

**NEW YORK METROPOLITAN  
TRANSPORTATION COUNCIL (NYMTC)**

**COMPENDIUM OF AGREEMENTS AND OPERATING  
PROCEDURES**

**Updated October 2018**



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# **New York Metropolitan Transportation Council (NYMTC) Compendium of Agreements and Operating Procedures**

## **Introduction**

This Compendium contains the documented agreements and operating procedures that govern the New York Metropolitan Transportation Council (NYMTC), which is the Metropolitan Planning Organization (MPO) for the New York City, suburban Long Island and the lower Hudson Valley areas of New York State.

Included here are all the documents that define the organization and operation of NYMTC, including the Memorandum of Understanding between NYMTC's members; the Governor's designation of NYMTC as an MPO; various other key agreements; and the Organizational Operating Procedures and the Functional Operating Procedures that supplement the MOU.

*This compendium is provided for reference and use in conducting NYMTC's business and is available to NYMTC members and the public for their information and use.*

## **NYMTC Overview**

The federal legislation which authorizes funding for transportation improvements nationwide and its associated regulations require metropolitan areas to undertake a coordinated regional transportation planning process in order to be eligible for federal transportation funding. Per these regulations, the organizational mechanism for this regional planning process is the MPO. Although MPOs take a variety of forms nationwide, they are generally regional councils of governments whose members join together to undertake the prescribed metropolitan transportation planning process in order to receive federal reimbursement for the costs of transportation improvement projects.

NYMTC was designated as the MPO for New York City, Long Island and the lower Hudson Valley by the Governor of the State of New York in June 1982 after the dissolution of its predecessor, the Tri-State Regional Planning Commission (Tri-State). Tri-State, which was formed through a compact between the states of New York, New Jersey and Connecticut, had formerly fulfilled the MPO functions for the area that would be designated as NYMTC, as well as for northern New Jersey, southwestern Connecticut and several counties in New York State to the north of the NYMTC planning area. When the compact that formed Tri-State was dissolved in 1982, a number of smaller organizations were formed in the wake of the dissolution; NYMTC being one of them.

Organizationally, NYMTC was formed through a Memorandum of Understanding (MOU) between its member agencies. This MOU established NYMTC as a "council of transportation coordinating committees", using the geographically-oriented constituent committees that had operated under Tri-State as a basis for the new organization. The language of the MOU was passed by the New York State Legislature and signed into law and the Governor designated NYMTC as the MPO for its planning area.

## **Memorandum of Understanding**

The organizational basis of NYMTC is a foundation MOU among its constituent agencies that was executed in 1982. This MOU also forms the core of the metropolitan planning agreement required under Federal planning regulations. The member agencies entered into this agreement through the action of the three transportation coordinating committees (TCCs) that came together to form NYMTC.

The MOU lays out the basic organizational forms and relationships of NYMTC as an MPO, including the continuation of the TCCs as standing committees of NYMTC; designation of the standing Program, Finance and Administration Committee (PFAC) to oversee NYMTC's day-to-day operations; designation of NYMTC advisory (non-voting) membership, the decision-making protocols of the organization; the form, functions and operating protocols of NYMTC's staff; and the operating protocols of the organization with regard to the three federally-mandated planning products: the Regional Transportation Plan, Transportation Improvement Program and Unified Planning Work Program. Finally, the MOU establishes a mechanism for coordinating with neighboring MPOs.

### **Addenda to the MOU**

Over time, the information contained in the MOU proved insufficient to provide the detailed operational guidance critical to NYMTC's functioning, given the complexities of NYMTC's operation and the dynamic nature of the federal regulations which govern the MPO planning process. As needed, additional guidance has been provided through the adoption by NYMTC or its constituent committees of a series of supplemental agreements and operating procedures that effectively form a series of addenda to the MOU. The adoption of new agreements and operating procedures has allowed NYMTC to adjust its operations in response to new requirements and regional needs.

**Supplemental Agreements and Organizational Operating Procedures** – supplement and expand on the language of the MOU as it relates to different components of NYMTC's organization and its relationship to entities in its planning area and in the larger metropolitan region. The MOU also contains such procedures for the Council principals acting as NYMTC and for NYMTC's staff. The organizational operating procedures provide more detailed protocols for NYMTC's standing committees: PFAC, the Mid-Hudson South Transportation Coordinating Committee, Nassau-Suffolk Transportation Coordinating Committee and the New York City Transportation Coordinating Committee.

The supplemental agreements and operating procedures are not formally part of the MOU. However, in all cases they are formally and publicly adopted by NYMTC or its constituent committees and therefore join with the MOU to form the metropolitan planning agreement called for under federal planning regulations.

**Functional Operating Procedures** – supplement and expand on the language of the MOU as it relates to NYMTC's primary functions as an organization. The MOU contains such procedures for the collaborative production of the three main products of the metropolitan planning process: the Regional Transportation Plan, Transportation Improvement Program and Unified Planning Work Program. Over time, changes to the federal planning regulations have necessitated the adoption of new operating procedures to accommodate new or revised regulatory requirements related to these products and/or establishing new required products or analyses. The functional

operating procedures appear in the following order: Public Participation, Project Selection, Major Investment Studies, Congestion Management Process, Major Project Analysis and Financial Planning, Transportation Improvement Program and Statewide Transportation Improvement Program.

### **Responding to Future Needs**

As defined above, NYMTC's metropolitan planning agreement – as constituted by the MOU and supplemental agreements and organizational and functional operating procedures – is a living agreement which needs to respond to potential future changes to the federal planning regulations each time new federal transportation authorizing legislation is passed, as well as changing relationships with entities with NYMTC's planning area and in the larger metropolitan region. Given the dynamic nature of the federal regulatory process, NYMTC will continue to adopt new operating procedures and/or amend existing procedures as regulations and requirements change within the basic framework of the MOU.

**New York Metropolitan Transportation Council (NYMTC)  
Compendium of Agreements and Operating Procedures**

**SECTION I  
AGREEMENTS**

**- I (a) -**

**Memorandum of Understanding for a  
Council of Transportation Coordinating Committees  
(The New York Metropolitan Transportation Council)**

# COUNCIL OF TRANSPORTATION COORDINATING COMMITTEES

## MEMORANDUM OF UNDERSTANDING

This agreement is entered into this thirtieth day of June, 1982, by and between the Counties of Nassau, Putnam, Rockland, Suffolk, and Westchester, the City of New York, the Metropolitan Transportation Authority, and the New York State Department of Transportation, acting through the Mid-Hudson South, Nassau-Suffolk, and New York City Transportation Coordinating Committees.

### WITNESSETH

**WHEREAS**, transportation of people and goods is vital to the economic and social well-being of the metropolitan area embracing the Counties of Nassau, Putnam, Rockland, Suffolk and Westchester and the City of New York; (hereinafter the "metropolitan area") and

**WHEREAS**, general purpose local governments of the metropolitan area, the State of New York, and local, regional and State agencies have a strong common interest in coordinating and cooperating in performing transportation planning to meet local, regional, state and federal goals and objectives; and

**WHEREAS**, the transportation, land use, and economic planning and development activities of public and private agencies within the metropolitan area are of such magnitude and complexity and of such potential degrees of mutual impact, as to make necessary a formally coordinated, comprehensive, and continuing transportation planning and decision process carried on cooperatively by local governments and agencies and the State; and

**WHEREAS**, Titles 23 and 49 of the Federal Statutes require such a transportation planning and programming process for the metropolitan area; and

**WHEREAS**, since 1975, the Mid-Hudson South, New York City, and Nassau-Suffolk Transportation Coordinating Committees (TCC) have been recognized by the State and Federal Governments as appropriate and effective subregional forums for cooperative transportation decision making by principal elected officials of general purpose local governments and local, regional, and State transportation agencies; and

**WHEREAS**, the members of the Mid-Hudson South, New York City, and Nassau-Suffolk TCC's have agreed to join together to form the Council of Transportation Coordinating Committees and, acting through the Council, to constitute the federally required Metropolitan Planning Organization for the metropolitan area; and

**WHEREAS**, pursuant to the Federal regulations, the Council of Transportation Coordinating Committees has been designated by agreement among the units of general purpose local governments and the Governor as the Metropolitan Planning Organization responsible, in cooperation with the State and publicly owned operators of mass transportation services, for carrying out the urban transportation planning process specified in 23 CFR 450 and 49 CFR 613 and other applicable Federal regulations; and

**WHEREAS**, it is the purpose of this Memorandum of Understanding to delineate the roles and responsibilities and administrative, decision making, and staffing arrangements for the TCC's

and the Council to carry out transportation planning and programming to continue the area's qualification for Federal transportation assistance;

**NOW, THEREFORE,** the parties do hereby agree to the following:

I. Continuation of Transportation Coordinating Committees – Committee Membership

A. The Mid-Hudson South Transportation Coordinating Committee is continued, with voting membership to include:

1. Westchester County Executive
2. Putnam County Executive
3. Chairman of Legislators, Rockland County
4. Mayor of the City of Yonkers (tenure of membership to be determined by the Mid-Hudson South Transportation Coordinating Committee)
5. Chairman, Metropolitan Transportation Authority
6. Commissioner, New York State Department of Transportation

B. The Nassau-Suffolk Transportation Coordinating Committee is continued, with voting membership to include:

1. Nassau County Executive
2. Suffolk County Executive
3. Chairman, Metropolitan Transportation Authority
4. Commissioner, New York State Department of Transportation

C. The New York City Transportation Coordinating Committee is continued, with voting membership to include:

1. Chairman, New York City Planning Commission, representing the Mayor of the City of New York
2. Commissioner, New York City Department of Transportation, representing the Mayor of the City of New York
3. Chairman, Metropolitan Transportation Authority
4. Commissioner, New York State Department of Transportation

II. Council Membership

The Council of Transportation Coordinating Committees shall have as voting members:

1. Westchester County Executive
2. Putnam County Executive
3. Chairman of Legislators, Rockland County
4. Nassau County Executive
5. Suffolk County Executive
6. Chairman, New York City Planning Commission, representing the Mayor of the City of New York

7. Commissioner, New York City Department of Transportation, representing the Mayor of the City of New York
8. Chairman, Metropolitan Transportation Authority
9. Commissioner, New York State Department of Transportation

This representation of the participating units of government is not intended to indicate a proportional or any other kind of weighting for voting purposes. Indeed, this representation shall remain in effect only as long as Council decisions are reached by consensus as defined herein.

Advisory (non-voting) membership on the Council and on each TCC shall include the Federal Highway Administration, Urban Mass Transportation Administration, U.S. Environmental Protection Agency, N.Y.S. Department of Environmental Conservation, and the Port Authority of New York and New Jersey.

Members of all TCC's and the Council may be represented by designated substitutes. Such designation shall be in writing to the Secretary.

### III. Officers

- A. The Commissioner of the New York State Department of Transportation shall serve as permanent co-Chairperson of the Council with functional responsibility for agency operations. There shall be a rotating Council co-Chairperson, elected each year in turn by one of the TCC's from among its members. The rotation among TCC's for this purpose shall be decided by the Council.
- B. The New York State Department of Transportation shall perform Secretarial services for the Council.
- C. Each TCC shall elect officers according to its bylaws or operating procedures, except that the New York State Department of Transportation shall perform Secretarial services for each TCC.

### IV. Voting by Consensus

All actions taken by the TCC's and by the Council shall be by consensus of members. Consensus is defined to be unanimity of affected parties, with the co-Chairpersons judging the extent to which members are affected by proposed Committee or Council actions and declaring consensus or the lack thereof as the case may be.

V. Central Staff

To meet area-wide transportation planning needs and to provide centralized services to the TCC's, the Council shall provide for a Central Staff, and a Staff Director appointed by the Council from a list provided by the permanent co-Chairperson. The Staff Director shall be accountable to the Council for results of that portion of the transportation planning program assigned to the Central Staff, and for the economy and efficiency of the Central Staff operation. Central Staff activities shall be limited to transportation and transportation related matters and may include:

- 1) data collection, monitoring and analysis,
- 2) demographic analysis and forecasting,
- 3) strategic transportation planning,
- 4) regional transportation systems planning,
- 5) travel simulation and modeling and other technical planning and planning services,
- 6) mapping services,
- 7) administrative services including contract administration, and
- 8) special studies of regional significance.

VI. Unified Planning Work Program

A. The Council shall establish goals, objectives, criteria, and standards for the development of work programs for the use of federal and other planning funds.

B. The Unified Planning Work Program shall comprise the following major work elements:

1. Central Staff
2. TCC Staff
3. Subregional Pass Through
4. Transit Operators Planning Program
5. Special Studies

C. 1. The work program of the Central Staff shall be determined annually by the Council.

2. A method for distributing funds for Special Studies shall be determined annually by the Council.

D. 1. The New York State Department of Transportation, shall, on behalf of the Council, make application annually to the Urban Mass Transportation Administration and to other Federal agencies as may be appropriate, for funds to support the Council's planning program. The Department shall make such funds, as well as funds received from the Federal Highway Administration, available to the Council for its decision on their use and distribution.

The Department shall be the UMTA grant applicant for the Central Staff, TCC Staff, and Subregional Pass Through work elements of the UPWP. Applicants for UMTA grants to support the Transit Operators Planning and Special Studies work elements shall be determined annually in the UPWP.

2. The Council authorizes the Department and others as appropriate, to accept on behalf of the Council, the transfer of current grants that have been awarded to the Tri-State Regional Planning Commission.
  3. The UPWP, as endorsed by the Tri-State Regional Planning Commission for federal fiscal year 1981 (Tri-State Program Year 1981/82), shall not be altered by the Council, except by consensus of the Council members as defined herein.
- E. For the program year starting July 1, 1982, the allocation of funds to be made for the above major program elements except for Special Studies shall be determined by the Council.
- F. For the program year starting July 1, 1982, Subregional Pass Through funds shall be made available to each county and city in proportion to its 1980 population; however, no county shall receive less than \$25,000.

VII. Transportation Plans

- A. The Council shall develop and review annually area-wide transportation goals and objectives, considering Federal and State policies and requirements, for the guidance of its constituent TCCs.
- B. Each TCC shall develop and review and update, as necessary, a TCC Transportation Plan, consisting of long-range and short-range elements, including Transportation Systems Management components, and shall submit the Plan to the Council.
- C. Upon receipt of the TCC Transportation Plans, the Council shall examine them with respect to its goals and objectives, reconcile any differences, inconsistencies, or conflicts by consensus as defined herein, integrate the Plans into an area-wide Transportation Plan, and endorse the resultant Plan as meeting the requirements of 23 CFR 450 and 49 CFR 613.

VIII. Transportation Improvement Program

- A. Each TCC shall develop and update annually a TCC Transportation Improvement Program (TIP) in cooperation with State and local officials, regional and local transit operators, recipients authorized under Section 5 of the Urban Mass Transportation Act (49 USC 1604), and with input from other affected transportation and regional and local planning and implementing agencies. The

TIP shall consist of improvements recommended from the short-range and long-range elements of the Transportation Plan developed under VII, and continuing or special planning studies.

- B. The Council shall incorporate the TCC TIP's annually into an area-wide Transportation Improvement Program, including projects of a regional nature recommended by the Program, Finance, and Administration Committee (defined below) as initiated pursuant to IX C.1, and shall endorse the Program as meeting the requirements of 23 CFR 450 and 49 CFR 613, provided that the Program is consistent with plans adopted by the Council. Additions, deletions, or any other changes to TCC TIP's shall not be made by the Council except by consensus of its members as defined herein.
- C. The Transportation Improvement Program as endorsed by the Tri-State Regional Planning Commission for federal fiscal year 1983 shall not be altered by the Council except by consensus of Council members as defined herein.

IX. Program, Finance and Administration Committee

The Council shall establish a Program, Finance and Administration Committee (PFAC), to be composed of staff representatives of the New York State Department of Transportation, the Metropolitan Transportation Authority, and one to be appointed by each of the Transportation Coordinating Committees. The Central Staff Director shall serve as Secretary to the Committee. The co-Chairpersons of the Council shall appoint the Chairperson of the Committee from among the Committee members.

- A. The PFAC shall be responsible for overseeing the day-to-day operations of the MPO, including the following activities:
  - 1. monitoring and coordinating progress of the Council's Unified Planning Work Program to assure adherence to budgets and consistency with Federal regulations and local, state and federal objectives, and
  - 2. minor revisions to budgets and other aspects of the work program, as necessary during the program year.
- B. The PFAC shall, in cooperation with the TCCs, develop annually a draft Unified Planning Work Program consistent with the requirements of 23 CFR 450 and 49 CFR 613, for recommendation for endorsement by the Council at the Council's Annual Meeting. The Work Program shall include Central and sub regional staff activities, Council member activities and special studies.
- C. 1. Upon the initiation by any Council member of a project (or projects) of Region wide significance through the appropriate TCC(s), or changes to such projects, which for some reason must receive MPO endorsement during the interval between Council meetings, the PFAC shall be authorized to act for the Council to include such project(s) (or make such changes) in the Council's

TIP. To the extent possible such TIP changes shall be recommended by the PFAC to the Council at its next meeting. In the case that approval of affected TCC's can not be secured, the Council will meet to decide the issue.

2. Upon the endorsement by a TCC of a change in its TIP, which change must for some reason be incorporated in the Council TIP during the interval between the Council's Annual Meetings, the PFAC shall be authorized to act for the Council to make such incorporation and shall make such incorporation, provided that the change is consistent with plans adopted by the Council.
- D. Upon the request of any Council member of a change in the Council's Unified Planning Work Program, including the Program budget(s), which for some reason must receive MPO endorsement during the interval between the Council meetings, the PFAC shall be authorized to act for the council to make such a change. All actions taken by the PFAC concerning the UPWP shall be reported to all Council members within five working days. Such actions shall be effective unless a negative response is received from a Council member within ten working days.

X. Nonregional TCC Actions

The following actions by the TCC's, to be taken when necessary, shall be accepted as official MPO actions without formal ratification by the Council:

- A. The delineation of and keeping up-to-date, subregional urban area boundaries in cooperation with the State.
- B. The designation of appropriate federal-aid urban highway systems subject to concurrence of the New York State Department of Transportation.
- C. The making of minor modifications to the TCC TIP, including minor changes in scope of endorsed projects, substitutions by the initiating agency of projects of similar scope, and deletions or additions of subregional projects (within available funding).

A complete and current record of such actions shall be maintained by the Central Staff and be available for inspection and use by Council members.

XI. Coordination with Adjacent MPOs

Within six months from the date of execution of this Memorandum of Understanding, the Council shall develop procedures for coordinating its plans and programs, and its planning and programming processes, with adjacent Metropolitan Planning Organizations in the states of New York, New Jersey and Connecticut. The Council shall appoint a representative to work with these MPOs and to report back to the Council with recommendations on this matter as soon as possible.

## XII. Meetings and Agendas

- A. 1. Each TCC shall have an annual meeting, held each year between January 15 and February 15. Its business agenda shall include:
  - a. Election of Chairperson
  - b. Endorsement of a TCC TIP with an Annual Element
  - c. Endorsement of a TCC Transportation Plan
  - d. Other business items requested by any member

(During a transition period, additional TCC meetings may be necessary, until all of the above agenda items are on a schedule that allows for action on them by the TCC at its Annual Meeting.)

2. Special TCC meetings may be called at the request of any member of the TCC at any time, upon written request to the Secretary of the TCC.
  3. The Secretary shall be responsible for scheduling all meetings.
  4. A quorum for any TCC meeting shall be 2/3 of its voting members.
- B. The Council shall have an Annual Meeting, held each year as soon as possible after all TCC Annual Meetings have been concluded, but no later than March 15.
    1. The business agenda of this Annual Meeting of the Council shall include:
      - a. Endorsement of the area-wide TIP and annual element
      - b. Endorsement of the area-wide Transportation Plan
      - c. Adoption of the UPWP
      - d. Other business items requested by any members
    2. Special Council meetings may be called at any other time upon written request of any member of the Council to the Secretary.
    3. The Secretary shall be responsible for the scheduling of all meetings, including special meetings.
    4. A quorum for any Council meeting shall be 2/3 of its voting members.

## XIII. Central Staff Operation

The New York State Department of Transportation shall provide for the financial operations of the Central Staff and ensure that the Central Staff activities are in compliance with applicable laws and regulations. The relative responsibilities of the

Council and the Department for the Central Staff are detailed below. In all cases the responsibilities of the Council for the Central Staff shall be carried out on a day-to-day basis by the PFAC.

A. The Council shall be responsible for:

1. Program results:
  - a. Assuring that the desired results or benefits of the Central Staff's work are being achieved, including that the Unified Planning Work Program activities are on schedule, of proper quality, and are documented and reported on in an appropriate manner.
  - b. Assuring that the urban transportation planning objectives established by the Federal regulations and the Council itself are being met, including that the UPWP elements are responsive to Federal planning requirements and area transportation issues and problems.
2. Economy and efficiency of Central Staff operation:
  - a. Assuring that desired results are achieved at lowest cost, including that Central Staff size, salary levels and other costs are appropriate and planning methods well chosen.
  - b. Assuring that the Central Staff is managing or utilizing its resources (personnel, property, space, etc.) in an economical and efficient manner, including that management information systems, administrative procedures, organizational structures and other management tools are adequate.
3. Selecting consultants to perform activities in the Central Staff work program as provided for in the approved UPWP and negotiating professional services agreements, except that the Department shall be entitled to have a representative in all consultant selection decisions and fee negotiations that affect contracts held by the Department on behalf of the Council;
4. Approving all required task work programs (task amplifications) and preparing those required for Central Staff Activities;
5. Providing funds for a Central Staff Director and directing him/her to:
  - a. Manage Central Staff planning activity to ensure continued compliance with Federal and State regulations;
  - b. Prepare and maintain work budgets for all Central Staff planning activities and cash flow budgets for Central Staff operations;
  - c. Assist the Department in establishing acceptable ledgers and accounting procedures to maintain complete and accurate records pertaining to revenues, expenses, work performed, and cash on hand;
  - d. Assist the Department in preparing appropriate documentation of payrolls, time records, grant charges, invoices, vouchers, purchases, and other expenses in accordance with State and Federal requirements;
  - e. Assist the Department with the establishment and maintenance of Central Staff-related accounting records and bookkeeping procedures;

B. The Department shall be responsible for:

1. Prefinancing the Central Staff operation for the Council prior to reimbursement;
2. Employing Central Staff and paying Central Staff salaries and fringe benefits;
3. Paying Central Staff operating expenses and program costs in accordance with the approved Unified Planning Work Program;
4. All Central Staff financial operations:
  - a. Controlling Central Staff revenues, expenditures, assets and liabilities to the extent necessary to meet the Department's obligations with respect to the State funds involved. Some examples of necessary controls would be:

Cash Receipts

- Cash which should have been received is, in fact, received, and is deposited promptly and intact.

Cash Disbursements

- Disbursements are authorized and for proper amounts.
- Disbursements are properly recorded, adequately supported by documentation and made for the purposes intended.

Purchasing, Receiving, and Accounts Payable

- Purchases of goods and services are properly authorized and made in accordance with established policies and procedures.
- Purchase transactions are recorded properly and on time.
- Charges to federally assisted programs arising from purchase transactions conform to cost principles proscribed under pertinent federal circulars and the terms of the federal grant(s).

Payroll

- Employees shown on the payroll records are authorized and hired in accordance with administrative requirements.
- Payrolls are accurately calculated on the basis of authorized rates of pay.
- Payroll deductions are made in accordance with existing legal requirements and contractual agreements.
- Payroll transactions are accurately recorded in the accounting records.
- Employees charged to federally assisted programs are authorized by the approved budget.
- Fringe benefit arrangements affecting federal grant programs are consistently applied to all the organization's operations, including non-federal activities.

Billings and Receivables

- Billings represent valid claims for goods shipped or services received and are based on established pricing policies.
  - Billings and related receivables are recorded at the proper time.
  - Noncash credits to receivable accounts are appropriately authorized and supported and are made in accordance with established policies.
  - Billings and receivables are accurately recorded in the accounting records.
- b. Assuring that the financial reports for Central Staff operations contain accurate, reliable, and useful financial data and are fairly presented.
5. Assuring that the Central Staff operation is in full compliance with all applicable Federal, State and local laws and regulations, including that all Central Staff activities are eligible for reimbursement and that all matching requirements are met.
- C. New York State shall provide the non-federal share of Central Staff financing as detailed in the UPWP.

## MEMORANDUM OF UNDERSTANDING CLARIFICATIONS LIST

This list provides the clarifications to the Memorandum of Understanding (MOU) from 1982. A few references in the MOU are outdated due to changes in organizations or other changes that have occurred since that date.

### Section:

- I. A.3. “Chairman of Legislators, Rockland County” should be “Rockland County Executive”.
- I. A. 4. “Mayor of the City of Yonkers (tenure of membership to be determined by the Mid-Hudson South Transportation Coordinating Committee)” – As specified, the tenure was determined to be only for first few years.
- II. 3. “Chairman of Legislators, Rockland County” should be “Rockland County Executive”.

All mentions of “Urban Mass Transportation Administration, or UMTA” should be “Federal Transit Administration or FTA”.



NASSAU-SUFFOLK  
TRANSPORTATION COORDINATING COMMITTEE

Sam Ippolito, Secretary  
NEW YORK STATE OFFICE BUILDING  
VETERANS MEMORIAL HIGHWAY  
HAUAPPAUGE, NEW YORK 11787  
TELEPHONE (516) 979-5080

Date: June 30, 1982

Subject: APPROVAL OF MEMORANDUM OF UNDERSTANDING ADOPTING A "COUNCIL OF TRANSPORTATION COORDINATING COMMITTEES" METROPOLITAN PLANNING ORGANIZATION RESTRUCTURING

From: Sam Ippolito, Secretary *Sam Ippolito*

To: S. Thyagarajan, Acting Director, Bi-State Regional Planning Commission

cc: Peter F. Cohalan, Suffolk County Executive  
Francis T. Purcell, Nassau County Executive  
William C. Hennessey, Commissioner, New York State Dept. of Transportation  
Richard Ravitch, Chairman, Metropolitan Transportation Authority

This is to inform you that the voting members of the Nassau-Suffolk Transportation Coordinating Committee have adopted the Memorandum of Understanding setting up the "Council of Transportation Coordinating Committees" as the reorganized New York City area's Metropolitan Planning Organization (MPO). This is subject to the caveat that Mr. Purcell's approval be ratified by the Board of Supervisors at a later date and Mr. Cohalan's caveat that the Co-Chairmen have co-equal decisionmaking authority. The new MPO reorganization will commence July 1, 1982 with initial direction provided by the Program, Finance and Administration Committee.

If you have further questions, please contact Mr. Larry Malsam of my staff at (516) 979-5120.

SI:MW  
Enclosure

JUL 8 2004

INTERIM MAIL BALLOT OF NASSAU-SUFFOLK TRANSPORTATION COORDINATING COMMITTEE

June 15, 1982

Adoption of Memorandum of Understanding

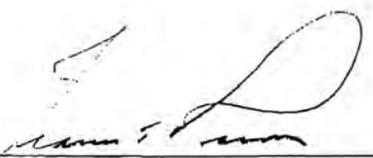
Adoption of MOU for  
Council of TCCs



Approve



Disapprove

  
\_\_\_\_\_  
Signature

FRANCIS T. PURCELL  
\_\_\_\_\_  
Name

NASSAU COUNTY EXECUTIVE  
\_\_\_\_\_  
Title, Agency

JUNE 25, 1982  
\_\_\_\_\_  
Date

Approved  
  
By Dr.

  
\_\_\_\_\_  
Secretary

Approved  
  
FIRST DEPUTY COUNTY COMPTROLLER 6/30/82  
Peter T. King  
County Comptroller

JUL 8 2004

INTERIM MAIL BALLOT OF NASSAU-SUFFOLK TRANSPORTATION COORDINATING COMMITTEE

June 15, 1982

Adoption of Memorandum of Understanding

Adoption of MOU for  
Council of TCCs



Approve



Disapprove

Signature

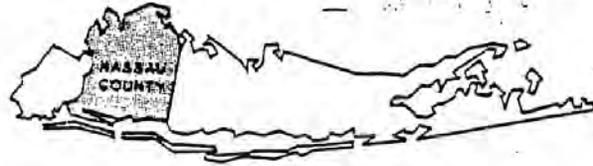
Name

Title, Agency

Date

JUL 8 2004

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# NASSAU COUNTY PLANNING DEPARTMENT

DIVISION OF TRANSPORTATION

HERBERT LIBERT  
Director

FRANCIS T. PURCELL  
County Executive

July 1, 1982

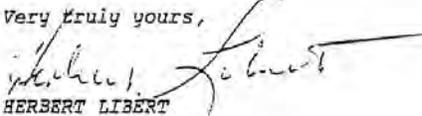
Mr. Sam Ippolito, Secretary  
Nassau-Suffolk Transportation Coordinating Committee  
New York State Office Building  
Veterans Memorial Highway  
Hauppauge, N. Y. 11787

Re: Approval of TCC Adoption of Memorandum  
of Understanding

Dear Mr. Ippolito:

As requested by William Hennessy, Commissioner, New York State Department of Transportation, enclosed is an Interim Ballot duly signed by County Executive Francis T. Purcell relative to the above.

Very truly yours,

  
HERBERT LIBERT  
Director

enc.  
HL/Ep

JUL 8 2004

38 of 224

State of New York



**Metropolitan  
Transportation  
Authority**

347 Madison Avenue New York, New York 10017 Phone 212 378-7000

RECEIVED  
JUL 20 1982  
N.Y.C.T.  
REGION 10

**Members of the Board**

- Richard Pavlton  
Chairman
- Lawrence R. Bailey  
Daniel F. Scarnell  
Vice Chairman
- Carol Bellamy
- Shannon Berger
- David W. Brown
- Jane K. Butcher
- Herbert J. Libert
- John F. McAlevey
- Ronay Menschel
- William J. Sheridan
- Constantine Sicamou-Eristoff
- Robert F. Wagner, Jr.
- Robert T. Waicbauer

**Acting Executive Director**  
David Z. Plavin

July 15, 1982

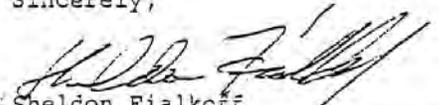
Mr. Larry Malsam  
Nassau-Suffolk  
Transportation Coordinating Committee  
New York State Office Building  
Veterans Memorial Highway  
Hauppauge, N.Y. 11787

Dear Mr. Malsam:

Enclosed please find the approved mail ballots for the proposed TIP amendments of June 15 and June 22, 1982. These approvals cover the adoption of the MOU for the Council of TCC's and the Long Island Rail Road Air Compressor Demo project.

If you have any questions, please call me.

Sincerely,

  
Sheldon Fialkoff  
Senior Transportation Planner

Encl.

JUL 8 2004  
39-0124

INTERIM MAIL BALLOT OF NASSAU-SUFFOLK TRANSPORTATION COORDINATING COMMITTEE

June 15, 1982

Adoption of Memorandum of Understanding

Adoption of MOU for  
Council of TCCs

Approve

Disapprove

Signature

John M. Kaiser  
Name

Ass't. Exec. Director MTA  
Title, Agency

Date

6/30/82

JUL 8 2004

FRANCIS T. PURCELL  
COUNTY EXECUTIVE



OFFICE OF THE EXECUTIVE  
NASSAU COUNTY EXECUTIVE BUILDING  
ONE WEST STREET  
MINEOLA, N. Y. 11501

June 30, 1982

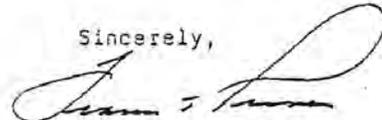
Mr. W. C. Hennessy  
Commissioner, NYSDOT  
1220 Washington Avenue  
State Campus  
Albany, New York 12232

Dear Mr. Hennessy:

I am in receipt of your June 23rd letter regarding changes in the Council of TCC's Memorandum of Understanding.

In my capacity as a voting member of the Nassau/Suffolk Transportation Coordinating Council, I approve of the changes regarding co-chairpersons.

Sincerely,



Francis T. Purcell

FTP:HL:ser

JUL 8 2004

41 of 224

INTERIM MAIL BALLOT OF NASSAU-SUFFOLK TRANSPORTATION COORDINATING COMMITTEE

June 15, 1982

Adoption of Memorandum of Understanding

Adoption of MOU for  
Council of TCCs



Approve



Disapprove

*Peter F. Cahalan*  
Signature

Peter F. Cahalan  
Name

County Executive, Suffolk County  
Title, Agency

Date

JUL 8 2004

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

PETER F. COHALAN  
SUFFOLK COUNTY EXECUTIVE

JOHN C. GALLAGHER  
CHIEF DEPUTY

*Integrity Change*  
RECEIVED

JUL - 6 1982  
REG. ON 10

June 28, 1982

Mr. S. Ippolito, Secretary  
Nassau-Suffolk Transportation Coordinating  
Committee  
New York State Office Building  
Veterans Memorial Highway  
Hauppauge, New York 11788

RE: MCU - Council of TCC's

Dear Mr. Ippolito:

I am returning the interim ballot endorsing the memorandum of understanding relating to the Council of Transportation Coordinating Committees. I believe that the Council could have performed effectively under the concept of a single rotating chairperson selected from among all of us each year. However, I am agreeing to the Co-chairperson arrangement with the understanding that decisions which are relegated to the Chair are likewise coequal.

At this time please convey my appreciation to Henry Peyrebrune and his staff as well as to all the TCC representative whose diligence for the past six months has resulted in developing a mechanism for continuing transportation planning for the region.

I look forward to participating in Council deliberations.

Sincerely yours,

PETER F. COHALAN  
SUFFOLK COUNTY EXECUTIVE

PFC:keo  
Enclosure:

JUL 8 2004

43 of 224

INTERIM MAIL BALLOT OF NASSAU-SUFFOLK TRANSPORTATION COORDINATING COMMITTEE

June 15, 1982

Adoption of Memorandum of Understanding

Adoption of MOU for  
Council of TCCs

Approve

Disapprove

\_\_\_\_\_  
Signature

\_\_\_\_\_  
William C. Hennessy  
Name

\_\_\_\_\_  
Commissioner, New York State Department of Transportation  
Title, Agency

\_\_\_\_\_  
Date

JUL 09 1982

JUL 8 2004

*Planning*

*see 015106  
Interim Ballot*

DATE JUL 09 1982

MEMORANDUM  
DEPARTMENT OF TRANSPORTATION

SUBJECT NASSAU-SUFFOLK TRANSPORTATION COORDINATING COMMITTEE  
INTERIM MAIL BALLOT  
COUNCIL MEMORANDUM OF UNDERSTANDING

FROM *[Signature]*  
W. C. Hennessy, Office of Commissioner, 5-506

TO S. Ippolito, Secretary, NSTCC

cc: H. L. Peyrebrune, Office of Public Transportation, 5-502  
E. W. Campbell, Planning Division, 4-115  
W. S. Caswell/R. Breuer, File D-1-h(1), Planning and Research Bureau, 4-206  
B. M. Hecht/File F-1  
L. Malsam, Region 10

Attached is my signed affirmative ballot on the Council version of the MOU. My approval should be construed as incorporating the changes that I identified in my letter of June 23, 1982 to the TCC Members.

WCH:BMH:gjr

Attachment

REC'D REGION #10

JUL 12 '82

*[Signature]*

	INIT
Regional Director	
Administration	
Minor Engr.	
Construction	
Design	
Public Affs.	
Reg. Affairs	
Transportation	
Planning	
Personnel	
Real Estate Div.	
Tech. Serv.	
Traffic	

45 of 224

*[Signature]*

July 23, 1982

Mr. Henry L. Peyrebrune  
Assistant Commissioner for Public Transportation  
New York State Department of Transportation  
Building 5, Room 502  
State Campus  
1220 Washington Avenue  
Albany, New York 12232

Dear Commissioner:

Re: Memorandum of Understanding Establishing a Council  
of TCC's as MPO for New York Urbanized Area

Attached are copies of the mail ballots returned by the members of the Mid-Hudson South Transportation Coordinating Committee, approving the MOU establishing a Council of TCC's as the MPO for the New York City Urbanized Area. The signed originals are being sent to Barry Hecht, via copy of this letter, for transmittal to FHWA.

Please note the conditions specified by the attachments to the Rockland and Westchester ballots; whether or not they compromise or otherwise affect local approval is unclear. In any case, please let me know if any further action by this TCC is necessary to address this or other issues.

If you have any questions, please contact Bruce Avery, in the Regional Planning and Development group, at extension 220.

Very truly yours,

A. E. Dickson, Secretary  
Mid-Hudson South Transportation  
Coordinating Committee

AED:ak

Attachment

cc: B. M. Hecht, Downstate Metro. Planning Section, Room 205, Bldg. 4  
S. D. Phraner, Staff Director, New York Metro Trans. Council

JUL 8 2004

46 of 224

Mid Hudson South Transportation Coordinating Committee

MAIL BALLOT

In accordance with the written polling procedures as provided for in the Operating Procedures of the Mid Hudson South Transportation Coordinating Committee, the undersigned, as the Committee member representing TRI-STATE R.V.C., have read and reviewed the Memorandum of Understanding, dated May 25, 1982, transmitted by Department of Transportation Commissioner Hennessy's letter of June 3, 1982, establishing a Council of TCC's as the Metropolitan Planning Organization (MPO) for the New York City Metropolitan Area, delineating the roles and responsibilities, and the administrative, decision-making, and staffing arrangements for the TCC's and the Council, and have taken the action indicated below.

I hereby APPROVE OF and ENDORSE the Memorandum of Understanding

I DO NOT APPROVE OF the Memorandum of Understanding (for the reasons cited below, as appropriate)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

JUL 8 1982

Mid Hudson South Transportation Coordinating Committee

MAIL BALLOT

In accordance with the written polling procedures as provided for in the Operating Procedures of the Mid Hudson South Transportation Coordinating Committee, I, the undersigned, as the Committee member representing NYSDOT, have read and reviewed the Memorandum of Understanding, dated May 25, 1982, transmitted by Department of Transportation Commissioner Hennessy's letter of June 3, 1982, establishing a Council of TCC's as the Metropolitan Planning Organization (MPO) for the New York City Metropolitan Area, delineating the roles and responsibilities, and the administrative, decision-making, and staffing arrangements for the TCC's and the Council, and have taken the action indicated below.

I hereby APPROVE OF and ENDORSE the Memorandum of Understanding

I DO NOT APPROVE OF the Memorandum of Understanding (for the reasons cited below, as appropriate)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: *W. C. Hennessy*

Name: W. C. HENNESSY

Title: Commissioner, NYS Dept. of Transportation

Date: JUN 23 1982

JUL 8 2004  
48 of 224

REG. DIR.	PERSONL
AST. TO RD	PLANNING
ADMIN.	REAL EST.

Mid Hudson South Transportation Coordinating Committee, June 24 1982

REC'D  
DOT  
JUN 24 1982

MAIL BALLOT

CONTR.
DESIGN
PROG. MGMT
TRAIN.

In accordance with the written polling procedures as provided for in the Operating Procedures of the Mid Hudson South Transportation Coordinating Committee, I, the undersigned, as the Committee member representing Putnam County, have read and reviewed the Memorandum of Understanding, dated May 25, 1982, transmitted by Department of Transportation Commissioner Hennessy's letter of June 3, 1982, establishing a Council of TCC's as the Metropolitan Planning Organization (MPO) for the New York City Metropolitan Area, delineating the roles and responsibilities, and the administrative, decision-making, and staffing arrangements for the TCC's and the Council, and have taken the action indicated below.

I hereby APPROVE OF and ENDORSE the Memorandum of Understanding

I DO NOT APPROVE OF the Memorandum of Understanding (for the reasons cited below, as appropriate)

Comments: Putnam County endorses this Memorandum of Understanding with  
the condition that:

- (1) each chairperson shall have equal powers and responsibilities (pg 5);  
and (2) the chairpersons of the Council will appoint the chairperson of  
the Program, Finance, and Administration Committee (pg 9).

Signature: 

Name: David D. Bruen

Title: Putnam County Executive

Date: June 23, 1982

JUL 8 1982

Mid Hudson South Transportation Coordinating Committee

MAIL BALLOT

In accordance with the written polling procedures as provided for in the Operating Procedures of the Mid Hudson South Transportation Coordinating Committee, I, the undersigned, as the Committee member representing NYCTA, have read and reviewed the Memorandum of Understanding, dated May 25, 1982, transmitted by Department of Transportation Commissioner Hennessy's letter of June 3, 1982, establishing a Council of TCC's as the Metropolitan Planning Organization (MPO) for the New York City Metropolitan Area, delineating the roles and responsibilities, and the administrative, decision-making, and staffing arrangements for the TCC's and the Council, and have taken the action indicated below.

I hereby APPROVE OF and ENDORSE the Memorandum of Understanding

I DO NOT APPROVE OF the Memorandum of Understanding (for the reasons cited below, as appropriate)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Name: John J. Kaur

Title: Acting Executive Director

Date: 6/23/82

JUL 8 1982

PLANNING	PLANNING
REAL EST.	REAL EST.
REC'D	REG
JUL 16 1982	8
CONSTR.	SOILS MAT.
DESIGN	TRAFFIC
DEPT. MGT.	GEN. FILE
DEV. MGMT.	

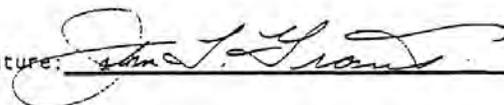
Mid Hudson South Transportation Coordinating Committee

MAIL BALLOT

In accordance with the written polling procedures as provided for in the Operating Procedures of the Mid Hudson South Transportation Coordinating Committee, I, the undersigned, as the Committee member representing Rockland County, have read and reviewed the Memorandum of Understanding, dated May 25, 1982, transmitted by Department of Transportation Commissioner Hennessy's letter of June 3, 1982, establishing a Council of TCC's as the Metropolitan Planning Organization (MPO) for the New York City Metropolitan Area, delineating the roles and responsibilities, and the administrative, decision-making, and staffing arrangements for the TCC's and the Council, and have taken the action indicated below.

- I hereby APPROVE OF and ENDORSE the Memorandum of Understanding
- I DO NOT APPROVE OF the Memorandum of Understanding (for the reasons cited below, as appropriate)

Comments: In accordance with Resolution No. 477 of 1982 of the Rockland County Legislature, we object to the two votes given to New York City while other participants are given only one vote. Copy of Resolution is attached.

Signature: 

Name: John T. Grant

Title: Chairman, Rockland County Legislature

Date: July 13, 1982

JUL 8 2004

Mid Hudson South Transportation Coordinating Committee

MAIL BALLOT

In accordance with the written polling procedures as provided for in the Operating Procedures of the Mid Hudson South Transportation Coordinating Committee, I, the undersigned, as the Committee member representing Westchester County, have read and reviewed the Memorandum of Understanding, dated May 25, 1982, transmitted by Department of Transportation Commissioner Hennessy's letter of June 3, 1982, establishing a Council of TCC's as the Metropolitan Planning Organization (MPO) for the New York City Metropolitan Area, delineating the roles and responsibilities, and the administrative, decision-making, and staffing arrangements for the TCC's and the Council, and have taken the action indicated below.

I hereby APPROVE OF and ENDORSE the Memorandum of Understanding

I DO NOT APPROVE OF the Memorandum of Understanding (for the reasons cited below, as appropriate)

Comments: Westchester County's approval of the Memorandum of Understanding (MOU) is granted with the proviso that the MOU be amended as indicated in Commissioner Hennessy's letter of June 23, 1982, and with the additional understanding detailed in Attachment 1 to this mail ballot.

Signature: \_\_\_\_\_

*Alfred B. Del Bello*

Name: \_\_\_\_\_

*Alfred B. Del Bello*

Title: \_\_\_\_\_

*County Executive*

Date: \_\_\_\_\_

*July 19, 1982*

JUL 8 2004

52 of 224

Mid Hudson South Transportation Coordinating Committee

MAIL BALLOT

In accordance with the written polling procedures as provided for in the Operating Procedures of the Mid Hudson South Transportation Coordinating Committee, I, the undersigned, as the Committee member representing the City of Yonkers, New York have read and reviewed the Memorandum of Understanding, dated May 25, 1982, transmitted by Department of Transportation Commissioner Hennessy's letter of June 3, 1982, establishing a Council of TCC's as the Metropolitan Planning Organization (MPO) for the New York City Metropolitan Area, delineating the roles and responsibilities, and the administrative, decision-making, and staffing arrangements for the TCC's and the Council, and have taken the action indicated below.

I hereby APPROVE OF and ENDORSE the Memorandum of Understanding

I DO NOT APPROVE OF the Memorandum of Understanding (for the reasons cited below, as appropriate)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: 

Name: Angelo R. Martinelli

Title: Mayor

Date: July 21, 1982

JUL 8 2004 224



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

HUGH L. CAREY  
GOVERNOR

September 20, 1982

Dear Mr. Delli Bovi:

On January 26 I wrote Secretary Lewis designating the Council of Transportation Coordinating Committees as the Metropolitan Planning Organization for the New York State portion of the New York, N.Y. - Northeastern New Jersey urbanized area. Since that time, the Transportation Coordinating Committees have been developing a Memorandum of Understanding delineating the roles and responsibilities and administrative, decision making, and staffing arrangements for the Committees and the Council to carry out transportation planning and programming for the New York metropolitan area. On July 1, 1982, I signed into State law Chapter 451 of the Laws of 1982, which incorporates the final version of that Memorandum of Understanding and which specifies that "Upon adoption of a joint resolution by the transportation coordinating committees and approval of such resolution by the governor, the council shall be designated as the metropolitan planning organization for the New York portion of the .... urbanized area".

The members of the Committees have signed mail ballots approving the final form of the Memorandum of Understanding. I regard this action, taken together with the Memorandum itself, as constituting "adoption of a joint resolution". I hereby approve such resolution and reaffirm my earlier designation of the Council as the Metropolitan Planning Organization for the area. In response to the expressed desire of Committee members, the Council shall be known officially as the "New York Metropolitan Transportation Council".

