

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT), THE LA CROSSE AREA PLANNING
COMMITTEE (MPO) AND THE LA CROSSE MUNICIPAL TRANSIT UTILITY (PUBLIC TRANSPORTATION
OPERATOR)**

1. PURPOSE AND SCOPE. The purpose of this MOU is to establish and maintain a continuing, cooperative and comprehensive (3-C) transportation planning and programming process as defined and required by the United States Department of Transportation (USDOT) regulations, 23 CFR 450, 23 USC 134 and 135, 49 USC 5303 and 5304, and 49 CFR 613.

2. RESPONSIBILITIES.

2.1. Statewide Transportation Plans

2.1.1. *MnDOT will:*

- 2.1.1.1.** Solicit input from the MPO and Public Transportation Operator early in the development of Statewide Transportation Plans.
- 2.1.1.2.** Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the draft and final Statewide Transportation Plans.
- 2.1.1.3.** Periodically update the Statewide Transportation Plan and modal plans after soliciting input from the MPO and Public Transportation Operators and providing an opportunity for the MPO and Public Transportation Operators to review and comment on such updates.
- 2.1.1.4.** Conduct periodic regional meetings on the Statewide Transportation Plans seeking assistance from the MPO and Public Transportation Operator in accordance with MnDOT's Public Participation Procedures and the MPO Public Participation Policy.
- 2.1.1.5.** Coordinate public meetings with MnDOT Public Participation Procedures and the MPO Public Participation Plan.
- 2.1.1.6.** Coordinate the Statewide Transportation Plans with the MPO's Metropolitan Transportation Plan (MTP).

2.1.2. *MPO and Public Transportation Operator will:*

- 2.1.2.1.** Provide input into the development of the Statewide Transportation Plans and any subsequent updates, including the sharing of data such as financial plans, maps, demographic data, and survey results.
- 2.1.2.2.** Review and comment on the draft and final Statewide Transportation Plans and subsequent updates.
- 2.1.2.3.** Assist and participate in periodic regional meetings.
- 2.1.2.4.** Coordinate with MnDOT in public meetings in accordance with MnDOT's Public Participation Procedures and the MPO's Public Participation Plan.

2.1.2.5. Coordinate the Statewide Transportation Plans with the Metropolitan Transportation Plan (MTP).

2.2. MnDOT District-Level Transportation Plans

2.2.1. *MnDOT will:*

2.2.1.1. Coordinate with the MPO and Public Transportation Operator in the cooperative development of the District-Level Transportation Plans.

2.2.1.2. Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the District-Level Transportation Plans that impact the metropolitan planning area.

2.2.1.3. Periodically update the District-Level Transportation Plans after soliciting input from the MPO and Public Transportation Operator and providing an opportunity for the MPO and Public Transportation Operator to review and comment on the updated District-Level Transportation Plans.

2.2.1.4. Coordinate public meetings with MnDOT's Public Participation Procedures and the MPO's Public Participation Plan.

2.2.1.5. Coordinate the District-Level Transportation Plans with the MPO's Metropolitan Transportation Plan (MTP).

2.2.2. *MPO and Public Transportation Operator will:*

2.2.2.1. Provide input into the development of the District-Level Transportation Plans and any subsequent updates to the District-Level Transportation Plans, including the sharing of data such as financial plans, maps, demographic data, and survey results.

2.2.2.2. Review and comment on the draft and final District-Level Transportation Plans and any subsequent updates to those plans.

2.2.2.3. Assist and participate in public meetings regarding the District-Level Transportation Plans.

2.2.2.4. Coordinate the District-Level Transportation Plans with the Metropolitan Transportation Plan (MTP).

2.3. Metropolitan Transportation Plan

2.3.1. *MnDOT will:*

2.3.1.1. Provide input into the development of the MPO's Metropolitan Transportation Plan (MTP).

2.3.1.2. Review and comment on the MPO's draft MTP.

2.3.1.3. Provide assistance and necessary data for MPO's system performance and monitoring report; review findings and comment.

