

DEC 08 2019

**AGREEMENT RELATING TO MUTUAL RESPONSIBILITIES
IN CARRYING OUT THE METROPOLITAN TRANSPORTATION PLANNING PROCESS IN THE
SOUTHWEST WASHINGTON REGIONAL TRANSPORTATION COUNCIL METROPOLITAN
PLANNING AREA**

RECEIVED

GCB 1935 Amendment 1

This Amendment is entered into by the Washington State Department of Transportation (WSDOT) Southwest Washington Regional Transportation Council (RTC), and the Clark County Public Transportation Benefit Area (C-TRAN).

RECITALS

WHEREAS, The Parties entered into the above referenced AGREEMENT effective November 6, 2014; and

WHEREAS, The Parties want to amend the AGREEMENT as allowed for in Section 8.3.

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:

The following Sections are replaced in their entirety:

3.1 Scope of Metropolitan Transportation Planning Process

RTC, in cooperation with WSDOT and C-TRAN, 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 ten planning factors as specified in 23 CFR 450.306 and FAST Act 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.

3.7 Self Certification and Federal Certification

At least every year and as part of the submittal of the proposed TIP, RTC and WSDOT shall certify that the metropolitan transportation planning process is being carried out in accordance with all applicable federal planning requirements (23 CFR 450.336). In addition, FHWA and FTA jointly review and evaluate the planning process no less than once every four (4) years. RTC is responsible for ensuring compliance with the applicable federal regulations, and agrees to coordinate with WSDOT and C-TRAN throughout the federal certification process.

4.1.2

RTC agrees to consult and coordinate with WSDOT and C-TRAN during the MTP update process to ensure continued consistency between the State Transportation Plan (23 CFR 450.216) and other statewide transportation-related plans. 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.

4.2.2

WSDOT and RTC will ensure that all statewide transportation plan components and elements that relate to the RTC MPA and the region's MTP shall be consistent. WSDOT agrees that the statewide transportation plan, in relation to the RTC MPA, shall be developed in cooperation with RTC, as required by 23 CFR 450.216(g). 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 10-year Capital Improvement and Preservation

Program (CIPP) and WSDOT's two (2) year biennial budget request to the legislature pursuant to RCW 47.06.050.

4.4 Congestion Management Process

RTC, as a Transportation Management Area (TMA), pursuant to 23 CFR 450.322 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, RTC agrees to cooperatively develop and implement a metropolitan-wide strategy. The RTC shall establish methods to collect and monitor data and report this data at least annually. RTC will define the congestion management objectives and performance measures in consultation with WSDOT, C-TRAN and metropolitan local agencies.

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. RTC shall lead the development of the HSTP in partnership with C-TRAN and other providers of human services transportation. RTC, WSDOT and C-TRAN will share information and cooperate to ensure broad public engagement with affected stakeholders.

4.9 Performance Management

Performance management will transform the regional transportation planning process and will provide a means to the most efficient investment of Federal transportation funds through performance-based planning and programming. The RTC shall establish performance measures and targets in the MTP in consultation with WSDOT and C-TRAN in accordance with 23 USC 150(c) and (d). Selection of performance measures and targets shall be coordinated with WSDOT and C-TRAN 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).

4.9.1

In cooperation with RTC and C-TRAN, WSDOT will annually develop a memorandum to document written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance data to be used in tracking progress toward attainment of critical outcomes for RTC's planning area, and the collection of data for the State asset management plan for the NHS, consistent with 23 CFR 450.314 (h).

4.10 Transportation System Management and Operations

RTC manages the regional transportation system management and operations (TSMO) program, which includes Travel Demand Management, Intelligent Transportation Systems (ITS), communications, and more. The TSMO program aims to improve the operation of the transportation system, resulting in improved safety and regained capacity. WSDOT also maintains a WSDOT agency-specific TSMO program plan

The Parties agree to review, provide comments, and work towards aligning their mutual TSMO plans as appropriate. The purpose of this review is not part of a formal approval process, but rather to ensure regional consistency. The Parties agree to work cooperatively to address discrepancies when they are identified.

The ITS element of the TSMO program meets federal requirements for planning, development, and implementation of ITS projects. Federal regulation 23 CFR 940 requires that regions develop and maintain a regional ITS architecture to ensure that ITS technology projects are interoperable and must include participation from transportation stakeholders to ensure projects are coordinated and integrated. The TSMO Program supports the federal Congestion Management Process (CMP) by

collaborating with agency partners on operational strategies to improve transportation performance. Federal regulation 23 CFR 450.322 requires that agencies collaborate to utilize operational management, demand management, transit, and ITS technology to address travel demand before adding roadway capacity

4.10.1

The Parties have executed a separate memorandum of understanding that defines a process to ensure that planning and deployment of ITS projects and operations are consistent and integrated with the ITS vision for the Clark County region. The agencies will provide oversight for ITS project coordination and integration and will ensure consistency with the National and Regional ITS architecture.