-2-

Enclosed are copies of the Memorandum of Understanding and the signed mail ballots adopting it by the Council members. One copy of each of the Memorandum of Understanding and the ballots with original signatures have been sent to Victor Taylor of the Federal Highway Administration, and additional copies to John G. Bestgen, also of the Federal Highway Administration.

Sincerely,

/s/ Hugh L. Carey

Mr. Alfred A. Delli Bovi, Director  
Urban Mass Transportation Administration  
Region II  
26 Federal Plaza, Suite 14-130  
New York, New York 10278

Enclosures

cc: Commissioner Hennessy, State Department of Transportation  
Mr. Brad Johnson, State Office of Federal Affairs

*Del. Pomeroy*  
*9/21*



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

HUGH L. CAREY  
GOVERNOR

September 20, 1982

Dear Mr. Bestgen:

On January 26 I wrote Secretary Lewis designating the Council of Transportation Coordinating Committees as the Metropolitan Planning Organization for the New York State portion of the New York, N.Y. - Northeastern New Jersey urbanized area. Since that time, the Transportation Coordinating Committees have been developing a Memorandum of Understanding delineating the roles and responsibilities and administrative, decision making, and staffing arrangements for the Committees and the Council to carry out transportation planning and programming for the New York metropolitan area. On July 1, 1982, I signed into State law Chapter 451 of the Laws of 1982, which incorporates the final version of that Memorandum of Understanding and which specifies that "Upon adoption of a joint resolution by the transportation coordinating committees and approval of such resolution by the governor, the council shall be designated as the metropolitan planning organization for the New York portion of the ... urbanized area".

The members of the Committees have signed mail ballots approving the final form of the Memorandum of Understanding. I regard this action, taken together with the Memorandum itself, as constituting "adoption of a joint resolution". I hereby approve such resolution and reaffirm my earlier designation of the Council as the Metropolitan Planning Organization for the area. In response to the expressed desire of Committee members, the Council shall be known officially as the "New York Metropolitan Transportation Council".

-2-

Enclosed are copies of the Memorandum of Understanding and the signed mail ballots adopting it by the Council members. One copy of each of the Memorandum of Understanding and the ballots with original signatures have been sent to Victor Taylor of your staff, and additional copies to Alfred Delli Bovi of the Urban Mass Transportation Administration.

Sincerely,

/s/ Hugh L. Carey

Mr. John G. Bestgen  
Federal Highway Administration  
Region I  
U.S. Department of Transportation  
Leo W. O'Brien Federal Building, Room 729  
Albany, New York 12207

Enclosures

cc: ~~Commissioner~~ Hennessy, State Department of Transportation  
Mr. Brad Johnson, State Office of Federal Affairs

**- I (b) -**

**SUPPLEMENTAL: Joint Cooperative Planning  
Agreement**

## Joint Cooperative Planning Agreement

This Agreement is entered into this twenty-fourth day of September, 2009, by and between the New York Metropolitan Transportation Council (NYMTC) as represented by its host agency and permanent co-chair, the New York State Department of Transportation, the transit operators who are recognized as designated recipients of funding through the Federal Transit Administration and who operate services within the NYMTC planning area; specifically, the Metropolitan Transportation Authority and its operating subsidiaries, including MTA New York City Transit, MTA Long Island Rail Road, MTA Long Island Bus, MTA Metro-North Railroad, and MTA Bus; the New York City Department of Transportation; the counties of Nassau, Putnam, Rockland, Suffolk and Westchester; the City of Long Beach in Nassau County; and the Town of Huntington in Suffolk County; and the New York State Department of Transportation as the direct recipient of the Federal-aid highway funds.

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) was designated by the Governor of the State of New York as the Metropolitan Planning Organization (MPO) for New York City, Long Island and the lower Hudson Valley, and

**WHEREAS**, the member agencies of NYMTC entered into a Memorandum of Understanding (MOU) on June 13, 1982 to create an organizational structure, establish operating procedures, and agree to fulfill the Federal requirements for metropolitan planning, and

**WHEREAS**, the Governor of the State of New York has by delegation, duly authorized the Commissioner of Transportation of the State of New York to act of behalf of the State of New York, and

**WHEREAS**, the City of Long Beach in Nassau County and the Town of Huntington in Suffolk County are designated recipients of Federal transit funding in the NYMTC planning area that are not parties to the NYMTC MOU but who are parties to this agreement and accept the mutual responsibility for the required elements of the planning process, and

**WHEREAS**, Federal regulation *23 CFR 450.314* requires the MPO, the State, and the public transportation operator(s) to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreement(s) among the MPO, the State(s), and the public transportation operator(s) serving a metropolitan planning area. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan, otherwise known as the "Regional Transportation Plan," "RTP" or "Plan", and the metropolitan Transportation Improvement Program, otherwise known as the "TIP," and development of the annual listing of obligated projects, and

**WHEREAS**, this Agreement shall not be construed to modify any existing agreement(s) or MOU between the parties; and

**WHEREAS**, as agreed by the parties, this Agreement may be revised as required by law or regulation or as a result of changes in the parties or the local procedures for carrying out the metropolitan planning process.

**NOW, THEREFORE, BE IT RESOLVED**, that the parties do hereby agree to fulfill all requirements of the metropolitan transportation planning process for planning products and analyses as defined in 23 CFR Part 450, *Subpart C* for the NYMTC metropolitan planning area, which is defined in the NYMTC MOU as consisting of the City of New York and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester. These requirements will be fulfilled through NYMTC as the designated MPO in this area using the NYMTC MOU and various operating procedures that have been adopted to guide NYMTC's activities.

### **1) General Planning Responsibilities**

- a) For parties to this agreement who are NYMTC members and are parties to the June 13, 1982 MOU, the following mechanisms will be used to implement the coordination and collaboration in the execution of the planning process as described below:
  - (1) The NYMTC members are represented through their principals, who together form NYMTC, and through their principals' designated representatives on NYMTC's Program, Finance and Administration Committee (PFAC) and by their principals and/or their designees on one or more of its three transportation coordinating committees (TCCs). These bodies are defined in the MOU and their responsibilities and operations defined in various operating procedures contained in the MOU or subsequently adopted by these bodies. The MOU and subsequent operating procedures are contained in NYMTC's Compendium of Operations.
  - (2) NYMTC, its PFAC and its TCCs have created and may continue to create formal and ad hoc subcommittees and working groups to facilitate various components of the planning process consistent with the responsibilities and operations defined in the MOU and subsequent operating procedures contained in the Compendium of Operations. The NYMTC members may also be represented on any or all of these formal and ad hoc subcommittees and working groups.
  - (3) NYMTC staff supports the operation of NYMTC, its PFAC and its TCCs in the execution of the planning process, as well as all of the formal and ad hoc subcommittees and working groups which have been or may be created to facilitate various components of the planning process consistent with the responsibilities and operations defined in the MOU and subsequent operating procedures contained in the Compendium of Operations. NYMTC staff is available to the NYMTC members to facilitate coordination and collaboration in the execution of the planning process through these bodies and individually as member agencies of NYMTC.
  - (4) The NYMTC members will participate in NYMTC, its PFAC and its TCCs as needed to coordinate their efforts and collaborate in the execution of the planning process and will be supported in these efforts by NYMTC staff. Their participation in the process and in decision-making related to this process, and their provision of information, data and planning activities in support of this process, will be undertaken through NYMTC, its PFAC and its TCCs with the support and active involvement of NYMTC staff.

- b) For parties to this agreement who are not parties to the June 13, 1982 MOU – the City of Long Beach and the Town of Huntington – the following mechanisms will be used to implement the coordination and collaboration in the execution of the planning process:
- (1) The City of Long Beach and the Town of Huntington will be represented in the process by the NYMTC member in whose jurisdiction they are located. For the City of Long Beach, that entity is Nassau County, and for the Town of Huntington, that entity is Suffolk County.
  - (2) The City of Long Beach and the Town of Huntington will participate in the process and in decision-making related to this process, and in the provision of information, data and planning activities in support of this process, through the NYMTC member in whose jurisdiction they are located.
  - (3) The City of Long Beach and the Town of Huntington will submit all required information and data as specified in subsequent sections of this agreement to support the execution of the planning process to the NYMTC member in whose jurisdiction they are located.
  - (4) The City of Long Beach and the Town of Huntington will undertake all required planning activities as specified in subsequent sections of this agreement to support the execution of the planning process at the direction of the NYMTC member in whose jurisdiction they are located.

## **2) Responsibilities for Required Planning Products**

- a) Development of NYMTC’s long-range metropolitan transportation plan (otherwise known as the “Regional Transportation Plan,” “RTP” or “Plan”) to the specifications described in and per the cycle prescribed by *23 CFR 450.322*. NYMTC’s procedures for the development of the Plan are contained in sections 1 and 2 of its *Compendium of Operations*, which will be amended periodically in response to changes in Federal regulations, on pages 23, 98, 123, 132 and 149 through 152.
- (1) PFAC will convene an RTP Subcommittee to engage the NYMTC members – including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester – in the development of a Plan not less than once every four years.
  - (2) NYMTC TCCs will also play a role in the development of Plan components through the efforts of their constituent members, including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester.
  - (3) PFAC will convene a Forecasting Working Group to engage the NYMTC members – including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester – in the development of socio-economic and demographic forecasts for use in the development of the Plan.
  - (4) As NYMTC members, NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester will actively participate in the RTP Subcommittee, the Forecasting Working Group and the TCCs in the development of the Plan.

- (5) The City of Long Beach and the Town of Huntington will actively participate in these bodies through the NYMTC member in whose jurisdiction they are spatially located.
  - (6) Information will be submitted through these bodies by the NYMTC members, the City of Long Beach and the Town of Huntington for the development of the Plan. This information will define current conditions, future needs, planned improvements and financial resources and needs, as well as the scope, schedule and cost of the improvement projects to be listed in the Plan.
  - (7) NYMTC staff will support the work of the bodies in developing the goals and objectives of the Plan and in using the information submitted to produce the main components of the Plan – including current and future operating characteristics of the transportation system; forecasts of future travel, system needs and anticipated resources; and projects, project concepts and studies of subareas, corridors and system components to meet future needs.
- b) The bodies responsible for the development of the Plan will also fulfill the specific provisions of the metropolitan planning agreement related to the Plan and TIP as described in *23 CFR 450.314(a)* as follows:
- (1) Cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan and the metropolitan Transportation Improvement Program (TIP), including provision of current and historical data on capital and operating budgets and inventories of facilities and equipment for which each party has responsibility and jurisdiction. Information on the age and condition of facilities and equipment will also be provided as described in the following sections. NYMTC's procedures for the development of financial plans are contained in Section 3 of its *Compendium of Operations* as amended, on pages 223 and 224. Relevant financial planning products resulting from implementation of the procedures include the following:
    - (i) A long-range forecast of capital and operating expenditures for the period of the Plan, which will include state-of-good-repair/normal replacement forecasts and operating/maintenance forecasts and/or estimates for the entire period. In addition, the long-range expenditures will include any fiscally-constrained improvement projects in the Plan or TIP that are not considered to be included in the above forecasts. NYMTC's member agencies, the City of Long Beach and the Town of Huntington will contribute all relevant information concerning transportation facilities, equipment and services under their jurisdictions for the long-range expenditure forecasts. NYMTC's staff will compile the information provided by the member agencies and apply agreed upon inflation rates to calculate aggregate expenditure forecasts in required "year-of-expenditure" dollars.

- (ii) A long-range forecast of capital and operating resources anticipated to be available for the period of the Plan to fund operations, maintenance and capital projects. NYMTC's member agencies, the City of Long Beach and the Town of Huntington will contribute all relevant information concerning transportation funding programs and sources under their jurisdictions for the long-range resource forecasts. NYMTC's staff will compile the information provided by the member agencies and apply agreed upon escalation rates to calculate aggregate expenditure forecasts in required "year-of-expenditure" dollars.
  - (iii) An aggregate estimate of expenditures programmed into the existing TIP will be specified as a three-to-five year component of the long-range expenditure forecasts. NYMTC's member agencies, the City of Long Beach and the Town of Huntington will provide all necessary information about programmed projects for which they are the sponsoring agency to specify medium-range expenditures. NYMTC's staff will aggregate this information into project lists, for which medium-term expenditure estimates will be calculated in year-of-expenditure dollars.
  - (iv) An aggregate estimate of resources available for projects programmed into the existing TIP will be specified as a medium-range component of the long-range resource forecasts. NYMTC's member agencies, the City of Long Beach and the Town of Huntington will provide all necessary information about anticipated resources available from funding sources for which they have direct responsibility in order to specify medium-range resources. NYMTC's staff will aggregate this information into funding sources, for which medium-term resource estimates will be calculated in year-of-expenditure dollars.
- c) Development and maintenance of NYMTC's medium-range TIP as described in the following sections to the specifications described in and per the cycle prescribed by *23 CFR 450.324*. NYMTC's procedures for the development of TIP are contained in sections 1, 2 and 3 of its *Compendium of Operations*, as amended, on page 23 and on pages 71 and 72, 93 and 94, 97 and 98, 104 through 108, 119 through 122, 127 through 130, 133 through 136, and 157 through 160.
- (1) NYMTC's TCCs will play a primary role in the development and maintenance of the TIP through the efforts of their constituent members, including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester. For the annual distribution of Section 5307 formula funding, the Section 5307 Working Group, through the efforts of their constituent members, including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester, will play a primary role in the recommendation of the distribution of funding in NYMTC's planning area.
  - (2) The City of Long Beach and the Town of Huntington will actively participate in these activities through the municipal entity who is a NYMTC member in whose jurisdiction they are located.

- (3) Information will be submitted through the TCCs by the NYMTC members, the City of Long Beach and the Town of Huntington for the development and maintenance of the TIP, including information on the scope, schedule, and cost of improvement projects to be listed in the TIP and/or changes to those already listed.
  - (4) The TCCs will also undertake, as required, the solicitation, rating, ranking and selection of project proposals for various funding sources such as Congestion Mitigation/Air Quality, Surface Transportation Program, Transportation Enhancement Program, Job Access/Reverse Commute, New Freedom and Section 5310.
  - (5) The TCCs will also undertake, as required, the maintenance of the TIP through formal amendments and administrative modifications according to the relevant operating procedures.
  - (6) On an annual basis, no later than 90 calendar days following the end of the program year, the TCCs will cooperatively develop listings of projects (including investments in pedestrian walkways and bicycle transportation facilities) for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year as defined in 23 CFR 450.332. Information will be submitted through the TCCs by the NYMTC members, the City of Long Beach and the Town of Huntington and will include project locations, descriptions, schedules and estimated costs.
  - (7) NYMTC staff will support the work of the TCCs in developing and maintaining the TIP and the annual listing of obligated projects.
- d) Development, maintenance and execution of the annual Unified Planning Work Program (UPWP) as a program of all planning activities to be undertaken in the NYMTC metropolitan planning area during a specific program year. NYMTC's procedures for the development of the Unified Planning Work Program are contained in sections 1 and 2 of its Compendium of Operations, as amended, on pages 22 and 23 and on pages 76 through 80. Specific activities will include:
- (1) NYMTC's PFAC and TCCs will play a primary role in the development and maintenance of the UPWP through the efforts of their constituent members, including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester.
  - (2) As NYMTC members, NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester will actively participate in PFAC and the TCCs as they develop and maintain the UPWP.
  - (3) The City of Long Beach and the Town of Huntington will actively participate in these activities through the municipal entity who is a NYMTC member in whose jurisdiction they are located.

- (4) Information will be submitted through the TCCs by the NYMTC members, the City of Long Beach and the Town of Huntington for the development and maintenance of the UPWP, including information on the scope, schedule, and cost of planning projects to be listed in the UPWP and/or changes to those already listed.
  - (5) PFAC will also undertake, as required, the rating, ranking and selection of planning project proposals for the UPWP, and will also undertake, as required, the maintenance of the UPWP through formal amendments and administrative modifications. NYMTC staff will support the work of PFAC and the TCCs in developing and maintaining the UPWP.
- e) Maintenance of the Congestion Management Process (CMP) to the specifications described in 23 CFR 450.320, including a coordinated program for data collection and system performance monitoring to define the extent and duration of congestion, to contribute in determining the causes of congestion, and evaluates the efficiency and effectiveness of implemented actions, and the development of a CMP Status Report. NYMTC's procedures for the Congestion Management Process are contained in Section 3 of its Compendium of Operations, as amended, on pages 181 through 216. Specific activities will include:
- (1) PFAC's RTP Subcommittee will engage the NYMTC members -- including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester -- in the development of the CMP Status Report as required by law.
  - (2) As NYMTC members, NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester will actively participate in the RTP Subcommittee for the development of each CMP Status Report.
  - (3) The City of Long Beach and the Town of Huntington will actively participate in these committees through the municipal entity who is a NYMTC member in whose jurisdiction they are located.
  - (4) Information will be submitted through the RTP Subcommittee by the NYMTC members, the City of Long Beach and the Town of Huntington for the development of the CMP Status Report.
  - (5) This information will be used to forecast congestion as part of the CMP, including, but not limited to transit ridership and service levels; ridesharing programs, service areas and usage; traffic volumes; and roadway facility characteristics and geometry.
  - (6) Information will also be provided on scope, schedule and cost of projects and project concepts related to forecasted congestion.
  - (7) The RTP Subcommittee will also recommend individual studies, projects and project concepts for inclusion in the Plan and/or the TIP or UPWP based on the CMP.
  - (8) NYMTC staff will support the work of the RTP Subcommittee in developing the CMP Status Report and in any specific studies undertaken as part of the CMP.

- f) Completion of Regional Emissions Analyses and Transportation Conformity Determinations per the requirements of the Clean Air Act Amendments of 1990, 42 U.S.C. 7504, as codified in 40 CFR Parts 51 and 6 NYCRR Part 240. Specific activities will include:
- (1) NYMTC's TCCs will play a primary role initially in the development, as needed, of Regional Emissions Analyses and Transportation Conformity Determinations to accompany adoption or amendment actions related to the Plan and TIP, or as deemed necessary by Federal regulations. Responsibility for the completion of Transportation Conformity Determinations will rest with NYMTC's PFAC.
  - (2) As NYMTC members, NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester will actively participate in the TCCs as they provide information necessary to complete Regional Emissions Analyses and Transportation Conformity Determinations.
  - (3) The City of Long Beach and the Town of Huntington will actively participate in these activities through the municipal entity who is a NYMTC member in whose jurisdiction they are located.
  - (4) Information will be submitted through the TCCs by the NYMTC members, the City of Long Beach and the Town of Huntington for the completion, as needed, of Regional Emissions Analyses and Transportation Conformity Determinations, including information on the scope, schedule, and cost of improvement projects from the Plan and TIP classified as "non-exempt" or as "regionally significant." NYMTC staff will conduct the Regional Emissions Analyses and develop the Transportation Conformity Determinations using the information provided to the TCCs, for action by NYMTC as the MPO per its Operating Procedures.
  - (5) As required by Federal or State law, regulation, requirement or policy related to air quality, energy use, and/or climate change, the TCCs and constituent members, will play an initial primary role in the development of specific other products and information related to air quality, energy use, and/or climate change as needed. Responsibility for the completion of these products will rest with NYMTC's PFAC.
- g) Development of transportation planning studies and project development as required by 23 CFR 450.318. NYMTC's procedures for Major Project Analysis are contained in Section 3 of its Compendium of Operations, as amended, on pages 220 through 223. Specific activities will include:
- (1) PFAC's RTP Subcommittee will engage the NYMTC members -- including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester -- in the designation and analysis of Major Projects.
  - (2) As NYMTC members, NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester will actively participate in the RTP Subcommittee to designate and analyze Major Projects.
  - (3) The City of Long Beach and the Town of Huntington will actively participate in these committees through the municipal entity who is a NYMTC member in whose jurisdiction they are located.
  - (4) Information will be submitted through the RTP Subcommittee by the NYMTC members, the City of Long Beach and the Town of Huntington for the designation and analysis of Major Projects.

- (5) Information will be provided on the scope, schedule and cost of projects and project concepts designated as Major Projects.
  - (6) The RTP Subcommittee will recommend Major Project designations to PFAC for inclusion in the Plan and the UPWP.
  - (7) NYMTC staff will support the work of the RTP Subcommittee in designating and analyzing Major Projects and will provide relevant information from the Plan to support the required analyses to be undertaken by the sponsors of Major Projects.
- h) Collection and provision of data to support the products and analyses described above and the analytical tools and simulation models needed to produce the products and analyses. NYMTC issues guidance for the collection and provision of data annually as part of the development of the UPWP. Specific activities will include:
- (1) NYMTC's PFAC will play a primary role in the collection and provision of data through the efforts of their constituent members, including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester. PFAC will also designate subcommittees and working groups to the development and execution of detailed surveys and in the analysis of census data.
  - (2) As NYMTC members, NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester will actively participate in PFAC and any designated subcommittees or working groups to undertake the collection and provision of data.
  - (3) The City of Long Beach and the Town of Huntington will actively participate in these activities through the municipal entity who is a NYMTC member in whose jurisdiction they are spatially located.
  - (4) Data will be submitted through PFAC by the NYMTC members, the City of Long Beach and the Town of Huntington on the characteristics and condition of various components of the transportation system and on the usage of various components of the transportation system.
  - (5) NYMTC staff will support the work of PFAC and any designated subcommittees or working groups in collection and provision of data.
- 3) Public Involvement
- a) Coordination and collaboration in the fulfillment of the public involvement requirements defined in 23 CFR 450.316 for the execution of the metropolitan planning process, including the production and adoption of all required products and analyses and the specific provisions related to the metropolitan planning agreement. NYMTC maintains procedures for public involvement as part of its compendium of Operations. Specifically,

- (1) NYMTC's PFAC and its TCCs will play a primary role in the fulfillment of the public involvement requirements and implementation of the recommendations in NYMTC's Public Involvement Plan through the efforts of its constituent members, including NYSDOT, MTA, NYCDOT and the counties of Nassau, Putnam, Rockland, Suffolk and Westchester.
- (2) The City of Long Beach and the Town of Huntington will actively participate in these activities through the municipal entity who is a NYMTC member in whose jurisdiction they are located.
- (3) NYMTC staff will support the work of PFAC in the fulfillment of the public involvement requirements and implementation of the recommendations in the Public Involvement Plan.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettinger  
Executive Director

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

**RESOLUTION #286: RECOMMENDATION FOR A JOINT COOPERATIVE PLANNING AGREEMENT TO FULFILL FEDERAL PLANNING REQUIREMENTS**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, for purposes of compliance with metropolitan transportation planning provisions of the current Federal transportation legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU), the operation of NYMTC as a metropolitan planning organization must be consistent with all requirements for metropolitan planning; and

**WHEREAS**, Federal regulation 23 CFR 450.314 requires the Metropolitan Planning Organization (MPO), the State, and the public transportation operator(s) to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process and that these responsibilities shall be clearly identified in written agreement(s) among the MPO, the State(s), and the public transportation operator(s) serving a metropolitan planning area; and

**WHEREAS**, 23 CFR 450.314 requires that the written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan, otherwise known as the Regional Transportation Plan, or Plan, and the metropolitan Transportation Improvement Program, otherwise known as the TIP, and development of the annual listing of obligated projects, and

**WHEREAS**, the member agencies of NYMTC entered into a Memorandum of Understanding (MOU) on June 13, 1982 to create an organizational structure, establish operating procedures, and agree to fulfill the Federal requirements for metropolitan planning, and

**WHEREAS**, The City of Long Beach in Nassau County and the Town of Huntington in Suffolk County are designated recipients of Federal transit funding in the NYMTC planning area that are not parties to the NYMTC MOU but who are parties to this agreement and accept the mutual responsibility for the required elements of the planning process, and

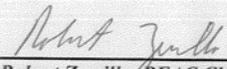
**WHEREAS**, the attached Joint Cooperative Planning Agreement includes specific provisions for the MPO, the State, and the public transportation operator(s) to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process and, specifically, for cooperatively developing and sharing information related to the development of financial plans that support the Plan and the TIP, and development of the annual listing of obligated projects

**NOW, THEREFORE, BE IT RESOLVED** that the Program, Finance and Administration Committee recommends that the Council adopt the Joint Cooperative Planning Agreement.

This resolution shall take effect on the seventeenth day of September, two thousand and nine.

**ADOPTION: September 17, 2009**

*"I hereby certify that the above is a true copy of Resolution #286, Recommendation for a Joint Cooperative Planning Agreement to Fulfill Federal Planning Requirements, and was motioned by Samuel Hornick, representing the New York City Transportation Coordinating Committee and seconded by Patrick Gerdin, representing the Mid-Hudson South Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."*

  
Robert Zerrillo, PFAC Chairperson

THE METROPOLITAN PLANNING ORGANIZATION  
199 WATER STREET ▼ NEW YORK ▼ NEW YORK ▼ 10038-3534 ▼ 212.383.7200 ▼ WWW.NYMTC.ORG

- I (c) -

**SUPPLEMENTAL:  
Memorandum of Understanding for Coordination of  
Transportation Planning Activities in the Multi-State  
New York-New Jersey-Connecticut-Pennsylvania  
Metropolitan Region**

*(This MOU supersedes and replaces Memorandum of  
Understanding for Coordination of Transportation  
Planning Activities in the Three State New York-New  
Jersey-Connecticut Metropolitan Region dated 1/17/08)*

**New York Metropolitan Transportation Council**  
**North Jersey Transportation Planning Authority**  
**Western Connecticut Council of Governments**  
**Connecticut Metro Council of Governments**  
**Naugatuck Valley Council of Governments**  
**South Central Regional Council of Governments**  
**Lower Connecticut River Valley Council of Governments**  
**Orange County Transportation Council**  
**Lehigh Valley Planning Commission**

**MEMORANDUM OF UNDERSTANDING (MOU) FOR COORDINATION OF  
TRANSPORTATION PLANNING ACTIVITIES IN THE MULTI-STATE NEW YORK-  
NEW JERSEY-CONNECTICUT-PENNSYLVANIA METROPOLITAN REGION**

This Memorandum of Understanding (MOU) is made and entered into by and among the New York Metropolitan Transportation Council (NYMTC) and the Orange County Transportation Council (OCTC) in the State of New York; the North Jersey Transportation Planning Authority (NJTPA) in the State of New Jersey; the Western Connecticut Council of Governments (WestCOG), Connecticut Metro Council of Governments (METROCOG), Naugatuck Valley Council of Governments (NVCOG), South Central Regional Council of Governments (SCRCOG), and Lower Connecticut River Valley Council of Governments (RiverCOG) in the State of Connecticut, and the Lehigh Valley Planning Commission (LVPC) in the State of Pennsylvania; collectively referred to hereinafter as "the PARTIES".

**WHEREAS**, the PARTIES acknowledge that portions of the multi-state New York-New Jersey-Connecticut-Pennsylvania metropolitan region are characterized by socio-economic and environmental interdependence, as evidenced through shared ecosystems, interconnected transportation systems and inter-related patterns of employment and population; and

**WHEREAS**, the PARTIES are within or are adjacent to a federally-designated Transportation Management Area (TMA) and together constitute one of the nation's largest commuter-sheds; and

**WHEREAS**, 23 U.S.C. 134 and Section 8 of the Federal Transit Act require that Metropolitan Planning Organizations (MPOs) be designated for metropolitan regions and that they maintain a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community

development and social goals; and

**WHEREAS**, a key role for MPOs is to serve as forums for cooperative transportation planning and decision-making in metropolitan areas; and

**WHEREAS**, 23 CFR 450.314(d) states that, where more than one MPO has authority within a metropolitan planning area or a nonattainment or maintenance area, there shall be an agreement between the state department(s) of transportation and the MPOs describing how their planning processes will be coordinated to assure the development of an overall transportation plan for the metropolitan planning area, and that in nonattainment or maintenance areas, the agreement shall include State and local air quality agencies; and

**WHEREAS**, this MOU supersedes a previous Memorandum of Understanding, executed by the then parties in 2008, in response to recommendations from the FHWA/FTA Transportation Planning Certification Reviews for NYMTC (January 2007) and NJTPA (January 2006), and to which the signatories were New York Metropolitan Transportation Council, North Jersey Transportation Planning Authority, South Western Region Metropolitan Planning Organization, Greater Bridgeport/Valley Metropolitan Planning Organization, and Housatonic Valley Council of Elected Officials; and

**WHEREAS**, it has subsequently been determined that, because of organizational changes, census boundary changes, and consistent with good planning principles, participation in this MOU by additional, adjacent MPOs would be advisable; and

**WHEREAS**, this MOU constitutes a multi-state, multi-party agreement which addresses the requirements of 23 CFR 450.314(d) for the PARTIES, as well as complying with other relevant provisions of the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94), the most recent federal surface transportation legislation; and

**WHEREAS**, the PARTIES agree to follow this MOU in order to ensure coordination in the development of the mandated products of the metropolitan transportation planning process including the process for meeting attainment of National Ambient Air Quality Standards (NAAQS); and

**WHEREAS**, this MOU is intended to ensure that the products of each respective MPO transportation planning process take into account the impacts of the plans and programs developed by the other MPOs; helps avoid duplication of effort; reflects consistency of approaches where possible; and ensures the consideration of the interests of all participating MPOs;

**NOW, THEREFORE, BE IT RESOLVED** that the PARTIES hereto agree to perform in good faith, and to the extent practicable and appropriate, the activities of voluntary coordination, cooperation and consultation amongst themselves, as follows:

### **General**

1. Hold an annual meeting of the Executive Directors and appropriate key managers of the several MPOs and Councils of Government (COGs) which are PARTIES to this agreement, while encouraging participation by interested MPO/COG member agency representatives, including but not limited to, the public transit operating agencies, the various state departments of transportation, and the Port Authority of New York and New Jersey, to discuss and review the areas of coordination, cooperation and consultation as outlined in this MOU. The purpose of the annual meeting will be to engage in discussions of mutual interest with a focus on the development of their federally-required planning products and analyses. The annual meeting will also serve as a mechanism for assessing this MOU and for discussing further expectations and approaches, as appropriate.
2. Cooperate in efforts toward achieving, where possible, general consistency of planning products, analyses and tools through informal communication and document exchange.
3. Participate, to the extent practicable, in the transportation planning process of the other PARTIES through such activities, as are deemed appropriate, as technical committee memberships and/or meeting participation, including the use of the PARTIES' public participation processes and involvement in regional studies, as well as through informal and ongoing communications regarding same.
4. Exchange information to the extent that a particular COG/MPO develops such information or transportation planning products at the COG/MPO, rather than at the state, level. If the information or transportation product is developed at the state level, the COG/MPO agrees to encourage the exchange of such information as appropriate by the state agency that does develop such information or transportation planning product.

### **Unified Planning Work Program (UPWP)**

1. As individual MPOs/COGs, make available UPWP documentation and products, as appropriate, to the other PARTIES.
2. Exchange information, as appropriate, including DRAFT copies of the UPWP, and maintain communication among the PARTIES regarding how best to achieve coordination and consistency among the planning products and analyses.
3. Discuss opportunities for collaborative activities that could be incorporated as tasks and/or products and thereby included in the Work Programs of the PARTIES, as appropriate, for the

upcoming year.

4. Consider that the several MPOs/COGs which are PARTIES to this agreement will not necessarily be at the same stage of UPWP development at the same time, and that coordination will be tempered by the schedule of each MPO's/COG's planning process.

### **Modeling and Data**

1. Exchange modeling information at appropriate levels of geography, attempting where possible to relate the data to the MPOs'/COGs' existing analysis and forecasting tools.

2. Share data and forecasting as appropriate, including socio-economic, census, forecast and survey data and results; trip tables and travel demand model assumptions; and model validation data, state line traffic volumes and traffic volumes at the external boundaries of the other agencies' models.

3. Consult, as appropriate, in the development of enhanced travel demand models and/or post-processors.

4. Examine and utilize opportunities for joint development of new modeling applications for the region as appropriate.

5. Exchange information, data, measurements and forecasts as needed regarding compliance with federal rules and regulations pertaining to Transportation Performance Management (TPM).

### **Transportation Plan**

1. During the development of the Long-Range Transportation Plan, consult as appropriate all PARTIES regarding key elements of the plan such as principles, scenarios, strategies, major project assumptions and key issues.

2. Exchange information, including DRAFT copies of the Long-Range Plans and proposed amendments, and maintain communication among the PARTIES, including affording each other the opportunity to review and comment on projects proposed in the Long-Range Plan, especially on projects that border, or have a significant impact upon, other PARTIES' MPO jurisdictions.

3. Identify "boundary" projects and programs which impact the planning areas of two of more of the PARTIES.

4. Jointly develop a "metropolitan region" overview section for use as appropriate by the PARTIES in their respective Plans.

5. Consider that the several MPOs/COGs which are PARTIES to this agreement will not necessarily be at the same stage of plan development at the same time, and that coordination will be tempered by the schedule of each MPO's/COG's planning process.

## **Transportation Improvement Program (TIP)**

1. Consult in the development of TIPs, as appropriate.
2. Exchange information, including DRAFT copies of the TIP and proposed amendments, and maintain communication among the PARTIES, including affording each other the opportunity to review and comment as appropriate on draft projects proposed in the TIP, especially on projects that border, or have a significant impact upon, other PARTIES' MPO jurisdictions.
3. Identify “boundary” projects and programs which impact the planning areas of two or more of the PARTIES.
4. Jointly develop a “metropolitan region” overview section for use as appropriate by the PARTIES in their respective TIPs.
5. Consider that the MPOs/COGs will not necessarily be at the same stage of TIP development at the same time, and that coordination will be tempered by the schedule of each MPO's planning process.

## **Transportation Conformity**

1. Exchange information, as appropriate, on the design concept and the design scope of projects that should be included in the regional emissions analysis.
2. Consult on the assumptions used in the regional emissions analysis by each affected MPO/COG.
3. Exchange information, including DRAFT copies of the Transportation Conformity Determinations, and maintain communication among the PARTIES as appropriate.
4. Participate as appropriate in Interagency Consultation Groups (ICG) for adjoining MPOs.
5. Consider that the several MPOs/COGs which are PARTIES to this agreement will not necessarily be at the same stage of Conformity Determination development at the same time, or face the same relevant regulations and emissions tests, and that coordination will be tempered by the schedule of each MPO's/COG's planning process.

N E W Y O R K M E T R O P O L I T A N T R A N S P O R T A T I O N C O U N C I L

José M. Rivera, P.E.  
Executive Director

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #450

AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NEIGHBORING  
METROPOLITAN PLANNING ORGANIZATIONS/COUNCILS OF GOVERNMENT

WHEREAS, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

WHEREAS, per 23 CFR 450.312(f), in multistate metropolitan areas, the Governors with responsibility for a portion of the multistate metropolitan area, the appropriate MPO(s), and the public transportation operator(s) are strongly encouraged to coordinate transportation planning for the entire multistate metropolitan area; and

WHEREAS, per Resolution #249 on January 17, 2008, the Program, Finance and Administration Committee (PFAC) adopted a Memorandum of Understanding (MOU) between neighboring MPOs in New York, New Jersey and Connecticut; and

WHEREAS, through similar actions of four other MPOs, the Metropolitan Area Planning (MAP) Forum was created as a consortium of MPOs in a multistate metropolitan area; and

WHEREAS, the recent reorganization of councils of government (COGs) by the State of Connecticut and the desire of additional MPOs and COGs to join the MAP Forum have necessitated the review and revision of the original MOU which created the MAP Forum; and

WHEREAS, the revised MOU must now be signed by the MPOs and COGs which will constitute the MAP Forum; and

WHEREAS, NYMTC continued involvement with the other MPOs and COGs in the multistate metropolitan region will help fulfill the requirements of 23 CFR 450.312(f), as well as continuing to enhance NYMTC's planning process.

NOW, THEREFORE, BE IT RESOLVED THAT PFAC authorizes the Executive Director of NYMTC to sign the revised MOU on behalf of NYMTC, thus continuing NYMTC's participation in the MAP Forum.

This resolution shall take effect on the twenty-seventh day of June, two thousand and seventeen.

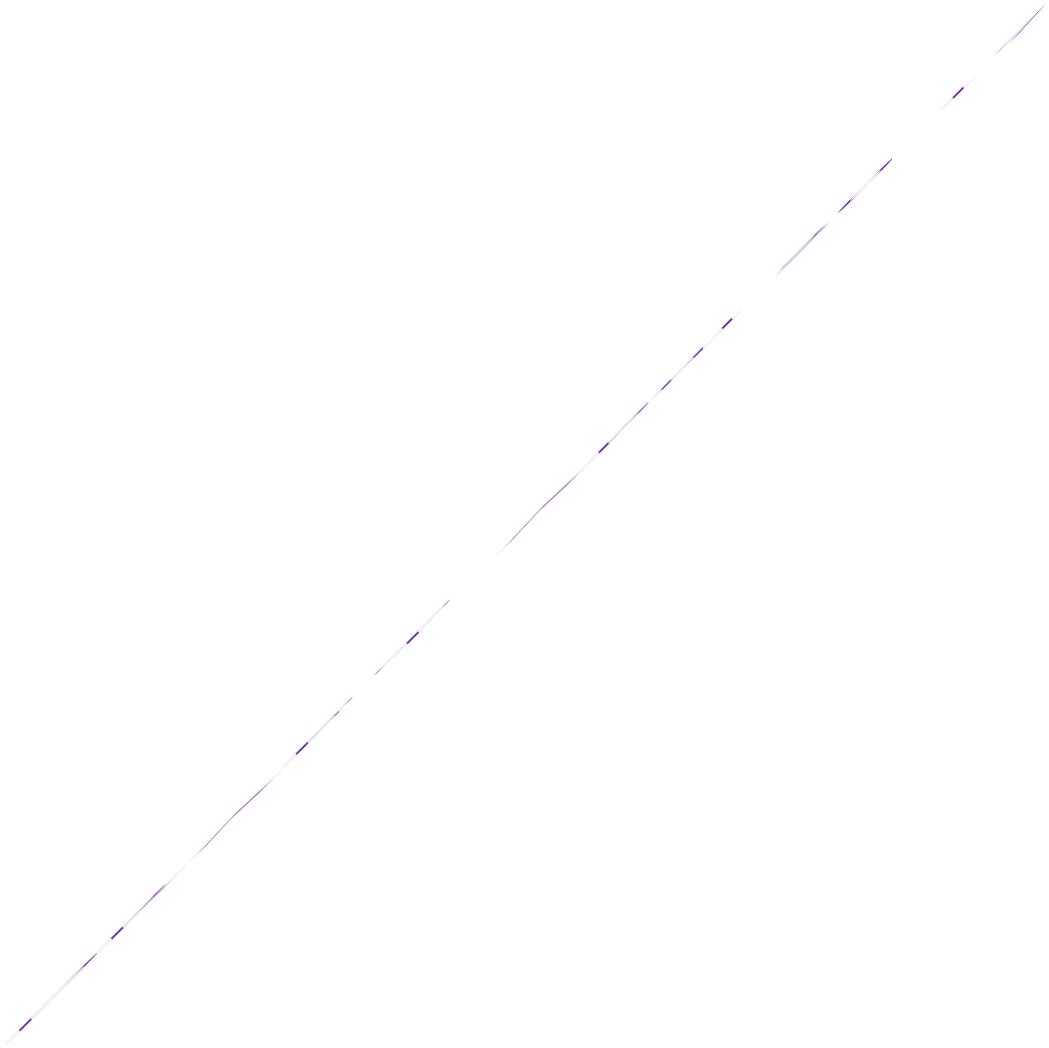
ADOPTED: June 27, 2017

*"I hereby certify that the above is a true copy of Resolution #450, Authorization to Enter into a Memorandum of Understanding with Neighboring Metropolitan Planning Organizations/Council of Governments, and was motioned by Ms. Naomi Klein, representing the Mid-Hudson South Transportation Coordinating Committee and seconded by Ms. Karin Sommer, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."*

  
Ron Epstein, PFAC Chair

T H E M E T R O P O L I T A N P L A N N I N G O R G A N I Z A T I O N

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**- I (d) -**

**SUPPLEMENTAL:**

**Memorandum of Understanding Between the New York Metropolitan Transportation Council, Orange County Transportation Council, and Poughkeepsie-Dutchess County Transportation Council Regarding the Poughkeepsie Ozone Nonattainment Area and Transportation Conformity**

**Memorandum of Understanding  
Between the New York Metropolitan Transportation Council, Orange County  
Transportation Council, and Poughkeepsie-Dutchess County Transportation Council  
regarding the Poughkeepsie Ozone Nonattainment Area and Transportation Conformity**

**This agreement** clarifies and outlines the cooperation and coordination between the Metropolitan Planning Organizations in the Poughkeepsie Ozone Nonattainment Area regarding transportation conformity activities.

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA) requires that Metropolitan Planning Organizations be established in urbanized areas of over 50,000 population; and

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is the Metropolitan Planning Organization which is responsible for transportation planning in Putnam County; and

**WHEREAS**, the Orange County Transportation Council (OCTC) is the Metropolitan Planning Organization which is responsible for transportation planning in Orange County; and

**WHEREAS**, the Poughkeepsie-Dutchess County Transportation Council (PDCTC) is the Metropolitan Planning Organization which is responsible for transportation planning in Dutchess County; and

**WHEREAS**, the United States Environmental Protection Agency designated Dutchess, Orange, and Putnam Counties to be nonattainment for the 1997 8-hour ozone standard, effective June 15, 2004; and

**WHEREAS**, Dutchess, Orange, and Putnam Counties are collectively referred to as the Poughkeepsie Ozone Non-attainment Area; and

**WHEREAS**, by virtue of this nonattainment area including all or part of three Metropolitan Planning Organizations, a written agreement is required among the State department of transportation, affected local agencies and the Metropolitan Planning Organizations, in this case NYMTC, OCTC and PDCTC, to ensure appropriate coordination occurs so that air quality regulations are met and transportation projects can proceed; and

**WHEREAS**, recognizing that planning and programming cycles are at the discretion of the individual Metropolitan Planning Organization, NYMTC, OCTC, and PDCTC are committed to cooperating and coordinating their planning and programming activities as reasonable and necessary to produce consistency and to minimize unnecessary analyses and reporting requirements that could result from uncoordinated actions; and

**WHEREAS**, NYMTC, OCTC, and PDCTC are each responsible for their respective development and update of a transportation model; and

**WHEREAS**, to date, NYMTC, OCTC, and PDCTC have been successful in their coordination activities to maintain their Metropolitan Transportation Plans and Transportation Improvement Programs; and

**WHEREAS**, this coordination includes meeting together, as well as, meeting with NYSDOT on a regular basis, sharing assumptions and results of model runs, and coordinating the development of conformity determinations and documentation on a regular basis; and

**WHEREAS**, NYMTC, OCTC, and PDCTC agree to use the same applicable regional emissions test to demonstrate conformity; and

**WHEREAS**, this coordination has included and will continue to include coordination with the Interagency Consultation Group (ICG) comprised of the Federal Highway Administration, the Federal Transit Administration, the United State Environmental Protection Agency, the New York State Department of Environmental Conservation, and the New York State Department of Transportation; and

**WHEREAS**, in the case conflicts arise related to the demonstration of conformity in the Poughkeepsie Ozone Nonattainment Area affecting another Metropolitan Planning Organization in the Poughkeepsie Ozone Nonattainment Area, it is agreed that no Metropolitan Planning Organization will go public with any conformity data or draft determination until such conflict is resolved; and

**WHEREAS**, conflicts that do arise between the Metropolitan Planning Organizations in the Poughkeepsie Ozone Nonattainment Area will be resolved through the existing ICG process as stipulated in 6 NYCRR Part 240 NYS regulatory procedures and federal regulations; and

**WHEREAS**, this agreement will stay in force until revised by NYMTC, OCTC, and PDCTC or at such time revision is required due to regulatory changes; and

**WHEREAS**, NYMTC, OCTC, PDCTC or NYSDOT may request that this agreement be revised; and

**Therefore, be it resolved that**, NYMTC, OCTC and PDCTC hereby affirm their continued commitment to coordination and consultation with regard to the individual plans, programs, and projects that affect the Poughkeepsie Ozone Nonattainment Area.

  
NYMTC PFAC Chairperson

August 16, 2010  
Date

\_\_\_\_\_  
OCTC Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
PDCTC Chairperson

\_\_\_\_\_  
Date

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettlinger  
Executive Director

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #302 - ADOPTION OF A MEMORANDUM OF UNDERSTANDING FOR  
TRANSPORTATION CONFORMITY

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, several non-attainment areas designated by the United States Environmental Protection Agency for various air pollutants include part or all of NYMTC's planning area; and

**WHEREAS**, non-attainment areas for ground-level ozone and fine particulate matter (PM<sub>2.5</sub>) include all or part of the planning areas of the New York Metropolitan Transportation Council, the Orange County Transportation Council, and the Poughkeepsie-Dutchess County Transportation Council; and

**WHEREAS**, written agreement is required in instances where non-attainment areas impact multiple metropolitan planning organizations to ensure that appropriate coordination occurs so that Federal regulations are met and transportation projects can proceed; and

**WHEREAS**, a Memorandum of Understanding has been developed between the New York Metropolitan Transportation Council, Orange County Transportation Council, and Poughkeepsie-Dutchess County Transportation Council to outline how continuing coordination and cooperation with regard to Transportation Conformity will take place.

**NOW, THEREFORE BE IT RESOLVED**, that the Program, Finance, and Administration Committee hereby adopts the Memorandum of Understanding between the New York Metropolitan Transportation Council, Orange County Transportation Council, and Poughkeepsie-Dutchess County Transportation Council regarding the coordination of Transportation Conformity.

This resolution shall take effect on the twelfth day of August, two thousand and ten.