2.3.1.4. Provide input into the periodic update of the MPO's MTP and modal plans.

2.3.1.5. Assist and participate in obtaining public input in the development of the MPO's MTP in accordance with the MPO's Public Participation Plan.

2.3.2. MPO will:

- 2.3.2.1.** Develop and adopt a Metropolitan Transportation Plan (MTP) in accordance with federal and state regulations in cooperation with MnDOT and the Public Transportation Operator.
- 2.3.2.2.** Develop and adopt modal plans to support and further define the MTP.
- 2.3.2.3.** Provide MnDOT and the Public Transportation Operator the opportunity to review and comment on the draft MTP and modal plans.
- 2.3.2.4.** Monitor and report on transportation system trends in the annual Transportation Improvement Program and the quinquennial Metropolitan Transportation Plan.
- 2.3.2.5.** Provide opportunity for MnDOT and the Public Transportation Operator to review the draft findings report.
- 2.3.2.6.** Update the MTP at least every five years in cooperation with MnDOT and the Public Transportation Operator.
- 2.3.2.7.** Provide an opportunity for MnDOT and the Public Transportation Operator to review and comment on the updated draft MTP.
- 2.3.2.8.** Solicit, with the help of MnDOT and the Public Transportation Operator, public input in accordance with the MPO's Public Participation Plan.

2.3.3. Public Transportation Operator will:

- 2.3.3.1.** Provide input into the development of the MPO's MTP and modal plans- particularly in development or preparation of the transit portion, including the sharing of data such as financial plans, maps, demographic data, and survey results.
- 2.3.3.2.** Review and comment on the MPO's draft MTP.
- 2.3.3.3.** Cooperatively develop estimates of reasonable funding for the MTP planning period.
- 2.3.3.4.** Provide assistance and data for the MPO's system performance and monitoring report; review findings and provide comment.
- 2.3.3.5.** Assist and participate in obtaining public input in the development of the MPO's MTP in accordance with the MPO's Public Participation Plan.

2.4. Unified Planning Work Program (UPWP) and Grant Application

2.4.1. MnDOT will:

- 2.4.1.1.** Provide input into MPO's Unified Planning Work Program (UPWP).
- 2.4.1.2.** Cooperatively develop estimates of reasonable funding for the UPWP.
- 2.4.1.3.** Review and comment on MPO's draft UPWP.
- 2.4.1.4.** Approve MPO's final UPWP and submit it to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) requesting authorization and obligation of funds.

- 2.4.1.5. Request transfer of FTA Section 5303 funds to FHWA.
- 2.4.1.6. Prepare FHWA project authorization for MPO's FHWA PL funds.
- 2.4.1.7. Prepare and execute agreement with MPO for distribution of FHWA and FTA metropolitan planning funds.
- 2.4.1.8. Review MPO's quarterly progress reports.
- 2.4.1.9. Review and comment on Public Transportation Operator's Urbanized Area Formula Program and/or Capital Program Grants Application.

2.4.2. MPO will:

- 2.4.2.1. Prepare an annual Unified Planning Work Program (UPWP) that aligns with 23 § 450.308 in cooperation with MnDOT and the Public Transportation Operator.
- 2.4.2.2. Provide an opportunity to MnDOT and Public Transportation Operator for review and comment on the draft UPWP.
- 2.4.2.3. Submit final UPWP to MnDOT for approval no later than November 1 of each calendar year for the subsequent calendar year UPWP and submittal to Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).
- 2.4.2.4. Review and sign agreement with MnDOT for distribution FHWA and FTA metropolitan planning funds.
- 2.4.2.5. Prepare quarterly Progress Reports and submit to MnDOT.
- 2.4.2.6. Review and comment on Public Transportation Operator's Urbanized Area Formula Program and/or Capital Program Grant Application.

2.4.3. Public Transportation Operator will:

- 2.4.3.1. Provide input into the MPO's annual Unified Planning Work Program (UPWP).
- 2.4.3.2. Review and comment on the MPO's draft UPWP.
- 2.4.3.3. Prepare and send an Urbanized Formula Program or Capital Program Grant Application or both to the Federal Transit Administration for approval; notify MnDOT and MPO when the Capital Program Grant has been approved.

