees to provide historical information regarding funding levels and expenditures by county area and available forecasts of future state and federal revenues. In the event that WSDOT provides disparate assumptions for the future availability of federal funds, the Parties agree to work

cooperatively to determine a consistent forecasting methodology that demonstrates financial constraint.

7.3 Funding Accountability

PSRC is responsible for programming all projects that receive federal funds and all regionally significant projects. The Parties agree to work cooperatively to ensure that PSRC selects projects for funding based on regional priorities and consistent with the MTP. WSDOT agrees to provide monthly, or at a minimum quarterly, updates on the delivery of funds programmed by PSRC. PSRC agrees to develop, implement, and periodically review strategies to ensure delivery of programmed funds within its programming area.

7.4 Sub-allocation of Federal Funds

PSRC is responsible for selecting and programming projects from specified federal funds that are sub-allocated to PSRC by WSDOT. WSDOT is responsible for determining the sub-allocation amounts, in consultation with PSRC and other MPOs statewide. WSDOT agrees to develop, implement, and periodically review an accounting process for sub-allocating Surface Transportation Program (STP), Congestion Management and Air Quality (CMAQ), Transportation Alternatives (TA), and/or other funds that are designated by the federal government to be sub-allocated to MPOs. As part of this process, WSDOT agrees to provide to PSRC a transparent accounting of how much funding is received by WSDOT in total and annually, and all the steps applied to get to the regional allocations.

SECTION 8: MISCELLANEOUS PROVISIONS

8.1 Replacement Clause

This AGREEMENT fully supersedes and replaces the related applicable Transportation Planning Agreement (TPA) between PSRC and WSDOT dated September 15, 2009.

8.2 Dispute Resolution

In the event that a dispute arises under this AGREEMENT, it shall be resolved as follows: The Parties shall each appoint a member to a disputes resolution board (DRB), and these two members shall select a third (neutral) board member not affiliated with any of the Parties. The DRB shall conduct a dispute resolution hearing that shall be informal, non-binding, and unrecorded. An attempt at such dispute resolution in compliance with aforesaid process shall be a prerequisite to the filing of any litigation concerning the dispute. The Parties shall equally share in the cost of the third DRB member; however, each Party shall be responsible for its own costs and fees.

8.3 Amendments and Modifications

Any Party may request changes to this AGREEMENT at any time by written notice to the other Party. Such changes as are mutually agreed upon by and between the Parties shall be incorporated by written amendment to this AGREEMENT.

8.4 Severability

If any of the provisions of this AGREEMENT are held to be illegal, invalid, or unenforceable, all other provisions shall remain in full force and effect.

8.5 Execution and Term

This AGREEMENT, including any amendments incorporated into the AGREEMENT, shall remain in full force and effect for ten (10) years or if superseded by an updated agreement or unless terminated by a Party's governing body, which termination may be for cause or convenience and shall take effect immediately upon execution by the last signing Party. Any official notifications between the Parties to this AGREEMENT that would substantially affect the terms or conditions of this AGREEMENT shall be directed to the Agreement Managers as noted below:

Washington State Department of Transportation
Attn: Secretary of Transportation
P.O. Box 47316
Olympia, WA 98504-7316

Puget Sound Regional Council (PSRC)
Attn: Josh Brown, Executive Director
1011 Western Avenue, Suite 500
Seattle, WA 98104-1035

All other notice concerning this AGREEMENT shall be directed to:

Puget Sound Regional Council (PSRC)
Attn: Mark Gulbranson, Deputy Executive Director
1011 Western Avenue, Suite 500
Seattle, WA 98104-1035

8.6 Authority to Sign

The signatories below represent that they have authority to sign this AGREEMENT and bind their respective entities thereto.

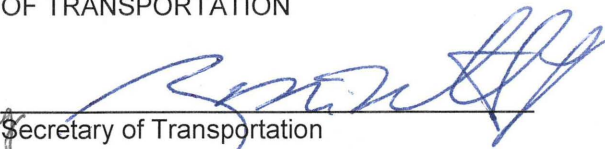
8.7 Recitals

The recitals are hereby incorporated into this AGREEMENT.

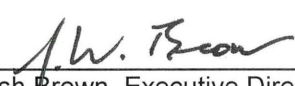
IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT as of the date signed last by the Parties below.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION

PUGET SOUND REGIONAL COUNCIL

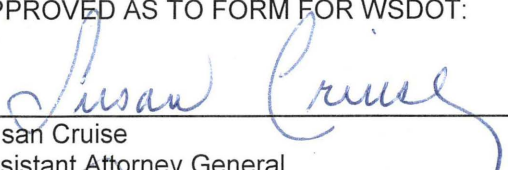
Acting 
Secretary of Transportation

Date May 31, 2016


Josh Brown, Executive Director


Date May 16, 2016

APPROVED AS TO FORM FOR WSDOT:


Susan Cruise
Assistant Attorney General

Date April 11, 2016

APPROVED AS TO FORM:


Puget Sound Regional Council
Legal Counsel

Date April 11, 2016