**ADOPTED:** August 12, 2010

*"I hereby certify that the above is a true copy of Resolution #302, Adoption of a Memorandum of Understanding for Transportation Conformity, and was motioned by Mr. Marc Albrecht, representing the Metropolitan Transportation Authority and seconded by Mr. Jai Therattil, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously by the Program, Finance and Administration Committee."*

  
Robert Zerrillo, PFAC Chair

THE METROPOLITAN PLANNING ORGANIZATION  
199 WATER STREET • NEW YORK • NEW YORK • 10038-1534 • 212.383.7200 • WWW.NYMTC.ORG

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**SUPPLEMENTAL:  
Memorandum of Agreement for the New York –  
Connecticut Sustainable Communities Consortium**

**Memorandum of Agreement for the New York – Connecticut Sustainable  
Communities Consortium**

This Agreement is entered into this tenth day of June, 2011, by and between the New York Metropolitan Transportation Council, the South Western Region Metropolitan Planning Organization, the Greater Bridgeport/Valley Metropolitan Planning Organization, the South Central Regional Council of Governments, the Long Island Regional Planning Council, the City of New York, the Long Island counties of Nassau and Suffolk, the lower Hudson Valley cities of Mount Vernon, New Rochelle, White Plains and Yonkers, the Connecticut Coastal Corridor cities of Norwalk, Stamford, Bridgeport and New Haven, and the Regional Plan Association.

**WITNESSETH**

**WHEREAS**, the United States Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA), for the Sustainable Communities Regional Planning Grant Program (the Grant Program) and

**WHEREAS**, the HUD NOFA requires that a consortium of cities, metropolitan planning organizations (MPOs) and non-profit regional councils and planning organizations be established in metropolitan regions seeking to apply for a planning grant through the Grant Program, and

**WHEREAS**, the HUD NOFA further requires that the planning area for which the planning grant is to be sought be defined by the boundaries of the MPOs who are members of the consortium applying for a planning grant through the Grant Program, and

**WHEREAS**, the HUD NOFA further requires that a consortium applying for a planning grant through the Grant Program include cities in the planning area for which the grant is being sought that contain at least 50% of the residential population of the planning area, and

**WHEREAS**, the HUD NOFA further requires that a consortium applying for a planning grant through the Grant Program include non-profit regional councils and regional planning organizations in the planning area for which the grant is being sought, and

**WHEREAS**, the HUD NOFA requires that a formal consortium agreement be executed no later than 120 days after the effective start date of the grant agreement with HUD, and

**WHEREAS**, the HUD NOFA requires that the consortium initiate eligible activities within 120 days of the effective date of the grant award, and

**WHEREAS**, the HUD NOFA specifies that the Period of Performance shall not exceed 36 (thirty-six) months and that the grant application must include 3–5 (three-to-five) year benchmark performance targets, and

**WHEREAS**, the HUD NOFA requires that the grantee must liquidate all obligations incurred under the award not later than 90 (ninety) days after the end of the funding period, and

**WHEREAS**, the HUD NOFA specifies that all applicants achieving a specified threshold score in submission will qualify for Preferred Sustainability Status and that applicants that meet this criterion will qualify for a broad spectrum of benefits including access to

capacity building resources and will secure potential points in a number of funding opportunities managed by other federal agencies, and that applicants receiving Preferred Sustainability Status that do not receive funds in this funding round will be able to preserve certain aspects of their application for next year's round of completion; and

**WHEREAS**, HUD has issued a notice indicating it is granting \$3.5 million in Federal funds for activities specified in the HUD NOFA in a planning area of the New York City metropolitan region defined by the boundaries of one metropolitan planning organization in New York State and three metropolitan planning organizations in the State of Connecticut.

**NOW, THEREFORE**, in response to the requirements of the HUD NOFA and to receive and execute the HUD funding under the Grant Program, the parties do hereby agree to join together through this Agreement to form a New York-Connecticut Sustainable Communities Consortium (the Consortium) whose primary purpose is to organize and execute a Sustainable Communities Planning Program (the Planning Program) leading to a Program and Execution Plan for Sustainable Development that will integrate and guide regional planning activities using funding received from the HUD Grant Program and following the related requirements laid out in the HUD NOFA.

The parties further agree that the Regional Plan Association (RPA), a not-for-profit regional planning organization, is the member of the Consortium assigned fiduciary responsibilities on behalf of the Consortium, and that, in its role as the fiduciary agent of the Consortium, RPA will act as the grant recipient for HUD funds and will enter into the necessary agreement(s) with HUD to submit the agreed upon deliverables and receive the funds granted on behalf of the Consortium.

The parties further agree that the committees, advisory structures and procedures described in this Agreement are intended to achieve multiple objectives. These include providing meaningful participation in the consortium decision-making process for a wide range of stakeholders, clearly defining implementation responsibilities for defined tasks, and establishing an efficient governance structure that allows timely implementation of the work program. As the program evolves, these procedures will be evaluated and adjusted as necessary and as outlined in Section 6 of this Agreement to best achieve these goals. Any changes will emphasize the Program's goal of engaging residents and stakeholders substantially and meaningfully in strategy development and decision making.

Additionally, the parties agree to the following:

### **Consortium and Steering Committee Structure and Responsibilities**

1. The Consortium will be constituted by the organizations and entities entering into this Agreement. The organization of the Consortium and its constituent and advisory bodies is represented in the organization chart in Attachment A of this Agreement.
2. The name of the Consortium will be the New York-Connecticut Sustainable Communities Consortium. The Consortium may choose to publicly identify itself and the Planning Program with a brand or simpler identification.
3. The Consortium will comply with the terms and conditions specified by HUD for the Sustainable Communities Regional Planning Grant Program as defined in the Cooperative Agreement Terms and Conditions contained in Attachment B of this Agreement.

4. During the course of the Planning Program, the Consortium may wish to encourage multi-jurisdictional agreements that do not involve the entire Consortium for purposes of executing portions of the Planning Program. Any such agreements will be established independently of this Agreement and need not involve the Consortium as a whole.
5. The Consortium will be governed in all matters of its operation by the principal representatives identified by the organizations and entities which are parties to this Agreement. Those principal representatives will include the chairs of the policy boards of the metropolitan planning organizations and non-profit regional council and regional planning organizations and the chief elected officials of the county and city governments.
  - 5.1. The Consortium principal representatives will choose co-chairs; one from among their New York members and the other from among their Connecticut members; and a secretary from among their members.
  - 5.2. The Consortium principal representatives will designate a Steering Committee consisting of one representative from each of the Consortium members. The Consortium principal representatives will delegate to the Steering Committee responsibility for the development of Consortium policy in carrying out the Planning Program, and day-to-day operations of the Consortium.
    - 5.2.1. The Steering Committee will be responsible for overseeing the day-to-day operations of the Consortium and the Planning Program.
    - 5.2.2. The Steering Committee will be responsible for overseeing all aspects of the overall budget for the Planning Program, as defined in Schedule A, contained in Attachment C of the Agreement, including adjusting any part of the budget for the Planning Program as it progresses.
    - 5.2.3. The Steering Committee will be responsible for staffing for Planning Program coordination and committee support, drawing upon the resources of RPA and of the staffs of the MPOs and regional councils that are Consortium members, as part of the in-kind contributions defined in Schedule A, contained in Attachment C.
    - 5.2.4. The Steering Committee will be responsible for overseeing the development of, reviewing and accepting all deliverables defined in Schedule B, contained in Attachment D of this Agreement, and authorizing RPA, as the fiduciary agent for the Consortium, to submit the final deliverables per Schedule A to HUD for Federal reimbursement.
    - 5.2.5. The Steering Committee will be responsible for developing formats for the deliverables to be produced through the Planning Program as identified in Schedule B, contained in Attachment D, and criteria with which to judge their acceptability.
    - 5.2.6. The Steering Committee will be responsible for withholding authorization for submission of deliverables to HUD that it deems unacceptable or below standard in the context of Schedule B, contained in Attachment D. In these cases, reimbursement for the deliverables to the responsible Consortium member or members will be delayed until an acceptable deliverable is produced for submission to HUD as set forth in the subrecipient agreement.

- 5.2.7. The Steering Committee will be responsible for establishing a process for reviewing applications for other HUD programs submitted to the Consortium by agencies and entities in the Consortium's planning area to determine the consistency of those applications with the Planning Program for the purpose of approving Preferred Sustainability Status priority points from HUD.
- 5.3. Among its first activities, the Steering Committee will undertake the following:
  - 5.3.1. Appointing co-chairs; one from among the cities' representatives on the committee and one from among the MPOs' representatives; and a secretary from among its members.
  - 5.3.2. Drafting overarching goals and major milestones for the Planning Program, providing an opportunity for public review of and comment on the draft goals and milestones, and recommending a final set of goals and milestones to the Consortium principal representatives for adoption.
  - 5.3.3. Organizing and then maintaining information and resources for the Consortium, including coordinating the Consortium effort to develop and maintain a data repository, website, and network of listening posts, and will ensure full public access to information and data.
  - 5.3.4. Convening two advisory subcommittees organized geographically in keeping with the locations of the specific execution projects in the Planning Program: a Northern Sector Subcommittee and an Eastern Sector Subcommittee.
- 5.4. The advisory subcommittees will consist of the member agencies of the MPOs and Long Island Regional Planning Council, in whose planning areas the execution planning is taking place, as well as representatives of agencies, municipalities, non-governmental organizations and community-based organizations identified in those areas.
  - 5.4.1. Each advisory subcommittee will elect a chair to serve on the Advisory Board.
  - 5.4.2. The Steering Committee may revise the structure of the advisory subcommittees as needed during the Planning Program.
  - 5.4.3.

**Decision-Making**

- 6. All actions taken and decisions made by the Consortium and its committees and subcommittees, including the Advisory Board described in Section 9 below, will be by consensus of the affected members of those bodies.
  - 6.1. Consensus will be defined as unanimity of affected parties, with the chair or co-chairs judging the extent to which Consortium, committee or subcommittee members are affected by the decision or action in question.

- 6.2. In cases where consensus on a prospective action or decision cannot be reached, the chair or co-chairs of the relevant body will convene the parties in question to work towards an agreement and achieve consensus.
- 6.3. Revisions to any provision or section of this Agreement, including changes to the membership of the Consortium, either at the suggestion of Consortium members or upon request from prospective members, will be made through the consensus decision of all of the Consortium principals.

### **Meeting Protocols**

At a minimum, the Consortium principal representatives will meet annually to receive a formal status report on the progress of the Planning Program from the Steering Committee and take any actions or make decisions as needed. Other meetings may be convened by the Consortium co-chairs as needed.

- 6.4. All meetings of the Consortium principal representatives will be open to the public with appropriate notice given.
- 6.5. A quorum of the Consortium principal representatives will be required in order to conduct business at meetings of the Consortium principal representatives.
  - 6.5.1. A quorum for any meetings of the Consortium principal representatives will consist of two-thirds of the New York principal representatives and two-thirds of the Connecticut principal representatives.
7. At a minimum, the Steering Committee will meet at least quarterly to monitor the progress of the Planning Program and to carry out its responsibility for the development of Consortium policy in carrying out the Planning Program.
  - 7.1. All meetings of the Steering Committee will be open to the public with appropriate notice given.
  - 7.2. A quorum of the Steering Committee representatives will be required in order to conduct business at meetings of the Steering Committee.
    - 7.2.1. A quorum for any Steering Committee meeting will be two-thirds of the New York members and two-thirds of the Connecticut members.

### **Advisory Board**

8. The Consortium principal representatives will convene an Advisory Board of state agencies, regional non-governmental organizations and representatives of the advisory subcommittees described in Section 5 above.
  - 8.1. The Advisory Board will initially include:
    - 8.1.1. Seven state agencies: the Connecticut Housing Finance Agency; the Connecticut Department of Economic and Community Development; the Connecticut Office of Policy and Management; the Connecticut Department of Transportation; the New York State Department of State; New York State Homes and Community Renewal; and the Empire State Development Corporation.

- 8.1.2. Six non-governmental organizations: the Local Initiatives Support Corporation; the Urban Land Institute; ICLEI Local Governments for Sustainability; WE ACT for Environmental Justice; the Connecticut Coalition for Environmental Justice; and the One Region Fund, a partnership of private funders in New York, New Jersey and Connecticut.
- 8.1.3. The North Jersey Transportation Planning Authority, the MPO for northern New Jersey, and the cities of Newark and Jersey City, New Jersey.
- 8.1.4. The chairs of the Steering Committee's two advisory subcommittees as described in Section 5.4 of this Agreement.
- 8.1.5. Other members to be added at the discretion of the Steering Committee; including potentially other representatives from northern New Jersey and other locations in New York State and Connecticut.
- 8.2. The role of the Advisory Board will include the following:
  - 8.2.1. At a minimum, the Advisory Board will meet quarterly to advise the Consortium and its committees, to monitor the progress of the Planning Program and to make recommendations as needed for the development of Consortium policy in carrying out the Planning Program.
  - 8.2.2. In addition, the Advisory Board will take specific actions at key junctures in the Planning Program, as follows:
    - 8.2.2.1. The Advisory Board will help identify desired outcomes, processes and issues, and recommend to the Steering Committee a set of goals and major milestones for the Planning Program.
    - 8.2.2.2. The Advisory Board will review drafts of the deliverables defined in Schedule B and make recommendations to the Steering Committee on those deliverables prior to their acceptance and authorization for submission to HUD.
    - 8.2.2.3. The Advisory Board will provide input to and review drafts of the final Program and Execution Plan for Sustainable Development and make recommendations to the Steering Committee before the Plan is adopted.
    - 8.2.2.4. The Advisory Board will regularly interact with the Steering Committee's two advisory subcommittees as described in Section 5.4 of this Agreement.

**Administrative Arrangements**

- 9. The Consortium will maintain the following administrative arrangements:
  - 9.1. RPA will be responsible for receiving and disbursing Federal funding granted by HUD for the purpose of executing the Planning Program.
    - 9.1.1. RPA will be responsible for maintaining accounts of all funding received and disbursed and for all financial and progress reporting required by HUD under the grant program.

- 9.1.2. RPA will be responsible for all other aspects of the administration of Federal funding from HUD for the purpose of executing the Planning Program.
- 9.2. All contracts entered into by the Consortium or its individual members for the purpose of executing the Planning Program must be approved by the Steering Committee.
  - 9.2.1. Procurement of professional services for the purpose of executing the Planning Program will follow processes prescribed for the use of Federal funds, per the requirements in the HUD Terms and Conditions (see Attachment B) and OMB circulars A-87, A-122 and A-133. State and local procurement requirements will be followed as necessary, but will be secondary to the Federal requirements.
  - 9.2.2. A selection committee will be formed for each procurement with the approval of the Steering Committee. The individual selection committees will make recommendations after following processes consistent with the applicable procurement requirements, with final selection of professional service firms determined by the Steering Committee and approved by HUD.
  - 9.2.3. At the direction of the Steering Committee, RPA, utilizing Federal funding from HUD, will enter into contracts with other consortium members and/or with private consultants selected by the Steering Committee to execute work for the Planning Program. Contracts will include accountability measures related to sections 5.2.4 through 5.2.6 of this Agreement.
- 9.3. The overall budget for the Planning Program, including Federal funding provided through HUD and various forms of matching and leveraged funds and in-kind services provided by the members of the Consortium, is defined in Schedule A of this Agreement.

### **Planning Program Components**

10. The Consortium will undertake the following activities as part of the Planning Program. These activities are detailed in the Consortium Work Plan. A final report will incorporate actions and recommendations from all activities and will be adopted by the Consortium as the New York-Connecticut Program and Execution Plan for Sustainable Development.
  - 10.1. RPA and the four metropolitan planning organizations will analyze the existing regional plans, as well as related plans developed by housing agencies, economic development entities and environmental agencies and organizations, to identify where these plans could be more fully integrated on either a functional or geographic level, where additional research, analysis or policy development could be productive, and where governmental policies could be better integrated with the goals of the plans.
    - 10.1.1. As part of this analysis, RPA and the four metropolitan planning organizations will conduct public outreach activities throughout the Consortium's planning area that will gather additional input to advise the integration of existing plans and policies. Outreach activities will be

undertaken in a geographically balanced fashion in order to solicit the broadest input from the planning area.

- 10.1.2. The goal of the public outreach activities will be to create a network of engaged government officials, civic and community leaders, business leaders, entrepreneurs, planners and private citizens that cuts across geographic, racial, ethnic, income and programmatic boundaries. Activities will be organized around the two advisory subcommittees described in Section 5.4 above.
- 10.2. RPA will conduct an initial comparison of regional housing, transportation, sustainability and other plans to identify gaps, redundancies, inconsistencies and potential areas where plans could be integrated. Each MPO will conduct further analysis of how plans in its jurisdiction could be enhanced or connected to plans in other jurisdictions.
- 10.3. Cities, MPOs and counties will identify changes in environmental permitting, land use regulations, transportation, housing and open space financing mechanisms, etc. that would address implementation barriers and ensure that Federal, State, local and private investments are working in concert. The responsible entities and actions needed to enact these changes will be identified, including those that can be implemented directly by the Consortium members and those that will require coordinated action with other levels of government.
- 10.4. Drawing on the expertise of the Consortium and advisory board members, RPA and the four MPOs will conduct an initial comparison of regional housing, transportation, sustainability and other plans to identify gaps, redundancies, inconsistencies and potential areas where plans could be further integrated. Each MPO will conduct further analysis of how plans in its jurisdiction could be enhanced or connected to plans in other jurisdictions.
- 10.5. The Long Island Regional Planning Council will develop a policy framework to advance the workforce and fair share housing goals of its Long Island 2035 Regional Sustainability Plan. In the event that the Council is unable to perform or direct such services, Nassau and Suffolk counties will recommend that such services be provided by a comparable entity. Such assignment of scope of services and funding shall be approved by a majority of the members of the Consortium, which approval shall not be unreasonably withheld.
- 10.6. RPA will work with the Local Initiatives Support Corporation (LISC), a member of the Advisory Board of the Planning Program, and other consortium members to develop oversight responsibilities, management protocols, selection criteria and other specifications for a fund that would provide early seed capital to discrete affordable housing development within ½ mile of public transportation. Funding from LISC and federal funding from HUD will cover a series of predevelopment expenses associated with the development of affordable housing, including preliminary plans, engineering and environmental reviews; and legal, marketing and preliminary feasibility assessments.
- 10.7. The New York City Department of City Planning, working in conjunction with the Mayor's Office of Long Term Planning and Sustainability, will conduct citywide

strategic planning for building climate resilience. This project will include outreach to a range of stakeholders, include efforts to assess the risks, costs, and potential solutions for building climate resilience; and will outline an ongoing, dynamic, risk-based planning process that the City can employ that can take advantage of new information and projections as they become available.

- 10.8. The City of New Haven will advance plans for a transit oriented development at Union Station, converting an existing commuter train station to a new mixed use community. Project elements include new structured commuter parking, remerchandising/renovation of the train station and a new mixed use community on the Union Station site.
- 10.9. The City of Bridgeport will develop a feasibility plan for a new train station at the core of a 750-acre development corridor which runs from the Steel Pointe Harbor development project north to the Lake Success Business Park.
- 10.10. The City of Norwalk will develop a plan to introduce better bus, bicycle, car, pedestrian and circulator connectivity at the South Norwalk rail station.
- 10.11. The City of Stamford will complete a feasibility study for a new East Side train station.
- 10.12. The City of New Rochelle will complete a station area plan and create a transit-oriented development zone within ½ mile of Station Plaza.
- 10.13. The cities of Yonkers, Mount Vernon and New Rochelle, in collaboration with the New York Metropolitan Transportation Council, will define sustainable communities issues and planning needs in the east-west Cross County Parkway corridor which connects these lower Hudson Valley cities. A corridor profile will be developed for use in the development of NYMTC's next Regional Transportation Plan.
  - 10.13.1. The cities of Yonkers and Mount Vernon will incorporate relevant findings, study data, and implementation strategies from other Consortium execution planning projects into locally-initiated planning activities and documents developed for the Yonkers, Ludlow, Fleetwood, Mount Vernon East and Mount Vernon West Metro-North station areas.
- 10.14. The New York City Department of City Planning, in collaboration with the New York City Department of Transportation and the MTA Metro-North Railroad, will study multiple existing Metro-North stations in the Bronx along with two stations proposed at Hunts Point and Parkchester to identify potential land use, transportation and urban design improvements as part of the plan to bring Metro-North to Penn Station.
- 10.15. The City of White Plains, in collaboration with the New York Metropolitan Transportation Council, and in consultation with other I-287 corridor communities, will define sustainable communities issues and planning needs in the Tappan Zee Bridge/I-287 Corridor, including connections to railway and other transit hubs, existing and planned. A corridor profile will be developed for use in the development of NYMTC's next Regional Transportation Plan.

- 10.15.1. The City of White Plains will incorporate relevant findings, study data, and implementation strategies from other Consortium execution planning projects into locally-initiated planning activities and documents developed for the White Plains Metro-North Train Station and North White Plains Metro-North Train Station.
- 10.15.2. The New York Metropolitan Transportation Council will work with the City of White Plains and other communities in the Tappan Zee Bridge/Interstate 287 corridor to identify opportunities to update their comprehensive plans and zoning ordinances to institutionalize mixed-income transit-oriented development in conjunction with major transportation improvements under development in the corridor, including both bus rapid transit and train transit.
- 10.16. The New York City Department of City Planning will lead a coordinated, interdisciplinary neighborhood planning study of East New York, Brooklyn to identify and advance strategies for building sustainable communities through land use, transportation, education, employment, urban ecology and green technology.
- 10.17. Nassau County will conduct a feasibility study of sustainable infill development and opportunities to promote transit-oriented development in the vicinity of up to three MTA Long Island Rail Road stations in the Preliminary Regional Nassau Hub Study Area. The County will form a Steering Committee made up of Study Area residents, stakeholders, relevant municipal agencies and County staff to determine the locations to be studied and the types of analyses needed. Among the types of analyses for consideration are economic development and affordable housing opportunities, pedestrian and transportation facility infrastructure improvement and transportation linkages to major potential sites of employment, including the Grumman Property in Bethpage slated for redevelopment.
- 10.18. Suffolk County will develop and implement a Regional Transfer of Development Rights (TDR) study and program that would examine existing local, county and regional TDR programs such as those associated with the Pine Barrens, Suffolk County sanitary credits and local Town programs with particular focus on the five Regional Growth Centers identified with the County's study entitled "A Review of Selected Growth and Development Areas." Selected study areas would include, but not be limited to the Route 110 Office-Industrial Corridor, the Sagtikos Regional Development Zone, the Stony Brook High Tech Campus, Yaphank and the Town of Riverhead.

### **Consortium Responsibilities**

11. The Consortium will execute the activities in Section 11 over the full 36 (thirty-six) months of the period of performance defined in the HUD NOFA and until liquidation of all obligations, such as the performance benchmark requirements, as mandated by the HUD NOFA.
  - 11.1. The Consortium will produce all deliverables identified in Schedule B of this Agreement and submit those deliverables to HUD in order to receive Federal reimbursement for the Planning Program per Schedule A.

- 11.2. Per the requirement of the HUD NOFA, the Consortium will liquidate all obligations incurred under the award not later than 90 (ninety) days after the end of the funding period.
- 11.3. The Consortium will consider continuing this Agreement at the conclusion of the period of performance subject to the modification provisions of this Agreement in Section 6.3.
- 11.4. Should the Consortium continue to receive Preferred Sustainability Status after the conclusion of the Planning Program, members of the Consortium agree to consider extending this Agreement to timeframes specified in subsequent grant award opportunities subject to the modification provisions of this Agreement in Section 6.3.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettinger  
Executive Director

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #324 - MEMORANDUM OF AGREEMENT TO FORM THE NEW YORK-CONNECTICUT  
SUSTAINABLE COMMUNITIES CONSORTIUM

WHEREAS, the United States Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA), for the Sustainable Communities Regional Planning Grant Program (the Grant Program); and

WHEREAS, the HUD NOFA requires that a consortium of cities, metropolitan planning organizations (MPOs) and non-profit regional councils and planning organizations be established in metropolitan regions seeking to apply for a planning grant through the Grant Program; and

WHEREAS, the HUD NOFA further requires that the planning area for which the planning grant is to be sought be defined by the boundaries of the MPOs who are members of the consortium applying for a planning grant through the Grant Program; and

WHEREAS, the HUD NOFA further requires that a consortium applying for a planning grant through the Grant Program include cities in the planning area for which the grant is being sought that contain at least 50% of the residential population of the planning area; and

WHEREAS, the HUD NOFA further requires that a consortium applying for a planning grant through the Grant Program include non-profit regional councils and regional planning organizations in the planning area for which the grant is being sought; and

WHEREAS, the HUD NOFA requires that a formal consortium agreement be executed no later than 120 days after the effective start date of the grant agreement with HUD; and

WHEREAS, in response to the requirements of the HUD NOFA and as stated in NYMTC's adopted 2011-12 Unified Planning Work Program, the New York Metropolitan Transportation Council (NYMTC) joined with the cities of New York, New Haven, Bridgeport, Norwalk, Stamford, Yonkers, White Plains, New Rochelle, and Mount Vernon; Nassau and Suffolk counties; the South Western Regional Metropolitan Planning Organization, Greater Bridgeport/Valley Metropolitan Planning Organization, South Central Regional Council of Governments; the Long Island Regional Planning Council and Regional Plan Association to apply for a planning grant through the Grant Program; and

WHEREAS, NYMTC's adopted 2011-12 UPWP also provided for the use of staff resources through the Shared Vision/Livability Initiative project to support the activities of the Sustainable Communities Planning Program developed through HUD's Sustainable Communities Regional Planning Grant Program; and

WHEREAS, HUD has issued a notice indicating it is granting \$3.5 million in Federal funds for activities specified in the HUD NOFA in a planning area of the New York City metropolitan region defined by the boundaries of one metropolitan planning organization in New York State and three metropolitan planning organizations in the State of Connecticut; and

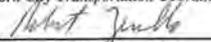
WHEREAS, to receive and execute the HUD funding under the Grant Program, the parties that applied for the funding must agree to join together to form a New York-Connecticut Sustainable Communities Consortium (the Consortium) whose primary purpose is to organize and execute the Sustainable Communities Planning Program defined in the grant application using funding received from the HUD Grant Program and following the related requirements laid out in the HUD NOFA.

NOW, THEREFORE, BE IT RESOLVED that the Program, Finance and Administration Committee hereby endorse NYMTC's participation as a member of the Consortium and authorizes NYMTC's Executive Director to sign the attached Memorandum of Agreement creating the Consortium on behalf of NYMTC.

This resolution shall take effect on the ninth day of June, two thousand and eleven.

ADOPTED: June 9, 2011

"I hereby certify that the above is a true copy of Resolution #324, Memorandum of Agreement to Form the New York-Connecticut Sustainable Communities Consortium, and was motioned by Ms. Rona Moyer, representing the Nassau/Suffolk Transportation Coordinating Committee and seconded by Ms. Karin Sommer, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."

  
Robert Zerrillo, PFAC Chair

THE METROPOLITAN PLANNING ORGANIZATION

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**- I (f) –**

**SUPPLEMENTAL:  
Joint Performance Management Agreement to  
Support Performance-Based Planning and  
Programming**

**Performance Management Agreement**

**between**

**the New York Metropolitan Transportation Council (NYMTC),**

**New York State Department of Transportation (NYSDOT), and**

**Metropolitan Transportation Authority (MTA) and its Operating Subsidiaries  
Staten Island Ferry as operated by the New York City Department of Transportation  
Nassau Inter-County Express (NICE) Bus – Nassau County  
Suffolk County Transit (SCT) – Suffolk County  
Putnam Area Rapid Transit (PART) – Putnam County  
Transport of Rockland (TOR) - Rockland County  
Bee-Line System - Westchester County  
City of Long Beach Transit - City of Long Beach, New York  
Huntington Area Rapid Transit (HART) - Town of Huntington, New York**

**WHEREAS**, the United States Department of Transportation has promulgated transportation planning requirements in Title 23 Part 450 of the *Code of Federal Regulations* (23 CFR); and

**WHEREAS**, MPO(s), State(s), and providers of public transportation are required by 23 CFR 450.314(h) to cooperatively determine their mutual responsibilities in carrying out the performance-based planning and programming requirements established by federal law; and

**WHEREAS**, 23 CFR 450.314(h)(1) requires that “The MPO(s), State(s), and providers of public transportation shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward achievement of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS)”; and

**WHEREAS**, 23 CFR 450.314(h)(2) allows for these provisions to be “Documented in some other means outside the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation”; and

**WHEREAS** the NYMTC has been designated by the Governor of the State of New York as the Metropolitan Planning Organization responsible for the comprehensive, continuing, and cooperative transportation planning process for New York City, Long Island and the lower Hudson Valley.

**NOW, THEREFORE, BE IT RESOLVED**, that the parties do hereby agree to adhere to the following for coordination to meet performance-based planning and programming requirements in accordance with 23 CFR 450 and established federal guidance.

## 1. Transportation performance data

- a. NYSDOT will collect and provide NYMTC and the public transportation providers as applicable with data used in developing statewide targets at the time the selection of the respective targets is coordinated with NYMTC and the public transportation providers.
- b. Tier I public transportation providers (Metropolitan Transportation Authority [MTA] and its operating subsidiaries; Nassau Inter-County Express [NICE] Bus; Suffolk County Transit [SCT]; and Bee-Line System) will collect and provide NYMTC with the data used in developing its targets for all applicable measures.
- c. Tier II public transportation providers (Staten Island Ferry as operated by the New York City Department of Transportation; Putnam Area Rapid Transit [PART]; Transport of Rockland [TOR]; City of Long Beach Transit; and the Huntington Area Rapid Transit [HART]) will collect and provide NYMTC with the data used in developing its targets for all applicable measures not subject to other federal regulatory agency such as US Coast Guard oversight or will coordinate on target setting with NYSDOT as the Sponsor of the Group Transit Asset Management (TAM) Plan.
- d. If NYMTC chooses to set its own target for any measure, it will collect and provide NYSDOT and the named public transportation providers with any supplemental data used in association with the MPO target setting process, if applicable.

## 2. Selection of transportation performance targets

- a. NYMTC, NYSDOT, and the named public transportation providers will coordinate to the maximum extent practicable when setting performance targets.
  - (i) Coordination will include as many of the following opportunities as deemed appropriate for the measure: in-person meetings, webinars, conference calls, and email/written communication.
  - (ii) NYMTC and public transportation providers as applicable, shall be given an opportunity to provide comments on NYSDOT statewide targets prior to NYSDOT setting statewide targets.
- b. NYSDOT will set statewide performance targets to meet the federal performance management requirements.
  - (i) NYSDOT will provide written notice to NYMTC when NYSDOT sets a target. The submission of the target will begin the 180-day time period within which NYMTC must set its performance target.

- c. The Tier I and Tier II public transportation providers as applicable, will set performance targets to meet the federal performance management requirements for transit asset management and transit safety (pending finalization of the transit safety rule).
  - (i) They will provide written notice to NYMTC when targets are set. The submission of the targets will begin the 180-day time period within which the NYMTC must set its performance target.
- d. NYMTC will set performance targets within 180 days of NYSDOT and public transportation providers setting targets by either supporting NYSDOT or the public transportation providers' targets, or setting separate targets of their choosing for the MPO region.
  - (i) If NYMTC chooses to support the state target, the MPO will provide documentation in the form of a Program Finance and Administration Committee (PFAC)-approved resolution stating such to NYSDOT and the public transportation providers that the NYMTC agrees to plan and program projects that will contribute toward achievement of the NYSDOT or public transportation providers' targets.
  - (ii) If NYMTC chooses to set its own target, the MPO will develop the target in coordination with NYSDOT or the public transportation providers, respectively. The MPO will provide NYSDOT or public transportation providers the opportunity to comment on MPO targets prior to NYMTC adoption of the targets. NYMTC will provide written notice to NYSDOT and public transportation providers when the NYMTC sets a target, providing the targets and the date the MPO set the targets.

### 3. Reporting of performance targets

- a. Reporting of targets and performance will be done as specified in 23 CFR 490, 49 CFR 625, and 49 CFR 673.
- b. NYSDOT will report all targets to FHWA and FTA as applicable. NYSDOT will provide written notice of these reported targets to NYMTC.
- c. NYMTC will report any MPO targets to NYSDOT.
- d. NYSDOT will include information outlined in 23 CFR 450.216(f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.218(q) in any statewide transportation improvement program amended or adopted after May 27, 2018.
- e. NYMTC will include information outlined in 23 CFR 450.324(f)(3-4) in any metropolitan transportation plan amended or adopted after May 27, 2018, and

information outlined in 23 CFR 450.326(d) in any transportation improvement program amended or adopted after May 27, 2018.

4. Reporting of performance to be used in tracking progress toward attainment of critical outcomes

- a. Where available and practicable, NYSDOT will provide the NYMTC with the statewide performance data used in developing progress reports.
- b. If NYMTC sets a different target than the statewide target the MPO will provide NYSDOT with MPO-wide performance data used to develop the progress report.
- c. Where applicable, NYMTC will provide data to NYSDOT for the CMAQ on-road emissions measure.
- d. Where applicable, NYMTC will provide NYSDOT and the public transportation providers with a copy of the CMAQ Performance Plan prior to when NYSDOT's performance period reports are due per 23 CFR 490.107. As applicable, NYSDOT will include the MPO's CMAQ Performance Plan as an attachment to NYSDOT's performance period report.

5. The collection of data for the NYSDOT asset management plans for the NHS

- a. NYSDOT will be responsible for collecting bridge and pavement condition data for the State asset management plan for the entire NHS in New York State.

Individual Agency Signature Page

for the

Performance Management Agreement

between

New York Metropolitan Transportation Council (NYMTC),

New York State Department of Transportation (NYSDOT), and

Metropolitan Transportation Authority (MTA) and its Operating Subsidiaries

Staten Island Ferry as operated by the New York City Department of Transportation

Nassau Inter County Express (NICE) Bus – Nassau County

Suffolk County Transit (SCT) – Suffolk County

Putnam Area Rapid Transit (PART) – Putnam County

Transport of Rockland (TOR) - Rockland County

Bee-Line System - Westchester County

City of Long Beach Transit - City of Long Beach, New York

Huntington Area Rapid Transit (HART) - Town of Huntington, New York

New York State Department of Transportation

Resolution # / Date (if applicable): \_\_\_\_\_

Signature: \_\_\_\_\_

NYSDOT/PFAC Chair

Date: 5-21-18

Designated Recipient Name: \_\_\_\_\_

Resolution # / Date (if applicable): \_\_\_\_\_

Signature: Joseph L. Uecker

Title: MTA CHAIRMAN

Date: 5/23/18

Designated Recipient Name: NYMTC

Resolution # / Date (if applicable): 464

Signature: \_\_\_\_\_

Title: EXECUTIVE DIRECTOR

Date: MAY 25, 2018

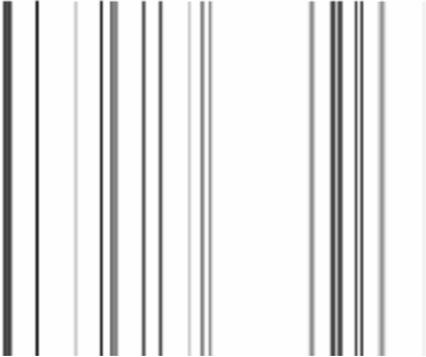
Designated Recipient Name: Nassau County

Resolution # / Date (if applicable): N/A

Signature: Rosemary Dill

Title: Deputy Commissioner

Date: 5/15/18



Designated Recipient Name: TOR - Rockland County  
Resolution # / Date (if applicable): \_\_\_\_\_

Signature: [Handwritten Signature]  
Title: Acting Commissioner  
Date: 5/21/18

Designated Recipient Name: Bee-Line System - Westchester County  
Resolution # / Date (if applicable): 63098 / May 31, 2018

<sup>MRD</sup> Signature: [Handwritten Signature]  
Title: Commissioner of Public Works and Transportation  
Date: May 31, 2018

Designated Recipient Name: Town of Huntington  
Resolution # / Date (if applicable): June 5, 2018, Resolution # TBD

Signature: [Handwritten Signature]  
Title: Supervisor, Deputy  
Date: 5/22/18

Designated Recipient Name: City of Long Beach  
Resolution # / Date (if applicable): \_\_\_\_\_

Signature: [Handwritten Signature]  
Title: Director of Transportation  
Date: 5/22/18

Designated Recipient Name: New York City Department of Transportation  
Resolution # / Date (if applicable): 464

Signature: [Handwritten Signature]  
Jai P. Therattil  
Title: Associate Deputy Commissioner, Grants and Fiscal Management  
Date: May 24, 2018

**PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)**

**RESOLUTION #464**

**JOINT PERFORMANCE MANAGEMENT AGREEMENT TO SUPPORT PERFORMANCE-BASED  
PLANNING AND PROGRAMMING**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization (MPO) for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, the United States Department of Transportation has promulgated transportation planning requirements in Title 23 Part 450 of the Code of Federal Regulations (23 CFR); and

**WHEREAS**, MPO(s), State(s), and providers of public transportation are required by 23 CFR 450.314(h) to cooperatively determine their mutual responsibilities in carrying out the performance-based planning and programming requirements established by federal law; and

**WHEREAS**, 23 CFR 450.314(h)(1) requires that "The MPO(s), State(s), and providers of public transportation shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward achievement of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS)"; and

**WHEREAS**, 23 CFR 450.314(h)(2) allows for these provisions to be "Documented in some other means outside the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation"; and

**WHEREAS**, Attachment 1 of this resolution documents the required joint agreement between NYMTC, New York State Department of Transportation (NYSDOT), and the providers of public transportation in the NYMTC planning area, to support performance-based planning and programming; and

**WHEREAS**, this joint agreement will be applicable to all applicable performance measures and targets as described in 23 CFR 490.105 (c).

**NOW, THEREFORE, BE IT RESOLVED THAT** NYMTC adopts this joint agreement to meet performance-based planning and programming requirements in accordance with 23 CFR 450 and established federal guidance.

**AND BE IT FURTHER RESOLVED THAT** PFAC authorizes Executive Director Jose M. Rivera, P.E., to sign this agreement on behalf of NYMTC.

This resolution shall take effect on the twenty-fourth day of May two thousand and eighteen

**ADOPTED: MAY 24, 2018**

*"I certify that the above is a true copy of Resolution #464, Joint Performance Management Agreement to Support Performance-Based Planning and Programming, and was motioned by Mr. Patrick Gerdin, representing the Mid-Hudson South Transportation Coordinating Committee and seconded by Mr. Jack Schmidt, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."*



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**Ron Epstein, PFAC Chair**

**New York Metropolitan Transportation Council (NYMTC)  
Compendium of Agreements and Operating Procedures**

**SECTION II**  
**ORGANIZATIONAL OPERATING  
PROCEDURES**

**- II (a) -**

**Program, Finance and Administration Committee  
(PFAC)**

## **PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)**

### **OPERATING PROCEDURES**

#### **A. General Purpose**

The purpose of this committee is set forth generally in the joint Transportation Coordinating Committee (TCC) memorandum of understanding (MOU) establishing the PFAC. In addition, the PFAC provides day to day oversight of the operations of the New York Metropolitan Transportation Council (NYMTC) Metropolitan Planning Organization (MPO).

#### **B. Specific Responsibilities**

1. Periodically assess the Council's adopted regional transportation plan, including consistency with social, economic, and environmental needs, and Federal and State requirements and regulations. Recommend to the Council or act on the Council's behalf to execute appropriate revisions as they become necessary.
2. Coordinate development of the Transportation Improvement Program (TIP) with local elected officials, transit operators and other officials. Projects are initiated through the appropriate TCC for inclusion in the TIP (See Appendix B.).
3. The PFAC is responsible for coordinating the development of procedures to meet Federal transportation planning regulations and requirements.
4. Develop and recommend to the Council policies and procedures for evaluating the consistency among the transportation plans and programs of the Council with those of adjacent MPOs, the Federal and other levels of government, and their agencies or affiliates.
5. Establish and implement procedures for the annual preparation of a recommended program of technical studies, and make recommendations to the Council for incorporation into the Unified Planning Work Program (UPWP). (See Appendix C.)
6. The Committee shall review the annual UPWP prepared by central staff and make recommendations thereon to the Council prior to submission of the work program to the federal funding agencies.
7. Establish and monitor working groups, as needed, on subjects requiring special attention. The Committee will receive reports and recommendations from the working groups and, if necessary, forward these to the Council for action.

#### **C. Relationship of PFAC to the Council and Others**

1. The annual endorsement of the Transportation Improvement Program (TIP/AE) shall be done by the Council with recommendations provided by the PFAC. The Council as a whole need only endorse the TIP annually – interim revisions will be endorsed by the PFAC or the TCC's as appropriate.

Nonregional matters shall be acted upon by the appropriate TCC(s) and need not be placed on the PFAC or Council agenda for ratification, as long as the recognized TCC has endorsed these actions. Nonregional matters are defined as:

- a. Delineating urban area boundaries;
- b. Designating federal aid urban highway systems; and
- c. Minor modifications to the endorsed TIP
  - Minor changes in scope of endorsed projects,
  - Substitutions by the initiating agency of projects of similar scope,
  - Deletions or additions of subregional projects (within prescribed funding).

The PFAC will undertake the necessary interim “regional” revisions of the TIP after receiving appropriate TCC actions on new projects to be added to the TIP. The PFAC may also establish limits to reasonable and prudent over programming on the TIP, and other TIP guidelines. “Interim” is defined as covering the interval between meetings of the Council.

2. On matters of transportation policy, the PFAC, drawing upon its participants, subcommittees and others, will formulate policy recommendations so that the Council may act upon them at its annual meeting. On some policy matters, when speedy response is required, the PFAC may act on behalf of the Council. The Council shall be advised of such action. (Reference MOU: IX, D.)
3. On other items of Council business pertaining to transportation policy where a general policy position has already been established by the Council, or if it is a matter of policy implementation, the PFAC may take interim action for the Council.
4. The PFAC will establish and maintain procedures to ensure appropriate participation of local officials and the public in transportation activities. Public officials, citizens, and others with an interest in transportation aspects of NYMTC’s work are encouraged to make their interests known and to participate in the deliberations of the PFAC.
5. On all matters dealing with citizen participation and obtaining the views of the public on transportation issues, plans, programs, and proposals, the PFAC shall look to the citizen advisory mechanisms of its members as a prime source of advice.
6. The PFAC will carry out any other transportation oriented aspects of the Council business as directed by the Council or the co-chairpersons of the Council, and shall otherwise initiate and resolve actions for the Council on transportation matters as the need arises. In so doing the PFAC may create subcommittees, ad hoc task forces, or other special working groups in accordance with procedures described under D.8. below. Groups so created shall take their charge from, and report to, the PFAC.
7. Actions taken by the PFAC will be listed and distributed to all Council members.

**D. Organizational Matters and Meeting Procedures**

1. The chairperson of the PFAC shall preside over meetings. In the chairperson's absence, the meeting will be conducted by his designee. The staff director of the NYMTC central staff shall be the secretary of the PFAC.
2. Subregional citizen advisory groups may designate one or more of its members to participate in PFAC deliberations.
3. All meetings of the PFAC will be open to the public and press; the chairperson may set rules and procedures for their participation consistent with these procedures and with a standard meeting format. (See Appendix A.)
4. Voting on actions of the PFAC will be by consensus of members. Consensus is defined to be unanimity of affected parties, with the chairperson judging the extent to which members are affected by proposed Committee action and declaring consensus or the lack thereof as the case may be. In the case of actions which do not merit a special PFAC meeting but which should not await the next regular meeting, voting may be done by mail or phone with the results announced at the next PFAC meeting.
5. As a matter of practice, the PFAC's regular meetings are scheduled on the third Thursday of every other month. If the meeting day stipulated above falls on a holiday or is otherwise impractical, the chairperson shall designate another date. Special meetings may be called by the chairperson or members, provided notice of such meetings is given to persons on the mailing list in advance.
6. PFAC meeting notices and agendas shall be mailed by the central staff to all members and others who have requested them in writing from the staff director. Agendas shall be as determined by the chairperson after consideration of recommendations received from the staff and others. If at all practicable, the proposed agenda should reach recipients one week prior to the meeting day. A synopsis of each meeting, prepared by the Secretary, shall be transmitted to members as soon as possible thereafter. A brief highlight of PFAC actions will be sent to Council members within five (5) working days of the meeting.
7. In the event that matters arise requiring immediate PFAC action the secretary may use a mail ballot to poll members. Unless otherwise indicated on that ballot, voting members will have ten (10) working days from the postmark date of ballot to return their votes either by telephone or, preferably, by mail. Lack of response will be construed as an affirmative vote. The results of the poll will be reported at the next PFAC meeting and affected agencies/members will be notified at the time of balloting.
8. When there are particular issues or matters that require special consideration and/or longer term study, the PFAC chairperson may appoint a task force or similar working group to undertake the task. In general, task forces and working groups are intended to undertake assignments of limited duration. Membership shall be as agreed to by the membership and need not be limited to members (or their representatives) of the PFAC or the Council. Their composition should represent a

balance of the various interests appropriate to the assigned function or task. The working group chairperson shall be designated or redesignated by the chairperson of the PFAC. The staff director or NYSDOT shall, if needed, assign a staff person to serve as a secretary of each task force or working group and be responsible for maintaining minutes and otherwise providing staff services, including timely reporting to the PFAC. The charge to each subcommittee, task force and working group shall be described in the synopsis of the PFAC meeting approving its creation.

9. To the extent applicable, task forces and working groups may operate under informal arrangements.
10. Task forces and working groups shall report to the PFAC or appropriate oversight group and shall make no reports, announcements, statements, etc., without first reporting to the PFAC and obtaining their comments, suggestions, reactions and approval.