2.5. Technical Studies

This section applies to all technical activities, such as corridor studies and sub-area planning studies that occur within the metropolitan planning area.

2.5.1. MnDOT will:

- 2.5.1.1. Prepare and provide scope of work for review and comment by the MPO and Public Transportation Operator for MnDOT initiated studies.
- 2.5.1.2. Review, comment and approve the scope of work prepared by MPO and Public Transportation Operator.
- 2.5.1.3. Review and comment on draft study reports prepared by MPO and Public Transportation Operator.

2.5.1.4. Participate in MPO and Public Transportation Operator study committees and sub-committees as appropriate and requested.

2.5.2. *MPO will:*

2.5.2.1. Prepare and provide scope of work for review and comment by MnDOT and Public Transportation Operator for MPO initiated studies.

2.5.2.2. Review, comment and approve scope of work prepared by MnDOT and Public Transportation Operator.

2.5.2.3. Review and comment on draft study reports prepared by MnDOT and Public Transportation Operator.

2.5.2.4. Participate in MnDOT and Public Transportation Operator study committees and sub-committees as appropriate and requested.

2.5.3. *Public Transportation Operator will:*

2.5.3.1. Prepare and provide scope of work for review and comment by MnDOT and MPO for Public Transportation Operator initiated studies.

2.5.3.2. Review and comment on scope of work prepared by MnDOT and MPO.

2.5.3.3. Review and comment on draft study reports prepared by MnDOT and MPO.

2.5.3.4. Participate in MnDOT and MPO study committees and sub-committees as appropriate and requested.

2.6. Transportation Improvement Program (TIP)

2.6.1. *MnDOT will:*

2.6.1.1. Provide State Transportation Improvement Program (STIP) Development Guidelines to MPO and Public Transportation Operator through Area Transportation Partnership (ATP).

2.6.1.2. Develop draft STIP from ATP's prioritized project lists in accordance with the STIP Development Guidance.

2.6.1.3. Provide an opportunity through the ATP for the MPO and Public Transportation Operator to review and comment on the STIP Development Guidelines and draft STIP.

2.6.1.4. Obtain early public participation on the STIP development with the assistance of the MPO and the Public Transportation Operator.

2.6.1.5. Cooperatively develop annual estimates of available funding for each TIP/STIP cycle.

2.6.1.6. Cooperate and participate in the annual solicitation of projects conducted by the MPO.

2.6.1.7. Submit to MPO a list of all projects (funded with state or federal or both types of funds) which are consistent with the MPO's Metropolitan Transportation Plan (MTP) for development of the draft TIP; list of projects is cooperatively developed.

- 2.6.1.8.** Review and comment on the MPO list of prioritized projects.
- 2.6.1.9.** Review and comment on draft MPO TIP.
- 2.6.1.10.** Coordinate all public meetings on the STIP in the metropolitan planning area with the MPO's Public Participation Plan.
- 2.6.1.11.** Approve final MPO TIP; Incorporate MPO TIP into STIP and submit to Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) for approval.

2.6.2. *MPO will:*

- 2.6.2.1.** Solicit projects from all implementing agencies projects that are consistent with the MPO's Metropolitan Transportation Plan (MTP).
- 2.6.2.2.** Recommend submittal of projects on the list to the ATP.
- 2.6.2.3.** Participate in the development of the ATP's area TIP, including early public participation.
- 2.6.2.4.** Review and comment on the Development Guidance and draft State Transportation Improvement Program (STIP).
- 2.6.2.5.** Coordinate with MnDOT all public meetings on the STIP in the metropolitan area in accordance with MPO's Public Participation Plan.
- 2.6.2.6.** Develop TIP utilizing input from the ATP, MnDOT and the Public Transportation Operator.
- 2.6.2.7.** Obtain public input on the TIP in accordance with the MPO's Public Participation Plan.
- 2.6.2.8.** Complete TIP checklist.
- 2.6.2.9.** Submit TIP and completed TIP checklist to MnDOT for approval.