5.1 Transportation Improvement Program (TIP)

The RTC, in cooperation with WSDOT and C-TRAN, is responsible for developing, adopting and maintaining an approved four-year regional TIP pursuant to 23 CFR 450.326. The TIP must include but is not limited to all projects that have been approved and programmed by RTC 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. Upon approval by the RTC Board and the Governor, the TIP shall be included without change, directly or by reference, into the State Transportation Improvement Program as required under 23 USC 135.

The TIP shall contain all regionally significant, non-capital 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 (4) year regional TIP must be financially constrained to those funds that are available or reasonably expected to be available during that time frame.

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 two (2) years, RTC shall cooperatively develop and/or update a regional four (4) -year TIP for all federally funded projects and regionally significant transportation projects regardless of funding source. RTC shall develop the TIP through a cooperative process involving WSDOT and C-TRAN. In accordance with federal regulation, the development of RTC's TIP will also be coordinated with other interested parties, per RTC's Public Participation Plan. RTC's TIP shall be provided to WSDOT in October of the given RTC TIP-update year, for incorporation into the STIP pursuant to 23 CFR 450 218 (b).

5.1.2

WSDOT shall work cooperatively with RTC in recommending programming and project selection for state transportation projects eligible for federal funding under WSDOT's project selection responsibility, for inclusion in RTC's TIP pursuant to 23 CFR 450.332 (c). The adopted TIP as approved by the Secretary of Transportation as delegated by the Governor shall be included in the STIP, contingent upon such regional TIP meeting conditions of requisite regional air quality conformity findings and approval by the Governor.

5.1.5

WSDOT and C-TRAN agree to provide RTC 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 450.326 (j)), as defined in Section 7.2-Financial Planning.

6.1 RTC Public Participation Plan

RTC will proactively develop, adopt, periodically update and implement a public participation plan, including a Public Involvement Policy, in accordance with 23 USC 134 (i) (6) 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.

7.1.1

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

7.2.1

Federal requirements for financial planning are defined in 23 CFR 450.314 (metropolitan planning agreements), 23 CFR 450.324 (development and content of the metropolitan transportation plan), 23 CFR 450.326 (development and content of the transportation improvement program), and 23 CFR 450.334 (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.

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 dispute resolution board (DRB), these three members shall select a fourth (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 fourth DRB member; however, each Party shall be responsible for its own costs and fees.

8.5 Execution and Term

This AGREEMENT, including any amendments incorporated into the AGREEMENT, shall remain in full force and effect for five (5) years after the date of last signature (of AGREEMENT or Amendment), 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: Kerri Woehler, Director of Multimodal Planning
P.O. Box 47316
Olympia, WA 98504-7316

Southwest Washington Regional Transportation Council (RTC)
Attn: Matt Ransom, Executive Director
PO Box 1366
Vancouver, WA 98666-1366

Clark County Public Transportation Benefit Area (C-TRAN)
Attn: Shawn Donaghy, Executive Director/CEO
PO Box 2529
Vancouver, WA 98668

All other notice concerning this AGREEMENT shall be directed to:

Southwest Washington Regional Transportation Council (RTC)
Attn: Matt Ransom, Executive Director
PO Box 1366
Vancouver, Washington 98666-1366

Clark County Public Transportation Benefit Area (C-TRAN)
Attn: Shawn Donaghy, Executive Director/CEO
PO Box 2529
Vancouver, WA 98668

All other terms and conditions of GCB 1935 shall remain in full force and effect except as modified by this Amendment.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment 1 as of the date and year last signed below.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

CLARK COUNTY PUBLIC TRANSPORTATION BENEFIT AREA

Kerri Woehler

Shawn Donaghy

Kerri Woehler, Director of Multimodal Planning

Shawn Donaghy, CEO

Date: 12-5-2019

Date: 11/12/19

APPROVED AS TO FORM:

[Signature]

Clark County Public Transportation Benefit Area
Legal Counsel

Date: 11/12/19

SOUTHWEST WASHINGTON REGIONAL TRANSPORTATION COUNCIL

Matt Ransom

Matt Ransom, Executive Director

Date October 1, 2019

APPROVED AS TO FORM:

[Signature]

Southwest Washington Regional Transportation Council
General Counsel

Date 11-18-19