## APPENDIX A

### PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE STANDARD MEETING AGENDA

#### A. Call to Order, Introductions, Chairman's Remarks

1. Acceptance of Previous Meeting Synopsis
2. Report by Staff Director
  - activities of staff/administration
  - changes in agenda
  - notices, events, announcements, publications
3. Citizen Views (if any)

#### B. Action Items

1. TIP Changes/Endorsements
2. Section 8 Study Changes
3. UPWP Changes
4. Other Actions Required (policy statements, comments on Federal regulations, plan endorsements, central staff activities, contractials, TCC or Council initiated)

#### C. Regional Transportation Issues

#### D. Information Items

1. Subregional Activities and Announcements (reported by subregions)
2. Operator Activities (reported by operators)
3. Adjacent MPO Activities
4. Report of Working Groups
  - Section 5 Designated Recipients
  - Technical/Feasibility Project Selection
  - Data Forecasting and Modeling
  - Contract Review
  - Others
5. Other
6. Adjournment/Confirmation of Next Meeting

## APPENDIX B

### TRANSPORTATION IMPROVEMENT PROGRAM (TIP) POLICY AND PROCEDURES

#### A. Annual TIP Update Procedures

1. The New York Metropolitan Transportation Council (NYMTC) central staff will prepare a schedule for the development of the annual update.
2. NYMTC informs the Transportation Coordinating Committee (TCC) staff, through meetings and correspondence, of (a) the annual TIP update process, (b) an estimate of the financial resources, and (c) program regulations and requirements (i.e. elderly and handicapped requirements, energy regulations, etc.).
3. Each TCC shall develop a draft program based on its anticipated financial resources.
4. TCC staffs shall ensure that projects selected for the TIP (a) are derived from or not inconsistent with the metropolitan area's transportation plan or the applicable TCC or subregional plans, (b) conform with social, economic and environmental objectives, and (c) reflect public input.
5. TCC staffs shall submit draft TIP's to the TCC "principals" for approval.
6. NYMTC central staff shall prepare a draft narrative of the regional TIP based on the TCC endorsed components.
7. The Program, Finance and Administration Committee (PFAC) shall recommend the draft TIP for the New York metropolitan area (New York State portion) to the Council.
8. The Council shall approve the TIP and instruct the NYMTC staff director to transmit it to the New York State Department of Transportation (NYSDOT) and the Urban Mass Transportation Administration (UMTA).
9. The NYSDOT shall incorporate appropriate parts of the program into the statewide program of projects required under 23 U.S. Code 105, and forward it to the Federal Highway Administration (FHWA). The NYSDOT may submit comments about the program to UMTA within 30 days of receipt.
10. Funding agencies shall approve TIP projects, thus enabling project applications.

***B. TIP Modification Procedures – MODIFIED BY TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) REVISION OPERATING PROCEDURES, PFAC RESOLUTION #287, SEPTEMBER 17, 2009.***

1. The affected agency shall transmit a description of the proposed modification to the appropriate TCC secretary.
2. The TCC secretary distributes a ballot for the proposed modifications to the project to (a) the TCC members for their approval, and (b) the NYMTC central staff for its information and records.
3. Each TCC shall develop and maintain written procedures for TIP modifications and other balloting, and shall act in accordance with these procedures.
4. The TCC secretary shall transmit TCC endorsed modifications to the NYMTC central staff director. This includes the original signed ballots.
5. For regionally significant TIP modifications, the PFAC secretary shall conduct a PFAC ballot.
6. Upon approval by appropriate parties, the staff director shall transmit the change, or appropriate resolution, to the NYSDOT commissioner and the UMTA regional administrator explaining that the action is consistent with plans and policies, and has been carried out according to procedures developed through the planning process. This action finalizes the modification. Copies are sent to the appropriate TCC staff and to the PFAC members.
7. The NYSDOT acts upon the TCC or PFAC endorsed modifications.
8. The appropriate federal funding agency approves the TIP modification, thus enabling the project sponsor to submit project applications to the funding agency.
9. The NYMTC central staff will maintain a log to track each of the above transactions.

**APPENDIX C**

**UMTA TECHNICAL/FEASIBILITY STUDY PROGRAM – REMOVED DUE TO THE TERMINATION OF THE TECHNICAL/FEASIBILITY STUDY PROGRAM**

- II (b) -

**Mid-Hudson South Transportation  
Coordinating Committee (MHSTCC)**

***NOTE: MID-HUDSON SOUTH TCC OPERATING  
PROCEDURES WERE RESCINDED AND REPLACED BY  
THE JOINT TRANSPORTATION COORDINATING  
COMMITTEE OPERATING PROCEDURES, MHSTCC  
RESOLUTION #2014-1, OCTOBER 2, 2014***

- II (c) -

**Nassau/Suffolk Transportation Coordinating  
Committee (NSTCC)**

***NOTE: NASSAU/SUFFOLK TCC OPERATING PROCEDURES  
WERE RESCINDED AND REPLACED BY  
THE JOINT TRANSPORTATION COORDINATING  
COMMITTEE OPERATING PROCEDURES, NSTCC  
RESOLUTION #2014-1, OCTOBER 9, 2014***

- II (d) -

**New York City Transportation  
Coordinating Committee (NYCTCC)**

***NOTE: NEW YORK CITY TCC OPERATING PROCEDURES  
WERE RESCINDED AND REPLACED BY  
THE JOINT TRANSPORTATION COORDINATING  
COMMITTEE OPERATING PROCEDURES, NYCTCC  
RESOLUTION #2014-1, SEPTEMBER 18, 2014***

**- II (e) -**

**Joint Transportation Coordinating Committee  
Operating Procedures**

# JOINT TRANSPORTATION COORDINATING COMMITTEE OPERATING PROCEDURES

## 1. PURPOSE

Federal regulations require that each urbanized area, with a population of 50,000 or greater, have a planning process in order to receive federal transportation and planning funds. In the New York City urbanized area, implementing this transportation planning process is the responsibility of the New York Metropolitan Transportation Council (NYMTC).

As indicated in the Memorandum of Understanding (MOU) between its members that formed the organization, NYMTC is a "council of Transportation Coordinating Committees (TCCs)". These TCCs remained after the dissolution of the Tri-State Regional Planning Commission in 1982 and they continued within the structure of NYMTC.

This structure enables each TCC to be more responsive to the local needs of the various subregions in the metropolitan area; the three transportation coordinating committees are:

- The Mid-Hudson South TCC (MHSTCC) is the subregional planning forum for Putnam, Rockland and Westchester counties.
- The Nassau/Suffolk TCC (NSTCC) is the subregional planning forum for Nassau and Suffolk counties.
- The New York City TCC (NYCTCC) is the subregional planning forum for the five boroughs of New York City.

Since the full council is designated as the federally-mandated metropolitan planning organization for New York City suburban Long Island and the lower Hudson Valley, responsibility for developing and adopting the federally-required planning products and analyses is conferred to the full council by that designation. However, the NYMTC MOU indicates that each TCC has the responsibility for coordinating transportation plans and programs within their respective planning area to ensure proper coordination and consistency with federal regulatory requirements. Further, the MOU delegates the responsibility for adopting local actions to maintain the Transportation Improvement Program, for recommending the Urban Area Boundary and for delineating the Federal Aid Highway designations to the TCCs.

These joint procedures outline the responsibilities of the TCCs as the constituent committees of NYMTC. These procedures apply to all three TCCs.

## 2. MEMBERSHIP

The TCCs are comprised of an executive-level committee supported by technical staff. The composition of each of the Executive COMM ittees is discussed below. Voting members for each of the TCCs are listed, along with advisory members. Voting members are entitled to cast one vote each. New advisory members may be nominated by existing TCC voting members. Appointments of new advisory members are made by the TCC Chair with the approval of the TCC voting members. As the need arises, the TCC members shall call upon other public agencies or organizations to address transportation-related issues in their area of expertise.

### Mid-Hudson South TCC

#### Voting Members:

- Putnam County Executive
- Rockland County Executive<sup>1</sup>
- Westchester County Executive
- Metropolitan Transportation Authority, Chair and Chief Executive Officer'
- New York State Department of Transportation, Regional Director<sup>3</sup>
- New York State Thruway Authority, Executive Director<sup>4</sup>

#### Advisory (non-voting) Members:

- Port Authority of New York and New Jersey, Executive Director
- Southwestern Region (Connecticut) Metropolitan Planning Organization, Executive Director<sup>5</sup>
- Federal Highway Administration, Division Administrator
- Federal Transit Administration, Regional Administrator
- United States Environmental Protection Agency, Regional Administrator
- New York State Department of Environmental Conservation, Regional Director

The officers of the Mid-Hudson South TCC Executive Committee shall consist of a Chair and a Secretary. The Chair shall be selected from among the Committee's voting members by consensus, and will hold office for one year or until such time as a new Chair is approved by the voting members.

The position of Secretary shall be designated by the NYSDOT Regional Director. The position of Secretary shall have no voting authority. The TCC may establish and fill any other offices necessary to carry out its work. Technical support and administrative services shall be provided optimally by NYMTC staff assigned to the TCC in the NYSDOT Region 8 office.

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Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed

- Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed

<sup>3</sup> Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner

<sup>4</sup> Added by action of the TCC, April 6, 092

<sup>5</sup> Added by agreement of the TCC

## **New York City TCC**

### **Voting Members:**

- New York City Department of Transportation, Commissioner
- New York State Department of Transportation, Regional Director<sup>6</sup>
- New York City Department of City Planning, Chair
- Metropolitan Transportation Authority Chair and Chief Executive Officer<sup>7</sup>

### **Advisory (non-voting) Members:**

- Port Authority of New York and New Jersey, Executive Director
- New York State Department of Environmental Conservation, Regional Director
- New York City Department of Environment Protection, Commissioner
- Federal Highway Administration, Division Administrator
- Federal Transit Administration, Regional Administrator
- United States Environmental Protection Agency, Regional Administrator

The officers of the New York City TCC Executive Committee shall consist of a Chair and a Secretary. The Chair shall be selected from among the Committee's voting members by consensus, and will hold office for one year or until such time as a new Chair is approved by the voting members.

The position of Secretary shall be designated by the NYSDOT Regional Director. The position of Secretary shall have no voting authority. The TCC may establish and fill any other offices necessary to carry out its work. Technical support and administrative services shall be provided optimally by NYMTC staff assigned to the TCC in the NYSDOT Region 11 office.

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<sup>6</sup> Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner

<sup>7</sup> Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed

## **Nassau/Suffolk TCC**

### Voting Members:

- Suffolk County Executive
- Nassau County Executive
- New York State Department of Transportation, Regional Director<sup>8</sup>
- Metropolitan Transportation Authority Chair and Chief Executive Officer<sup>9</sup>

### Advisory (non-voting) Members:

- Federal Highway Administration, Division Administrator
- Federal Transit Administration, Regional Administrator
- US Environmental Protection Agency, Regional Administrator
- New York State Department of Environmental Conservation, Regional Director
- Port Authority of New York and New Jersey Executive Director

The officers of the Nassau/Suffolk TCC Executive Committee shall consist of a Chair and a Secretary. The Chair shall be selected from among the Committee's voting members by consensus, and will hold office for one year or until such time as a new Chair is approved by the voting members.

The position of Secretary shall be designated by the NYSDOT Regional Director. The position of Secretary shall have no voting authority. The TCC may establish and fill any other offices necessary to carry out its work. Technical support and administrative services shall be provided optimally by NYMTC staff assigned to the TCC in the NYSDOT Region 10 office.

## **Subcommittees**

Subcommittees may be formed as needed by the TCC Executive Committees.

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<sup>8</sup> Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner

<sup>9</sup> Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed

### 3. RESPONSIBILITIES

NYMTC's TCCs are responsible for the following activities in the context of mandated responsibilities for NYMTC as a designated MPO:

- Supporting the metropolitan transportation planning process in compliance with federal planning regulations and in cooperation and coordination with state agencies and authorities, local governments, elected officials, and transportation, including transit providers.
- Providing subregional forums for cooperative planning and decision-making on transportation issues by local elected officials, agencies and authorities, and transportation providers within the TCC planning area. The Mid-Hudson South ICC has one such forum, the Mobility Advisory Forum. The operating procedures for this subcommittee appear in Appendix 1 to these operating procedures.
- Collecting data on projects to be analyzed through the regional emissions analyses.
- Developing and recommending project listings for inclusion in the NYMTC TIP and making amendments and administrative modifications to the NYMTC TIP.
- Developing subregional components of the NYMTC Regional Transportation Plan (RIP).
- Overseeing studies and other planning activities as outlined in the UPWP and RTP.
- Providing individuals, public agencies, community groups and stakeholders in their respective planning areas with the opportunity to participate in the transportation planning process.
- Recommending Urban Area Boundaries and delineating the Federal-Aid Urban Highway system within these boundaries for submission to NYSDOT.
- Coordinating their activities, with the other TCCs and adjacent metropolitan planning organizations.

As an MPO, NYMTC is responsible for developing and adopting three transportation planning products; the Regional Transportation Plan, the Transportation Improvement Program, and the Unified Planning Work Program; and two planning analyses; the Congestion Management Process and Transportation Conformity. Together these activities constitute the metropolitan transportation planning process through which federal transportation investments and other transportation improvements are conceived and brought into reality.

Per current federal planning regulations, NYMTC's **Regional Transportation Plan** must include at least a twenty year planning horizon and be updated at least every four years and is intended to lay out a long-range framework for improving the region's transportation system by identifying long-term transportation needs and objectives.

NYMTC's **Transportation Improvement Program** is the fiscally constrained five-year program of improvement projects developed from and consistent with the Plan. It identifies proposed surface transportation projects in the metropolitan area. Current federal regulations state that a new TIP must be prepared at least every four years and approved by the MPO and Governor. It is amended in the interim as needed.

NYMTC's **Unified Planning Work Program** is an annual program of planning projects including those which are to receive federal funding. It lists planning projects to be undertaken by NYMTC and its member agencies and confers eligibility for use of federal funding for those projects. The UPWP is developed annually and amended by NYMTC as needed.

In addition, NYMTC conducts regional emissions analyses for **Transportation Conformity** as required by the Clean Air Act Amendments of 1990. It also forecasts traffic congestion for the **Congestion Management Process**, a systematic approach to providing for the safe and effective management and operation of new and existing transportation facilities through the use of demand reduction and operational management strategies.

#### **4. TECHNICAL STAFF**

The technical staffs, comprised of the staff of the TCC voting and advisory members and by NYMTC staff (optimally assigned to the TCC in the NYSDOT Regional offices) shall work in conjunction with the Executive Committees and shall provide overall technical support, manage the development of project lists and narrative descriptions for the Transportation Improvement Program, participate in the development and amendment of each annual Unified Planning Work Program, and the development and amendment of the relevant elements of the Regional Transportation Plan. The technical staffs will support the development of Transportation Conformity Determinations and the Congestion Management Process as needed. The technical staffs shall also undertake as well as implement special studies as directed by the Executive Committee and identify other specific areas of concern for further analysis of transportation related issues.

NYMTC staff supports the operation of the TCCs, optimally through staff members assigned to the TCCs in the respective NYSDOT regional offices, by preparing materials and federal products for the review and approval of the TCC members. A TCC Staff Director is responsible for the operation of the staff assigned to the TCCs. Secretarial services will be provided to the TCC by the relevant NYSDOT Region and NYMTC staff assigned to the TCCs in the respective NYSDOT regional offices.

#### **5. MEETINGS**

Meetings of the TCC Executive Committees will be held at least once per calendar year and as needed beyond that to accomplish the functions of the TCCs. A quorum of the Executive Committee must be present for the TCC to conduct business. A quorum of an Executive Committee will consist of 2/3 of the voting members or their official designated representatives.

Recognizing that matters arise that demand the immediate attention of the TCC, any individual voting or non-voting member may request that the Chair convene a meeting of the Executive Committee. NYMTC TCC staff shall be responsible for scheduling and making appropriate arrangements for all meetings. The TCC Chair will settle any disputes involving agenda items for each Executive Committee meeting, which will be available to the members and the general public two weeks prior to the meeting.

Meetings of the Executive Committees are open to the public. Technical staffs are invited to attend all Executive Committee meetings. *Robert's Rules of Order* ([www.robertsrules.com](http://www.robertsrules.com)) shall be observed at all TCC Executive Committee meetings.

The regular order of business, unless otherwise modified by the TCC Chairs, shall be as follows:

- Call to Order
- Roll Call
- Call for Public Participation
- Synopses of the Preceding Meeting
- Communications and Announcements
- Reports and Actions
- New Business
- Reports on Subcommittee Activities
- Adjournment

## **6. DECISION- MAKING**

All actions taken by the Executive Committees shall be by the consensus of the affected parties as determined by the TCC Chairs. Consensus is defined as unanimity of affected parties. Per the NYMTC MOU, affected parties are understood to be from among the voting members. Consensus can be determined through a vote taken at a TCC Executive Committee meeting of the TCC members or their designees or, in the case of amendments to the Transportation Improvement Program (TIP) only, by mail ballot. The TCC Chair in consultation with the Secretary, shall judge the extent to which members are affected by proposed TCC actions and shall declare a consensus, or the lack thereof, of the affected members upon conclusion of the vote.

Voting members can vote on a ballot or other kind of action or they can abstain from any ballot or action. Voting members who disapprove or abstain from an action will be requested to provide an explanation in writing within five business days of the vote to the TCC Chair in order for the staff and other members to be able to address relevant issues.

Voting members may designate in writing to the NYMTC TCC Staff Director (acting on behalf of the TCC Secretaries) an alternate representative who is empowered to attend meetings and act on the voting member's behalf with the authority to vote. In the event of a change in a voting or advisory member, a new designation is necessary.

Members requesting TIP amendments must make their request for such action in writing to the NYMTC TCC staffs acting on behalf of the TCC Secretaries prior to the distribution of a ballot. Requests for TIP amendments should be submitted following the protocols outlined in the TIP/STIP Operating Procedures.

NYMTC TCC staff shall distribute the proposed action and any supporting documentation to all members. Voting members shall respond to the ballot within the period specified in the ballot notice (typically 5 business days).

Once all ballots have been received, the NYMTC TCC Staff Directors (acting on behalf of the TCC Secretaries) shall be empowered to declare the Executive Committees' approval of the proposed action, assuming the ballots indicate consensus, and to transmit the approved action as appropriate. In cases where there is not consensus, approval of the action cannot be declared and it must be tabled until a consensus can be achieved through discussion of the members. If by the specified date no negative responses have been received from voting members, the TCC Secretaries shall presume an abstention and shall be empowered to declare the approval of the proposed action.

If any Executive Committee member has questions, comments, or concerns about a proposed action transmitted by mail ballot, the TCC Secretaries shall be empowered to suspend or terminate all or part of the ballot in question until the matter is resolved or consensus has been reached.

All Executive Committee members shall inform the TCC Staff Director (acting on behalf of the TCC Secretaries) of any questions, concerns or reservations they may have in endorsing project listings for the relevant TCC as soon as possible, but at a minimum one week prior to voting.

## **7. TRANSPORTATION IMPROVEMENT PROGRAM ACTIONS**

The TCCs will follow the TIP/STIP Operating Procedures adopted by Program, Finance and Administration Committee (PFAC) Resolution 287 on September 17, 2009 to develop and administer the TIP. These operating procedures appear in Appendix 2.

## **8. PUBLIC INVOLVEMENT OPERATING PROCEDURES**

The TCCs will follow the Public Participation Operating Procedures adopted by PFAC Resolution on September 27, 2012 in all of their activities.

## **APPENDIX 1 - MID-HUDSON SOUTH TRANSPORTATION COORDINATING COMMITTEE MOBILITY ADVISORY FORUM PROCEDURES**

- A. Purpose:** The Mobility Advisory Forum will serve as an advisory steering group to the Mid-Hudson South Transportation Coordinating Committee (MHSTCC). The objectives of the Mobility Advisory Forum (MAF) are to:
- 1) Advise MHSTCC members on public outreach and input regarding transportation related projects and programs.
  - 2) Provide a regional forum for proactive public outreach and obtain public input for MHSTCC activities, including proposed projects and programs, and additional items of regional interest related to transportation.
  - 3) Provide a mechanism for public outreach for member agencies, at their option, to obtain public input on all required FHWA and FTA activities.
- B. Participation:** The Mobility Advisory Forum consists of technical staff from the six voting MHSTCC members, representatives from the employer community, the environmental community, disability community, government agencies, other interested parties, as well as the general public. Agencies and organizations in neighboring counties and areas are also invited to participate.
- C. Officers:** The MHSTCC Technical Committee shall designate a chairperson who will chair the meetings, establish meeting agendas and provide administrative support services. Vice chairpersons can also be selected by the MHSTCC if desired and will share administrative support responsibilities. The chairperson and vice chairpersons will be selected from the six MHSTCC members. Items deemed not appropriate for the MAF agenda by the MAF chair may be forwarded directly to the MHSTCC for further consideration.
- D. Meetings:** Meetings are open to the public and will be held as necessary to handle the functions of the MAF. Meetings are usually held at least two times per year. Meeting notices will be sent out at least 14 days prior to the meeting to the extent possible. Meeting notices, sign in sheets, and presentations, when available, will be retained. To facilitate coordination, MAF will be a regular item for discussion at all MHSTCC meetings.
- E. Subcommittees:** Subcommittees shall be set up on an ad hoc basis on issues related to mobility as the need arises. Subcommittee chairs shall be designated by the MHSTCC Technical Committee. Representatives shall be invited to participate by the MHSTCC Technical Committee based on their area of expertise.

Subcommittees shall report on their activities at the MAF meetings. The MAF chair or his/her representative will report to the MHSTCC on the status of MAF and subcommittee activities, and on the public input received through the MAF and its subcommittees.

The chairperson or vice-chairs may speak on behalf of MAF. Other MAF participants may not speak on behalf of MAF or use their affiliation with MAF to endorse their own agency's view.

## APPENDIX 2 - TIP/STIP REVISION OPERATING PROCEDURES

Adopted September 17, 2009

### Introduction

These *TIP/STIP Revision Operating Procedures* outline the procedures agreed upon by the NYMTC TCC members\* to revise project listings on the approved *Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP)*. FTA and FHWA do not approve NYMTC's TIP document presented for council approval or TIP modifications to the TIP. FTA and FHWA do approve amendments to the STIP. Since the STIP must include all projects listed on the TIP, the use of the terms TIP and STIP are synonymous in these procedures.

There are two types of revisions to the TIP. A minor revision is considered an administrative modification, and a major revision is considered an amendment.

The following procedures are consistent with 23 CFR Part 450 of the Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule.

### Definitions

#### Administrative Modification

In the Metropolitan Transportation Planning Final Rule an administrative modification "means a minor revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that includes minor changes to project/project phase costs, minor changes to funding sources of previously-included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas)." (23 CFR 450.104 Definitions)

#### Amendment

In the Metropolitan Transportation Planning Final Rule an amendment "means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope..." "An amendment is a revision that requires public review and comment, redemonstration of fiscal constraint, or a conformity determination." (23 CFR 450. 104 Definitions)

*\* These procedures shall also apply to other public transit operators which are not members of NYMTC but which are designated recipients of the Federal Transit Administration, as specified in the metropolitan planning agreement per federal requirements.*

### Clarifications on Specific or Unique Situations

While the Metropolitan Transportation Planning Final Rule provides the above definitions, FTA, FHWA, NYMTC members and NYMTC staff thought that certain specific processes needed to be addressed to avoid uncertainty on how to proceed under specific or unique situations. These operating procedures are to be used as a guide in administering all TCC TIP administrative modifications and/or amendments.

### Fiscal Constraint

In non-attainment and maintenance areas, projects included in the first two years of the TIP and STIP shall be limited to those for which funds are available or committed. Federal guidance on financial planning and fiscal constraint is available at <http://www.fhwa.dot.gov/planning/guidfinconstrqa.htm>.

Fiscal constraint must be maintained for all actions. For the purpose of these Operating Procedures, fiscal constraint for FHWA projects is defined as maintaining the amount of funding programmed in each year of the TIP so that it does not exceed the fiscal funding allocated for each of the STIP years and the overall amount of funds available over the timeframe of the STIP. Fiscal constraint shall be documented for each action.

In the case of FTA funded projects, future year TIP allocation estimates are based on transportation authorization. Annually, appropriations bills are enacted and apportionments and allocations are published by the FTA in the *Federal Register*. As a result, in order to maintain and document fiscal constraint, FTA funds programmed on the TIP need to be consistent with the amounts shown in the *Federal Register*.

### Earmarks and Discretionary Funds

Earmarks and other discretionary funds are new revenue sources that can only be used for a specific purpose as outlined in the *Federal Register*, and are by their nature fiscally constrained. These funds do not require the redemonstration of fiscal constraint unless the sponsoring agency is also adding other federal funds to the project. Transit earmark amounts need to be consistent with the amounts published by FTA in the *Federal Register*, including any rescissions.

### Public Review

An amendment to the TIP requires 10 calendar days for public review. If the TIP amendment is due solely to project cost increases and the scope of the project – or project phase as programmed in the TIP – does not change, and in the case where public review has already been conducted on the project (or project phase) by the sponsoring agency (for example as part of a federally required Program of Projects notice, required for FTA Section 5307 formula funds), that public review shall constitute the required amendment public review. The sponsor-held public review must have occurred within three years of the requested TIP amendment, otherwise a new public review must occur. The notice of a project published in the *Federal Register* shall constitute the required amendment public review.

In the case of an amendment where a project is shown on the TIP, including the committed column, and has gone through either the TIP or a project level public review process, an additional public review will not be necessary prior to processing the amendment. Public review for non-exempt projects may be combined with the public notice in the NYMTC Conformity Determination. The public review notice will be sent to the applicable TCC mailing list via email mail or fax. If an e-mail address is available, the notice shall be sent by e-mail. If not, fax will be utilized. If a fax number is not available, mail will be utilized. The mailing list will be updated on a regular basis along with periodic major updates. The proposed amendment may also be posted on the NYMTC website

during the public review period and paper copies will be made available upon request. Any public comments will be forwarded to the TCC voting members as part of the amendment approval process.

#### Changing Project Funding from Local Funding to Federal Funding

If a project is shown with 100% local funds and is being changed to include federal funds, this action will be processed as an amendment. If public review has already occurred then only approval by the TCC voting members and subsequent STIP processing is required.

#### Rollover

Rollover could occur for projects that were shown in the previously approved TIP/current TIP committed column, but due to delay in progressing the project are not in the current TIP. Projects that are listed in the last year of the immediate prior TIP and that will be obligated in the first year of the current TIP, do not require an amendment and may be moved into the TIP with an administrative modification as long as the TIP's fiscal constraint is maintained or the action results in an amount of funds programmed in the TIP that are consistent with the allocation in the *Federal Register*. This is referred to as the "rollover" and is consistent with NYMTC's rollover clause in the TIP approval resolution.

FHWA projects do require a STIP amendment to be added back on to the STIP. Withdrawn Projects

Projects which are withdrawn due to lack of expenditures or progress will need to be added back on to the TIP as an amendment. If the project is not shown on the current TIP, including the committed column, an additional public review will be necessary. A STIP amendment is also necessary to add the project back onto the STIP.

#### Cost

For federally funded projects, amendments are required when the total project cost increases, based upon the following threshold criteria:

- FHWA – an increase of \$10 million or greater
- FTA – an increase of 25% or greater.

NYMTC will work with project sponsors to determine the total project cost, e.g. in cases in which a project is programmed over multiple years, assigned multiple project identification numbers (PINs), or represented in multiple phases in the TIP and/or Regional Transportation Plan.

#### CMAO Funded Projects

Voting member concurrence will be required when changes to CMAQ (and STP Urban in MHSTCC) funded projects are processed as Administrative Modifications. TCC member concurrence will occur via e-mail, telephone, fax, or paper notification. Voting members will be notified of the revision request and allowed five calendar days to voice any objections to the revision.

#### **Steps in the Process**

- I. Project sponsor completes a T1P Change Request Form with marked up TIP strips, and submits to TCC staff.

2. TCC staff determines if the change is an administrative modification or amendment based on these Operating Procedures. If requested by TCC staff the project sponsor shall provide additional information on the proposed TIP change (for example, the number of traffic lanes, project cost).
3. TCC staff, in coordination with the project sponsor, submits the project for NYSDOT Environmental Science Bureau/Interagency Consultation Group review.
4. Public review occurs, as applicable.
5. TCC staff process the action.
6. For Administrative Modifications, the action is entered into the eSTIP database and then forwarded to NYMTC Central Staff for further processing to NYS DOT.
7. For Amendments, the action is entered into eSTIP, forwarded to NYMTC Central Staff, and then NYSDOT. NYSDOT will approve (or disapprove) the request in eSTIP for subsequent approval/disapproval by the federal agencies.
8. Project sponsors will be notified of completed actions by the individual performing the action.
9. Project sponsors will be copied on all TIP action/amendment correspondence.

### **Voting Member Approval**

Amendments can be voted on by NYMTC TCC voting members (or designee) by mail, fax, e-mail, phone or paper ballot, or at a meeting. As per the TCC Operating Procedures, consensus is required for the approval of an amendment. If any negative votes are received or objections are raised, the action will be suspended until the objection is resolved or consensus is declared. The names of the voting members and their designee are kept on file with the TCC.

### **Resolution of Issues**

The project sponsor and TCC will work to resolve issues of whether the project falls within the category of administrative modification or amendment. If an issue cannot be resolved, the TCC would seek guidance from FTA and FHWA, as applicable.

In the event an amendment is approved and then there are subsequent issues with a project, a subsequent action would need to be approved by consensus to revise the approved amendment.

### **Procedures Review**

The TIP Revision Procedures shall be reviewed after one year from the approval date. The procedures shall also be reviewed following passage of new federal re-authorization legislation.

**RESOLUTION #MHS-2014-01 - ADOPTION OF JOINT TRANSPORTATION  
COORDINATING COMMITTEE (TCC) OPERATING PROCEDURES**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, the 1982 Memorandum of Understanding (MOU) between NYMTC's member agencies that created the organization structured NYMTC as a Council of Transportation Coordinating Committees; and

**WHEREAS**, through the MOU, NYMTC's three TCCs agreed to join together to form a Council of Transportation Coordinating Committees and, acting through the Council, to constitute the federally required Metropolitan Planning Organization; and

**WHEREAS**, as standing committees of NYMTC, each of the three TCCs individually adopted procedures to govern their operations and periodically updated those procedures; and

**WHEREAS**, in response to recommendations from NYMTC's 2011 federal Certification Review, NYMTC's TCCs seek to consolidate their operating procedures; and

**WHEREAS**, the members of the TCCs, in concert with NYMTC staff, have developed Joint TCC Operating Procedures that comply with the federal recommendation; and

**WHEREAS**, upon adoption by each of them, NYMTC's TCCs agree that these joint procedures will govern their operations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mid-Hudson South TCC adopts the attached Joint TCC Operating Procedures.

This resolution shall take effect on the second day of October, two thousand and fourteen.

*Motion made by: Mr. Edwin Day, representing the people of Rockland County.*

*Seconded by: Mr. Kevin Plunkett, representing the people of Westchester County.*

*I certify that the above is a true copy of Resolution MHS-2014-01, Adoption Of Joint Transportation Coordinating Committee Operating Procedures and was adopted unanimously by the Mid-Hudson South Transportation Committee members on October 2, 2014.*

12/2/14  
Date

  
\_\_\_\_\_  
William Gorton, Secretary  
Mid-Hudson South Transportation Coordinating Committee

**RESOLUTION #NS2014-01 - ADOPTION OF JOINT TRANSPORTATION  
COORDINATING COMMITTEE (TCC) OPERATING PROCEDURES**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, the 1982 Memorandum of Understanding (MOU) between NYMTC's member agencies that created the organization structured NYMTC as a Council of Transportation Coordinating Committees; and

**WHEREAS**, through the MOU, NYMTC's three TCCs agreed to join together to form a Council of Transportation Coordinating Committees and, acting through the Council, to constitute the federally required Metropolitan Planning Organization; and

**WHEREAS**, as standing committees of NYMTC, each of the three TCCs individually adopted procedures to govern their operations and periodically updated those procedures; and

**WHEREAS**, in response to recommendations from NYMTC's 2011 federal Certification Review, NYMTC's TCCs seek to consolidate their operating procedures; and

**WHEREAS**, the members of the TCCs, in concert with NYMTC staff, have developed Joint TCC Operating Procedures that comply with the federal recommendation; and

**WHEREAS**, upon adoption by each of them, NYMTC's TCCs agree that these joint procedures will govern their operations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Nassau/Suffolk TCC adopts the attached Joint TCC Operating Procedures.

This resolution shall take effect on the 9<sup>th</sup> day of Oct, two thousand and fourteen.

10/9/14

Date

Glenn L. Murrell

Glenn Murrell, Secretary  
Nassau/Suffolk Transportation Coordinating Committee

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Gerry Baguez  
Acting Staff Director  
New York City TCC

RESOLUTION #NYC-2014-01

ADOPTION OF JOINT TRANSPORTATION COORDINATING COMMITTEE (TCC) OPERATING PROCEDURES

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, the 1982 Memorandum of Understanding (MOU) between NYMTC's member agencies that created the organization structured NYMTC as a Council of Transportation Coordinating Committees; and

**WHEREAS**, through the MOU, NYMTC's three TCCs agreed to join together to form a Council of Transportation Coordinating Committees and, acting through the Council, to constitute the federally required Metropolitan Planning Organization; and

**WHEREAS**, as standing committees of NYMTC, each of the three TCCs individually adopted procedures to govern their operations and periodically updated those procedures; and

**WHEREAS**, in response to recommendations from NYMTC's 2011 federal Certification Review, NYMTC's TCCs seek to consolidate their operating procedures; and

**WHEREAS**, the members of the TCCs, in concert with NYMTC staff, have developed Joint TCC Operating Procedures that comply with the federal recommendation; and

**WHEREAS**, upon adoption by each of them, NYMTC's TCCs agree that these joint procedures will govern their operations.

**NOW, THEREFORE, BE IT RESOLVED**, that the New York City TCC adopts the Joint TCC Operating Procedures which appear as Attachment 1 to this resolution.

This resolution shall take effect on the eighteenth day of September, two thousand and fourteen.

ADOPTED: SEPTEMBER 18, 2014

*"I hereby certify that the above is a true copy of Resolution #NYC 2014-1, Adoption of Joint Transportation Coordination Committee (TCC) Operating Procedures", and was motioned by Luis Calderon, representing the New York State department of Transportation, and seconded by Karin Sommers, representing the New York City Department of Transportation. This Resolution was adopted and passed unanimously."*

  
Luis Calderon, Chair

NEW YORK CITY TRANSPORTATION COORDINATING COMMITTEE

47-40 21st STREET, 5TH FL. ▾ LONG ISLAND CITY ▾ NEW YORK ▾ 11101 ▾ tel 718.482.4551 ▾ fax 718.482.6686 ▾ www.nymtc.org

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**Supplemental Operating Procedures for  
Organizational Responsibilities**

## **Supplemental Operating Procedures for Organizational Responsibilities**

### **Overview**

The Memorandum of Understanding which is NYMTC's originating document establishes specific organizational responsibilities for the Council itself, the Transportation Coordinating Committees and the Program, Finance and Administration Committee.

### **Organizational Provisions in the Memorandum of Understanding**

- The Council is responsible for establishing the framework of and adopting the three major federally-mandated planning products: the Regional Transportation Plan, the Transportation Improvement Program and the Unified Planning Work Program.
- The Council is also responsible for developing procedures for coordinating its plans and programs and its planning and programming processes with adjacent metropolitan planning organizations in the states of New York, New Jersey, and Connecticut, and for appointing a representative to work to work with these MPOs and to report back to the Council.
- The Transportation Coordinating Committees (TCCs) are responsible for contributing information and project listings from their planning areas to the Regional Transportation Plan and Transportation Improvement Program.
- The TCCs are also responsible for several specific, non-regional actions, including:
  - The delineation and update of subregional urban area boundaries in conjunction with the State;
  - The designation of appropriate federal-aid urban highway systems subject to the concurrence of the State; and
  - Minor modifications to the TIP, including minor changes in the scope of endorsed projects, substitutions by the initiating agency of projects of similar scope, and deletions and additions of subregional projects within available funding.
- The Council is further responsible for establishing a Program, Finance and Administration Committee (PFAC) to be composed of staff representatives of the New York State Department of Transportation, the Metropolitan Transportation Authority and one to be appointed by each of the TCCs.
- The PFAC is responsible for overseeing the day-to-day operations of NYMTC, including monitoring and coordinating the progress of the Unified Planning Work Program and minor revisions to budgets and other aspects of the Unified Planning Work Program.
- The PFAC is also responsible for annually developing and recommending a draft Unified Planning Work Program, in conjunction with the TCCs, for Council adoption.

- The PFAC is authorized to act for the Council to include or make changes to projects of regional significance in the Transportation Improvement Program and to make changes to the Unified Planning Work Program.

## **Organizational Operating Procedures**

To implement the provisions of the Memorandum of Understanding, NYMTC adopted Organizational Operating Procedures which further refine the responsibilities of the PFAC and the TCCs. The organizational operating procedures which cover the PFAC include the following responsibilities:

- Periodically assess the Council's adopted Regional Transportation Plan, including consistency with social, economic and environmental needs, and federal and state requirements and regulations. Recommend to the Council or act on the Council's behalf to execute appropriate revisions as they become necessary.
- Coordinate development of the Transportation Improvement Program with local elected officials, transit operators and other officials. Projects are initiated through the appropriate TCC for inclusion in the TIP. Recommend adoption of the TIP to the Council.
- Coordinate the development of procedures to meet federal transportation planning regulations and requirements.
- Develop and recommend to the Council policies and procedures for evaluating the consistency among the transportation plans and programs of the Council with those of adjacent metropolitan planning organizations, the federal and other levels of government, and their agencies or affiliates.
- Establish and implement procedures for the annual preparation of a recommended program of technical studies, and make recommendations to the Council for incorporation into the Unified Planning Work Program.
- Review the annual Unified Planning Work Program prepared by central staff and make recommendations thereon to the Council prior to submission of the work program to the federal funding agencies.
- Establish and monitor working groups, as needed, on subjects requiring special attention. The Committee will receive reports and recommendations from the working groups and, if necessary, forward these to the Council for action.
- Formulate transportation policy recommendations for Council action and take interim action on policy positions already taken by the Council.

- Establish and maintain procedures to ensure appropriate participation of local officials and the public in transportation activities. On all matters dealing with citizen participation and obtaining the views of the public on transportation issues, plans, programs, and proposals; look to the citizen advisory mechanisms of the members as a prime source of advice.
- Carry out any other transportation-oriented aspects of the Council business as directed by the Council or the co-chair persons of the Council and initiate and resolve actions for the Council on transportation matters, as the need arises.

## **Supplemental Operating Procedures**

1. The PFAC's oversight responsibility of the day-to-day operations of NYMTC, along with its responsibilities to carry out any other transportation-oriented aspects of the Council business and its specific responsibilities with regard to the Regional Transportation Plan and Transportation Improvement Program will be understood to include the following actions not specified in the Memorandum of Understanding or related organizational operating procedures:
  - a. Adoption of the Transportation Conformity Determinations which accompany newly developed Regional Transportation Plans and Transportation Improvement Programs, as well as amendments to projects contained therein that are deemed as "non-exempt" under the Clean Air Act Amendments of 1990.
  - b. Amendments to the Regional Transportation Plan to maintain the fiscal constraint of the planning process.
  - c. Adoption of socio-economic and demographic forecasts that serve as a basis for federally-required forecasts of mobile source emissions and traffic congestion.
  - d. Recommendation of the Regional Transportation Plan to the Council for adoption.
2. The PFAC's responsibility for developing and recommending to the Council policies and procedures for evaluating the consistency among the transportation plans and programs of the Council with those of adjacent metropolitan planning organizations, the federal and other levels of government, and their agencies or affiliates will be understood to include the following actions not specified in the Memorandum of Understanding or related organizational operating procedures:
  - a. Adoption of agreements and/or memoranda of understanding with adjacent metropolitan planning organizations, the federal and other levels of government, and their agencies or affiliates.
3. The PFAC's responsibility for establishing and maintaining procedures to ensure appropriate participation of local officials and the public in transportation activities will be understood to include the following actions not specified in the Memorandum of Understanding or related organizational operating procedures:

- a. Adoption of and revision of federally-mandated public involvement plans.
  - b. Adoption of policies and procedures which implement the provisions of federally-mandated public involvement plans.
  - c. Assurance that the federal agencies responsible for reviewing and accepting NYMTC's adopted planning products and analyses are provided, at a minimum, the required thirty day review period after NYMTC's adoption of the product or analysis and before its mandated due date.
4. It will further be understood that, at the direction of the Council or the Council co-chair persons, the PFAC may initiate and resolve actions and take adoption, amendment or endorsement actions on any aspects of the Council's business not specifically stated as responsibilities of the Council in the Memorandum of Understanding.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettinger  
Executive Director

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

**RESOLUTION #2012-9 – COUNCIL ADOPTION OF SUPPLEMENTAL OPERATING PROCEDURES FOR ORGANIZATIONAL RESPONSIBILITIES**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, the Memorandum of Understanding which is NYMTC's originating document establishes specific organizational responsibilities for the Council itself, the Transportation Coordinating Committees (TCCs) and the Program, Finance and Administration Committee (PFAC); and

**WHEREAS**, to implement the provisions of the Memorandum of Understanding, NYMTC adopted Organizational Operating Procedures which further refine the responsibilities of the PFAC and the TCCs; and

**WHEREAS**, NYMTC's operating procedures are periodically revised or supplemented so that they remain current and responsive to evolving regulatory and organizational requirements; and

**WHEREAS**, these supplemental operating procedures clarify PFAC's oversight responsibility of the day-to-day operations of NYMTC, along with its responsibilities to carry out any other transportation-oriented aspects of the Council business and its specific responsibilities with regard to the Regional Transportation Plan and Transportation Improvement Program, with regard to actions not specified in the Memorandum of Understanding or related organizational operating procedures; and

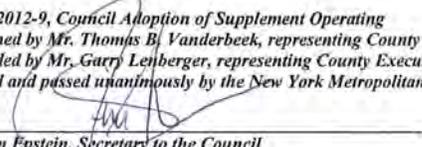
**WHEREAS**, these supplemental operating procedures also clarify PFAC's responsibility to assure that the federal agencies responsible for reviewing and accepting NYMTC's adopted planning products and analyses are provided, at a minimum, the required thirty day review period after NYMTC's adoption of the product or analysis and before its mandated due date.

**NOW, THEREFORE, BE IT RESOLVED** that the Council adopts the attached supplemental operating procedures for organizational responsibilities.

This resolution shall take effect on the twenty-seventh day of September, two thousand and twelve.

**ADOPTED: September 27, 2012**

*"I hereby certify that the above is a true copy of Resolution #2012-9, Council Adoption of Supplement Operating Procedures for Organization Responsibilities, and was motioned by Mr. Thomas B. Vanderbeek, representing County Executive C. Scott Vanderhoef, Rockland County, and seconded by Mr. Garry Lejberger, representing County Executive Steven Bellone, Suffolk County. This Resolution was adopted and passed unanimously by the New York Metropolitan Transportation Council."*

  
Ron Epstein, Secretary to the Council

THE METROPOLITAN PLANNING ORGANIZATION

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**New York Metropolitan Transportation Council (NYMTC)  
Compendium of Agreements and Operating Procedures**

**SECTION III**

**Functional Operating Procedures**

**- III (a) -**

**Overall Public Participation Procedures**

***NOTE: ORIGINAL PROCEDURES RESCINDED AND  
REPLACED, PFAC RESOLUTION #251, March 20, 2008***

# OVERALL PUBLIC PARTICIPATION PROCEDURES

## OVERVIEW

NYMTC's public participation process functions on three distinct levels: regional (i.e., NYMTC as an organization), subregional (NYMTC's Transportation Coordinating Committees, or TCCs), and local (NYMTC's individual member agencies).

The regional level involves regularly scheduled meetings of the Council, its Program, Finance and Administration Committee (PFAC) and numerous workshops and advisory working group meetings on a host of planning issues and products.

The subregional level involves activities that take place within NYMTC's three TCCs covering New York City, Long Island, and the lower Hudson Valley. Each TCC holds meetings on subregional planning issues, such as the Mobility Advisory Forum for the Mid-Hudson South TCC.

The local level involves efforts that take place through NYMTC's individual member agencies. Each member agency has its own public participation program for developing its own planning process. Member agencies also have public participation elements within their individual work programs that are funded federally through NYMTC.

NYMTC's five federally-mandated products are:

- The Unified Planning Work Program, which details the planning efforts that will be undertaken each program year;
- The Transportation Improvement Program, a four year fiscally-constrained program of transportation improvement projects;
- The Regional Transportation Plan, which lays out a minimum 20-year long-range vision for the future of the region;
- Transportation Conformity Determinations under the Clean Air Act as amended in of 1990; and
- The Congestion Management Process, which must be undertaken since NYMTC is in a transportation management area as defined by federal planning regulations.

In developing these mandated planning products, federal regulations require NYMTC to "provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with a reasonable opportunity to participate in the planning process." Additionally, the Clean Air Act Amendments of 1990 require that NYMTC provide a "reasonable opportunity for public review and comment on the Transportation Conformity Determination and supporting materials prior to formal action on a Conformity Determination."

Per federal requirements, NYMTC maintains a Public Involvement Plan (PIP) that describes explicit procedures, strategies and desired outcomes for ten discreet required elements, and which provides a strategic framework for NYMTC's public involvement efforts. The PIP will be publicly available on NYMTC's website. It incorporates these procedures while detailing the goals, strategies and desired outcomes for NYMTC's overall public involvement program.

# 1. - DISTRIBUTION AND AVAILABILITY OF PUBLIC INFORMATION

The following procedures for the distribution and availability of public information apply to NYMTC's various activities:

1. Maintain and enhance distribution lists in order to provide public information to individuals and groups so they can participate in NYMTC's various activities.
  - a. NYMTC will enhance its distribution lists to include people and organizations not traditionally involved in the planning process, as well as any Tribal Nations located within its planning area.
  - b. Public information will be distributed to the distribution lists as required using USPS mail, fax, email, and posting on the website and through social media.
2. Maintain a relationship with community-based organizations, non-governmental organizations and Tribal Nations throughout NYMTC's planning area that are willing to disseminate public information to their constituents on NYMTC's behalf. This grouping of organizations will be known as the Regional Planning Corps.
3. Maintain and enhance a distribution list of media outlets and organizations throughout NYMTC's planning area, including community newspapers, blogs, local news channels and information-oriented websites.
4. Maintain both a website and social media outlets in order to distribute public information related to NYMTC's activities.
  - a. Provide hard copy of public information upon request to the interested public.
5. Where feasible, use visualization techniques and information graphics to convey information to the public related to NYMTC's activities.
6. The following organizational steps will be taken for the distribution and availability of public information:
  - a. When a public solicitation of project proposals for federal grant and/or funding programs which require the administrative oversight of a metropolitan planning organization is undertaken, hold workshops throughout NYMTC's planning area to advise the interested public and potential grantees of the details of the federal grant and funding programs.
  - b. Hold public information sessions on key aspects of NYMTC's mandated planning products and related technical tools and analyses.
  - c. Provide explanatory materials at official and other public meetings to provide information on the regional planning process, NYMTC's activities, and the topic of the public meeting.
  - d. To the extent practical, official and other public meetings will include a webcast or webinar to extend the reach of the meeting.