2.6.3. *Public Transportation Operator will:*

- 2.6.3.1.** Submit to the MPO candidate projects that are consistent with the MPO's Metropolitan Transportation Plan.
- 2.6.3.2.** Review and comment on MPO list of prioritized projects.
- 2.6.3.3.** Participate in the development of the ATP's Area TIP, including early public participation.
- 2.6.3.4.** Develop and share financial plans, annual listing of obligated projects and other related data.
- 2.6.3.5.** Review and comment on Development Guidance and draft State Transportation Improvement Program (STIP).
- 2.6.3.6.** Review and comment on draft and final MPO TIP.

2.7. Committees

2.7.1. *MnDOT will:*

- 2.7.1.1.** Attend and participate in MPO Technical Advisory Committee meetings as a voting member.
- 2.7.1.2.** Serve as an ex-officio member of the MPO Policy Board, as requested.
- 2.7.1.3.** Establish study committees/sub-committees as needed and include MPO and Public Transportation Operator representatives as appropriate.
- 2.7.1.4.** Participate in MPO and Public Transportation Operator study committees and sub-committees as appropriate.

2.7.2. *MPO will:*

- 2.7.2.1.** Maintain a Technical Advisory Committee that includes MnDOT and Public Transportation Operator as a voting member.
- 2.7.2.2.** Establish study committees/sub-committees as needed and include MnDOT and Public Transportation Operator as appropriate.
- 2.7.2.3.** Participate in MnDOT and Public Transportation Operator study committees/sub-committees as appropriate.
- 2.7.2.4.** Participate in the MnDOT District Area Transportation Partnership.

2.7.3. *Public Transportation Operator will:*

- 2.7.3.1.** Attend and participate in MPO Technical Advisory Committee meetings as a voting member.
- 2.7.3.2.** Establish study committees/sub-committees as needed and include MnDOT and MPO representatives as appropriate.
- 2.7.3.3.** Participate in MnDOT and MPO study committees and sub-committees as appropriate.

2.8. Certification

2.8.1. *MnDOT will:*

- 2.8.1.1.** Monitor federal and state legislation and inform the MPO and Public Transportation Operator of new or changed requirements.
- 2.8.1.2.** Prepare and adopt MnDOT's Public Participation Procedures for public involvement throughout the statewide transportation planning and programming process.
- 2.8.1.3.** Prepare and include in the State Transportation Improvement Program (STIP) an annual MnDOT self-certification and supporting documentation of compliance with required regulations.
- 2.8.1.4.** Conduct mid-year program review with MPO and Public Transportation Operator.
- 2.8.1.5.** Review, make a concurrence determination and submit MPO's self-certification documentation to Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) as part of the Transportation Improvement Program (TIP) submittal.

2.8.2. MPO will:

- 2.8.2.1.** Prepare and adopt MPO's Public Participation Plan.
- 2.8.2.2.** Prepare and include in annual Transportation Improvement Program (TIP) an adopted self-certification statement with supporting documentation of compliance with required federal regulations.
- 2.8.2.3.** Review MnDOT's self-certification documentation.
- 2.8.2.4.** Participate in mid-year program review with MnDOT and Public Transportation Operator.

2.8.3. Public Transportation Operator will:

- 2.8.3.1.** Review MPO's and MnDOT's self-certification documentation.
- 2.8.3.2.** Participate in mid-year program review with MnDOT and MPO.

3. PERFORMANCE BASED PLANNING

To the extent practicable, the parties to this agreement will work cooperatively to develop, identify and implement a performance-based planning approach to address federal performance measures. This coordination effort is outlined below.