## 2. - PROVISIONS FOR GATHERING PUBLIC INPUT

NYMTC will use the following techniques and mechanisms for gathering public input on topics relevant to the regional planning process. The application of these techniques will be detailed in the Public Involvement Plan.

1. Feature interactive components on NYMTC's website for gathering input and feedback from users.
2. Maintain social media outlets and use them to solicit input and feedback.
3. Employ Internet-based technologies such as webcasts and webinars to expand the reach of its public meetings and gather input and feedback from a wider range of participants.
4. Make public comment forms available at official and other public meetings for anyone wishing to submit comments that will become part of the meeting record.
5. Take the following organizational steps to gather public input:
  - a. Maintain advisory working groups on topics relevant to the regional planning process. These working groups will hold public meetings on a regular basis to gather input and feedback on these topics.
  - b. Maintain technical advisory committees for specific areawide, corridor, feasibility and/or technical studies financed through the Unified Planning Work Program. The technical advisory committees will be drawn from the elected officials, community-based organizations, stakeholders in the area impacted by the study.
  - c. Hold a minimum of two public meetings or workshops open to the general public for specific areawide, corridor, feasibility and/or technical studies financed through the Unified Planning Work Program.
    - i. At a minimum, public meetings should be held at the beginning of the activity and then again when draft final product(s) or deliverable(s) are available.
    - ii. Public meetings will be conducted in a manner consistent with Section 4.2 of these procedures.
  - d. Hold one or more of the following sessions to gather input and feedback during the development process for NYMTC's mandated planning products: public comment periods; community visioning sessions; public workshops; public open house sessions; and public information sessions.
  - e. Conduct public comment periods and public review meetings to gather comments and feedback on drafts of the mandated planning products.
  - f. To the extent practical, other public meetings will include a webcast or webinar to extend the reach of the meeting.

### **3. 3.- INTEGRATION WITH STATEWIDE PLANNING**

Metropolitan public participation processes shall be coordinated with statewide public participation processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and cost. NYMTC will therefore actively seek to integrate the public involvement program undertaken as part of the metropolitan transportation planning process with public involvement activities undertaken as part of the statewide transportation planning process.

1. NYMTC will pursue improvements to the integration of its public involvement program with statewide public involvement activities through its participation in the New York State Association of Metropolitan Planning Organizations.
  - a. Better integration of public involvement will be sought for both the federally-mandated planning products and for planning studies and activities of statewide significance and/or significance to two or more metropolitan planning organizations.
2. NYMTC will also pursue improvements to integration with statewide activities in Connecticut and New Jersey through its participation in the Metropolitan Area Planning (MAP) Forum, which was formed through a memorandum of understanding between NYMTC, the North Jersey Transportation Planning Authority, and three adjacent metropolitan planning organizations in southwestern Connecticut.
  - a. Better integration of public involvement will be sought for both the federally-mandated planning products and for planning studies and activities of statewide significance and/or significance to two or more metropolitan planning organizations.

## **4. – PUBLIC MEETINGS**

### 4.1 - OFFICIAL MEETINGS

All official meetings of NYMTC, its TCCs and its designated committees convened to conduct the public business of NYMTC are open to the public and are subject to the following procedures:

1. Public notice of official meetings will be made a minimum of two weeks prior to the meeting in a manner consistent with Section 1 of these procedures.
  - a. In the event of emergency official meetings, notice will be posted on the website and through social media a minimum of 72 hours in advance of the meeting.
2. Public information relevant to the official meetings will be available at the time of public notice in a manner consistent with Section 1 of these procedures.
3. Public comments on the meeting agenda and actions will be solicited at the time of the public notification of the meeting.
  - a. Written comments will be requested to be received by close-of-business on the third business day prior to the meeting.
  - b. Written comments received by that deadline will be shared with the NYMTC members for their consideration in advance of the meeting.
  - c. Written comments received after that deadline will be made available to the NYMTC members for their consideration on the day of the meeting.
4. Official meetings will be held in ADA-compliant locations which are proximate to public transportation services.
  - a. Translation services will be made available for officials meetings upon request if received at least three (3) days in advance of the meeting.
5. Public comments will be accepted in writing during official meetings for the consideration of NYMTC's members. Time will also be allocated in official meeting agendas for individuals or groups to convey their comments verbally on a first-come, first-served basis. The time allocated will not be exceeded.
  - a. Comments received during official meetings will become part of the meeting record.
  - b. Those wishing to convey comments verbally during an official meeting will be required to register to speak prior to the meeting, indicating the topic that they wish to address and submitting a written version of their comments.
    - i. Speakers will be heard based on the order of their registration and asked to limit their verbal comments to not more than three minutes.
    - ii. The total duration of verbal comments heard during an official meeting will not exceed the time allocated on the meeting agenda for public comments.

- iii. The written comments of any registered speaker who is not able to speak during the allocated time in the meeting agenda will become part of the meeting record.
- iv. Public comment forms will be made available at each official meeting for anyone wishing to submit comments that will become part of the meeting record and for those who register to speak but do not have a written version of their comments.

#### 4.2 - OTHER PUBLIC MEETINGS

Other public meetings conducted by NYMTC and its TCCs, which are undertaken for purposes of public involvement and outreach, include but are not limited to community visioning sessions, public workshops, public open house sessions, public information sessions, and public review meetings, are subject to the following procedures:

1. Public notice of other public meetings will be made a minimum of two weeks prior to the meeting in a manner consistent with Section 1 of these procedures.
2. Public information relevant to other public meetings will be available at the time of public notice in a manner consistent with Section 2 of these procedures.
3. Other public meetings will be held in ADA-compliant locations which are proximate to public transportation services.
  - a. Translation services will be made available for public meetings upon request if received at least three (3) days in advance of the meeting.
4. To the extent practical, other public meetings may be held twice at each individual location; once during regular business hours and again in the evening. However, the number and times of meetings may be customized to each location and meeting type to reflect the nature of the meeting and to optimize the convenience of intended audiences.
5. Input and feedback at other public meetings will be gathered in a manner consistent with Section 2 of these procedures.
  - a. Synopses of input and feedback offered at other public meetings will be provided to NYMTC's members and relevant NYMTC committees and subcommittees for consideration.
6. Public meeting materials will be posted on NYMTC's website in advance of the meeting for the use of remote participants.

### **5. MANDATED PLANNING PRODUCTS**

#### 5.1 - TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

NYMTC's TIP is a program of projects – capital and operational – which reflects the region's transportation priorities. The projects in the NYMTC's TIP are recommended by each Transportation Coordinating Committee (TCC) based on the federal funding available for roadway projects in that TCC through the regional offices of the New York State Department of Transportation: Region 11, which is coterminous with the planning area of the New York City TCC; Region 10, which is coterminous with the planning area of the Nassau/Suffolk TCC; and a

portion of Region 8, which includes the planning areas of three other MPOs and one rural county, in addition to planning area of the Mid-Hudson South TCC.

Federal funds for transit services are allocated to Urbanized Zone Areas (UZAs). The NYMTC planning area is parts of UZAs which also include portions of the states of New Jersey and Connecticut. These funds are ultimately suballocated to the transit operators in NYMTC's planning area. Each time the TIP is updated or a project or project phase is revised the air quality status of the affected projects must also be addressed.

#### *5.1.1 - TIP Development*

The following procedures apply to the development of a new NYMTC TIP:

1. NYMTC's TCCs will hold public meetings during each TIP development cycle prior to the release of a draft TIP to provide updates on, answer questions about and receive comments on transportation improvement projects in each TCC's planning area.
  - a. The meetings will be held in a manner consistent with Sections 1, 2 and 4.2 of these procedures.
2. NYMTC's TCCs will compile listings of projects to be included in a new TIP and a draft TIP will be prepared for public review.
3. Public notice will be provided at the beginning of a thirty (30) calendar day public comment period on the final draft of the TIP. Public review meetings will be held during the public comment period.
  - a. Notification will be provided in a manner consistent with Section 1 of these procedures and, as feasible, the meetings will be accompanied by webcasts or webinars to expand their reach.
  - b. The meetings will be conducted in a manner consistent with Sections 1, 2 and 4.2 of these procedures.
  - c. Comments received on the draft TIP will be considered and resolved in writing and included with the final documents.
    - i. Should significant changes to the draft TIP be made as a result of the consideration and resolution of comments received which raise new material issues which interested parties could not reasonably have foreseen from the public participation efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available. NYMTC will provide an additional opportunity for public comment; at a minimum, a new ten (10) calendar day public comment period will be initiated.
4. Public official meetings will be held by each TCC to endorse their respective listings. These official meetings will be announced and conducted in a manner consistent with Sections 1, 2 and 4.1 of these procedures.
5. A public official meeting of PFAC will be held to recommend the TIP to the Council for adoption. This official meeting will be announced and conducted in a manner consistent with Sections 1, 2 and 4.1 of these procedures.

6. A public official meeting of the Council will be held to adopt the TIP. This official meeting will be announced and conducted in a manner consistent with Sections 1, 2 and 4.1 of these procedures.
7. Upon adoption by the Council, the final TIP will be made available on the website in a manner consistent with Section 1 of these procedures.

#### *5.1.2 - Amendments to the NYMTC TIP*

The following procedures apply to the amendment of an existing NYMTC TIP:

1. For amendments to the TIP which require public review, at a minimum, a ten (10) calendar day public comment period will be held prior to action.
  - a. Notification of this period and the revised projects or project will be provided in a manner consistent with Section 1 of these procedures of this document.
  - b. The public notice will be posted on the NYMTC website at the time of the announcement, along with draft documentation, in a manner consistent with Section 1 of these procedures.
2. Comments received will be considered and appropriate responses will be reflected in the documentation prior to the amendment actions. All comments will be forwarded to the TCC members for their consideration as part of the amendment package. The compiled comments and responses will also be shared with the commenter(s) and posted on the NYMTC website.

### **5.2 - REGIONAL TRANSPORTATION PLAN (THE PLAN) AND CONGESTION MANAGEMENT PROCESS (CMP) STATUS REPORT**

Per federal requirements, NYMTC must adopt a new Plan every four years, accompanied by a CMP Status Report. The Plan describes the existing transportation system and presents long-range needs, issues and choices to guide the regional planning process. The Status Report presents long-range forecasts of traffic congestion in NYMTC's planning area, specific performance measurements to identify areas of high congestion, and a long-range program to reduce traffic congestion. NYMTC develops each Plan and accompanying Status Report at both the TCC and organizational level.

NYMTC's public participation process for developing each Plan and Status Report is an ongoing, proactive process to engage the public in meaningful involvement at various points in the multi-year development process.

#### *5.2.1 - Plan and Status Report Development*

The following procedures apply to the development of NYMTC's Plan and Status Report:

1. Public information sessions will be held on the CMP and on key Plan sections and topics to provide information and gather input and feedback.
  - a. Notification will be provided in a manner consistent with Section 1 of these procedures and the sessions will be accompanied by webcasts and/or webinars to expand their reach.
  - b. The sessions will be conducted in a manner consistent with Sections 1, 2 and 4.2 of these procedures.

- c. Information on the key sections and topics will be developed in a manner consistent with Sections 1 and 2 of these procedures to guide the public discussion at the information sessions.
    - d. The information sessions will also address and will review planning assumptions and the development process to inform the public and gather input on issues relevant to this process.
  2. The main public outreach component of the Plan and Status Report development process will consist of public open houses/visioning sessions/workshops in each of the five New York City boroughs and five suburban counties within NYMTC's planning area.
    - a. Notification will be provided in a manner consistent with Section 1 of these procedures and, as feasible, the sessions will be accompanied by webinars to expand their reach.
    - b. The sessions will be conducted in a manner consistent with Sections 1, 2 and 4.2 of these procedures.
  3. Internet-based applications will be employed to supplement the main component, as will the website and social media outlets in a manner consistent with Section 2 of these procedures.
  4. Public notice will be provided of the beginning of a thirty (30) calendar day public comment period on the final drafts of the Plan and the Status Report. Public review meetings will be held during the public comment period.
    - a. Notification will be provided in a manner consistent with Section 1 of these procedures and, as feasible, the sessions will be accompanied by webinars to expand their reach.
    - b. The meetings will be conducted in a manner consistent with Sections 1, 2 and 4.2 of these procedures.
    - a. Comments received on the draft Plan and Status Report will be considered and resolved in writing and included with the final documents.
      - i. Should significant changes to the draft Plan and Status Report be made as a result of the consideration and resolution of comments received which raise new material issues which interested parties could not reasonably have foreseen from the public participation efforts, an additional opportunity for public comment on the revised Plan and/or Status Report shall be made available. NYMTC will provide an additional opportunity for public comment; at a minimum, a new ten (10) calendar day public comment period will be initiated.
  5. A public official meeting of PFAC will be held to recommend the Plan and Status Report to the Council for adoption. This official meeting will be announced and conducted in a manner consistent with Sections 1, 2 and 4.1 of these procedures.

6. A public official meeting of the Council will be held to adopt the Plan and Status Report. This official meeting will be announced and conducted in a manner consistent with Sections 1, 2 and 4.1 of these procedures.
7. Upon adoption by the Council, the final Plan and Status Report will be made available on the website in a manner consistent with Section 1 of these procedures.

#### *5.2.2 - Amendments to the Plan and Status Report*

The following procedures apply to the amendment of NYMTC's Plan and Status Report:

1. For amendments to the Plan and/or Status Report, at a minimum, a ten (10) calendar day public comment period will be held prior to action.
  - a. Notification of this period and the amendment details will be provided in a manner consistent with Section 1 of these procedures.
  - b. The public notice will be posted on the NYMTC website at the time of the announcement, along with draft documentation, in a manner consistent with Section 1 of these procedures.
2. Comments received will be considered and appropriate responses will be reflected in the documentation prior to the amendment actions. All comments will be forwarded to the NYMTC members for their consideration as part of the amendment package. The compiled comments and responses will also be shared with the commenter(s) and posted on the NYMTC website.

### 5.3 - UNIFIED PLANNING WORK PROGRAM (THE WORK PROGRAM)

#### *5.3.1 - Work Program Development*

To satisfy federal requirements, NYMTC adopts a one-year work program every year which describes the transportation planning projects proposed to receive federal planning funds during the course of a program year, as well as cataloguing other transportation planning activities taking place in NYMTC's planning area regardless of fund source.

The following procedures apply to the development of NYMTC's annual Work Program:

1. Using the Regional Transportation Plan and the Congestion Management Process Status Report as a basis, a Planning Prospectus will be developed and maintained to define NYMTC's planning priorities, particularly with regard to the subregional planning needs of NYMTC's constituent counties and boroughs.
  - a. The Prospectus, which will be publicly available on the website, will synthesize the transportation planning needs in NYMTC's region and foster increased collaboration between agencies, governments, and public interests. Its basis in the Plan will enhance and reinforce the linkages between NYMTC's longer-range regional planning work, its Congestion Management Process and more immediate planning activities of the Work Program.
  - b. The Prospectus will be formulated largely through the public sessions described above during the development of each Plan and Status Report.
2. A draft Work Program will be developed each year through program building undertaken by the staff and by the member agencies that use federal funding through the Work Program.

This program building exercise will use the federal requirements, the Plan, the Status Report and the Prospectus to guide program development.

3. Public notice will be provided of the beginning of a thirty (30) calendar day public comment period on the final draft of the Work Program. Public review meetings will be held during the public comment period.
  - a. Notification will be provided in a manner consistent with Section 1 of these procedures and, as feasible, the sessions will be accompanied by webinars to expand their reach.
  - b. The meetings will be conducted in a manner consistent with Sections 1, 2 and 4.2 of these procedures.
  - c. Comments received will be considered and addressed in writing and included with the final Plan.
4. A public official meeting of PFAC will be held to recommend the Work Program to the Council for adoption. This official meeting will be announced and conducted in a manner consistent with Sections 1, 2 and 4.1 of these procedures.
5. A public official meeting of the Council will be held to adopt the Work Program. This official meeting will be announced and conducted in a manner consistent with sections 1, 2 and 4.1 of these procedures.
6. Upon adoption by the Council, the final Work Program will be made available on the website in a manner consistent with Section 1 of these procedures.

#### *5.3.2 - Amendments to the Work Program*

The following procedures apply to the amendment of NYMTC's annual Work Program:

1. For amendments to the Work Program, at a minimum, a ten (10) calendar day public comment period will be held prior to action.
  - a. Notification of this period and the amendment details will be provided in a manner consistent with Section 1 of these procedures.
  - b. The public notice will be posted on the NYMTC website at the time of the announcement, along with draft documentation, in a manner consistent with Section 1 of these procedures.
2. Comments received will be considered and appropriate responses will be reflected in the documentation prior to the amendment actions. All comments will be forwarded to the NYMTC members for their consideration as part of the amendment package. The compiled comments and responses will also be shared with the commenter(s) and posted on the NYMTC website.

#### **5.4 - TRANSPORTATION CONFORMITY DETERMINATIONS**

Transportation Conformity Determinations are developed to demonstrate that the TIP and Plan comply with the mobile source emissions milestones set forth in the New York State Implementation Plan for Air Quality. Conformity Determinations are completed to satisfy the requirements of the Clean Air Act as amended in 1990.

The following procedures apply to the development of NYMTC's Transportation Conformity determinations:

1. A public information session will be held as part of every TIP development cycle to inform the public of transportation conformity requirements and approaches, and developments at the federal, state and regional levels.
2. Public notice will be provided at the beginning of a thirty (30) calendar day public comment period on the final draft of a Transportation Conformity Determination.
  - a. Public review meetings will be held during the public comment period with the exception of Conformity Determinations that do not require a change in the regional emission analysis for NYMTC.
  - b. Notification will be provided in a manner consistent with Section 1 of these procedures and, as feasible, the sessions will be accompanied by webinars to expand their reach.
  - c. The meetings will be conducted in a manner consistent with Sections 1, 2 and 4.2 of these procedures.
  - d. Comments received will be considered and addressed in writing and included with the final Plan.
3. A public official meeting of PFAC will be held to adopt the Conformity Determination. This official meeting will be announced and conducted in a manner consistent with Sections 1, 2 and 4.1 of these procedures.
4. Upon adoption by PFAC, the final Conformity Determination will be made available on the website in a manner consistent with Section 1 of these procedures.

#### 5.5 – PUBLIC INVOLVEMENT PLAN (PIP)

Per federal requirements, NYMTC developed and adopted an initial PIP in 2007 to demonstrate how it is meeting and will meet federal requirements for public participation in the planning process. The PIP defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

The following procedures apply to the periodic update of NYMTC's PIP:

1. The PIP will be updated every five years, at a minimum.
  - a. During an update cycle, NYMTC will convene the Regional Planning Corps described in Section 1.2 of these procedures for the purpose of reviewing, critiquing and suggesting improvements to the PIP and overall public involvement program.
  - b. NYMTC will also perform an Internet-based general survey using its website and hold a public information session open to the general public for the purpose of

reviewing, critiquing and suggesting improvements to the PIP and overall public involvement program.

- i. Public notification of the survey and public information session will be consistent with Sections 1 and 4.2 of these procedures.
2. Public notice will be provided at the beginning of a forty-five (45) calendar day public comment period on the final draft of an updated PIP.
  - a. Public review meetings will be held during the public comment period.
  - b. Public notification will be provided in a manner consistent with Section 1 of these procedures and, as feasible, the sessions will be accompanied by webinars to expand their reach.
  - c. The meetings will be conducted in a manner consistent in a manner consistent with Sections 1, 2 and 4.2 of these procedures.
  - d. Comments received will be considered and addressed in writing and included with the final PIP.
3. A public official meeting of PFAC will be held to adopt the updated PIP. This official meeting will be announced and conducted in a manner consistent with Sections 1, 2 and 4.1 of these procedures.
4. Upon adoption by PFAC, the final PIP will be made available on the website in a manner consistent with Section 1 of these procedures.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Eftinger  
Executive Director

PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE

RESOLUTION #251 – REVISION OF NYMTC'S PUBLIC PARTICIPATION PROCEDURES

WHEREAS, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

WHEREAS, in accordance with the Federal metropolitan planning regulations, NYMTC adopted organizational procedures for public participation on September 22, 1994; and

WHEREAS, the federal regulations call for early and continuing public participation throughout the planning and programming process, with reasonable opportunity for public comment; and

WHEREAS, the input and participation of the public is critical to transportation planning and investment decision-making and to developing the Regional Transportation Plan, Transportation Improvement Program and other key planning products; and

WHEREAS, NYMTC's operating procedures for amendments and administrative changes to the Transportation Improvement Program (TIP) through its Transportation Coordinating Committees are undergoing revisions in response to new planning regulations under SAFETEA-LU; and

WHEREAS, NYMTC's public participation procedures must be revised to accommodate modifications to the operating procedures for TIP amendments and administrative changes.

NOW, THEREFORE, BE IT RESOLVED, that the Program, Finance and Administration Committee hereby approves and adopts the revisions to the NYMTC public participation procedures as specified in the attachment.

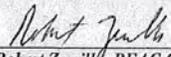
This resolution shall take effect on the twentieth day of March, two thousand and eight.

ADOPTED: March 20, 2008

*Motion made by: Sarah Rios, representing the Metropolitan Transportation Authority*

*Seconded by: Lawrence Berger, representing the Nassau/Suffolk Transportation Coordinating Committee*

*"I hereby certify that the above is a true copy of Resolution #251, Revision of NYMTC's Public Participation Procedures, and was adopted unanimously by the Program, Finance, and Administration Committee members on the above mentioned date."*

  
Robert Zerrillo, PFAC Chair

THE METROPOLITAN PLANNING ORGANIZATION

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**- III (b) -**

**Project Selection Procedures**

## **PROJECT SELECTION PROCEDURES FOR NYMTC**

Project Selection from an approved TIP is a new feature resulting from ISTEA and the final Planning regulations approved and issued by USDOT. The basic intent of Project Selection as proposed is to allow the program to be efficiently managed within the constraints of the approved fiscally constrained TIP by allowing flexibility in the delivery of the approved projects without requiring approval of each member each time a change to the approved TIP is made as long as all the approved projects in the TIP can be delivered and funded. It must be recognized that projects included in the first year of the TIP have priority for the resources available in that year and only when resources become available as a result of cost decreases in the value of a project scheduled in the first year or circumstances result in the delay of a first year project out of the first year, can these Project Selection procedures be utilized, subject to these procedures as defined below.

In circumstances where resources become available in the first year, the following actions are approved by the voting members of the New York Metropolitan Transportation Council, hereafter referred to as the Council, for managing the program within the definition of fiscal constraint (including local funds) as approved by the Council:

### **FHWA (Title I) Funds**

1. The NYSDOT is authorized to select other Title I funded projects from year 2 and/or 3 of the Council's TIP if funds are available and the project(s) is ready to be authorized.
2. In addition, NYSDOT is authorized to revise fund sources, with the exception of CMAQ and STP (STP Urban in MHSTCC), as long as the program remains fiscally constrained.
3. For CMAQ and STP (STP Urban in MHSTCC) funds, members of the appropriate TCC must be consulted and appropriate ranking mechanisms utilized, where practical before these funds could be utilized for a project that was not in the TIP with these fund sources. This consultation is not a formal TIP amendment under the ISTEA Planning regulations but requires the consensus of members of the appropriate TCC.

The basis for selecting projects from years 2 or 3 or revising fund sources will be to first select other projects within the same TCC and, if other projects in that TCC are not ready for advancement, to expand the project selection to the DOT Region (in Region 8) and then Statewide. Projects scheduled in the first year that are deferred because of schedule delays will be moved to the revised implementation date. The NYSDOT will continue with past procedures to request FHWA to authorize all projects when they are ready to be implemented.

### **FTA (Title III) Funds**

1. The respective Designated Recipients in the NYMTC Region are likewise authorized to select other Title III projects in years 2 and/or 3 of the approved TIP for advancement to FTA assuming that fiscal constraint is maintained and that no first year projects ready to be implemented are delayed as a result of Project Selection.

2. The Designated Recipients in the NYMTC Region are also authorized to revise fund sources of projects within the definition of fiscal constraint (including local funds).

The basis for selecting projects will be, in order of priority, other projects in the approved TIP by the same recipients, other projects in the approved TIP by other recipients and finally other projects in the approved STIP in other areas of the State.

These procedures also provide for the advancement of other Title I and Title III funded projects in years 2 and 3 of the approved TIP even when sufficient savings or deferrals cannot be identified. Similar to the requirement in item #3 for Title I funds, projects in years 2 and/or 3 can be advanced for authorization after consultation with other TCC members that identify the project or projects that would be delayed to subsequent years. Again, this would not require a formal amendment.

**COUNCIL RESOLUTION #94-5**

**ADOPTION OF THE NEW YORK METROPOLITAN TRANSPORTATION COUNCIL PROJECT SELECTION PROCEDURE**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is designated by the Governor of New York State as the Metropolitan Planning Organization (MPO) for the Downstate New York Metropolitan Area; and

**WHEREAS**, in accordance with Federal Regulation Part 450, Subpart C23 CFR Chapter I and Part 613, Subpart B, 49 CFR Chapter VI, issued September 1975, which require that each MPO shall develop a transportation improvement program as a staged multi-year program of transportation improvement projects and services consistent with the long range transportation plan; and

**WHEREAS**, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 specifies that the transportation improvement program shall include all projects in the metropolitan area that are proposed for funding with USC Title 23 or Federal Transit Act monies; and

**WHEREAS**, the Council has approved procedures by which the subregional transportation improvement programs are cooperatively developed by local, State and regional transportation, planning and environmental officials, and are endorsed by the appropriate transportation coordinating committees; and

**WHEREAS**, the NYMTC has been designated as a transportation management area; and

**WHEREAS**, ISTEA requires that the transportation improvement program and the statewide transportation improvement program be fiscally constrained by Federal Fiscal Year and by fund category and, as a result, there is a commitment to implement all projects contained in the TIP regardless of the year in which they appear; and

**WHEREAS**, there is a need to efficiently administer and implement the projects contained in the approved transportation improvement program, it is also recognized that the project costs shown on the program at this time are reasonable estimates which may change during the course of project development; and

**WHEREAS**, ISTEA now permits the management of the transportation improvement program by the establishment of agreed upon project selection procedure which will significantly reduce the administrative workload of advancing already approved projects in the program; and

**WHEREAS**, projects identified in the first year of the transportation improvement program have first right to funds available.

**NOW THEREFORE BE IT RESOLVED**, the New York Metropolitan Transportation Council hereby adopts the attached project selection procedure; and

**BE IT FURTHER RESOLVED**, that such procedures shall be adhered to by the MPO, the transit operators and the State when it is necessary to utilize the project selection procedure to ensure the efficient use of the available funds in the current Federal Fiscal Year for projects in the approved transportation improvement program and State transportation improvement program.

ADOPTED: September 22, 1994

**- III (c) -**

**Language Access Operating Procedures**

### **Overview**

Under its existing Public Involvement Plan and Operating Procedures for Public Participation, NYMTC distributes a variety of public information on its federally-mandated regional planning products and analyses. Due to the variety of languages spoken in its planning area, NYMTC supplements its plan and procedures with Language Access Operating Procedures to expand inclusiveness in its public involvement activities.

NYMTC's Language Access Operating Procedures apply to two distinct levels of its activities:

1. The general distribution or availability of public information related to federally-mandated regional planning products and analyses that affect the entire NYMTC planning area
2. The spatially-specific distribution or availability of public information related to federally funded studies and planning projects undertaken by NYMTC or by its member agencies that affect specific parts of NYMTC's planning area.

The Language Access Operating Procedures which follow are organized around these two levels of NYMTC's planning activities.

## Limited English Proficiency Populations in the NYMTC Planning Area

NYMTC will perform an analysis of Census data, when it becomes available after each decennial Census, to identify the size and proportion of Limited English Proficiency (LEP) populations in its planning area. LEP populations are comprised of persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language. Thus, people included in LEP populations may have difficulty speaking or reading English and will need translation to and from their primary language. The United States Department of Transportation has adopted the Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations.

Table 1 below presents the results of NYMTC’s LEP analysis of the 2010 Census to identify persons who need language assistance in the NYMTC planning area.

**Table 1: LEP Populations in the NYMTC Planning Area**

<i>Language Spoken</i>	<i>Population</i>	<i>Percentage of Total LEP Population</i>
<i>Spanish</i>	<i>1,135,521</i>	<i>52%</i>
<i>Chinese</i>	<i>294,999</i>	<i>13.5%</i>
<i>Russian</i>	<i>118,854</i>	<i>5.4%</i>
<i>Other Indic Languages<sup>1</sup></i>	<i>63,571</i>	<i>2.9%</i>
<i>Korean</i>	<i>60,628</i>	<i>2.8%</i>
<i>Italian</i>	<i>59,485</i>	<i>2.7%</i>
<i>French Creole</i>	<i>54,787</i>	<i>2.5%</i>
<i>Polish</i>	<i>38,979</i>	<i>1.8%</i>
<i>Yiddish</i>	<i>38,257</i>	<i>1.8%</i>
<i>French</i>	<i>28,556</i>	<i>1.3%</i>
<i>All Other LEP</i>	<i>289,530</i>	<i>13.3%</i>
<b><i>Total</i></b>	<b><i>2,183,167</i></b>	<b><i>100.0%</i></b>

<sup>1</sup> Other Indic Languages include Bengali, Marathi, Punjabi, and Romany

Table 1 defines a 2010 population of roughly 2.2 million people in the NYMTC planning area. Under the Safe Harbor Provision, NYMTC is obligated to provide translation of written materials related to the planning products and analyses into languages that meet or exceed the established five percent or 1,000 person threshold.

Thirty-four languages meet or exceed this threshold in the NYMTC planning area, while just over 70% of the total LEP population speaks one of three languages: Spanish, Chinese and Russian. For purposes of these operating procedures, these three languages are considered as primary LEP languages in NYMTC's planning area, while the remaining thirty-one are considered as secondary LEP languages.

### **Regional Planning Products and Analyses**

The following Language Access Operating Procedures apply to NYMTC's general distribution or availability of public information to its entire planning area for federally-mandated "core" regional planning products and analyses. These core products and analyses include:

- Regional Transportation Plan,
- Transportation Improvement Program and related Annual Listing of Obligated Projects,
- Unified Planning Work Program,
- Congestion Management Process Status Report,
- Transportation Conformity Determination, and
- Public Involvement Plan.

### **Provision of Language Assistance for Regional Planning Products and Analyses**

NYMTC will provide on-going language assistance for the regional planning products and analyses identified above in the following manner:

#### ***Written Language Assistance***

Executive summaries of the core regional planning products and analyses will be translated to the languages that meet or exceed the established five percent or 1,000 person threshold in the following manner:

- Drafts and final versions of executive summaries that are released publicly will be provided in English and the three primary LEP languages.
- Drafts and final versions of the executive summaries that are released publicly will be translated on demand into the secondary LEP languages using online open source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.

NYMTC will publicly release instructions that will explain its Language Access operating procedures to the LEP populations. The instructions will be considered as a core product and will be translated in total in the same fashion as the core products and analyses identified above.

Other NYMTC documents will be translated on demand for all LEP languages using the online open source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC. These may include the Annual Report, informational brochures that explain NYMTC and its obligations or elements of its planning process, the Regional Household Travel Survey report, and descriptive materials and application forms for public project solicitations under federal funding programs.

### ***Website Language Assistance***

NYMTC will provide online translation services through online open source translation programs for all pages of the NYMTC website, as well as downloadable files and documents. The selected translation program will provide translation for at least the languages identified under the Safe Harbor Provision and as many additional languages as are provided through the translation program. Instructions on the use of the program will also be provided on the website.

### ***Oral Language Assistance***

Oral language assistance will be provided to LEP persons as follows:

NYMTC reception staff will guide LEP persons to dial a number, using an in-house telephone that provides oral language assistance in at least the three primary languages. NYMTC will also advertise the availability of the language assistance phone number by telephone.

For meetings at NYMTC's main office location, NYMTC will advertise the availability of translation services in the three primary languages upon request 48 hours prior to the meeting in question. Meeting announcements will include translations of key points into the three primary languages.

### ***Monitoring and Updating***

NYMTC will monitor and update the Language Access Operating Procedures through collection of the following information:

1. Language Access assistance provided through website downloads, use of on-line translation programs, requests for translated documents, calls to translation services and meetings at which translation services are provided.
2. Complaints received regarding language acting as a barrier to accessing information and/or services.

### **Public Notice of Availability of Language Assistance**

NYMTC will provide public notice of availability of language assistance on an on-going basis through the following mechanisms:

1. Instructions on the availability of language assistance will be maintained on the NYMTC website, along with instructions on how the assistance may be accessed.
2. Brochures containing language assistance instructions will be made available at each public meeting offered by the organization and will be available in public areas of the NYMTC's main office.
3. Language assistance brochures will also be distributed generally through NYMTC's distribution lists and through the distribution lists of other related organizations.
4. Language assistance notices will be placed with local, non-English language media directed at LEP individuals and their languages.
5. Language assistance information and instructions will be provided through telephonic messages through NYMTC's main phone number.

## Spatially-Specific Projects and Studies

### **Provision of Language Assistance for Spatially-Specific Projects and Studies**

For spatially-specific planning projects and studies funded through NYMTC's planning process, the project managers of these projects and studies will provide Language Access assistance consistent with the procedures for the Regional Planning Projects and Analyses, with the following customizations:

- Project managers will perform a Census analysis to identify the LEP populations within the spatially-specific boundaries of the project as well as thresholds for language assistance. Oral, written, and website Language Assistance will be provided for the primary and secondary languages identified.
- Project managers will identify the core documents related to the spatially-specific project or study.
- Project managers of spatially-specific planning projects or studies funded through NYMTC's planning process must provide notice of availability of language assistance services under the Safe Harbor Provision. Methods of notice may include:
  - Brochures or flyers about language assistance services (posted in public areas of the member's office as well as elsewhere in the member's service area).
  - Signs posted about language assistance services (in public areas of the member's office as well as elsewhere in the member's service area).
  - Local, non-English language media directed at LEP individuals and their languages.
  - Providing community outreach informational handouts at public hearings.
  - Posting of notice on the Language Access services, internally and externally on member's website.

For spatially-specific planning projects and studies funded through NYMTC's planning process but managed by a NYMTC member agency, the member agency's Language Access policies will take precedence over NYMTC's Language Access Operating Procedures.

## Public Meetings

### **General Public Meetings Hosted Outside of NYMTC's Main Office**

General public meetings hosted by NYMTC or on behalf of NYMTC by one or several of its member agencies, hosted outside of NYMTC's main office, are subject to the following procedures:

1. A pre-meeting Language Access assessment will be prepared, including:
  - a. Using NYMTC's meeting facility database to determine accessible, ADA compliant facilities located within the project study area
    - i. Meeting locations should be selected with respect to the needs of the community surrounding the facility location in addition to the languages identified in the study area boundaries
  - b. Identifying LEP characteristics of the area surrounding the meeting location – the affected area will be defined as all residences within one mile of the location.

- c. Providing notice for the meeting in languages that meet or exceed the established five percent threshold.
- d. Providing information relevant to the meeting in languages that meet or exceed the established five percent threshold.
- e. Posting pre-meeting project information on NYMTC's website – or other relevant websites – in languages that meet or exceed the established five percent threshold.

2. Provide the following language access services during the meeting:

- a. With advance request 72 hours prior to a meeting, written translations of the meeting agenda, presentation, and background information in languages that meet or exceed the five percent threshold.
- b. IF REQUESTER IS ATTENDING IN PERSON, requests for oral translation of the meeting proceedings must be received 72 hours prior to a meeting in languages that meet or exceed the established five percent threshold.

3. Prepare a post-meeting information package, including:

- a. IF REQUESTER IS ATTENDING REMOTELY BY WEBINAR OR WEBCAST, requests for oral translation of a recording of the meeting proceedings must be received 72 hours prior to a meeting in languages that meet or exceed the established five percent threshold. A written or recorded translation of the recording will then be made available within ten business days.
- b. Written translations of the meeting synopsis and materials used during the meeting, including presentation materials, in languages that meet or exceed the established five percent threshold.
- c. Update of NYMTC's website – and other relevant websites -- with meeting information in languages that meet or exceed the established five percent threshold.

## **Meetings for Spatially-Specific Planning Projects**

The procedures for general public meetings will be followed for public meetings related to spatially-specific planning projects and studies funded through NYMTC's planning process with the following exception:

- a. The language(s) identified for the spatially-specific planning project or study will take precedence over the language characteristics of the area surrounding the meeting location.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettinger  
Executive Director

**PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)**

**RESOLUTION #386 – OPERATING PROCEDURES FOR LANGUAGE ACCESS**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, NYMTC distributes a variety of public information on its federally-mandated regional planning products and analyses as part of its public involvement efforts; and

**WHEREAS**, NYMTC holds a variety of public meetings and workshops as part of its public involvement efforts, and

**WHEREAS**, NYMTC maintains a Public Involvement Plan (PIP), which provides a strategic framework for NYMTC's public involvement efforts, and Operating Procedures for Public Participation; and

**WHEREAS**, NYMTC has developed the attached Operating Procedures to enhance language access by providing language assistance to persons with Limited English Proficient that are compliant with Title VI of the Civil Rights Act of 1964 and with the Federal Transit Administration's Title VI Circular C 4702.1B; and

**WHEREAS**, once adopted, NYMTC's Language Access Operating Procedures will supplement its public participation procedures and be included in its Title VI Program;

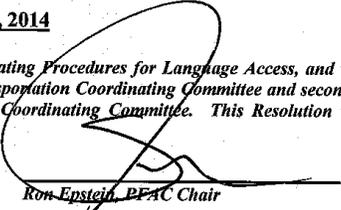
**NOW, THEREFORE, BE IT RESOLVED** that PFAC adopts the attached Language Access Operating Procedures in compliance with Title VI of the Civil Rights Act of 1964 and with the Federal Transit Administration's Title VI Circular C 4702.1B; and

**BE IT FURTHER RESOLVED** that PFAC requires that these Operating Procedures be fully implemented not later than eighteen months from the date of this resolution.

This resolution shall take effect on the fourth day of September of two thousand and fourteen.

**ADOPTED: September 4, 2014**

*"I hereby certify that the above is a true copy of Resolution #386, Operating Procedures for Language Access, and was motioned by Ms. Naomi Klein, representing the Mid-Hudson South Transportation Coordinating Committee and seconded by Mr. Jack Schmidt, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."*

  
Ron Epstein, PFAC Chair

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**- III (d) –**

**Major Investment Studies Procedures**

***NOTE: MAJOR INVESTMENT STUDY PROCEDURES RESCINDED,  
AS SHOWN IN PFAC RESOLUTION # 375  
DATED NOVEMBER 14, 2013***

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettinger  
Executive Director

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #375  
RESCIND THE OPERATING PROCEDURES GOVERNING MAJOR INVESTMENT STUDIES

WHEREAS, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

WHEREAS, NYMTC's operational relationships and procedures are defined and established in the June 1982 Memorandum of Understanding between NYMTC's members; and

WHEREAS, since 1982, the Memorandum of Understanding has been periodically supplemented by the adoption of new operating procedures in response to new or revised planning requirements promulgated through periodic federal transportation legislation; and

WHEREAS, on February 16, 1995, PFAC adopted operating procedures governing Major Metropolitan Transportation Investment Criteria and Major Investment Studies; and

WHEREAS, these procedures were adopted in compliance with metropolitan transportation planning provisions of the federal transportation legislation in place at that time: the Intermodal Surface Transportation Efficiency Act (ISTEA) which was enacted in 1991; and

WHEREAS, the federal requirement for Major Investment Studies was eliminated under the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), which was enacted in 1998; and

WHEREAS, under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which was enacted in 2005, two new requirements were established for major project analysis and for financial planning; and

WHEREAS, in compliance with these new requirements, on June 19, 2008, PFAC adopted operating procedures governing Major Project Analysis in Resolution #258; and

WHEREAS, these new procedures established the collaborative framework through which NYMTC and its members fulfilled the planning requirements for major project analysis and financial planning; and

WHEREAS, NYMTC wishes to streamline its procedures regarding major transportation projects as defined in 23 U.S.C. 106(h), as amended, while remaining in compliance with federal requirements; and

WHEREAS, NYMTC has completed a review of the two operating procedures governing major transportation projects; and

WHEREAS, that review has also determined that operating procedures adopted through Resolution #258 are adequate for meeting federal requirements while providing sufficient opportunity for regional collaboration with regard to major transportation projects as defined in 23 U.S.C. 106(h), as amended.

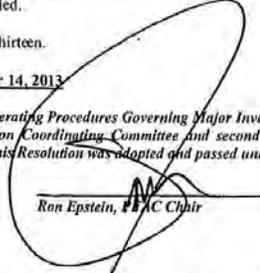
NOW, THEREFORE, BE IT RESOLVED, that PFAC hereby rescinds the operating procedures adopted on February 16, 1995, and

BE IT FURTHER RESOLVED, that, going forward, only the operating procedures adopted on June 19, 2008 through Resolution #258 will apply to major transportation projects as defined in 23 U.S.C. 106(h), as amended.

The resolution shall take effect on the fourteenth of November, two thousand thirteen.

ADOPTED: November 14, 2013

"I hereby certify that the above is a true copy of Resolution #375, Rescind the Operating Procedures Governing Major Investment Studies, and was motioned by Mr. Jack Schmidt, representing the New York City Transportation Coordinating Committee and seconded by Mr. John Pilner, representing the Mid-Hudson South Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."

  
Ron Epstein, PFAC Chair

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**- III (e) –**

## **Congestion Management Process**

# 1. Introduction

The New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which serves as the Metropolitan Planning Organization (MPO) designated by the Governor of the State of New York and certified by the Federal government for New York City, Long Island, and Lower Hudson Valley (Figure 1). NYMTC's jurisdiction includes an area of approximately 2,440 square miles with a population approaching 13 million people. The region has one of the most extensive transportation networks in the world, with 477 miles of commuter rail, 225 miles of rail rapid transit, 22,806 centerline miles of roadways, as well as several commercial airports and maritime facilities for passengers and goods.

The roadway network in the NYMTC region is vital to the movement of people and goods, and the functioning of the region's economy. Roughly seventy percent of the New York metropolitan region's 4.9 million daily commuters travel on modes that rely on the roadway network: 53% in cars, trucks, vans or taxis; 8% on buses and 8% on foot.<sup>i</sup> Further, nearly all freight east of the Hudson River is moved by trucks on the roadway network. However, despite its extensive multi-modal transportation system, recent studies by the Texas Institute of Transportation indicate that the New York metropolitan area experiences nearly 400 million total person-hours of delay, second in the country only to the Los Angeles metropolitan area in total delay.<sup>ii</sup>

With a population that far exceeds the minimum threshold of 200,000 that is specified in Federal planning regulations, the NYMTC region is a federally-designated Transportation Management Area (TMA). As a TMA, NYMTC is required by Federal regulations (23 CFR 500.109) to develop and implement a regional Congestion Management Process (CMP) as an integral part of its ongoing regional planning process.

In addition, other Federal regulations (23 CFR 450.320) link air quality planning with the CMP; stating: "In TMAs designated as non-attainment for ozone or carbon monoxide, Federal funds may not be programmed for any project that will result in a significant increase in carrying capacity for single occupancy vehicles...unless the project results from a Congestion Management Process."

Although Federal transportation legislation has mandated the assessment and management of available roadway capacity through a CMP in TMAs before new roadway capacity can be added to the network, MPOs are given a good deal of flexibility in establishing their CMP procedures. Hence each MPO has customized their approach to their CMP. This document explains the procedures that NYMTC utilizes in implementing its CMP. The procedures explained here are intended to integrate the CMP into NYMTC's existing planning activities. This document also describes additional data needs and performance measures that might be considered for inclusion in the CMP in the future. The NYMTC's CMP provides the means to measure current and forecasted roadway congestion conditions and provides the tools to identify and evaluate strategies to address regional congestion problems.

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<sup>i</sup> The 70% figure includes 0.4% who bicycle to work. The 30% who use off-street modalities include 25% who take the subway, 4% who ride commuter rail, and 0.2% who take ferries (numbers do not add up due to rounding). U.S. Census Bureau, Census 2000 Summary File 3

<sup>ii</sup> Federal Regulation. CMS section 500:109

## 2. What is a CMP?

The Federal Highway Administration (FHWA) defines roadway congestion in the following manner:

*Congestion is the level at which transportation system performance is no longer acceptable due to traffic interference. The level of system performance deemed acceptable by State and local officials may vary by type of transportation facility, geographic location (metropolitan area or subarea, rural area) and/or time of day.*

<sup>3</sup>

The CMP is a systematic planning process for measuring, reporting and managing roadway congestion on a region-wide basis. As defined in Federal regulation, “an effective CMP is a systematic process for managing congestion that provides information on system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet State and local need.” A region which is a TMA must establish a viable CMP before Federal funds can be used to increase the Single Occupancy Vehicle (SOV) capacity of the roadway system.

A CMP is one component of a larger regional planning process, and it is important to describe its role within the overall system. A well-defined CMP is not a replacement for existing planning procedures, and congestion is not the only factor under consideration when planning the priority of transportation improvements. The proper role of the CMP is as a specific element that adds value to the planning process by providing agencies, the public and decision-makers with a tool by which congestion can be examined in greater detail and more effectively addressed.