3.1. Performance Based Planning

3.1.1. MnDOT will:

- 3.1.1.1.** Develop and share information related to transportation performance data.
- 3.1.1.2.** Coordinate with the Public Transportation Operator and MPO to select and establish performance targets in accordance with 23 § 450.206(c).
- 3.1.1.3.** Promptly report performance targets whenever a target is adopted or change.
- 3.1.1.4.** Follow the specific procedures identified in the most current version of the Performance Planning Target Setting Procedures document. The document will be maintained by the MPO Coordinator within the MnDOT Office of Transportation System Management.
- 3.1.1.5.** Meet with the MPO and Public Transportation Operator annually, or more frequently, to discuss status of targets and plans. Plans include but are not limited to, Transit Development Plan, Transit Asset Management Plan, and Public Transportation Agency Safety Plan.

3.1.2. MPO will:

- 3.1.2.1.** Develop and share information related to transportation performance data.
- 3.1.2.2.** Coordinate with the Public Transportation Operator and MnDOT to select and establish performance targets in accordance with 23 § 450.306(d).
- 3.1.2.3.** MPO will coordinate with the Public Transportation Operator on a schedule for target adoption, so that it fits into the MPO's schedule for Transportation Improvement Program (TIP) adoption.
- 3.1.2.4.** Promptly report performance targets whenever a target is adopted or change.

3.1.2.5. Follow the specific procedures identified in the most current version of the Performance Planning Target Setting Procedures document.

3.1.2.6. Meet with Public Transportation Operator and MnDOT annually, or more frequently, to discuss status of targets and plans. Plans include but are not limited to, Transit Development Plan, Transit Asset Management Plan, and Public Transportation Agency Safety Plan.

3.1.3. *Public Transportation Operator will:*

3.1.3.1. Develop and share information related to transportation performance data.

3.1.3.2. Select and establish performance targets in coordination with MPO and MnDOT according to 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d).

3.1.3.3. Public Transportation Operator will coordinate with the MPO on a schedule for target adoption, so that it fits into the MPO's schedule for Transportation Improvement Program (TIP) adoption.

3.1.3.4. Promptly report performance targets whenever a target is adopted or change.

3.1.3.5. Follow the specific procedures identified in the most current version of the Performance Planning Target Setting Procedures document.

3.1.3.6. Organize a meeting annually, or more frequently, with MnDOT and the MPO to discuss status of targets and plans. Plans include but are not limited to, Transit Development Plan, Transit Asset Management Plan, and Public Transportation Agency Safety Plan.

4. CONTRACTUAL OBLIGATIONS.

This MOU is not a legally binding agreement and creates no legally binding obligations for any party. Because of this mutual desire to proceed, each party fully intends to make a good faith effort to achieve the goals described above, including working together to comply with federal and state laws and to find mutually beneficial solutions when problems arise.

5. GOVERNMENT DATA.

The parties acknowledge that this MOU as well as any data created, collected, stored, or received under the terms of this MOU are "Government Data" within the meaning of the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13) and that they must comply with the provisions of the Act as it relates to such data.

6. EFFECTIVE DATE.

This MOU shall be effective when all appropriate signatures have been obtained by MnDOT, the MPO, and the Public Transportation Operator. It is further understood that this MOU replaces the existing Planning and Performance MOUs signed December 4, 2012, and December 18, 2017, respectively.

7. MODIFICATION.

Any amendments to this MOU must be mutually agreed to in writing. It is mutually agreed that this MOU will be reviewed (and amended as determined necessary) following the reauthorization of the current surface transportation authorization act.

8. TERMINATION.

The terms of this MOU may be terminated by any one of the parties by giving written notice to each of the other parties. This MOU will remain in effect until terminated as provided in this clause, or until replaced by a new MOU.

I concur with this Memorandum of Understanding

Minnesota Department of Transportation:

By: _____

Title: _____

Date: _____

MnDOT Contract Management
(as to form)

By: _____

Date: _____

La Crosse Area Planning Committee

By: **Linda Seidel** _____
Digitally signed by Linda Seidel
Date: 2022.09.23 13:33:39 -05'00'

Title: **LAPC Chair** _____

Date: **9/23/22** _____

La Crosse Municipal Transit Utility

By:  _____

Title: *Deputy Director of Transit* _____

Date: *10/5/22* _____