Since NYMTC’s region is a TMA which does not currently attain specific air quality standards, additional Federal requirements may apply to the CMP, including:

- All reasonable, multi-modal Transportation Demand Management (TDM)/Operations and Supply Management (OSM) strategies must be analyzed in corridors where roadway capacity increase is proposed.
- If the analysis demonstrates that the TDM/OSM strategies cannot offset the need for additional capacity, the CMP shall identify all reasonable strategies for managing the SOV facility effectively.
- All TDM/OSM strategies identified in the CMP shall be incorporated into SOV projects or committed to by the State and the MPO.
- Federal funds may not be programmed in a non-attainment TMA for any roadway or SOV project unless based on an approved CMP.

The FHWA recommends the following seven key components for an effective CMP:

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<sup>3</sup>Federal Regulation. CMS section 500.109

- 1) *Area of Application* – the CMP must cover a well-defined area
- 2) *System Definition* – the CMP must define the transportation network that will be analyzed.
- 3) *Performance Measures* – the CMP must define the metrics by which it will measure congestion (for example, vehicle hours of delay or average speed)
- 4) *Performance Monitoring Plan* – there must be a regularly scheduled plan for examining the transportation network and evaluating the status of congestion
- 5) *Identification and Evaluation of Strategies* – there must be a systematic program, or toolbox, for selecting congestion mitigation strategies and evaluating potential benefits.
- 6) *Monitoring Strategy Effectiveness* – the strategies must be monitored to assure positive benefits
- 7) *Implementation and Management* – there must be a plan for implementing the CMP as part of the regional transportation planning process.

As shown both in this document and in the NYMTC’s 2005 CMS Status Report, NYMTC’s CMP includes all of these critical elements.

### **3. Goals and Components of the CMP**

NYMTC’s CMP is a systematic process for planning to address regional congestion by exploring the basic questions of where, when, and to what extent congestion occurs. The CMP also identifies and evaluates strategies that can be considered by NYMTC’s members for reducing and managing congestion.

The overall goal of the CMP is to reduce growth of future SOV trips, particularly during peak travel periods. Consistent with the goals of NYMTC’s 2005-2030 Regional Transportation Plan, the CMP is intended to:

- Improve the mobility of people and goods by reducing vehicle hours of delay and person hours of delay;
- Improve the reliability and convenience of the transportation system, ensuring ease of use, acceptable travel times and reasonable costs;
- Manage the transportation system efficiently to accommodate existing and anticipated demand for movement of people and goods; and,
- Provide information on system performance and alternative strategies for alleviating congestion.

In order to accomplish these goals, NYMTC’s CMP has been designed to provide:

- Performance measures for measuring regional levels of delay and congestion;
- A database for measuring changes in the regional traffic conditions;
- Computerized highway and transit networks that can be used for simulating regional travel patterns, for estimating regional congestion, and for displaying the results on Geographic Information System (GIS) maps;
- A status report on congestion in the region that is provided as part of the update of the NYMTC's Regional Transportation Plan;
- Forecasts of future congestion levels based upon the latest regional population and employment forecasts;
- Procedures for evaluating, at a regional level, strategies for reducing and managing congestion; and
- Procedures for assessing the most effective strategies through NYMTC's Unified Planning Work Program and advancing them to implementation via the Transportation Improvement Program.

As explained in the following sections, the CMP has been designed to make use of the Best Practice Model (BPM), NYMTC's transportation simulation model, for traffic and delay simulations, and to integrate the findings of the CMP into NYMTC's metropolitan transportation planning process.

#### **4. Relationship of CMP to the Planning Process**

The CMP procedures closely integrate the CMP with the metropolitan transportation planning process, as illustrated in Figure 2. The CMP is integrated into the planning process as part of the development of the following regional planning and programming documents:

- The Regional Transportation Plan (Plan) – which defines the region's transportation needs and lays out a long range planning framework for improving the transportation system over a minimum of a twenty-year period
- The Transportation Improvement Program (TIP) – which is a five year program of all proposed federally funded transportation projects in the NYMTC region, and
- The Unified Planning Work Program (Work Program) – which defines NYMTC's short term (1-2 years) planning priorities

As shown in Figure 2, the CMP involves the direct participation of NYMTC's member agencies. At the regional level, the BPM is used as the principal tool for estimating the extent of existing congestion, forecasting the level of future congestion, and evaluating mitigation strategies within the CMP. At the project level, other appropriate planning tools are also utilized to meet CMP requirements. The CMP utilizes a series of analytical tools, consisting of the BPM, the Post

Processor for Air Quality (PPAQ), the Post Processor for Congestion Management Processes (PPCMP), and the Performance Queries for Surface Transportation (PEQUEST) to forecast and analyze travel in the NYMTC region. Those projects or programs that cannot be evaluated using the BPM are assessed with other techniques to estimate their effect on congestion; these are known as “off-model” analyses and are used for projects such as programs to increase telecommuting. The modeling process applied to the CMP is described in more detail in Section 6.

For selected congestion locations, the CMP provides a toolbox of strategies to address congestion for consideration by the member agencies. The member agencies propose mitigation projects utilizing the feasible strategies identified through the CMP. This process is repeated every planning cycle, or as needed by the members. Thus, it is both an interactive and iterative process.

System monitoring and data collection are also critical elements of the integration of CMP into NYMTC’s overall planning process. Monitoring and data collection efforts provide feedback on the effectiveness of strategies at various levels, which ultimately influences regional policy, planning, and programming of projects for addressing congestion.

The CMP can also influence the development of major project analyses and corridor or area-wide studies in two ways. First, it provides system performance information which may be used to identify corridors or segments for detailed analysis. Second, the CMP toolbox identifies alternative congestion management strategies for consideration in studies of this type, which ultimately define transportation improvements. When traffic congestion is referenced in the Purpose and Need statement of a study, the study should consider congestion management strategies included in the CMP as a starting point for the development of alternative strategies.

This does not preclude the study from considering other strategies that may not be in the CMP, nor does it require that the study select a strategy from the CMP as the preferred alternative.

## **5. Performance Measures**

Performance measures are the foundation stones of a CMP. They are established to quantify levels of congestion and to provide analytical framework by which congestion trends can be determined. Transportation system performance is a subjective as well as objective concept, so it is essential that it is measured and presented in a way that the public can readily understand.

The basic criteria for CMP performance measures were outlined in FHWA’s 1990 National Urban Congestion Management Report (Pisarski, 1990). The report suggests that congestion measures should be:

- Credible, and intuitively accepted as a reasonable expression of the problem,
- Easily defined; to permit uniform interpretation,
- Feasible to collect, within the reasonable range of activities of the participating agencies, and

- Cost and labor sensitive, reflecting the realities of the skills and resources available to the MPO and participating agencies.

Table 1 illustrates typical performance measures used in CMP evaluation along with a brief description of the data required.

### ***Selected Performance Measures***

The following eight performance measures are utilized by NYMTC in its CMP. These performance measures can be calculated from available data already calculated in the planning process, therefore eliminating the expense of collecting new data. These measures will provide a wide assessment of the key components of congestion:

#### **Primary Performance Measures:**

**I. Demand-to-Capacity (D/C) Ratio** is a measure that reflects the level of mobility and the quality of travel of a roadway facility or a section of a roadway facility. It compares the roadway capacity with the number of vehicles that desire to travel past a point during a specified period. The capacity of a roadway segment is defined as the theoretical maximum volume that can be processed by that segment during a specified time period. Capacity is a function of several factors including number of lanes and lane width, signalization, parking characteristics, geometric characteristics, terrain, etc.

**TABLE 1****PERFORMANCE MEASURES & DATA SPECIFICATIONS**

<b>Performance Measures</b>	<b>Data Specifications</b>
Demand/Capacity Ratio	Estimated Trip demand based on Travel Demand Model, Socio-economic data, Roadway Capacity
Volume/Capacity Ratio	AADT, Roadway Geometry
Level of Service	Peak Hour Volume, Length of Roadway
Vehicle Hours-Delay	Length of Roadway, Peak Hour Average Speed
Person Hours-Delay	Vehicle Occupancy, Peak Hour Average Speed, Length of Roadway
Travel Time Index/Rate	Free flow Travel Time, Peak Period Travel Time, Roadway Length, Free Flow Speed, Congested Speed
Vehicle Density/Lane Miles of Congestion	Roadway Capacity, Roadway Volume, Roadway Length
Highway Mobility Index	Roadway Length, Free Flow Travel Speed, Peak Hour Travel Speed, Vehicle Delay
% Travel Time in Congestion/Atypical Congestion	Free Flow Travel Time, Actual Travel Time
Accessibility Index	Percentage of population within x minutes of y percent of employment sites
Travel Speed	Free Flow Travel Speed, Peak Hour Travel Speed, Roadway Length
PMT by Speed	Peak Hour Volume, Length of Roadway, Vehicle Occupancy, Free Flow Travel Speed, Peak Hour Travel Speed
Vehicle Miles Traveled	Peak Hour Volume, Length of Roadways
Vehicle Hours Traveled	Peak Hour Volume, Length of Roadways, Average Peak Hour Speed
Person Miles Traveled	Vehicle Occupancy, Length of Roadways, Peak Hour Volume
Person Hours Traveled	Vehicle Occupancy, Peak Hour Volume, Length of Roadways, Average Peak Hour Speed
Transit Mobility Index/Transit System Measures	Transit System Breakdown, Transit Utilization Rate, Transit Capacity
Walk/Bike Mobility Index	Inventory of Bicycle and Pedestrian Facility
Average Vehicle Occupancy	Vehicle Occupancy, Roadway Length, Peak Hour Volume
Intermodality Index/Mode Shares	Park & Ride Capacity, Transit Lots Capacity
Freight Delay (Truck & Rail)	Freight System Breakdown, Freight System Capacity, Freight System Roadway Length, Free Flow Travel Speed, Peak Hour Travel Speed
Incident Measures	Roadway Congestion due to Incidents, Incidents types,
Environmental Measures	Emission Density, Length of Roadway
Excess Fuel Consumption	Free Flow Vehicle Fuel Usage, Peak Hour Vehicle Fuel Usage
Safety/Accidents (Property Damage/Injuries/Fatalities)	Peak Hour Recorded Number of Accidents, Length of Roadway, Type of Accident
Economic Development	Jobs Created, New Housing Starts, Economic Cost of Lost Travel Time

It should be noted that the D/C ratio is different from the Volume-to-Capacity (V/C) ratio which is typically used in a CMP. The volume on a roadway is the total number of vehicles, including passenger vehicles, trucks and buses, using that facility during a particular time period. Existing volumes can be determined by conducting manual and automated traffic counts. However, under saturated flow conditions (i.e., severe congestion and stop-and-go traffic), when volumes are at or exceeding the theoretical capacity of the roadway, field counts do not reflect the actual trip demand and do not provide reliable information about the intensity of congestion. Because actual demand could be higher than the traffic volume being processed under these conditions, the D/C ratio is the better statistic to be used to define congestion, since it allows estimation of congestion based on travel demand.

By definition, a roadway where the demand is at or near capacity is considered to be congested. Typically, a D/C ratio of 0.8 (i.e., 80% of the roadway's capacity) can be considered the start of moderate congestion. As the D/C ratio approaches 1.0, the segment will experience severe congestion conditions resulting in significant delays.

PEQUEST calculates D/C ratios and speeds by first determining the vehicle-moving capacity of a roadway link using *Highway Capacity Manual* standards, based on facility type, area type and number of lanes. The forecasted demand from the BPM adjusted to reflect time of day variation, is loaded onto the link, and an initial D/C ratio is calculated. If control devices such as traffic signals are present, supplemental analysis is performed using the signalized and unsignalized intersection procedures from the *Highway Capacity Manual*. If the D/C ratio is greater than approximately 1.2 for a specified hour, PEQUEST also employs an algorithm to distribute trips to "shoulder hours" before or after the peak travel hour. Speeds are then calculated using the D/C ratios and other link attributes.

PEQUEST utilizes a complex technique to calculate the average D/C ratios for roadway links over a four-hour 6 a.m. - 10 a.m. weekday peak period. This process is controlled by four factors: the link D/C threshold, the intersection D/C threshold, the peak period width, and the disposition of over-capacity demand.

*Performance Measure:* D/C ratio for the 6 a.m. – 10 a.m. weekday period

*Data Required:*

- Peak period traffic counts
- Length of Roadway
- Location of roadway segment (to and from)
- Number of lanes in each direction
- Lane capacity for vehicles and total capacity of vehicles per hour

*Performance Standard:*

<u>D/C Ratio</u>	<u>Congestion Level</u>
< 0.8	Uncongested
0.8 – 1.0	Congested
>1.0	Severely Congested

**II. Vehicle Hours of Delay (VHD)** is a common measure of congestion on roadways. VHD is the sum total of delay experienced by all vehicles on the network. Delay can be thought of as the difference between estimated actual travel speed and free flow travel speed (i.e., travel speed in the absence of congestion), and is therefore a measure that is readily understood by the traveling public.

*Performance Measures:* Total VHD for the 6 a.m. – 10 a.m. weekday period

*Data Required:*

- Length of roadways
- Free flow speed on roadways
- Average speed on each of the roadways during the peak period
- Posted speed limits on roadways

*Performance Standard:*

VHD is calculated on a county-wide or borough-wide basis, summed for all roadway links of each facility type

**III. Person Hours of Delay (PHD)** is calculated by multiplying VHD by the average vehicle occupancy rate (rates of 1.48 was used for New York City, 1.75 for Nassau and Suffolk counties; and 1.44 for Westchester, Rockland, and Putnam counties) in order to estimate the delay experienced by individual people.

*Performance Measure:* Total PHD for the 6 a.m. – 10 a.m. weekday period

*Data Required:*

- Length of roadways
- Free flow speed on roadways
- Average speed on each of the roadways during the peak hour
- Average auto occupancy by roadway by county

*Performance Standard:*

PHD is calculated on a county-wide or borough-wide basis, summed for all links of each facility type for the 6 a.m. – 10 a.m. weekday period. PHD is currently calculated by using county-level occupancy factors developed from the vehicle occupancy survey conducted by National Household Travel Survey conducted by U.S. Department of Energy in 2001. These factors are an average for the entire day; in future reports this will be replaced by specific peak-period factors once this data becomes available.

### **Secondary Performance Measures:**

**I. Vehicle Miles Traveled (VMT)** is the sum of distances traveled by all motor vehicles in a specified region. The BPM is used to generate estimates of the average trip lengths for vehicles in the region. The average trip length measure can then be used in estimating vehicle miles of travel, which in turn is used in estimating gasoline usage or mobile source emissions of air pollutants.

**II. Average Travel Speed** is the calculation of a weighted average of speed. The average speed for each element of the road system is multiplied by the amount of travel on that system. Using the amount of travel as a weighting factor provides a way to get an average “system experience” of travelers for each portion of the road system. This fundamental concept is used in the Urban Mobility Study methodology. The average speed is calculated by the following formula:

$$\text{Average Speed (mph)} = \frac{\text{Average Freeway Speed} \times [\text{Freeway VMT}] + \text{Average Arterial Speed} \times [\text{Arterial VMT}]}{\text{Freeway VMT} + \text{Arterial VMT}}$$

**III. Lane-Miles of Congestion** is a measure that reflects the level of mobility provided by a roadway or a section of a roadway. It indicates the road space that functions at less than free-flow speeds during the peak. It compares actual roadway volume with maximum acceptable volume for that roadway. A roadway is defined as congested if the annual average daily traffic (AADT) volume is equal to or greater than 85 percent of the maximum acceptable volume for that roadway.

**IV. Travel Time Index (TTI)** is the ratio of peak period to free-flow travel times, considering only recurring delays. For example, a TTI of 1.5 for a specific route indicates that if the free-flow time on that route is 30 minutes, the travel time during peak congestion is 45 minutes.

## 6. Measuring and Forecasting Congestion

NYMTC’s modeling tools used to measure current and future congestion in the region include a regional network-based simulation model, the BPM, and three post processors for congestion analysis: PPAQ, PPCMP, and PEQUEST. The application of these models in the CMP is described below.

- ***The Best Practice Model (BPM)***

The BPM is a network-based transportation simulation model. It covers 28 contiguous counties in the New York – New Jersey – Connecticut metropolitan area. It is comprised of a set of journey-based travel demand forecasting models. The BPM uses GIS-based highway and transit networks to simulate the transportation system. The highway network has 53,000 roadway links containing all minor arterial roadways and those of higher classifications. The transit network contains 2,756 route variations coded that encompass commuter rail, subway, express bus, local bus and ferry routes. The region simulated in the BPM is divided into 3,586 transportation analyses zones.

**A large amount of data was collected to develop the base year BPM, including:**

- NYMTC Household Interview Survey, which is a 24-hour activity based survey for 11,000 households in the region,
- Population, Household, and Employment data by the Transportation Analyses Zones,

- Traffic counts from over 2,200 locations,
- Transit ridership data on all transit services in the region, and
- Travel time data.

The BPM first generates total number of trips that are produced by and attracted to each transportation analysis zone based on the socio-economic characteristics of each household in the zone and employment opportunities in the zone. Then the trips are fed into the mode choice/destination models that produce trips for each origin/destination pair of transportation analysis zone by travel mode, trip purpose, and time of day. The trips are then assigned to the highway network to produce estimates of traffic flow and roadway link-level delays.

- ***Post Processors***

The post processors (PPAQ, PPCMP and PEQUEST) are flexible software systems used to further process trip information generated by the BPM and calculate congestion, emissions of various pollutants and system performance reporting capabilities for both general operational analysis and for emissions analysis. These systems provide an effective means of analyzing improvements to the transportation system and their impacts on congestion that can not be accurately represented in the BPM.

### **The Transportation Simulation Modeling Process**

The modeling process begins by running highway assignments with the Best Practice Model to produce output that include initial speeds, volumes, and other data. These data serve as the primary input into the post processors, which adjusts the initial volumes and speeds calculated by the BPM to account for the impacts of traffic signals and other adjustments. They then use the congested speeds and delays to determine the amount of person travel for each roadway link and to estimate the amount of non-recurring congestion that occurs. Non-recurring congestion includes delays due to accidents or other incidents, and is a major contributor to delay, impacting congested speeds and air pollution. By including these delays in the speed calculations, the post processors allow for more accurate representation of the transportation system and provide the opportunity to analyze transportation improvement projects that might impact incident response times in the future. The final step in the process is to calculate Level of Service (LOS) and other performance measures and to generate reports summarizing the network performance measures.

## 7. Required Data

NYMTC's CMP is built upon large databases that describe the region, its socioeconomic/demographic patterns, its travel patterns, and its transportation system, both currently and in the future.

### *A. Regional Travel Patterns*

Travel patterns in the NYMTC region are always changing. While this usually means that vehicular volumes are growing, growth rates can vary by location and time of day. To monitor these changing conditions, vehicular counts are collected for roadway links represented in the BPM on a three year cycle.

- **Traffic Counts** - Traffic counts are needed to monitor the changes in vehicular volume over time and to recalibrate the BPM traffic assignments. Counts are taken at over 2,200 locations around the NYMTC 10-county region. Traffic counts are compared to the modeled vehicular volumes for all links on that same border to determine if the modeled volumes are reasonable. The collection of traffic data is organized and standardized by NYMTC's measures. Counts are conducted for a minimum of 72 hours, to assure adequate statistical sampling.
- **Vehicle Occupancy Rates** – Vehicle Occupancy Rates are used to calculate Person Hours of Delay. This data will primarily be collected for major arterials and will include statistical sampling of vehicle occupancy rates during peak and off peak periods in addition to daily rates.
- **Vehicle Speed** – Actual vehicular speeds are sampled along the major corridors. This data is used to calibrate the BPM speed estimates. Sampling is conducted on 26 routes over 5 time periods (AM, Midday, PM, Evening, and Night). In the future, NYMTC will supplement these data using the TRANSMIT project on a regular basis to calibrate and update the BPM every three years. NYMTC and its member agencies may also utilize speed data collected by Traffic Management Centers through ITS equipments/sensors and also collect speed data using GPS based equipments on arterials not covered by ITS system to supplement ITS data.
- **Transit Services** – Transit service data is needed to recalibrate the BPM making sure the model's multi-modal choice models are still adequate. This data is stored in GIS files attached to the BPM transit networks. A plan will be developed to collect the transit data from all private and public operators. Examples of data items include:
  - Routes or line changes
  - Schedules
  - Station and stop boarding/alighting counts,
  - Line ridership reports, and
  - Estimates of dwell time at high volume stations or bus stops.

Any data available in regular reporting mechanisms (such as the FTA Section 15 Reports) will also be used to achieve proper ongoing data coverage for CMP analysis.

- **Commodity Flows** – Data will be describing the flow of freight in the region. While the focus of the CMP will primarily be truck movements, the overall freight database will also include commodity-flow data. The BPM also produces a truck and commercial vehicle trip table, which distributes trips from each origin to all the destinations in the 28 counties of New York, New Jersey, and Connecticut. As more data becomes available, the models will be enhanced so that truck delays can be estimated and forecasted in the future.

### ***B. Regional Transportation Network***

The regions' highways and transit networks are represented in the BPM and must also be maintained to accurately represent the current and future transportation system.

- **Highway Network** - the BPM highway network is GIS-based and includes all minor arterials and higher classifications of roadway facilities. There are about 53,000 links in the highway network and 3,600 transportation analysis zones (TAZs). The network links include attributes such as number of lanes, functional class, capacity, free flow speeds, high-occupancy vehicle lanes, tolls, signals per mile, and parking restrictions by time of the day. Truck routes are also coded in the network. The networks will be maintained to reflect the accuracy of the physical attributes of the actual network.
- **Transit Network** – the BPM transit networks cover 28 counties in the tri-state region. The transit networks include all modes: commuter rail, subway, bus (local, limited and express) and ferry routes. There are 2,756 transit routes coded in the network, representing services provided by both the private and public operators. For each route, information on the number of stops or stations, service frequency, travel times, and access limitations are stored in the GIS database. The transit network also contains data on park-and-ride access to transit.

### ***C. Regional Socio-Economic/Demographic Patterns***

The BPM assigns trips to the highway and transit network based on 3,600 TAZs which simulate the generation and attraction of travel across the region. Socio-economic and geographical data are used to accurately calculate these TAZs.

- **Current Conditions** – NYMTC collects and maintains a large amount of socio-economic data (SED) for thirty one counties in and around the NYMTC region. The SED is disaggregated by TAZs and is an important input to the BPM. The data collected includes:
  - Total population,
  - Population in group quarters,
  - K-12 enrollment,
  - Housing units by type (single family and multifamily),
  - Households,
  - Average household size,
  - Employment by industry,

- Earnings (annual average wages) by industry,
- Floor space (residential and non residential),
- Primary employment by land use, and
- Household income

NYMTC also produces SED forecasts by TAZ at five-year intervals up to the horizon year of the Regional Transportation Plan. Future development patterns are also estimated in the form of future employment and labor force forecasts. This data is used as an input to the BPM to forecast future travel patterns and to develop estimates for future congestion.

#### ***D. Estimating Current and Future Delay***

NYMTC estimates current and future vehicle- and person-hours of delay as part of the periodic update of the Regional Transportation Plan.

##### **Current Congestion and Delay**

Current traffic conditions are estimated using collected data combined with modeling techniques. As mentioned in Section 4, traffic counts and speed data are collected at about 2,200 locations around the region. This data, which is updated every three years at each location, is used to calibrate the BPM traffic assignments. Region-wide traffic assignments are then generated with the BPM, reflecting actual changes in traffic since the preceding analysis. The assigned volumes are then post processed to estimate the measures of delay – both link-level and county-wide.

This data is used in several ways. Link-level delays, measured as D/C ratio, are shown in GIS maps and used in public workshops to generate public discussion about congestion in each of the ten counties in the NYMTC region. Also, area-wide congestion and delays are estimated and analyzed at the county level, using the performance measures described later in this document. The county-level analysis estimates the changes in delay and congestion since the last planning cycle. This information is an important consideration in the development of the Regional Transportation Plan, especially in the development of projects and strategies that are included in the Plan’s recommendations.

##### **Future Congestion and Delay**

Forecasts of future congestion and related delay are an important part of NYMTC’s CMP. NYMTC’s BPM will develop these forecasts, which will also be done every four years as part of the update of the Regional Transportation Plan. The forecasts of future congestion and delay will become part of the statement of future conditions to be addressed by the Plan.

The primary input into the forecasts will be NYMTC’s adopted socio-economic forecasts, which include population, employment and income. The BPM uses these inputs to forecast future trips. The BPM generates future trip tables, does a mode-split estimation, and then assigns trips to the future network, creating link-level travel demand. These results are then post-processed to estimate delay on routes in the network and to identify congested roadways.

Other BPM outputs such as speeds and traffic volumes are used to calculate other performance measures. Taken together, these results give NYMTC's members the tools necessary to determine if the investments identified in the Plan can produce the desired future results. The BPM's GIS component displays the results of the assessment of current and future congestion on maps for public review and for analysis by the staff of NYMTC and its member agencies.

## **8. Identifying Locations for Analysis and Developing Approaches to Congestion Management**

NYMTC's CMP identifies congested links in the highway network according to specified criteria based primarily on D/C ratio as calculated through the BPM. Congestion is currently categorized for the CMP on the basis of the following parameters using the average of a four-hour weekday morning period for current and future conditions:

- D/C < 0.8 is considered *uncongested*
- D/C > 0.8 and <1.0 is considered *congested*
- D/C > 1.0 is considered *severely congested*

For identification of the congested locations, an average D/C ratio for a four hour peak period is used, as opposed to an absolute peak hour. This approach takes into account both intensity and duration of congestion to identify congested links, as required by Federal regulation. Prioritizing congested locations for more detailed study can be accomplished through the use of additional performance measures such as vehicle hours of delay and/or person hours of delay, as well as other factors such as safety and operational issues related to the location.

Once areas of congestion have been selected for further analysis, CMP strategies should be evaluated for their feasibility for mitigating the congestion. In general, the strategies are prioritized according to the following hierarchy:

- Actions that decrease travel demand;
- Actions that alter travel demand by shifting automobile trips into transit, ridesharing or non-auto modes;
- Actions that improve the operation of the roadway system; and
- Actions that increase the capacity of the roadway system by increasing transit services or adding travel lanes.

The goal of the CMP is primarily to reduce future vehicle trips as a means of reducing congestion. Adding roadway capacity to accommodate demand for more vehicle trips can be considered only when congestion cannot be effectively managed through vehicle trip reduction.

A CMP "toolbox" which contains potential approaches to congestion mitigation is attached to this report as Appendix A. These approaches are divided into the eight categories shown below. For each of the eight categories, three to six options are provided, along with their potential benefits, estimated cost and anticipated time frame. When confronted with a congestion issue, each toolbox approach should be considered in turn and an initial evaluation made as to the appropriateness of the related option. The eight categories of approaches are:

- Roadway system improvements that reduce vehicular demand by increasing use of shared-ride modes (including premium treatments such as adding special use lanes for high-occupancy vehicles and transit);

- Transit service improvements and incentives (including transit fare incentive programs) where appropriate;
- Pedestrian and bicycle system improvements;
- Transportation Demand Management strategies to increase and facilitate various forms of ridesharing and trip reduction;
- Intelligent Transportation System and Transportation Supply Management strategies (including traveler information and signal coordination);
- Access management strategies (including driveway consolidation frontage roads);
- Land development strategies (including transit-oriented and pedestrian-oriented development); and
- Parking management strategies (including premium or free parking at the trip destination for those who rideshare and parking pricing).

## **9. Defining and Evaluating Conceptual Congestion Management Approaches**

The final aspect of NYMTC's CMP is the evaluation of potential approaches to congestion management. Many of these strategies will be defined conceptually during preparation of the Regional Transportation Plan while others will emerge during detailed feasibility, subarea, or congestion management studies which focus on congestion identified in the Plan.

As stated above, the BPM output illustrates locations where congestion thresholds are exceeded on roadway facilities throughout the region. NYMTC's member agencies, with input from the public, will consider and propose conceptual approaches where feasible to manage congestion in problem areas identified through this analysis. Potential conceptual approaches will then be further defined and evaluated through specific planning studies or analyses.

The NYMTC member agencies will take the lead in evaluating the impacts of conceptual approaches to congestion. NYMTC's BPM is the primary tool for analyzing the regional effectiveness of the approaches. Other analysis packages may be employed to evaluate more localized congestion impacts, but they will all use the underlying assumptions and inputs of the BPM as a platform.

## **10. Implementation and Monitoring of Congestion Management Approaches**

Through the regular update of the Regional Transportation Plan and follow on planning studies, the CMP will identify feasible congestion management improvements and then the other components of NYMTC's planning process will be employed to move selected improvements to implementation.

For example, once specific improvements have been defined, they can be considered for inclusion in the Transportation Improvement Program, or TIP. NYMTC's TIP is updated every

two years and amended as needed. The TIP enables improvement projects of all types to receive Federal funds for implementation. As CMP-related improvements are implemented, their impacts on congestion will be accounted for in congestion forecasts undertaken in the on-going planning process. On a region-wide basis, the effectiveness of implemented strategies will be incorporated into the subsequent update through the monitoring and reporting of the performance measures. Section 5 of this document describes the types of performance measures that are typically assessed to monitor the effectiveness of CMP strategies. In conjunction with updates of the Plan, overall system performance will also be reported periodically in the CMP Status Report.

## 11. Corridor or Subarea Congestion Management Studies

Corridor or subarea Congestion Management (CM) studies will be conducted by the agency with jurisdiction over the roadway segments in question. The studies will define the scope of CMP-related improvements that may be needed, in roadway capacity in response to current or future congestion problems identified in the Regional Transportation Plan. The agency with jurisdiction over the roadway segment(s) under study will be the lead agency in the CM study and responsible for study management and financing.

- ***Congestion Management Studies as Part of the Regional Planning Process*** – when the RTP and/or CMP Status Report identifies specific congestion problems, the NYMTC member with jurisdiction over the roadway segment(s) in question may choose to undertake a CM study to identify the most effective improvements for mitigating the congestion. The CM study will evaluate a full range of options, including additions to roadway capacity; operational improvements to more effectively manage the existing capacity; new or improved transit services, and demand management strategies. The selected improvements could then be added to NYMTC’s TIP for implementation.
- ***Congestion Management Studies in Response to Added SOV Highway Capacity*** – in a transportation management area, Federal regulations require a CM study whenever the addition of new SOV (Single Occupant Vehicle) roadway capacity is considered. In this situation, the CM study must be completed by the agency which has jurisdiction over the roadway segment(s) in question before the project is included in the TIP. The CM study must: 1) demonstrate that travel demand reduction and operational management strategies cannot fully satisfy the need for additional capacity in the project corridor and that additional SOV capacity is warranted; 2) must identify all reasonable strategies to manage the SOV facility effectively (or to facilitate its management in the future) that will maintain the functional integrity of the lane or lanes; and 3) include other highway-based travel demand reduction and operational management strategies appropriate for the corridor, but not appropriate for incorporation into the SOV facility itself. In accordance with Federal requirements, all travel demand reduction and operational management strategies that have been identified and deemed feasible will be incorporated into the SOV capacity expansion project or committed to by the State and NYMTC for implementation.

CM studies are a subset of the Federal CMP requirements. They must identify and evaluate the anticipated performance and expected benefits of appropriate congestion management strategies. The goal of these strategies is to contribute to the more efficient use of existing and future transportation systems based on the NYMTC region established CMP performance measures. CM studies may be included within other studies, including subarea or corridor planning studies, major project analyses and environmental impact analyses.

In the NYMTC region, CM studies will be conducted in response to congestion problems identified in the Regional Transportation Plan and subsequent planning process. Any highway project included in the regional planning process which meets the criteria described above, whether or not Federal funding is utilized, could include a CM study-type analysis. However, a CM study is not required for pure state-of-good-repair or maintenance projects. It is also not required for a project considering additions to linear roadway capacity if less than one mile in length. Although a CM study can be performed at any stage of the planning process but prior to inclusion of the project in the TIP, it is recommended that it be performed as early as possible in order to support the project planning process.

**CM studies should include the following elements:**

- 1) A statement of the ultimate objectives of the CM study and a description of the study area.
- 2) A description of extent of congestion in the study area utilizing performance measures identified earlier in the document.
- 3) A description of the causes of congestion in the study area.
- 4) An evaluation of the strategies for the study area that meet each of the following types in order:
  - Actions that decrease demand for trip making, especially during peak periods;
  - Actions that place trips into transit or other non-auto modes;
  - Other actions that reduce future SOV trips;
  - Actions that optimize system operation for vehicles; and,
  - Actions that increase the capacity of the roadway system by adding general purpose lanes.

The proposed actions should come from a CMP “toolbox” which would include such options as increased bus transit service, better access management, or increased signal optimization.

- 5) Utilization of the NYMTC BPM, in conjunction with other software packages as needed (or other suitable analytic tools), to estimate reduction in traffic congestion resulting from proposed actions. Congestion reduction must be estimated in all counties within the scope of the corridor study. The parameters must include at a minimum reduction in Vehicle Hours of Delay (VHD) and Person Hours of Delay (PHD) during the AM and PM peak periods.
- 6) A summary table of the overall effect of the proposed actions on congestion during peak travel period(s).
- 7) An implementation schedule, implementation and monitoring responsibilities and possible funding sources for each CMP strategy (or combination of strategies) proposed for implementation.

Although subject to FHWA review, ultimate review and certification of the adequacy of the CM study is the responsibility of the implementing agency.

## 12. Cost of Congestion

Estimates for the cost per hour of delay vary according to different sources, but are generally based on the estimated average wage in the region, slightly adjusted by the cost to trucks of delayed delivery of goods. A summary of the cost of congestion utilized by different U.S. MPOs is provided in Table 1. As listed in this table, the estimates for the cost of an hour of delay range from a low value of \$6.12 in Washington State to a high value of \$15.59 for a nation-wide average in 1995 dollars.

**Cost of Congestion throughout United States**

Source	Cost of Delay	Units	Year	Region
2001 Baltimore Regional Transportation Plan <i>Baltimore Regional Transportation Board</i>	\$12.96	Dollars/vehicle-hour	1996	Baltimore Area
2003-08 TIP Capital District Transportation Committee (Albany, NY)	\$8.18	Dollars/vehicle-hour	1991	Albany Area
Texas Transportation Institute <i>Urban Mobility Report (2004)</i>	\$13.45	Dollars/person-hour	2002	Average U.S. Urban Area
RAND California	\$12.85	Dollars/person-hour	N/A	California
United States Department of Transportation	\$12.70	Dollars/person-hour	1998	Nationwide
HERS Model	\$15.59	Dollars/vehicle-hour	1995	Nationwide
IDAS Model	\$9.63	Dollars/person-hour	1995	Nationwide
Caltrans	\$8.16	Dollars/person-hour	2000	California
Washington State Department of Transportation	\$6.12	Dollars/person-hour	2000	Washington State

Limited sources of data are available to estimate travel time by vehicle type. [FHWA’s HERS (Highway Economic Requirements System) tool, based on slightly different parameters than those assumed in the table above (such as inclusion of the cost of depreciation), and provides the following values by vehicle type in 1995 dollars.] These rates were then inflated to 2005 dollars based on an inflation rate of three percent per year.

**Value of Travel Time by Vehicle Type**

<b>Vehicle Type</b>	<b>1995 Dollars/veh. Hour</b>	<b>2005 Dollars/veh. Hour</b>
Small Auto	\$15.71	\$21.11
Medium Auto	\$15.75	\$21.17
4-Tire Truck	\$17.84	\$23.98
6-Tire Truck	\$19.98	\$26.85
3-4 Axle Truck	\$23.66	\$31.80
4-Axle Combination Truck	\$25.49	\$34.26
5-Axle Combination Truck	\$25.24	\$33.92

The United States Department of Transportation (USDOT) estimated a national average cost per vehicle-hour of delay for passenger cars (exclusive of trucks) of \$12.70 as of 1998. If inflated by three percent per year, this results in a national rate of \$15.62 by 2005. However, it would be expected that this value would be higher in the New York City area, in which wages tend to be higher than the national average. In 2001, the New York State Department of Transportation (NYSDOT) established a 2001 value of \$20.46 per vehicle-hour of delay for all vehicles based on the application of the Cost Calculator model (COCA).<sup>4</sup> COCA was developed by the NYSDOT as a spreadsheet tool to calculate the hourly cost of delay. The COCA model takes into account variables such as average vehicle occupancy for automobiles and trucks, percent auto and truck traffic, average salary rates of New York State residents and truck drivers, the value of freight per hour of delay time, and the value of wasted fuel per hour of delay. COCA also assumes an overall truck percentage of 6 percent. The model does not differentiate the value of time by different truck classifications but assumes an average truck driver hourly wage of \$21 per hour<sup>5</sup> and a value to delay freight one hour in a truck of \$39. If an inflation rate of three percent per year is applied to the 2001 estimation of cost of delay, the hourly delay costs in 2005 are \$23.00 for all vehicles and \$43.89 for trucks.

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<sup>4</sup> Mobility Management Section of Planning and Strategy Group, NYSDOT, “An Explanation of the Cost Calculator (COCA),” February 5, 2001.

<sup>5</sup> If inflated at an annual rate of three percent to 2005, this would result in an hourly wage of \$24.34. For 2005, the Bureau of Labor Statistics reports a median hourly wage of \$18.53 for truck drivers in the New York-Northern New Jersey-Long Island NY-NJ-CT-PA SMSA. The hourly wage rate for the 75<sup>th</sup> percentile is \$21.71 and \$26.54 for the 90<sup>th</sup> percentile.

### **13. NYMTC's Responsiveness to Federal Highway Administration (FHWA) Guidelines for an Effective CMP**

The Federal Highway Administration recommends seven key attributes for an effective CMP. As indicated in the following list, the NYMTC's CMP provides for each of these attributes. Reference to the specific section of the Procedures Manual which discusses the specific attribute is indicated parenthetically.

**1. *Area of Application – the CMP must cover a well-defined area.***

The NYMTC CMP applies to the entire NYMTC planning area. (See Section 1 of the Procedures Manual)

**2. *System Definition – the CMP must define the transportation network that will be analyzed.***

The transportation network analyzed for the NYMTC CMP is included in the Regional Transportation Plan.

**3. *Performance Measures – the CMP must define the metrics by which it will measure congestion (i.e., vehicle hours of delay, average speed).***

Performance measures currently utilized by the NYMTC CMP include level of service, demand to capacity ratio (D/C), vehicle hours of delay, and person hours of delay. Additional performance measures are proposed for future incorporation into the CMP. (See Section 7)

**4. *Performance Monitoring Plan – there must be a regularly scheduled plan for examining the transportation network and evaluating the status of congestion.***

The NYMTC's CMP is integrated into the overall NYMTC planning process and involves ongoing examination of the transportation network and the status of congestion. (See Section 4 for an overview of the process)

**5. *Identification and Evaluation of Strategies – there must be a systematic program, or toolbox, for selecting congestion mitigation strategies and evaluating potential benefits.***

The NYMTC's CMP has established a systematic program for determining congestion "hot spot" locations, identifying appropriate mitigation strategies, and evaluating their potential benefits utilizing the NYMTC BPM and related post processors. (See Sections 8 and 9)

**6. *Monitoring Strategy Effectiveness – the strategies must be monitored to assure positive benefits.***

At the local level, monitoring the effectiveness of individual CMP projects is primarily the responsibility of the implementing agency. At the regional level, the effectiveness of CMP strategies is incorporated into subsequent updates to the CMP and through the monitoring of performance measures. (See Section 10)

***7. Implementation and Management – there must be a plan for implementing the CMP as part of the regional transportation planning process.***

Implementation and management of the NYMTC's CMP are fully integrated into the overall NYMTC transportation planning process. (See Sections 4 and 10) Based on the documentation of the NYMTC's CMP as presented in the Procedures Manual, the NYMTC's CMP addresses all seven key CMP attributes as specified by FHWA.

## Appendix A: CMP Toolbox

**Table TLBX-1 Potential Highway Strategies**

Strategies/Projects	Congestion and Mobility Benefits	Implementation Costs and other Impacts	Implementation Timeframe
<p><i>1a. Increasing Number of Lanes without Highway Widening</i> This takes advantage of “excess” width in the highway cross section used for breakdown lanes or median.</p>	<ul style="list-style-type: none"> <li>• Increase capacity</li> </ul>	<ul style="list-style-type: none"> <li>• Construction and engineering</li> <li>• Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years (includes planning, engineering, and implementation)</li> </ul>
<p><i>1b. Geometric Design Improvements</i> This includes widening to provide shoulders, additional turn lanes at intersections, improved sight lines, auxiliary lanes to improve merging and diverging.</p>	<ul style="list-style-type: none"> <li>• Increase mobility</li> <li>• Reduce congestion by improving bottlenecks</li> <li>• Increase traffic flow and improve safety.</li> </ul>	<ul style="list-style-type: none"> <li>• Costs vary by type of design</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>1c. HOV Lanes</i> This increases corridor capacity while at the same time provides an incentive for single-occupant drivers to shift to ridesharing. These lanes are most effective as part of a comprehensive effort to encourage HOVs, including publicity, outreach, park-and-ride lots, and rideshare matching services.</p>	<ul style="list-style-type: none"> <li>• Reduce Congestion by reducing VMT</li> <li>• Reduce regional trips</li> <li>• Increase vehicle occupancy</li> <li>• Improve travel times</li> <li>• Increase transit use and improve bus travel times</li> </ul>	<ul style="list-style-type: none"> <li>• HOV, separate ROW costs</li> <li>• HOV, barrier separated costs.</li> <li>• HOV, contra flow costs</li> <li>• Annual operations and enforcement</li> <li>• Can create environmental and community impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years (includes planning, engineering, and construction)</li> </ul>
<p><i>1d. Super Street Arterials</i> This involves converting existing major arterials with signalized intersections into “super streets” that feature grade-separated intersections.</p>	<ul style="list-style-type: none"> <li>• Increase capacity</li> <li>• Improve mobility</li> </ul>	<ul style="list-style-type: none"> <li>• Construction and engineering substantial for grade separation</li> <li>• Maintenance variable based on area</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years (includes planning, engineering and implementation)</li> </ul>
<p><i>1e. Highway Widening by Adding Lanes</i> This is the traditional way to deal with congestion.</p>	<ul style="list-style-type: none"> <li>• Increase capacity, reducing congestion in the short term.</li> <li>• Long-term effects on congestion depend on local conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Costs vary by type of highway constructed; in dense urban areas can be very expensive</li> <li>• Can create environmental and community impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term: 10 or more years (includes planning, engineering and construction)</li> </ul>

Source: Adapted from ITE, *A Toolbox for Alleviating Traffic Congestion* by Cambridge Systematics, Inc.

**Table TLBX-2 Potential Transit Strategies**

Strategies/Projects	Congestion Impacts	Implementation Costs	Implementation Timeframe
<p><i>2a. Reducing Transit Fares</i> This encourages additional transit use, to the extent that high fares are a real barrier to transit.</p>	<ul style="list-style-type: none"> <li>• Reduce daily VMT</li> <li>• Reduce congestion</li> <li>• Increase ridership</li> </ul>	<ul style="list-style-type: none"> <li>• Loss in revenue per rider</li> <li>• Capital costs per passenger trip</li> <li>• Operating costs per passenger trip</li> <li>• Operating subsidies needed to replace lost fare revenue</li> <li>• Alternative financial arrangements need to be negotiated with donor agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: Less than one year</li> </ul>
<p><i>2b. Increasing Bus Route Coverage or Frequencies</i> This provides better accessibility to transit to a greater share of the population. Increasing frequency makes transit more attractive to use.</p>	<ul style="list-style-type: none"> <li>• Increase transit ridership</li> <li>• Decrease travel time</li> <li>• Reduce daily VMT</li> </ul>	<ul style="list-style-type: none"> <li>• Capital costs per passenger trip</li> <li>• Operating costs per passenger trip</li> <li>• New bus purchases likely</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years (includes planning, engineering and construction)</li> </ul>
<p><i>2c. Implementing Park-and-Ride Lots</i> These can be used in conjunction with HOV lanes and/or express bus services. They are particularly helpful for encouraging HOV use for longer distance commute trips.</p>	<ul style="list-style-type: none"> <li>• Reduce congestion by increasing vehicle occupancy rate</li> <li>• Increase mobility and transit efficiency</li> </ul>	<ul style="list-style-type: none"> <li>• Structure costs for transit stations</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years (includes planning, engineering and construction)</li> </ul>
<p><i>2d. Implementing Rail Transit</i> This best serves dense urban centers where travelers can walk to their destinations. Rail transit from suburban areas can sometimes be enhanced by providing park-and-ride lots.</p>	<ul style="list-style-type: none"> <li>• Reduce daily VMT</li> </ul>	<ul style="list-style-type: none"> <li>• Capital costs per passenger</li> <li>• New systems require large up-front capital outlays and ongoing sources of operating subsidies, in addition to funds that may be obtained from federal sources, under increasingly tight competition.</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term: 10 or more years (includes planning, engineering and construction)</li> </ul>

Source: Adapted from ITE, *A Toolbox for Alleviating Traffic Congestion* by Cambridge Systematics, Inc.

**Table TLBX-3 – Potential Bicycle and Pedestrian Strategies**

Strategies/Projects	Congestion Impacts	Implementation Costs	Implementation Timeframe
<p><i>3a. New Sidewalks and Designated Bicycle Lanes on Local Streets</i>                      Enhancing the visibility of bicycle and pedestrian facilities increases the perception of safety. In many cases, bike lanes can be added to existing roadways through restriping.</p>	<ul style="list-style-type: none"> <li>• Increase mobility and access</li> <li>• Increase non-motorized mode shares</li> <li>• Separate slow-moving bicycles from motorized vehicles.</li> <li>• Reduce incidents</li> </ul>	<ul style="list-style-type: none"> <li>• Design and construction costs for paving, striping, signals and signing</li> <li>• ROW costs if widening necessary</li> <li>• Bicycle lanes may require improvements to roadway shoulders to ensure acceptable pavement quality</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years (includes planning, engineering and construction)</li> </ul>
<p><i>3b. Improved Bicycle Facilities at Transit Stations and Other Trip Destinations</i>                      Bicycle racks and bike lockers at transit stations and other trip destinations increase security. Additional amenities such as locker rooms with showers at workplaces provide further incentives for using bicycles.</p>	<ul style="list-style-type: none"> <li>• Increase bicycle mode share</li> <li>• Reduce motorized vehicle congestion on access routes</li> </ul>	<ul style="list-style-type: none"> <li>• Capital and maintenance costs for bicycle racks and lockers, locker rooms</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1-5 years (includes planning, engineering and construction)</li> </ul>
<p><i>3c. Design Guidelines for Pedestrian Oriented Development</i>                      Maximum block lengths, building setback restrictions, and streetscape enhancements are examples of design guidelines that can be codified in zoning ordinances to encourage pedestrian activity.</p>	<ul style="list-style-type: none"> <li>• Increase pedestrian mode share</li> <li>• Discourage motor vehicle use for short trips</li> <li>• Reduce VMT, emissions</li> </ul>	<ul style="list-style-type: none"> <li>• Capital costs largely borne by private sector; developer incentives may be necessary</li> <li>• Public sector may be responsible for some capital and/or maintenance costs associated with right-of-way improvements.</li> <li>• Ordinance development and enforcement costs.</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>3d. Improved Safety of Existing Bicycle and Pedestrian Facilities</i>                      Maintaining lighting, signage, striping, traffic control devices, and pavement quality, and installing curb cuts, curb</p>	<ul style="list-style-type: none"> <li>• Increase non-motorized mode share</li> <li>• Reduce incidents</li> </ul>	<ul style="list-style-type: none"> <li>• Increased monitoring and maintenance costs</li> <li>• Capital costs of sidewalk improvements and additional</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years</li> </ul>

<p>extensions, median refuges, and raised crosswalks can increase bicycle and pedestrian safety.</p>		<p>traffic control devices</p>	
<p><i>3e. Exclusive Non-Motorized Rights-of-Way.</i> Abandoned rail rights-of-way and existing parkland can be used for medium-to long-distance bike trails, improving safety and reducing travel times.</p>	<ul style="list-style-type: none"> <li>• Increase mobility</li> <li>• Increase non-motorized mode shares</li> <li>• Reduce congestion on nearby roads</li> <li>• Separate slow-moving bicycles from motorized vehicles.</li> <li>• Reduce incidents</li> </ul>	<ul style="list-style-type: none"> <li>• ROW Costs</li> <li>• Construction and Engineering Costs</li> <li>• Maintenance Costs</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years (includes planning, engineering, and construction)</li> </ul>

Source: Adapted from ITE, *A Toolbox for Alleviating Traffic Congestion* by Cambridge Systematics, Inc.

**Table TLBX-4- Potential TDM Strategies**

Strategies/Projects	Congestion Impacts	Implementation Costs	Implementation Timeframe
<p><i>4a. Alternative Work Hours</i> This allows workers to arrive and leave work outside of the traditional commute period. It can be on a scheduled basis or a true flex-time arrangement.</p>	<ul style="list-style-type: none"> <li>• Reduce peak period VMT</li> <li>• Improve travel time among participants</li> </ul>	<ul style="list-style-type: none"> <li>• No capital costs</li> <li>• Agency costs for outreach and publicity</li> <li>• Employer costs associated with accommodating alternative work schedules</li> </ul>	<ul style="list-style-type: none"> <li>• Employer-based</li> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>4b. Telecommuting</i> This involves employees to work at home or regional telecommute center instead of going into the office. They might do this all the time, or only one or more days per week.</p>	<ul style="list-style-type: none"> <li>• Reduce VMT</li> <li>• Reduce SOV trips</li> </ul>	<ul style="list-style-type: none"> <li>• First-year implementation costs for private-sector (per employee for equipment)</li> <li>• Second-year costs tend to decline</li> </ul>	<ul style="list-style-type: none"> <li>• Employer-based</li> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>4c. Pricing</i> This involves pricing facilities to encourage off-peak or HOV travel, and includes time-variable road, and cordon (area) tolls, high occupancy/toll (HOT) lanes and vehicle-use fees.</p>	<ul style="list-style-type: none"> <li>• Reduce peak period VMT</li> <li>• Reduce SOV trips</li> </ul>	<ul style="list-style-type: none"> <li>• First-year implementation costs for public-sector</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>4d. Ridesharing</i> This is typically arranged/encouraged through employers or transportation management agencies (TMA), which provide ride-matching services.</p>	<ul style="list-style-type: none"> <li>• Reduce work VMT</li> <li>• Reduce SOV trips</li> </ul>	<ul style="list-style-type: none"> <li>• Savings per carpool and vanpool riders</li> <li>• Costs per year per free parking space provided</li> <li>• Administrative costs</li> </ul>	<ul style="list-style-type: none"> <li>• Employer –based</li> <li>• Short-term: 1 to 5 years</li> </ul>

Source: Adapted from *ITE, A Toolbox for Alleviating Traffic Congestion* by Cambridge Systematics, Inc.

**Table TLBX-5 – Potential ITS and TSM Strategies**

Strategies/Projects	Congestion Impacts	Implementation Costs	Implementation Timeframe
<p><i>5a. Traffic Signal Coordination</i> This improves traffic flow and reduces emissions by minimizing stops on arterial streets.</p>	<ul style="list-style-type: none"> <li>• Improve travel time</li> <li>• Reduce the number of stops</li> <li>• Reduce VMT, VHD and PHT by vehicle miles per day, depending on program</li> </ul>	<ul style="list-style-type: none"> <li>• O&amp;M costs per signal</li> <li>• Signalized intersections per mile costs variable</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>5b. Reversible Traffic Lanes</i> These are appropriate where traffic flow is highly directional.</p>	<ul style="list-style-type: none"> <li>• Increase peak direction capacity</li> <li>• Reduce peak travel times</li> <li>• Improve mobility</li> </ul>	<ul style="list-style-type: none"> <li>• Barrier separated costs per mile</li> <li>• Operation costs per mile</li> <li>• Maintenance costs variable</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>5c. Freeway Incident Detection and Management Systems</i> This is an effective way to alleviate non-recurring congestion. Systems typically include video monitoring, dispatch systems, and sometimes roving service patrol vehicles.</p>	<ul style="list-style-type: none"> <li>• Reduce accident delay</li> <li>• Reduce travel time</li> <li>• Reduce VHT and PHT</li> </ul>	<ul style="list-style-type: none"> <li>• Capital costs variable and substantial</li> <li>• Annual operating and maintenance costs</li> </ul>	<ul style="list-style-type: none"> <li>• Medium- to Long-term: likely 10 years or more</li> </ul>
<p><i>5d. Ramp Metering</i> This allows freeways to operate at their optimal flow rates, thereby speeding travel and reducing collisions.</p>	<ul style="list-style-type: none"> <li>• Decrease travel time</li> <li>• Decrease accidents</li> <li>• Improve traffic flow on major facilities</li> </ul>	<ul style="list-style-type: none"> <li>• O&amp;M costs</li> <li>• Significant costs associated with enhancements to centralized control system</li> <li>• Capital costs</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years</li> </ul>
<p><i>5e. Highway Information Systems</i> These systems provide travelers with real-time information that can be used to make trip and route choice decisions.</p>	<ul style="list-style-type: none"> <li>• Reduce travel times and delay</li> <li>• Some peak-period travel shift</li> </ul>	<ul style="list-style-type: none"> <li>• Design and implementation costs variable</li> <li>• Operating and maintenance costs variable</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years</li> </ul>
<p><i>5f. Advanced Traveler Information Systems</i> This provides an extensive amount of data to travelers, such as real time speed estimates on the web or over wireless devices, and transit vehicle schedule progress.</p>	<ul style="list-style-type: none"> <li>• Reduce travel times and delay</li> <li>• Some peak-period travel and mode shift</li> </ul>	<ul style="list-style-type: none"> <li>• Design and implementation costs variable</li> <li>• Operating and maintenance costs variable</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years</li> </ul>

Source: Adapted from ITE, *A Toolbox for Alleviating Traffic Congestion* by Cambridge Systematics, Inc.

**Table TLBX-6 – Potential Access Management Strategies**

Strategies/Projects	Congestion Impacts	Implementation Costs	Implementation Timeframe
<p><i>6a. Left Turn Restriction; Curb Cut and Driveway Restrictions</i> Turning vehicles can impede traffic flow and are more likely to be involved in crashes.</p>	<ul style="list-style-type: none"> <li>• Increased capacity, efficiency on arterials</li> <li>• Improved mobility on facility</li> <li>• Improved travel times and reduced delay for through traffic</li> <li>• Fewer incidents</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation and maintenance costs vary; range from new signage and striping to more costly permanent median barriers and curbs.</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years (includes planning, engineering, and implementation)</li> </ul>
<p><i>6b. Turn lanes and New or Relocated Driveways and Exit Ramps</i> In some situations, increasing or modifying access to a property can be more beneficial than reducing access.</p>	<ul style="list-style-type: none"> <li>• Increased capacity, efficiency</li> <li>• Improved mobility and safety on facility</li> <li>• Improved travel times and reduced delay for all traffic</li> </ul>	<ul style="list-style-type: none"> <li>• Additional right-of-way costs</li> <li>• Design, construction, and maintenance costs</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years (includes planning, engineering, and implementation)</li> </ul>
<p><i>6c. Interchange Modifications</i> Conversion of a full cloverleaf interchange to a partial cloverleaf, for example, reduces weaving sections on a freeway.</p>	<ul style="list-style-type: none"> <li>• Increased capacity, efficiency</li> <li>• Improved mobility on facility</li> <li>• Improved travel times and reduced delay for through traffic</li> <li>• Fewer incidents due to fewer conflict points</li> </ul>	<ul style="list-style-type: none"> <li>• Design and construction costs</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years (includes planning, engineering and implementation)</li> </ul>
<p><i>6d. Minimum Intersection/Interchange Spacing</i> Reduces number of conflict points and merging areas, which in turn reduces incidents and delays.</p>	<ul style="list-style-type: none"> <li>• Increased capacity, efficiency</li> <li>• Improved mobility on facility</li> <li>• Improved travel times and reduced delay for through traffic</li> <li>• Fewer incidents</li> </ul>	<ul style="list-style-type: none"> <li>• Part of design costs for new facilities and reconstruction projects.</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years (includes planning, engineering, and implementation)</li> </ul>
<p><i>6e. Frontage Roads and Collector-Distributor Roads</i> Frontage Roads can be used to direct local traffic</p>	<ul style="list-style-type: none"> <li>• Increased capacity, efficiency</li> <li>• Improved mobility on</li> </ul>	<ul style="list-style-type: none"> <li>• Additional right of way costs</li> <li>• Design, construction, and maintenance costs</li> </ul>	<ul style="list-style-type: none"> <li>• Medium-term: 5 to 10 years (includes planning, engineering, and</li> </ul>

<p>to major intersections on both super arterials and freeways. Collector-distributor roads are used to separate exiting, merging, and weaving traffic from through traffic at closely-spaced interchanges</p>	<p>facility</p> <ul style="list-style-type: none"> <li>• Improved travel times and reduced delay for through traffic</li> <li>• Fewer incidents due to fewer conflict points</li> </ul>		<p>implementation)</p>
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Source: Adapted from ITE, *A Toolbox for Alleviating Traffic Congestion* by Cambridge Systematics, Inc.

**Table TLBX-7 – Potential Land Use Strategies**

Strategies/Projects	Congestion Impacts	Implementation Costs	Implementation Timeframe
<p><i>7a. Mixed-Use Development</i> This allows many trips to be made without automobiles. People can walk to restaurants and services rather than use their vehicles.</p>	<ul style="list-style-type: none"> <li>• Increase walk trips</li> <li>• Decrease SOV trips</li> <li>• Decrease in VMT</li> <li>• Decrease vehicle hours of travel</li> </ul>	<ul style="list-style-type: none"> <li>• Public costs to set up and monitor appropriate ordinances</li> <li>• Economic incentives used to encourage developer buy-in</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term: 10 or more years</li> </ul>
<p><i>7b. Infill and Densification</i> This takes advantage of infrastructure that already exists, rather than building new infrastructure on the fringes of the urban area.</p>	<ul style="list-style-type: none"> <li>• Decrease SOV</li> <li>• Increase transit, walk, and bicycle</li> <li>• Doubling density decreases VMT per household</li> <li>• Medium/high vehicle trip reductions</li> </ul>	<ul style="list-style-type: none"> <li>• Public costs to set up and monitor appropriate ordinances</li> <li>• Economic incentives used to encourage developer buy-in</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term: 10 or more years</li> </ul>
<p><i>7c. Transit-Oriented Development</i> This clusters housing units and/or businesses near transit stations in walkable communities</p>	<ul style="list-style-type: none"> <li>• Decrease SOV share</li> <li>• Shift carpool to transit</li> <li>• Increase transit trips</li> <li>• Decrease VMT</li> <li>• Decrease in vehicle trips</li> </ul>	<ul style="list-style-type: none"> <li>• Public costs to set up and monitor appropriate ordinances</li> <li>• Economic incentives used to encourage developer buy-in</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term: 10 or more years</li> </ul>

Source: Adapted from *ITE, A Toolbox for Alleviating Traffic Congestion* by Cambridge Systematics, Inc.

**Table TLBX-8 – Potential Parking Management Strategies**

Strategies/Projects	Congestion Impacts	Implementation Costs	Implementation Timeframe
<p><i>8a. On-Street Parking and Standing Restrictions</i> Enforcement of existing regulations can substantially improve traffic flow in urban areas. Peak-period parking prohibitions can free up extra general purpose travel lanes or special bus or HOV “diamond” lanes.</p>	<ul style="list-style-type: none"> <li>• Increase peak-period capacity</li> <li>• Reduce travel time and congestion on arterials</li> <li>• Increase HOV and bus mode shares</li> </ul>	<ul style="list-style-type: none"> <li>• Design, construction, and maintenance costs for signage and striping</li> <li>• Rigid enforcement of parking restrictions</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term: 1 to 5 years (includes planning, engineering, and implementation)</li> </ul>
<p><i>8b. Employer/Landlord Parking Agreements</i> Employers can negotiate leases so that they pay only for the number of spaces used by employees. In turn, employers can pass along parking savings by purchasing transit passes or reimbursing non-driving employees with the cash equivalent of a parking space.</p>	<ul style="list-style-type: none"> <li>• Reduce work VMT</li> <li>• Increase non-auto mode shares</li> </ul>	<ul style="list-style-type: none"> <li>• Economic incentives used to encourage employer and landlord buy-in</li> </ul>	<ul style="list-style-type: none"> <li>• Metropolitan and Employer-based</li> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>8c. Preferential or Free Parking for HOVs</i> This provides an incentive for workers to carpool.</p>	<ul style="list-style-type: none"> <li>• Reduce work VMT</li> <li>• Increase vehicle occupancy</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively low costs, primarily borne by the private sector, include signing, striping, and administrative costs</li> </ul>	<ul style="list-style-type: none"> <li>• Metropolitan and Employer-Based</li> <li>• Short-term: 1 to 5 years</li> </ul>
<p><i>8d. Location-Specific Parking Ordinances</i> Parking requirements can be adjusted for factors such as availability of transit, a mix of land uses, or pedestrian-oriented development that may reduce the need for on-site parking. This encourages transit-oriented and mixed-use development.</p>	<ul style="list-style-type: none"> <li>• Reduce VMT</li> <li>• Increase transit and non-motorized mode shares</li> </ul>	<ul style="list-style-type: none"> <li>• Economic incentives used to encourage developer buy-in</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term: 10 or more years</li> </ul>

Source: Adapted from *ITE, A Toolbox for Alleviating Traffic Congestion* by Cambridge Systematics, Inc.

<sup>i</sup> The 70% figure includes 0.4% who bicycle to work. The 30% who use of-street modalities include 25% who take the subway, 4% who ride commuter rail, and 0.2% who take ferries (numbers do not add up due to rounding). U.S. Census Bureau, Census 2000 Summary File 3  
Federal Regulation. CMS section 500:109  
Federal Regulation. CMS section 500:109

Mobility Management Section of Planning and Strategy Group, NYSDOT, “An Explanation of the Cost Calculator (COCA), February 5, 2001.

If inflated at an annual rate of three percent to 2005, this would result in an hourly wage of \$24.34. For 2005, the Bureau of Labor Statistics reports a median hourly wage rate of \$18.53 for truck drivers in the New York – Northern New Jersey-Long Island NY-NJ-CT-PA SMSA. The hourly wage rate for the 75<sup>th</sup> percentile is \$21.71 and \$26.54 for the 90<sup>th</sup> percentile.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL



Joel P. Ettinger  
Executive Director

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #222 - ADOPTION OF REVISED PROCEDURES FOR THE CONGESTION MANAGEMENT PROCESS

WHEREAS, the New York Metropolitan Transportation Council (NYMTC) is an association of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

WHEREAS, the NYMTC regional boundaries have been designated as a Transportation Management Area (TMA) by the federal government, and as a TMA, NYMTC is required by federal regulations (23 CFR 500.109) to develop and implement a regional Congestion Management Process (CMP) as part of the ongoing regional planning process; and

WHEREAS, in addition other federal regulations (23 CFR 450.320) link air quality planning with the CMP, stating: In TMAs designated as non attainment for ozone or carbon monoxide, federal funds may not be programmed for any project that will significantly increase the carrying capacity for single occupancy vehicles unless the project results from a CMP; and

WHEREAS, the NYMTC had developed, adopted, and implemented a CMP on July 26, 2001 under PFAC Resolution #146; and

WHEREAS, the federal government passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU PL 109-59 August 10, 2005) and subsequent rulemaking requiring a CMP to include performance measures, monitoring, evaluation and implementation of a CMP; and

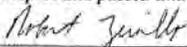
WHEREAS, the NYMTC updated the CMP to be SAFETEA-LU compliant;

NOW, THEREFORE, BE IT RESOLVED that the Program, Finance and Administration Committee hereby adopts the updated procedures for the Congestion Management Process and certifies that it is in accordance with the aforementioned federal regulations.

This resolution shall take effect on the 16th day of November, two thousand and six.

ADOPTED: **November 16, 2006**

*"I hereby certify that the above is a true copy of Resolution #222 – Adoption of Revised Procedures for the Congestion Management Process, and was motioned by Dr. James Yarnus, representing the Mid-Hudson South Transportation Coordinating Committee, and seconded by Mr. Robert Shinnick, representing the Nassau/Suffolk Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."*

  
Robert Zerrillo, PFAC Chair

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**- III (f) –**

**Major Project Analysis and Financial Planning  
Procedures**

## Operating Procedures for Major Project Analysis

### Overview

The following procedures of the New York Metropolitan Transportation Council (NYMTC) respond to new requirements under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which was signed into law on August 10, 2005, regarding transportation improvement projects regarded as “major projects.” These procedures are designed to meet regulatory requirements governing major projects, using final guidance issued by the Federal Highway Administration (issued January 19, 2007), in the metropolitan transportation planning process.

#### 1) Legislative Citation: Public Law 109-59, Section 1904(h)

“(h) MAJOR PROJECTS –

“(1) IN GENERAL – Notwithstanding any other provision of this section, a recipient of federal financial assistance for a project under this title with an estimated total cost of \$500 million or more, and recipients for such other projects as may be identified by the Secretary, shall submit to the Secretary for each project –

“(A) a project management plan; and

“(B) an annual financial plan

“(2) PROJECT MANAGEMENT PLAN – A project management plan shall document-

“(A) the procedures and processes that are in effect to provide timely information to the project decision makers to effectively manage the scope, costs, schedules, and quality of, and the Federal requirements applicable to, the project; and

“(B) the role of the agency leadership and management team in the delivery of the project

“(3) FINANCIAL PLAN – A financial plan shall –

“(A) be based on detailed estimates of the cost to complete the project; and

“(B) provide for the annual submission of updates to the Secretary that are based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

“(i) OTHER PROJECTS – A recipient of federal financial assistance for a project under this title with an estimated total cost of \$100 million or more that is not covered by subsection (h) shall prepare an annual financial plan. Annual financial plans prepared under this subsection shall be made available to the Secretary for review upon the request of the Secretary.”

### NYMTC Procedures

#### 1 – Designation of Major Projects

- a) Major projects will be identified by sponsoring agencies working in the context of the regulations and NYMTC.
  - i) For the purposes of the NYMTC transportation planning process, major projects are considered to be those with an estimated total cost of \$100 million or more to be funded through federal financial assistance and/or any other projects identified by FHWA as major projects.
  - ii) For transit projects that do not include FHWA funding, the major project requirements do not apply. Transit projects that have no FHWA funding would only be subject to FTA’s New Starts process and NEPA requirements.

- iii) Projects meeting the thresholds for major projects that are multi-modal in nature are subject to the major project requirements for all of the alternatives being considered. Both the major projects and the New Starts/NEPA processes will apply to multi-modal projects.
- b) Once identified, the major project must be specified in NYMTC's Regional Transportation Plan.
  - i) The major project must be specified in the constrained element of the Plan, except in cases where it is defined as a pure planning study. Then it may be specified in the Plan's vision element.
    - (1) If the NEPA process has commenced for the project, it must be specified in the constrained element as a prerequisite for federal review of a Draft Environmental Impact Statement and for federal funding to be used to begin preliminary design.
  - ii) The major project specification in the Plan must include a purpose and need statement, a description of a reasonable range of alternatives for the major project, particularly for projects in the constrained element – a range of potential project costs and contingencies related to the alternatives if appropriate, and descriptions of potential environmental justice/Title VI implications of the project, critical environmental areas that might be affected by the project and historic preservation implications of the project. This information must be provided regardless of whether the major project is placed in the vision element of the Plan or the fiscally-constrained element.
    - (1) The costs specified in the major project specification must be accounted for in the Plan's long-range fiscal assessment.
  - iii) All applicable public review requirements related to the amendment of the Plan must be followed to specify a major project.
- c) Once specified in the Plan, the major project will be subject to the applicable federal requirements and FHWA guidance.

The requirements specify that a Financial Plan and Project Management Plan shall be submitted to the FHWA/FTA for major projects. Per these operating procedures, copies of these Plans will also be submitted to the NYMTC Executive Director.

## **Operating Procedures for Financial Planning**

### **Overview**

The following procedures of the New York Metropolitan Transportation Council (NYMTC) respond to new regulations promulgated under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which was signed into law on August 10, 2005. These procedures are designed to meet regulatory requirements governing financial planning.

### **1) Legislative Citation: 23 CFR 450.314(a)**

“(a) The MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the public transportation operator(s) serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan.”

### **2) NYMTC Procedures**

NYMTC will maintain an Integrated Financial Assessment (IFA) for its planning process which establishes the parameters for fiscal constraint for both the Regional Transportation Plan and the Transportation Improvement Program (TIP).

The IFA will contain the following components:

1. A long-range forecast of capital and operating expenditures for the period of the Regional Transportation Plan, which will include state-of-good-repair/normal replacement forecasts and operating/maintenance forecasts for the entire period. In addition, the long-range expenditures will include any fiscally-constrained improvement projects in the Plan or TIP that are not considered to be included in the above forecasts.
  - a. NYMTC’s member agencies will contribute all relevant information concerning transportation facilities, equipment and services under their jurisdictions for the long-range expenditure forecasts.
  - b. NYMTC’s staff will compile the information provided by the member agencies and apply agreed upon inflation rates to calculate aggregate expenditure forecasts in required “year of expenditure” dollars.
2. A long-range forecast of capital and operating resources anticipated to be available for the period of the Regional Transportation Plan to fund operations, maintenance and capital projects.
  - a. NYMTC’s member agencies will contribute all relevant information concerning transportation funding programs and sources under their jurisdictions for the long-range resource forecasts.

- b. NYMTC's staff will compile the information provided by the member agencies and apply agreed upon escalation rates to calculate aggregate expenditure forecasts in required "year-of-expenditure" dollars.
3. An aggregate estimate of expenditures programmed into the existing TIP will be specified as a three-to-five year component of the long-range expenditure forecasts.
  - a. NYMTC's member agencies will provide all necessary information about programmed projects for which they are the sponsoring agency to specify medium-range expenditures.
  - b. NYMTC's staff will aggregate this information into project lists, for which medium-term expenditure estimates will be calculated in year-of-expenditure dollars.
4. An aggregate estimate of resources available for projects programmed into the existing TIP will be specified as a medium-range component of the long-range resource forecasts.
  - a. NYMTC's member agencies will provide all necessary information about anticipated resources available from funding sources for which they have direct responsibility in order to specify medium-range resources.
  - b. NYMTC's staff will aggregate this information into funding sources, for which medium-term resource estimates will be calculated in year-of-expenditure dollars.
5. A regional balance sheet will be maintained in the IFA which displays the relationship between forecasted resources and expenditures and - in doing so - establishes the parameters for the fiscal constraint of both the Plan and TIP.
6. NYMTC's members will adopt the IFA in conjunction with major actions involving the Plan and TIP.
  - a. A new IFA will be adopted at the time that a new Plan or TIP is adopted.
  - b. Actions amending the Plan or TIP will reference the IFA for the purposes of determining the required fiscal constraint of these two products.
  - c. TIP amendments will reference the relevant section of the IFA and that section will be updated as needed through the action of the Transportation Coordinating Committee which adopts the amendment.
  - d. Plan amendments will also reference the relevant section of the IFA and that section will be updated as needed through the action of the Program, Finance and Administration Committee or the Council itself which adopts the amendment.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettinger  
Executive Director

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE

RESOLUTION #258

ADOPTION OF OPERATING PROCEDURES GOVERNING MAJOR PROJECT ANALYSIS AND FINANCIAL PLANNING

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, for purposes of compliance with metropolitan transportation planning provisions of the current Federal transportation legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU), the operation of NYMTC as a metropolitan planning organization must be consistent with all requirements for metropolitan planning; and

**WHEREAS**, under 23 USC Section 134, SAFETEA-LU introduced two new requirements for major project analysis and for financial planning; and

**WHEREAS**, NYMTC's operational relationships and procedures are defined and established in the June 1982 Memorandum of Understanding between NYMTC's members; and

**WHEREAS**, since 1982, the Memorandum of Understanding has been periodically supplemented by the adoption of new operating procedures in response to new or revised planning requirements promulgated through periodic Federal transportation legislation; and

**WHEREAS**, NYMTC had previously adopted an addendum to its current 2005-2030 Regional Transportation Plan for the purposes of SAFETEA-LU compliance which addressed these new requirements; and

**WHEREAS**, NYMTC had previously adopted an Integrated Financial Assessment of its current 2008-2012 Transportation Improvement Program and 2005-2030 Regional Transportation Plan which addressed these requirements; and

**WHEREAS**, NYMTC's members have also determined that new operating procedures are needed to govern the activities of NYMTC and its member agencies in fulfillment of these requirements for major project analysis and financial planning under SAFETEA-LU; and

**WHEREAS**, these new procedures will establish the collaborative framework through which NYMTC and its members will continue to fulfill the planning requirements for major project analysis and financial planning;

**NOW, THEREFORE, BE IT RESOLVED**, that the Program, Finance, and Administration Committee hereby adopts the attached operating procedures to govern its activities in fulfillment of the major project analysis and financial planning requirements under SAFETEA-LU.

The resolution shall take effect on the nineteenth day of June, two thousand eight.

**ADOPTED:** June 19, 2008

*"I hereby certify that the above is a true copy of Resolution #258, Adoption of Operating Procedures Governing Major Project Analysis and Financial Planning, and was motioned by Lawrence Berger, representing the Nassau/Suffolk Transportation Coordinating Committee, and seconded by John Pilner, representing the Mid-Hudson South Transportation Coordinating Committee. This resolution was adopted unanimously by the Program, Finance, and Administration Committee members on the above mentioned date."*

  
Robert Zerrillo, PFAC Chair

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**- III (g) -**

**Transportation Improvement Program (TIP) and  
Statewide Transportation Improvement Program  
(STIP) Revision Operating Procedures**

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettinger  
Executive Director

**PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)**

**RESOLUTION #405**

**AMENDMENT TO THE TIP/STIP OPERATING PROCEDURES FOR REPROGRAMMING SECTION 5310 FUNDS**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, NYMTC maintains functional operating procedures for revisions to the Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP); and

**WHEREAS**, these procedures are agreed upon by NYMTC's members in order to revise project listings on the approved TIP and STIP, which enables federal funding for the listed projects; and

**WHEREAS**, NYMTC has developed the attached amendment to these operating procedures, which will add a new component for reprogramming projects to be funded through the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program; and

**WHEREAS**, Section 5310 program is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services; and

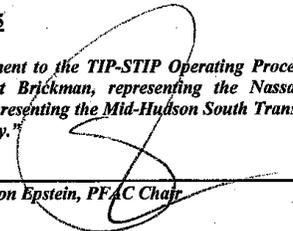
**WHEREAS**, once adopted, the amendment to the operating procedures will clarify the process for reprogramming funding balances under the Section 5310 program.

**NOW, THEREFORE, BE IT RESOLVED** that PFAC adopts this amendment to the to the TIP/STIP operating procedures.

This resolution shall take effect on the twenty-second day of April, two thousand and fifteen.

**ADOPTED: April 22, 2015**

*"I hereby certify that the above is a true copy of Resolution #405, Amendment to the TIP-STIP Operating Procedures for Reprogramming Section 5310 Funds, and was motioned by Mr. Robert Brückman, representing the Nassau/Suffolk Transportation Coordinating Committee and seconded by Mr. Craig Lader, representing the Mid-Hudson South Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."*

  
Ron Epstein, PFAC Chair

T H E M E T R O P O L I T A N P L A N N I N G O R G A N I Z A T I O N

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## **Introduction**

These *TIP/STIP Revision Operating Procedures* outline the procedures agreed upon by the NYMTC TCC members\* to revise project listings on the approved Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP). FTA and FHWA do not approve NYMTC's TIP document presented for council approval or TIP modifications to the TIP. FTA and FHWA do approve amendments to the STIP. Since the STIP must include all projects listed on the TIP, the use of the terms TIP and STIP are synonymous in these procedures.

There are two types of revisions to the TIP. A minor revision is considered an administrative modification, and a major revision is considered an amendment.

The following procedures are consistent with 23 CFR Part 450 of the Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule.

## **Definitions**

### Administrative Modification

In the Metropolitan Transportation Planning Final Rule an administrative modification “means a minor revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that includes minor changes to project/project phase costs, minor changes to funding sources of previously-included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).” (23 CFR 450.104 Definitions)

### Amendment

In the Metropolitan Transportation Planning Final Rule an amendment “means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope...” “An amendment is a revision that requires public review and comment, redemonstration of fiscal constraint, or a conformity determination.” (23 CFR 450. 104 Definitions)

*\* These procedures shall also apply to other public transit operators which are not members of NYMTC but which are designated recipients of the Federal Transit Administration, as specified in the metropolitan planning agreement per federal requirements.*

## **Clarifications on Specific or Unique Situations**

While the Metropolitan Transportation Planning Final Rule provides the above definitions, FTA, FHWA, NYMTC members and NYMTC staff thought that certain specific processes needed to be addressed to avoid uncertainty on how to proceed under specific or unique situations. These operating procedures are to be used as a guide in administering all TCC TIP administrative modifications and/or amendments.

### Fiscal Constraint

In non-attainment and maintenance areas, projects included in the first two years of the TIP and STIP shall be limited to those for which funds are available or committed. Federal guidance on financial planning and fiscal constraint is available at [http://www.fhwa.dot.gov/planning/guidfinconstr\\_qa.htm](http://www.fhwa.dot.gov/planning/guidfinconstr_qa.htm).

Fiscal constraint must be maintained for all actions. For the purpose of these Operating Procedures, fiscal constraint for FHWA projects is defined as maintaining the amount of funding programmed in each year of the TIP so that it does not exceed the fiscal funding allocated for each of the STIP years and the overall amount of funds available over the timeframe of the STIP. Fiscal constraint shall be documented for each action.

In the case of FTA funded projects, future year TIP allocation estimates are based on transportation authorization. Annually, appropriations bills are enacted and apportionments and allocations are published by the FTA in the *Federal Register*. As a result, in order to maintain and document fiscal constraint, FTA funds programmed on the TIP need to be consistent with the amounts shown in the *Federal Register*.

#### Earmarks and Discretionary Funds

Earmarks and other discretionary funds are new revenue sources that can only be used for a specific purpose as outlined in the *Federal Register*, and are by their nature fiscally constrained. These funds do not require the redemonstration of fiscal constraint unless the sponsoring agency is also adding other federal funds to the project. Transit earmark amounts need to be consistent with the amounts published by FTA in the *Federal Register*, including any rescissions.

#### Public Review

An amendment to the TIP requires 10 calendar days for public review. If the TIP amendment is due solely to project cost increases and the scope of the project – or project phase as programmed in the TIP – does not change, and in the case where public review has already been conducted on the project (or project phase) by the sponsoring agency (for example as part of a federally required Program of Projects notice, required for FTA Section 5307 formula funds), that public review shall constitute the required amendment public review. The sponsor-held public review must have occurred within three years of the requested TIP amendment; otherwise a new public review must occur. The notice of a project published in the *Federal Register* shall constitute the required amendment public review.

In the case of an amendment where a project is shown on the TIP, including the committed column, and has gone through either the TIP or a project level public review process, an additional public review will not be necessary prior to processing the amendment.

Public review for non-exempt projects may be combined with the public notice in the NYMTC Conformity Determination. The public review notice will be sent to the applicable TCC mailing list via e-mail, mail or fax. If an e-mail address is available, the notice shall be sent by e-mail. If not, fax will be utilized. If a fax number is not available, mail will be utilized. The mailing list will be updated on a regular basis along with periodic major updates. The proposed amendment may also be posted on the NYMTC website during the public review period and paper copies will be made available upon request. Any public comments will be forwarded to the TCC voting members as part of the amendment approval process.

#### Changing Project Funding from Local Funding to Federal Funding

If a project is shown with 100% local funds and is being changed to include federal funds, this action will be processed as an amendment. If public review has already occurred, then only approval by the TCC voting members and subsequent STIP processing is required.

#### Rollover

Rollover could occur for projects that were shown in the previously approved TIP/current TIP committed column, but due to delay in progressing the project are not in the current TIP. Projects that are listed in the last year of the immediate prior TIP and that will be obligated in the first year of the

current TIP, do not require an amendment and may be moved into the TIP with an administrative modification as long as the TIP's fiscal constraint is maintained or the action results in an amount of funds programmed in the TIP that are consistent with the allocation in the *Federal Register*. This is referred to as the "rollover" and is consistent with NYMTC's rollover clause in the TIP approval resolution.

FHWA projects do require a STIP amendment to be added back on to the STIP.

### Withdrawn Projects

Projects which are withdrawn due to lack of expenditures or progress will need to be added back on to the TIP as an amendment. If the project is not shown on the current TIP, including the committed column, an additional public review will be necessary. A STIP amendment is also necessary to add the project back onto the STIP.

### Cost

For federally funded projects, amendments are required when the total project cost increases, based upon the following threshold criteria:

- FHWA – an increase of \$10 million or greater
- FTA – an increase of 25% or greater.

NYMTC will work with project sponsors to determine the total project cost, e.g. in cases in which a project is programmed over multiple years, assigned multiple project identification numbers (PINs), or represented in multiple phases in the TIP and/or Regional Transportation Plan.

### CMAQ Funded Projects

Voting member concurrence will be required when changes to CMAQ (and STP Urban in MHSTCC) funded projects are processed as Administrative Modifications. TCC member concurrence will occur via e-mail, telephone, fax, or paper notification. Voting members will be notified of the revision request and allowed five calendar days to voice any objections to the revision.

### **Steps in the Process**

1. Project sponsor completes a TIP Change Request Form with marked up TIP strips, and submits to TCC staff.
2. TCC staff determines if the change is an administrative modification or amendment based on these Operating Procedures. If requested by TCC staff, the project sponsor shall provide additional information on the proposed TIP change (for example, the number of traffic lanes, project cost).
3. TCC staff, in coordination with the project sponsor, submits the project for NYSDOT Environmental Science Bureau/Interagency Consultation Group review.
4. Public review occurs, as applicable.
5. TCC staff process the action.
6. For Administrative Modifications, the action is entered into the eSTIP database and then forwarded to NYMTC Central Staff for further processing to NYS DOT.
7. For Amendments, the action is entered into eSTIP, forwarded to NYMTC Central Staff, and then NYSDOT. NYSDOT will approve (or disapprove) the request in eSTIP for subsequent

approval/disapproval by the federal agencies.

8. Project sponsors will be notified of completed actions by the individual performing the action.
9. Project sponsors will be copied on all TIP action/amendment correspondence.

### **Voting Member Approval**

Amendments can be voted on by NYMTC TCC voting members (or designee) by mail, fax, e-mail, phone or paper ballot, or at a meeting. As per the TCC Operating Procedures, consensus is required for the approval of an amendment. If any negative votes are received or objections are raised, the action will be suspended until the objection is resolved or consensus is declared. The names of the voting members and their designee are kept on file with the TCC.

### **Resolution of Issues**

The project sponsor and TCC will work to resolve issues of whether the project falls within the category of administrative modification or amendment. If an issue cannot be resolved, the TCC would seek guidance from FTA and FHWA, as applicable.

In the event an amendment is approved and then there are subsequent issues with a project, a subsequent action would need to be approved by consensus to revise the approved amendment.

### **Procedures Review**

The TIP Revision Procedures shall be reviewed after one year from the approval date. The procedures shall also be reviewed following passage of new federal re-authorization legislation.

The following table summarizes the aforementioned parameters:

<i>Table of Procedures</i>	<i>Administrative Modification</i>	<i>Amendment</i>
<b><i>Project Cost</i></b>		
• <i>Below Thresholds</i>	✓	
• <i>Above Thresholds</i>		✓
<b><i>Project/Phase Initiation Date</i></b>		
• <i>Within the 4-year STIP</i>	✓	
• <i>Outside the 4 years of the STIP</i>		✓
• <i>Change to a non-exempt project affecting the regional conformity determination</i>		✓
<b><i>Rollover</i></b>		
• <i>Within resources</i>	✓	
• <i>When re-demonstration of fiscal constraint is needed</i>		✓
<b><i>Fund Sources</i></b>		
• <i>Local to Federal</i>		✓
• <i>Federal to Federal</i>	✓	
• <i>Earmark – adding funds to existing project</i>	✓	
• <i>New funds not previously programmed (e.g. ferry boat discretionary, highway SIP)</i>		✓
<b><i>Addition or Deletion</i></b>		
• <i>Addition of a new project</i>		✓
• <i>Deletion of a project</i>		✓
• <i>Split out of a block project</i>		
~ <i>Regional preventative maintenance</i>	✓	
~ <i>Recreational trails, Safe Routes to School, high risk rural roads, scenic byways, Section 5310, JARC, etc.</i>	✓	
• <i>Addition of a minor phase</i>	✓	
• <i>Addition of a R.O.W. acquisition or construction phase</i>		✓
• <i>Project under construction below thresholds</i>	✓	
• <i>Project under construction above thresholds</i>		✓
• <i>Project split into multiple PINs for implementation/construction</i>	✓	
• <i>Separate project combined for implementation/construction into one PIN.</i>	✓	
• <i>Addition of a withdrawn project</i>		✓

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Joel P. Ettinger  
Executive Director

**PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)**

**RESOLUTION #287 – ADOPTION OF THE TRANSPORTATION IMPROVEMENT PROGRAM REVISION OPERATING PROCEDURES**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, updated metropolitan transportation planning regulations were enacted and printed in the *Federal Register* on February 14, 2007; and

**WHEREAS**, to be consistent with federal regulations, it is necessary to update the Transportation Improvement Program (TIP) revision procedures; and

**WHEREAS**, the members of the Program, Finance and Administration Committee (PFAC) and the Transportation Coordinating Committees (TCCs) have developed new TIP Operating Procedures that comply with the federal regulations; and

**WHEREAS**, these procedures provide guidance on how revisions to the TIP will be conducted; and

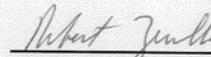
**WHEREAS**, the members of NYMTC agree to utilize these procedures when making changes to the TIP;

**THEREFORE BE IT RESOLVED** that the voting members of PFAC agree that these TIP Revision Operating Procedures are hereby adopted.

This resolution shall take effect on the seventeenth day of September, two thousand and nine.

**ADOPTED: September 17, 2009**

*"I hereby certify that the above is a true copy of Resolution #287, Adoption of the Transportation Improvement Program Revision Operating Procedures, and was motioned by John Pilner, representing the Mid-Hudson South Transportation Coordinating Committee and seconded by Lawrence Berger, representing the Nassau/Suffolk Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."*

  
Robert Zerrillo, PFAC Chairperson

THE METROPOLITAN PLANNING ORGANIZATION  
199 WATER STREET ▼ NEW YORK ▼ NEW YORK ▼ 10038-3534 ▼ 212.383.7200 ▼ WWW.NYMTC.ORG

**- III (h) -**

**Title VI Program**

2018

# Title VI Program

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL  
(ADOPTED SEPTEMBER 20, 2018)

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#### DISCLAIMER

The preparation of this report has been financed through the U.S. Department of Transportation's Federal Transit Administration and Federal Highway Administration. This document is disseminated under the sponsorship of the New York Metropolitan Transportation Council (NYMTC) in the interest of information exchange. The contents of this report reflect the views of the authors who are responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the Federal Transit Administration (FTA), Federal Highway Administration (FHWA) or the State of New York. This report does not constitute a standard, specification or regulation.

This Title VI Program was funded through NYMTC's State Fiscal Year 2018-2019 Unified Planning Work Program's MPO Operations project (PIN PTCS18D00.F01), which was funded through FTA and FHWA grants.

#### TITLE VI STATEMENT

The New York Metropolitan Transportation Council (NYMTC) is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and all related nondiscrimination statutes, rules, regulations and executive orders.

NYMTC assures that no person or group(s) of persons shall, on the grounds of race, color, age, disability, national origin, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination through the federally-mandated metropolitan transportation planning process undertaken by NYMTC, whether the activities are federally funded or not.

It is also the policy of NYMTC to ensure that all its plans, programs, procedures, policies, and activities do not have disproportionate adverse effects on minority and low-income populations. Minority and low-income communities, as identified through the United States Census, will be engaged to facilitate their full and fair participation in the metropolitan transportation planning process. In addition, NYMTC will provide meaningful access to services for persons with limited English proficiency.

Jose M. Rivera, P.E.  
Executive Director

**PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)**

**RESOLUTION #473  
NYMTC 2018 TITLE VI PROGRAM**

**WHEREAS**, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley; and

**WHEREAS**, Title VI of the 1964 Civil Rights Act and subsequent federal legislation direct the fair treatment and meaningful involvement of all people – regardless of race, color, national origin, disability, age, gender or income status – in programs and activities receiving Federal funds, including transportation funds; and

**WHEREAS**, Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice are integral to the metropolitan transportation planning process throughout the United States, particularly in urban regions; and

**WHEREAS**, the United States Department of Transportation (USDOT) requires public agencies, including metropolitan planning organizations (MPOs), to develop a Title VI Program that addresses how an agency integrates nondiscrimination practices into its planning, public participation, and decision-making; and

**WHEREAS**, through the Federal Transit Administration’s Title VI Circular C 4702.1B, USDOT provided additional guidance for the Title VI Programs of MPOs; and

**WHEREAS**, NYMTC is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and all related nondiscrimination statutes, rules, regulations and executive orders; and

**WHEREAS**, using this guidance, NYMTC prepared its initial Title VI Program, which PFAC adopted through Resolution #387 on September 4, 2014; and

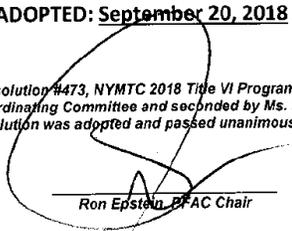
**WHEREAS**, in conjunction with the adoption of its most recent Federal Fiscal Years 2018-2045 Regional Transportation Plan and 2017 Congestion Management Status Report, which the Council adopted through Resolution #2017-5 on June 29, 2017, NYMTC has undertaken this update of its 2014 Title VI Program to reflect new information from the Plan and Status Report.

**NOW, THEREFORE, BE IT RESOLVED**, that PFAC adopts the attached 2018 Title VI Program for NYMTC, which supersedes the earlier 2014 Title VI Program, and instructs the Executive Director to implement its provisions.

This resolution shall take effect on the twentieth day of September two thousand and eighteen.

**ADOPTED: September 20, 2018**

*"I hereby certify that the above is a true copy of Resolution #473, NYMTC 2018 Title VI Program, and was motioned by Ms. Ann McGrane, representing the New York City Transportation Coordinating Committee and seconded by Ms. Naomi Klein, representing the Mid-Hudson South Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."*

  
\_\_\_\_\_  
Ron Epstein, PFAC Chair

## INTRODUCTION

### 1. What Is NYMTC?

The New York Metropolitan Transportation Council (NYMTC) is a regional council of governments that is the metropolitan planning organization (MPO) for New York City, Long Island and the lower Hudson Valley. NYMTC provides a collaborative planning forum to address transportation-related issues; develops regional plans; and makes decisions on the *use* of federal transportation funds. In its effort to ensure that transportation programs using federal funds are based on a continuing, comprehensive and coordinated planning process, NYMTC continuously seeks to build a stronger regional community through consultation with all stakeholders.

NYMTC's nine voting members are:

- The counties of Nassau, Putnam, Rockland, Suffolk, Westchester
- Metropolitan Transportation Authority (MTA)
- New York City Department of City Planning (NYCDPC)
- New York City Department of Transportation (NYCDOT)
- New York State Department of Transportation (NYSDOT)

NYMTC's seven advisory members are:

- Port Authority of New York & New Jersey (PANYNJ)
- New York State Department of Environmental Conservation (NYSDEC)
- New Jersey Transit (NJT)
- North Jersey Transportation Planning Authority (NJTPA)
- Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- U.S. Environmental Protection Agency (USEPA)

NYMTC's Planning Area consists of the five boroughs of New York City; the lower Hudson Valley counties of Putnam, Rockland, and Westchester; and the two suburban Long Island counties of Nassau and Suffolk.

### 2. Metropolitan Transportation Planning Process

Federal legislation which authorizes funding for transportation improvements requires any urbanized area (UZA) with a population greater than 50,000 to have an MPO to plan for and make decisions on the use of that federal transportation funding. MPOs ensure that existing and future expenditures for transportation projects and programs are based on a continuing, cooperative and comprehensive ("3C") planning process. Among other functions/requirements, MPOs cooperate with State and public transportation operators to program federal funds for eligible transportation projects.

This legislation and related planning regulations require NYMTC to produce the following products and analyses as part of the metropolitan transportation planning process:

### THREE PLANNING PRODUCTS

1. The Regional Transportation Plan (the Plan), which describes long-range goals, objectives, and needs, typically over a 25-year horizon for the NYMTC planning area;
2. The Transportation Improvement Program (the TIP), which defines federal funding for specific transportation projects and actions, typically over a five-year period; and
3. The Unified Planning Work Program (the Work Program), which determines how federal funding for planning activities will be spent over the course of a program year.

### TWO PLANNING ANALYSES

1. Since NYMTC's planning area is part of a federally-designated Transportation Management Area, NYMTC must maintain a Congestion Management Process (the CMP) to forecast traffic congestion and consider congestion-reduction strategies.
2. NYMTC's Transportation Conformity Determinations (Conformity) quantitatively demonstrates how its Plan and Transportation Improvement Program impact future mobile source emissions milestones set in response to federally-mandated air quality standards under the Clean Air Act Amendments of 1990.

## NYMTC TITLE VI PROGRAM IMPLEMENTATION

### 1. Legislative and Regulatory Overview

*"It has been FHWA's and FTA's longstanding policy to actively ensure non-discrimination under Title VI of the 1964 Civil Rights Act in Federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, and disability.*

*The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include program and activities of Federal-aid recipients, subrecipients, and contractors whether those programs and activities are federally funded or not." (Source: US Department of Transportation)*

Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice (EJ) are an integral part of the transportation planning and programming process throughout the United States, particularly in urban regions. The commitment to Title VI has, and continues to be, reflected in the NYMTC's work program, publications, communications, and public involvement efforts. This Title VI Program establishes a framework for efforts that will be taken at NYMTC to ensure compliance with Title VI, the EJ Executive Order and related statutes regarding nondiscrimination.

## *AUTHORITIES AND CITATIONS*

The following is a compilation of the federal regulations, statutes, executive orders and circulars that together create the legal and practical requirements for nondiscrimination on the part of NYMTC:

### ▪ **Federal Legislation**

- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in federally-assisted programs and activities. The law specifically states that "No person in the United States shall on the ground of race, color, or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. 2000d).
- The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "program or activity" to include all programs or activities of federal-aid recipients, subrecipients, and contractors, whether such programs and activities are federally-assisted or not (Public Law 100-259 [S. 557] March 22, 1988).
- The 1970 Uniform Act (42 U.S.C. 4601) prohibits unfair and inequitable treatment of persons displaced or property to be acquired as a result of federal-aid programs and projects.
- Section 504 of the 1973 Rehabilitation Act (29 U.S.C. 790) prohibits discrimination on the basis of physical or mental disability.
- The 1973 Federal-aid Highway Act (23 U.S.C. 324) prohibits sex/gender discrimination.
- The 1975 Age Discrimination Act (42 U.S.C. 6101) prohibits age discrimination.
- The 1990 Americans with Disabilities Act (ADA) (42 U.S.C. 12101) is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.
- The ADA Amendments Act of 2008 (Public Law 110-325).

### ▪ **Federal Executive Orders and Circulars**

- Executive Order 12898 on Environmental Justice prohibits discrimination on the basis of minority or income status.
- Executive Order 13166 on Limited English Proficiency (LEP) prohibits discrimination on the basis of how well a person speaks English.
- Federal Transit Administration Circular 5702.1B of October 1, 2012.

- **New York State Legislation**
  - Article 15 New York State Human Rights Law.
  - Article 15A New York State Minority and Women Business Enterprises Law.

## 2. NYMTC’s Organizational Goals & Objectives

As an organization, in the execution of the federally-mandated metropolitan transportation planning process, NYMTC seeks to:

- Ensure that the quality of regional transportation planning is provided without regard to race, color, national origin, sex, disability, age or income level;
- Identify and address, as appropriate, any disproportionately high and adverse human health and environmental effects resulting from its metropolitan transportation planning process, including social and economic effects of programs and activities on minority populations and low-income populations;
- Facilitate the full and fair participation of all affected populations in its metropolitan transportation planning process;
- Prevent the denial, reduction, or delay in benefits resulting from the metropolitan transportation planning process that could accrue to minority or low-income populations; and
- Ensure meaningful access to the metropolitan transportation planning process by persons with LEP.

The following is the NYMTC nondiscrimination policy statement, which covers all NYMTC’s programs and activities:

*NYMTC is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and all related nondiscrimination statutes, rules, regulations and executive orders.*

*NYMTC assures that no person or group(s) of persons shall, on the grounds of race, color, age, disability, national origin, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination through the federally-mandated metropolitan transportation planning process undertaken by NYMTC, whether the activities are federally funded or not.*

*It is also the policy of NYMTC to ensure that all its plans, programs, procedures, policies, and activities do not have disproportionate adverse effects on minority and low-income populations. Minority and low-income communities, as identified through the United States Census, will be engaged to facilitate their full and fair participation in the metropolitan transportation planning process. In addition, NYMTC will provide meaningful access to services for persons with limited English proficiency.*

*Regarding the distribution of federal-aid funds to eligible subrecipients, NYMTC will include Title VI language in all written agreements entered into through its administrative host, the New York State Department of Transportation, and will monitor those agreements for compliance.*

*NYMTC's Executive Director is responsible for initiating and monitoring the organization's Title VI Program, for preparing related reports, and for other requirements and responsibilities under Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.*

NYMTC will post the Title VI Policy Statement which appears above on its website and in its written materials. The statement will be translated per NYMTC's adopted Language Access Operating Procedures (see Appendix 3). This statement will be made available to subrecipients, consultants, vendors or other parties under direct contract with NYMTC via the New York State Department of Transportation as administrative host. Please see Appendix 2 for the complete "Title VI Notice to the Public." Where space and costs are issues, NYMTC may use the abbreviated version of the notice also contained in Appendix 2.

### 3. NYMTC's Title VI Coordinator

NYMTC's Executive Director is responsible for overall implementation of this Title VI Program. The Executive Director has designated a Title VI Coordinator who is responsible for the administration of the Title VI Program.

The Title VI Coordinator is responsible for monitoring compliance with this Title VI Program in all aspects of NYMTC's metropolitan transportation planning process. As part of this responsibility, the Title VI Coordinator will:

- *Ensure all NYMTC activities are following the Title VI Program and monitor the implementation of the program and any related compliance issues.*
- *Ensure the collection of data related to this Title VI program, including statistical data (i.e., race, color, gender, age, disability, and language proficiency) for use in planning and monitoring by NYMTC, its member agencies, consultants, and the public.*
- *Ensure the dissemination of Title VI Program information to NYMTC staff and member agencies, as well as participants in the metropolitan transportation planning process and the public.*
- *Ensure the inclusion of the Title VI Policy Statement in contracts and organizational materials, products and reports, and that Title VI Program policies, provisions, and related requirements are provided, as applicable, to consultants, vendors or other parties under direct contract with NYMTC via the New York State Department of Transportation as administrative host.*
- *Ensure appropriate Title VI Program training programs for NYMTC's members and staff.*
- *Identify, investigate, and address discrimination when found to exist relating to NYMTC's metropolitan transportation planning process.*
- *Prepare an annual report which evaluates the effectiveness of NYMTC's Title VI Program and related efforts, documents related accomplishments over the past year and establishes goals for the forthcoming year.*
- *Monitor federal and state laws, rules, regulations, guidelines, and other resource information pertaining to NYMTC's Title VI Program.*
- *Update the Title VI Program per the Executive Director's instructions.*

## NYMTC's Title VI Complaint Procedure

NYMTC's Title VI Complaint Procedure specifies the process employed by NYMTC to investigate Title VI complaints, while ensuring due process for complainants and respondents. This process does not preclude NYMTC from attempting to informally resolve complaints where possible.

The Title VI Complaint Procedure applies to all external complaints relating to NYMTC's metropolitan transportation planning process, filed under Title VI of the Civil Rights Act of 1964 (including related Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO) provisions), as well as other related laws as specified in this Title VI Program which prohibit discrimination on the basis of race, color, disability, sex, age, low income, national origin.

The Title VI Complaint Procedure is an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Intimidation or retaliation of any kind is prohibited by law.

Under this procedure, any individual, or their representative, who believes they have been subject to discrimination or retaliation in NYMTC's metropolitan transportation planning process that is prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint within 180 calendar days of the alleged occurrence, when the alleged discrimination became known to the complainant, or when there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.

**Complaints must be made in writing and mailed to all of the following using the NYMTC Title VI complaint form which appears in Appendix 1 of this document:**

**TITLE VI COORDINATOR  
NEW YORK METROPOLITAN TRANSPORTATION COUNCIL  
25 BEAVER STREET, 2ND FLOOR  
New York, NY 10004**

**TITLE VI COORDINATOR  
OFFICE OF CIVIL RIGHTS  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
50 WOLF ROAD  
ALBANY, NY 12232**

**CIVIL RIGHTS OFFICER  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION, REGION II  
ONE BOWLING GREEN, ROOM 429  
NEW YORK, NY 10004**

**Complaints must meet the following requirements:**

- ☐ Complaints must be in writing using the complaint form provided (see Appendix 1 and available at [www.nymtc.org](http://www.nymtc.org) ) and signed by the complainant(s).
- ☐ Complaints must include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
- Complaints must present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
- Complaints received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal to the addresses listed above for the complaint to be processed.
- ☐ Complaints received by telephone will be reduced to writing with the assistance of the Title VI Coordinator and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to NYMTC for processing.

**Complaints will be recorded and acknowledged:**

Once received, complaints will be recorded by NYMTC in a Title VI Complaint Log. The Log will include the following information --

- Name of the complainant(s);
- Date complaint was received;
- Nature of the complaint;
- Name of the NYMTC Title VI Coordinator or other NYMTC representative handling the complaint; and
- Disposition of the complaint.

The Title VI Coordinator will acknowledge receipt of the complaint by letter sent to the complainant(s) and postmarked within ten business days of receipt of the complaint. The letter will advise the complainant(s) that the complaint is being investigated and providing a date by which the complainant will receive a response.

The Title VI Coordinator will provide appropriate assistance to complainants for the filing of the complaint as needed, including those persons with disabilities, or who are limited in their ability to communicate in English, so that the complaint can be submitted per the above requirements.

Should additional information be needed for assessment of or investigation of the complaint, the Title VI Coordinator will contact the complainant within fifteen business days of the postmark of the acknowledgement of the complaint. The complainant(s)' failure to provide the

requested additional information by the date specified by the Title VI Coordinator could result in the administrative closure of the complaint.

#### 4. NYMTC's Title VI Compliance Activities

NYMTC will ensure that the metropolitan transportation planning process and its products and processes, including contracts, comply with this Title VI Program. Routine compliance discussions will be held with NYMTC's member agencies as part of annual program audits, and the member agencies will be encouraged to participate in related training, presentations, conferences, and webinars sponsored by NYSDOT and/or the FHWA and FTA.

NYMTC's Title VI Coordinator is responsible for advising staff about available training in support of Title VI compliance. Information on related training, such as diversity and EEO/Affirmative Action, is circulated and is also made available to the member agencies. All NYMTC staff members are encouraged to participate in professional development and training within and outside of NYMTC and NYSDOT. All materials received by the agency on training and educational opportunities are made available to all staff members, including NYSDOT training and federally funded training such as offered by the National Highway Institute and National Transit Institute.

## SPECIAL EMPHASIS AREAS

This Title VI Program places special emphasis on the following areas of organizational activity undertaken as part of the metropolitan transportation planning process:

### 1. Public Outreach & Involvement

This emphasis area impacts all aspects of NYMTC's federally-mandated metropolitan transportation planning process and the development of the federally-required planning products and analyses. In its Public Involvement Plan, NYMTC has identified the following goals for its public outreach and involvement activities:

1. Educate the public about the transportation planning process and how they can get involved;
2. Engage the public and all stakeholders through timely notice of meetings and events and increased opportunities to provide input;
3. Enhance outreach tools and techniques to engage the many diverse regional constituencies;
4. Ensure that public participation methods, mechanisms and opportunities are clearly defined and accessible; and
5. Effectively involve the community, including those who have been traditionally underserved and underrepresented in the planning process.

Public participation is required in the development of NYMTC's federally required planning products and analyses. NYMTC's Public Involvement Plan and related operating procedures define three levels of public outreach and involvement: regional; sub-regional; and local. In a region of over 12 million people, NYMTC's public involvement approach is necessarily

multifaceted and embedded within every layer of the organizational structure. NYMTC's approach also involves educational outreach and community-based interactions designed to expand on the various tools (media, members, online) used to interact with the interested public. NYMTC's Public Involvement Plan is included in the Title VI program as **Appendix 4**.

NYMTC has also developed procedures for addressing the LEP issue. These procedures, which are included in the Title VI program as **Appendix 3**, apply to two distinct levels of its activities:

- The general distribution or availability of public information related to federally-mandated regional planning products and analyses; and
- The spatially-specific distribution or availability of public information related to the federally funded studies and planning projects undertaken by NYMTC or by its member agencies that affect specific parts of NYMTC's planning area.

## 2. Planning & Programming

As indicated earlier, NYMTC is responsible for developing a long-range Plan, medium-range TIP, and annual Work Program for the use of federal transportation funding for both planning activities and transportation projects within its planning area. As part of this emphasis area, the Title VI Program is a consideration of NYMTC's planning and programming activities, as outlined below:

- Part of the planning and programming process involves collecting, analyzing and reporting on data for the NYMTC planning area, including information on population, employment, poverty, income, transportation, traffic and growth.
- Additionally, statistical data on race, color, national origin, sex, age and disability of residents in NYMTC's planning area is gathered and analyzed to measure transportation investment benefits and burdens to protected population, including minority and low-income populations. Data gathering procedures are reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI Program.
- An Environmental Justice (EJ) and Title VI assessment of the metropolitan transportation planning process is undertaken with each of NYMTC's regional transportation plans to demonstrate that the burdens and benefits of transportation plans and programs are distributed equitably across racial and socioeconomic groups. Using this analysis staff and member agencies can assess the impacts that plans, programs and projects may have on low-income and minority residents and communities in such areas as transportation investments, project effects on residents' travel times, and access to transit. The current EJ/Title VI Assessment is included in this Title VI Program as **Appendix 5**.

## 3. Contractual Considerations

Through NYSDOT as its administrative host, NYMTC executes contracts with consultants to support the metropolitan transportation planning process. Standard language incorporated into these contracts requires that the consultants comply with all applicable federal, state, and local

laws, rules, ordinance, and regulations always and in the performance of the work. NYMTC staff works closely with NYSDOT's Contracts Bureau in the execution of all contracts and to ensure that all Title VI Program provisions are met. As it executes and monitors contracts to support the metropolitan transportation planning process, NYMTC undertakes the following:

- Includes Title VI assurance and provision language in all federally-funded consultant contracts, including Appendix A of the USDOT Standard Assurance (USDOT Order 1050.2). This language appears in **Appendix 7**.
- Follows applicable Disadvantaged Business Enterprise (DBE) and Small Business Enterprise goals in designated projects and proactively seek to achieve those goals(23 USC 304 and 49 CFR 26).
- Provides technical assistance and guidance to support voluntary compliance by NYMTC consultants. When a consultant fails or refuses to voluntarily comply with NYMTC's recommendations, NYMTC recommends remedial actions. Should these recommendations not be met, consultants may be found in noncompliance.

## TITLE VI ASSESSMENT OF PLANNING PROCESS OUTCOMES

There are no specific federal standards for conducting a Title VI-related assessment of an MPO's planning & programming outputs. For this purpose, NYMTC has developed the approach outlined below to assess the Title VI-related impacts of the planning process outcomes on minority populations and low-income households, which are identified as *Communities of Concern*.

### 1. Communities of Concern

For the purposes of this assessment, Communities of Concern in NYMTC's planning area are defined through the identification of census tracts which meet both of the following two conditions related to race/ethnicity and income:

- Minority population, as defined in the 2010 Census, makes up more than 57 percent (the NYMTC planning area average) of the tract population.
- More than 16 percent (the NYMTC planning area average) of the total population lives at or below the poverty line as defined in the 2010 Census.

These parameters have been applied to all census tracts within the NYMTC planning area. The following tables summarize the results. Table 1 presents the incidence of minority and low- income populations in NYMTC's counties/boroughs, subareas and its planning area generally. Table 2 shows the result when this information is applied to the above parameters to identify

Communities of Concern based on the prevalence of minority and low-income populations within census tracts.

**Table 1 - Minority Population and Population below Poverty Level by County, Subregion and NYMTC Planning Area**

County	Total Population	Minority Pop	Percent Minority Population	Population below Poverty Level	Percent Population below Poverty Level
Bronx	1,400,996	1,298,884	93%	427,715	31%
Kings	2,584,686	1,672,867	65%	587,518	23%
New York	1,587,909	865,391	54%	279,847	18%
Queens	2,284,528	1,717,860	75%	334,149	15%
Richmond	467,740	176,986	38%	60,530	13%
New York City	8,325,859	5,731,988	69%	1,689,759	20%
Putnam	98,085	19,133	20%	5,061	5%
Rockland	317,915	117,457	37%	46,128	15%
Westchester	945,758	436,659	46%	92,600	10%
Lower Hudson Valley	1,361,758	573,249	42%	143,789	11%
Nassau	1,336,993	512,878	38%	80,282	6%
Suffolk	1,468,054	461,707	31%	106,499	7%
Long Island	2,805,047	974,585	35%	186,781	7%
NYMTC Planning Area	12,492,664	7,279,822	58%	2,020,329	16%
New York State	19,697,457	8,586,143	44%	2,967,564	15%

Sources: 2010 Census and 2012-2016 American Community Survey

**Table 2 -- Communities of Concern by County, Subregion and NYMTC Planning Area**

County	Total No. of Census Tracts	Tracts with 57% or More Minority Population	Tracts with 16% or More below Pov pop	Communities of Concern (CoC) Tracts	Percent of CoC Tracts
Bronx	339	300	249	245	72%
Kings	761	426	466	321	42%
New York	288	114	128	106	37%
Queens	669	463	215	191	29%
Richmond	109	31	28	24	22%
New York City	2,166	1,334	1,086	887	41%
Putnam	19	0	0	0	0%
Rockland	65	13	15	5	8%
Westchester	223	75	48	44	20%
Lower Hudson Valley	307	88	63	49	16%
Nassau	279	62	16	15	5%
Suffolk	323	43	21	13	4%
Long Island	602	105	37	28	5%
NYMTC Region	3,075	1,527	1,186	964	31%

Sources: 2010 Census and 2012-2016 American Community Survey

## 2. Levels of Analysis

**Analysis of Transportation System Usage** – Table 3 below shows the total average daily trips made by residents of Communities of Concern by public transit and all other travel modes in comparison with all other communities.

<b>Table 3 - Transportation System Usage in the NYMTC Planning Area</b>				
		<b>Categories</b>		
		<b>Communities of Concern</b>	<b>All Other Communities</b>	<b>Totals</b>
<b>Population</b>	No.	4,181,719	8,310,945	12,492,664
	%	33%	67%	100%
<b>Average Weekday Trips by Transit</b>	No.	939,513	1,318,857	2,258,370
	%	42%	58%	100%
<b>Average Weekday Trips -- All Other Modes</b>	No.	633,376	2,716,225	3,349,601
	%	19%	81%	100%
<b>Total Weekday Trips by Community</b>		1,572,889	4,035,082	5,607,971
<b>% Transit of All Weekday Trips</b>		60%	33%	40%
<b>Weekday Transit Trips Per Capita</b>		0.22	0.16	0.18
<b>Total Weekday Trips Per Capita</b>		0.38	0.49	0.45
Sources: 2010 Census and 2017 CMP Status Report				

**Geospatial Analysis of Planning Process Outcomes** - both the Regional Transportation Plan and the Transportation Improvement Program have been analyzed spatially to assess the distribution of programmed transportation projects and proposed projects and studies in relation to Communities of Concern.

One component of this geospatial analysis displays the geographic location of these projects, proposals and studies relative to the Communities of Concern in a series of maps that are presented in **Appendix 6**. A second component of the geospatial analysis assesses the relative impacts of programmed transportation projects in the Plan and TIP in relation to the Communities of Concern in terms of the amount of programmed funding for projects by locations in relation to population size. This analysis is described in the sections below.

## Regional Transportation Plan

While the maps in Appendix 6 include both *programmed* projects and *proposed* projects and studies from the Plan, the programmatic assessment of the Plan includes only programmed projects for which cost forecasts are available. Table 4 below presents the results on this assessment.

<b>Table 4 -- Assessment of Programmed Funding in the Plan</b>					
		<b>Project Locations</b>			
		<b>Communities of Concern</b>	<b>All Other Communities</b>	<b>Projects Impacting Both Categories</b>	<b>Total</b>
<b>Population</b>	No.	4,181,719	8,310,945	n/a	12,492,664
	%	33%	67%	n/a	100%
<b>Programmed Funding for Projects</b>	\$ in millions	\$1,069.54	\$2,937.27	\$16,983.67	\$20,990.48
	% of total Plan programmed costs	5%	14%	81%	100%
<b>Programmed Funding Per Capita</b>		\$255.77	\$353.42	\$1,359.49	\$1,680.22
<b>Programmed Funding Per Capita (including projects which impact both categories)</b>		\$4,317.17	\$2,396.95		
Sources: 2010 Census and Plan 2045					

Table 4 demonstrates that programmed funding in the Plan is at similar levels per capita for projects solely in Communities of Concern in comparison with projects solely in all other communities, although the per capita funding level is lower for Communities of Concern.

However, most of the programmed funding in the Plan is for projects that impact both categories of communities. When that funding is added to the amounts for projects located solely within each of the categories of areas, the per capita funding programmed that impact Communities of Concern is almost twice as high as the per capita funding programmed for projects impacting all other communities.

### Transportation Improvement Program (TIP)

The TIP represents the first five years of the Plan and, as a medium-term enabling document, contains more specific information on programmed projects and anticipated costs. Table 5 below presents an assessment of programmed funding in the current 2017-2021 TIP.

**Table 5 -- Assessment of Programmed Funding in the TIP**

		Project Locations			Total
		Communities of Concern	All Other Communities	Projects Impacting Both Categories	
<b>Population</b>	No.	4,181,719	8,310,945	n/a	12,492,664
	%	33%	67%	n/a	100%
<b>Programmed Funding for Projects</b>	\$ in millions	\$2,287.74	\$5,612.98	\$34,102.92	\$42,003.64
	% of total TIP programmed costs	5.4%	13.4%	81.2%	100.0%
<b>Programmed Funding Per Capita</b>		\$547.08	\$675.37	\$2,729.84	\$3,362.26
<b>Programmed Funding Per Capita (including projects which impact both categories)</b>		\$8,702.32	\$4,778.75		

Sources: 2010 Census and 2017-2021 TIP

Table 5 indicates a similar result to the Plan. Programmed funding in the TIP is at similar levels per capita for projects solely in Communities of Concern in comparison with projects solely in all other communities, although the per capita funding level is lower for Communities of Concern. However, most of the programmed funding in the TIP is for projects that impact both categories of communities. When that funding is added to the amounts for projects located solely within each of the categories of areas, the per capita funding programmed that impact Communities of Concern is almost twice as high as the per capita funding programmed for projects impacting all other communities.

The third component of the spatial analysis assesses the relative impacts of regional travel and resulting traffic congestion on Communities of Concern relative to all other communities.

NYMTC’s Congestion Management process forecasts Vehicle Miles of Travel (VMT) throughout the NYMTC planning area. These forecasts for the weekday morning peak period were to assess travel and congestion impacts in the NYMTC planning area from a Title VI perspective to determine if Communities of Concern bear a greater relative burden in terms of traffic and congestion. Table 6 below shows the results of this assessment.

Table 6 - Weekday Morning Peak Period Travel Forecasts

		Areas		
		Communities of Concern	All Other Communities	Totals
<b>Population</b>	No.	4,181,719	8,310,945	12,492,664
	%	33%	67%	100%
<b>Land Area (square miles)</b>	No.	131	2,301	2,432
	%	5%	95%	100%
<b>Vehicle Miles of Travel (VMT) - 2045 forecast</b>	No.	6,479,146	25,163,355	31,642,501
	%	20%	80%	100%
<b>Population per Square Mile</b>		31,846	3,612	5,137
<b>VMT Per Capita</b>		1.55	3.03	2.53
<b>VMT Per Square Mile</b>		49,343	10,938	13,011

Sources: 2010 Census and 2017 CMP Status Report; NYMTC Geographic Information System

As can be seen in Table 6, forecasted VMT per capita in Communities of Concern is significantly less than in all other communities. However, population density in Communities of Concern is ten times greater than in all other communities and therefore the forecasted VMT per square mile in Communities of Concern is nearly five times as great as in all other communities.

However, the lower rate of forecasted VMT per capita in Communities of Concern is consistent with the higher rate of transit trips per capita in Communities of Concern identified in Table 3 above.

## CONTINUOUS IMPROVEMENT

As part of this Title VI Program, NYMTC will continue to facilitate the participation of underrepresented groups in the metropolitan transportation planning process and to ensure that their needs and desires are reflected, to the extent feasible, in transportation planning and programming activities. Toward this end, NYMTC will undertake the following activities:

- Continuing to enhance and expand its database of relevant community organizations to facilitate wider dissemination of information as part of its Public Involvement Plan.
- Continuing to consult with underrepresented communities on various aspects of the transportation planning process. This may include convening focus groups as necessary during the development of major products and incorporating direct community outreach for related planning studies and/or planning coordination activities.
- Continuing to enhance the methodologies used for assessing the impacts of the metropolitan transportation planning process on underrepresented groups in the NYMTC planning area, through both the regular update of its Public Involvement Plan and through the EJ/Title VI Assessment which accompanies each of NYMTC's regional transportation plans.
- Continuing relevant training for NYMTC's staff and member agencies.
- Continuing to improve data collection procedures related to this Title VI Program.

# APPENDICES

## **Appendix 1 -- NYMTC Title VI Complaint Form**

# TITLE VI COMPLAINT FORM

(to be completed by complainant)

**Title VI of the 1964 Civil Rights Act states: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”**

Please provide the information requested below, which is necessary to process your complaint. If possible, please fill out the form electronically, print it and send a signed copy to the address which follows:

## TITLE VI COORDINATOR

**NEW YORK METROPOLITAN TRANSPORTATION COUNCIL 25 BEAVER STREET,  
SUITE 201  
NEW YORK, NY 10004**

**Note that assistance with the form is available upon request by calling 212.383.7200.**

## COMPLAINANT INFORMATION

Complainant’s Name (last name, first name, middle initial): Click or tap here to enter text.

Complainant’s Street Address: Click or tap here to enter text.

Municipality/Borough: Click or tap here to enter text.

State: Click or tap here to enter text.

ZIP Code: Click or tap here to enter text.

Complainant’s Primary Phone Number: Click or tap here to enter text.

Other Phone Number: Click or tap here to enter text.

E-mail Address: Click or tap here to enter text.

## INFORMATION ON PERSON CHARGING DISCRIMINATION UNDER TITLE VI (IF NOT THE COMPLAINANT)

Name of Person: Click or tap here to enter text. Street

Address: Click or tap here to enter text.

Municipality/Borough: Click or tap here to enter text. State:

Click or tap here to enter text.

ZIP Code: Click or tap here to enter text.

Primary Phone Number: Click or tap here to enter text.

E-mail Address: Click or tap here to enter text.

## NATURE OF THE COMPLAINT

Please describe, as clearly and concisely as possible, the nature of this complaint under Title VI of the 1964 Civil Rights Act. Please indicate the names of any people involved, if known. You may attach any written materials or other information you think relevant: Click or tap here to enter text.

Does this complaint involve a specific incident of discrimination? YES  NO

If yes, what was the date and time of that incident? [Click or tap here to enter text.](#) Were

there witnesses to the incident? YES  NO

If yes, please provide the name and contact information of any witness(es) to the incident: [Click or tap here to enter text.](#)

**COMPLAINT FILING**

Per NYMTC’s Title VI Complaint Procedure, have you filed this complaint with the agencies listed below:

YES  NO

**TITLE VI COORDINATOR  
OFFICE OF CIVIL RIGHTS  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
50 WOLF ROAD  
ALBANY, NY 12232**

YES  NO

**CIVIL RIGHTS OFFICER  
U.S. DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT  
ADMINISTRATION, REGION II ONE BOWLING GREEN, ROOM 429  
NEW YORK, NY 10004**

Please indicate the name(s) of any other agency(ies) or court(s) that have received this complaint: [Click or tap here to enter text.](#)

**COMPLAINANT SIGNATURE**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Appendix 2 - NYMTC Title VI Notice to the Public**

# Title VI Notice to the Public

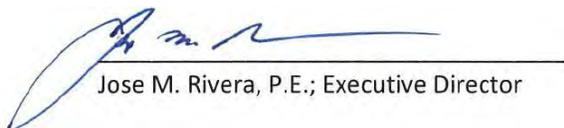
The New York Metropolitan Transportation Council (NYMTC) is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and all related nondiscrimination statutes, rules, regulations and executive orders.

NYMTC assures that no person or group(s) of persons shall, on the grounds of race, color, age, disability, national origin, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination through the federally- mandated metropolitan transportation planning process undertaken by NYMTC, whether the activities are federally funded or not.

It is also the policy of NYMTC to ensure that all its plans, programs, procedures, polices, and activities do not have disproportionate adverse effects on minority and low-income populations. Minority and low-income communities, as identified through the United States Census, will be engaged to facilitate their full and fair participation in the metropolitan transportation planning process. In addition, NYMTC will provide meaningful access to services for persons with limited English proficiency.

Regarding the distribution of federal-aid funds to eligible subrecipients, NYMTC will include Title VI language in all written agreements entered into through its administrative host, the New York State Department of Transportation, and will monitor those agreements for compliance.

NYMTC's Executive Director is responsible for initiating and monitoring the organization's Title VI Program, for preparing related reports, and for other requirements and responsibilities under Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

  
\_\_\_\_\_  
Jose M. Rivera, P.E.; Executive Director

9/20/18  
Date

## ABBREVIATED TITLE VI NOTICE TO THE PUBLIC

**Where space and costs are issues NYMTC may use the following shortened version of the above notice:**

*NYMTC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, see [www.nymtc.org](http://www.nymtc.org) or call 212-383-7200*

## **Appendix 3 -- NYMTC Language Access Operating Procedures**

## OVERVIEW

Under its existing Public Involvement Plan and Operating Procedures for Public Participation, NYMTC distributes a variety of public information on its federally-mandated regional planning products and analyses. Due to the variety of languages spoken in its planning area, NYMTC supplements its plan and procedures with Language Access Operating Procedures to expand inclusiveness in its public involvement activities.

NYMTC's Language Access Operating Procedures apply to two distinct levels of its activities:

1. The general distribution or availability of public information related to federally-mandated regional planning products and analyses that affect the entire NYMTC planning area
2. The spatially-specific distribution or availability of public information related to federally funded studies and planning projects undertaken by NYMTC or by its member agencies that affect specific parts of NYMTC's planning area.

The Language Access Operating Procedures which follow are organized around these two levels of NYMTC's planning activities.

## LIMITED ENGLISH PROFICIENCY POPULATIONS IN THE NYMTC PLANNING AREA

NYMTC will perform an analysis of Census data, when it becomes available after each decennial Census, to identify the size and proportion of Limited English Proficiency (LEP) populations in its planning area. LEP populations are comprised of persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language. Thus, people included in LEP populations may have difficulty speaking or reading English and will need translation to and from their primary language. The United States Department of

Transportation has adopted the Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations.

Table 1 below presents the results of NYMTC’s LEP analysis of the 2010 Census to identify persons who need language assistance in the NYMTC planning area.

**Table 1: LEP Populations in the NYMTC Planning Area**

<i>Language Spoken</i>	<i>Population</i>	<i>Percentage of Total LEP Population</i>
Spanish	1,135,521	52%
Chinese	294,999	13.5%
Russian	118,854	5.4%
Other Indic Languages <sup>1</sup>	63,571	2.9%
Korean	60,628	2.8%
Italian	59,485	2.7%
French Creole	54,787	2.5%
Polish	38,979	1.8%
Yiddish	38,257	1.8%
French	28,556	1.3%
All Other LEP	289,530	13.3%
<b>Total</b>	<b>2,183,167</b>	<b>100.0%</b>

<sup>1</sup> Other Indic Languages include Bengali, Marathi, Punjabi, and Romany

Table 1 defines a 2010 population of roughly 2.2 million people in the NYMTC planning area. Under the Safe Harbor Provision, NYMTC is obligated to provide translation of written materials related to the planning products and analyses into languages that meet or exceed the established five percent or 1,000 person threshold.

Thirty-four languages meet or exceed this threshold in the NYMTC planning area, while just over 70% of the total LEP population speaks one of three languages: Spanish, Chinese and Russian. For purposes of these operating procedures, these three languages are considered as primary LEP languages in NYMTC's planning area, while the remaining thirty-one are considered as secondary LEP languages.

#### REGIONAL PLANNING PRODUCTS AND ANALYSES

The following Language Access Operating Procedures apply to NYMTC's general distribution or availability of public information to its entire planning area for federally-mandated "core" regional planning products and analyses. These core products and analyses include:

- Regional Transportation Plan,
- Transportation Improvement Program and related Annual Listing of Obligated Projects,
- Unified Planning Work Program,
- Congestion Management Process Status Report,
- Transportation Conformity Determination, and
- Public Involvement Plan.

#### PROVISION OF LANGUAGE ASSISTANCE FOR REGIONAL PLANNING PRODUCTS AND ANALYSES

NYMTC will provide on-going language assistance for the regional planning products and analyses identified above in the following manner:

**Written Language Assistance** - Executive summaries of the core regional planning products and analyses will be translated to the languages that meet or exceed the established five percent or 1,000 person threshold in the following manner:

- Drafts and final versions of executive summaries that are released publicly will be provided in English and the three primary LEP languages.
- Drafts and final versions of the executive summaries that are released publicly will be translated on demand into the secondary LEP languages using online open source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.

NYMTC will publicly release instructions that will explain its Language Access operating procedures to the LEP populations. The instructions will be considered as a core product and will be translated in total in the same fashion as the core products and analyses identified above.

Other NYMTC documents will be translated on demand for all LEP languages using the online open source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC. These

may include the Annual Report, informational brochures that explain NYMTC and its obligations or elements of its planning process, the Regional Household Travel Survey report, and descriptive materials and application forms for public project solicitations under federal funding programs.

**Website Language Assistance** - NYMTC will provide online translation services through online open source translation programs for all pages of the NYMTC website, as well as downloadable files and documents. The selected translation program will provide translation for at least the languages identified under the Safe Harbor Provision and as many additional languages as are provided through the translation program. Instructions on the use of the program will also be provided on the website.

**Oral Language Assistance** - Oral language assistance will be provided to LEP persons as follows:

NYMTC reception staff will guide LEP persons to dial a number, using an in-house telephone that provides oral language assistance in at least the three primary languages. NYMTC will also advertise the availability of the language assistance phone number by telephone.

For meetings at NYMTC's main office location, NYMTC will advertise the availability of translation services in the three primary languages upon request 48 hours prior to the meeting in question. Meeting announcements will include translations of key points into the three primary languages.

**Monitoring and Updating** - NYMTC will monitor and update the Language Access Operating Procedures through collection of the following information:

1. Language Access assistance provided through website downloads, use of on-line translation programs, requests for translated documents, calls to translation services and meetings at which translation services are provided.
2. Complaints received regarding language acting as a barrier to accessing information and/or services.

#### **PUBLIC NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE**

NYMTC will provide public notice of availability of language assistance on an on-going basis through the following mechanisms:

- Instructions on the availability of language assistance will be maintained on the NYMTC website, along with instructions on how the assistance may be accessed.
- Brochures containing language assistance instructions will be made available at each public meeting offered by the organization and will be available in public areas of the NYMTC's main office.
- Language assistance brochures will also be distributed generally through NYMTC's distribution lists and through the distribution lists of other related organizations.
- Language assistance notices will be placed with local, non-English language media directed at LEP individuals and their languages.

- Language assistance information and instructions will be provided through telephonic messages through NYMTC’s main phone number.

## **SPATIALLY-SPECIFIC PROJECTS AND STUDIES**

### ***Provision of Language Assistance for Spatially-Specific Projects and Studies***

For spatially-specific planning projects and studies funded through NYMTC’s planning process, the project managers of these projects and studies will provide Language Access assistance consistent with the procedures for the Regional Planning Projects and Analyses, with the following customizations:

- Project managers will perform a Census analysis to identify the LEP populations within the spatially-specific boundaries of the project as well as thresholds for language assistance. Oral, written, and website Language Assistance will be provided for the primary and secondary languages identified.
- Project managers will identify the core documents related to the spatially-specific project or study.
- Project managers of spatially-specific planning projects or studies funded through NYMTC’s planning process must provide notice of availability of language assistance services under the Safe Harbor Provision. Methods of notice may include:
  - Brochures or flyers about language assistance services (posted in public areas of the member’s office as well as elsewhere in the member’s service area).
  - Signs posted about language assistance services (in public areas of the member’s office as well as elsewhere in the member’s service area).
  - Local, non-English language media directed at LEP individuals and their languages.
  - Providing community outreach informational handouts at public hearings.
  - Posting of notice on the Language Access services, internally and externally on member’s website.

For spatially-specific planning projects and studies funded through NYMTC’s planning process but managed by a NYMTC member agency, the member agency’s Language Access policies will take precedence over NYMTC’s Language Access Operating Procedures.

## **PUBLIC MEETINGS**

### ***General Public Meetings Hosted Outside of NYMTC’s Main Office***

General public meetings hosted by NYMTC or on behalf of NYMTC by one or several of its member agencies, hosted outside of NYMTC’s main office, are subject to the following procedures:

- 1) A pre-meeting Language Access assessment will be prepared, including:

- a) Using NYMTC’s meeting facility database to determine accessible, ADA compliant facilities located within the project study area
  - b) Meeting locations should be selected with respect to the needs of the community surrounding the facility location in addition to the languages identified in the study area boundaries
  - c) Identifying LEP characteristics of the area surrounding the meeting location – the affected area will be defined as all residences within one mile of the location.
- 2) Providing notice for the meeting in languages that meet or exceed the established five percent threshold.
  - 3) Providing information relevant to the meeting in languages that meet or exceed the established five percent threshold.
  - 4) Posting pre-meeting project information on NYMTC’s website – or other relevant websites – in languages that meet or exceed the established five percent threshold.
  - 5) Provide the following language access services during the meeting:
    - a) With advance request 72 hours prior to a meeting, written translations of the meeting agenda, presentation, and background information in languages that meet or exceed the five percent threshold.
    - b) IF REQUESTER IS ATTENDING IN PERSON, requests for oral translation of the meeting proceedings must be received 72 hours prior to a meeting in languages that meet or exceed the established five percent threshold.
  - 6) Prepare a post-meeting information package, including:
    - a) IF REQUESTER IS ATTENDING REMOTELY BY WEBINAR OR WEBCAST, requests for oral translation of a recording of the meeting proceedings must be received 72 hours prior to a meeting in languages that meet or exceed the established five percent threshold. A written or recorded translation of the recording will then be made available within ten business days.
      - i) Written translations of the meeting synopsis and materials used during the meeting, including presentation materials, in languages that meet or exceed the established five percent threshold.
    - i) Update of NYMTC’s website – and other relevant websites -- with meeting information in languages that meet or exceed the established five percent threshold.

**MEETINGS FOR SPATIALLY-SPECIFIC PLANNING PROJECTS**

The procedures for general public meetings will be followed for public meetings related to spatially- specific planning projects and studies funded through NYMTC’s planning process with the following exception:

- 1) The language(s) identified for the spatially-specific planning project or study will take precedence over the language characteristics of the area surrounding the meeting location.

## Appendix 4 – NYMTC Public Involvement Plan

NYMTC's Public Involvement Plan is available at [www.nymtc.org](http://www.nymtc.org) in the "Get Involved" section.

The direct link to the document is:

<https://www.nymtc.org/portals/0/pdf/NYMTC%20Final%20PIP.pdf>

## Appendix 5 -- *Plan 2045* Environmental Justice/ Title VI Assessment

NYMTC's *Plan 2045* Environmental Justice/Title VI Assessment is available at [www.nymtc.org](http://www.nymtc.org) in the "Required Planning Products" section, through the "Regional Transportation Plan" link.

The direct link to the document is:

[https://www.nymtc.org/Portals/0/Pdf/RTP/Plan%202045%20Final%20Documents/Plan%202045%20Individual%20Appendices/Appendix%204\\_EJ%20Assessment%20of%20the%20Planning%20Process\\_R1.pdf?ver=2018-06-21-135856-923](https://www.nymtc.org/Portals/0/Pdf/RTP/Plan%202045%20Final%20Documents/Plan%202045%20Individual%20Appendices/Appendix%204_EJ%20Assessment%20of%20the%20Planning%20Process_R1.pdf?ver=2018-06-21-135856-923)

## **Appendix 6 -- Geospatial Analysis of NYMTC Planning Process Outcomes**



PROJECTS FROM THE FEDERAL FISCAL YEARS  
2017-2021 TRANSPORTATION IMPROVEMENT  
PROGRAM



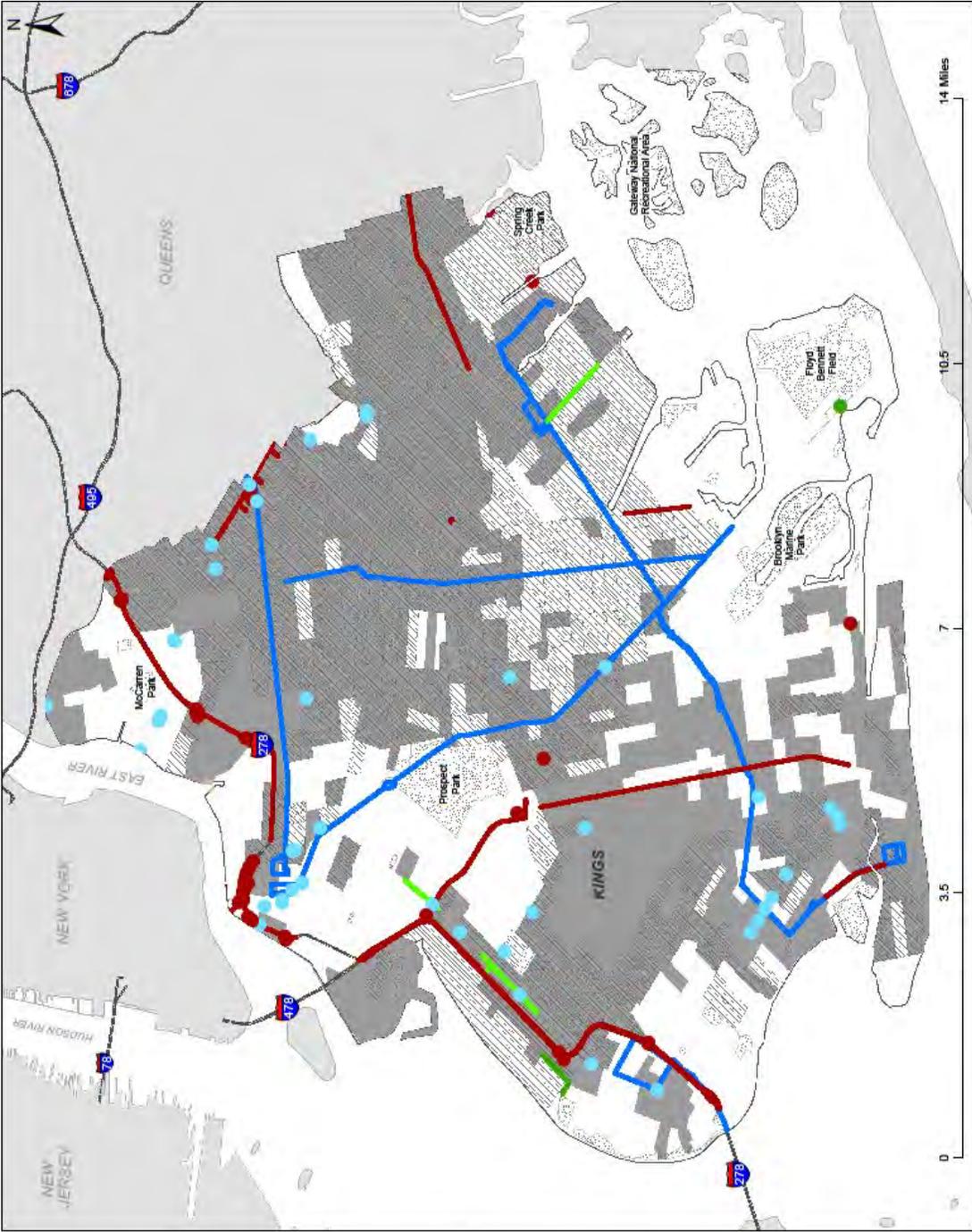
### TIP Projects Bronx County

#### LEGEND

-  Minority Community
  -  Low Income Community
- \*Low Income and Minority Community boundaries are delineated by Census tracts.

#### Project Category

-  BIKE
-  BUS
-  FERRY
-  HIGHWAY
-  HISTORIC
-  ITS
-  PARKING
-  PED
-  RAIL
-  STUDY
-  TRANSIT
-  TRUCK



**TIP Projects  
Kings County**

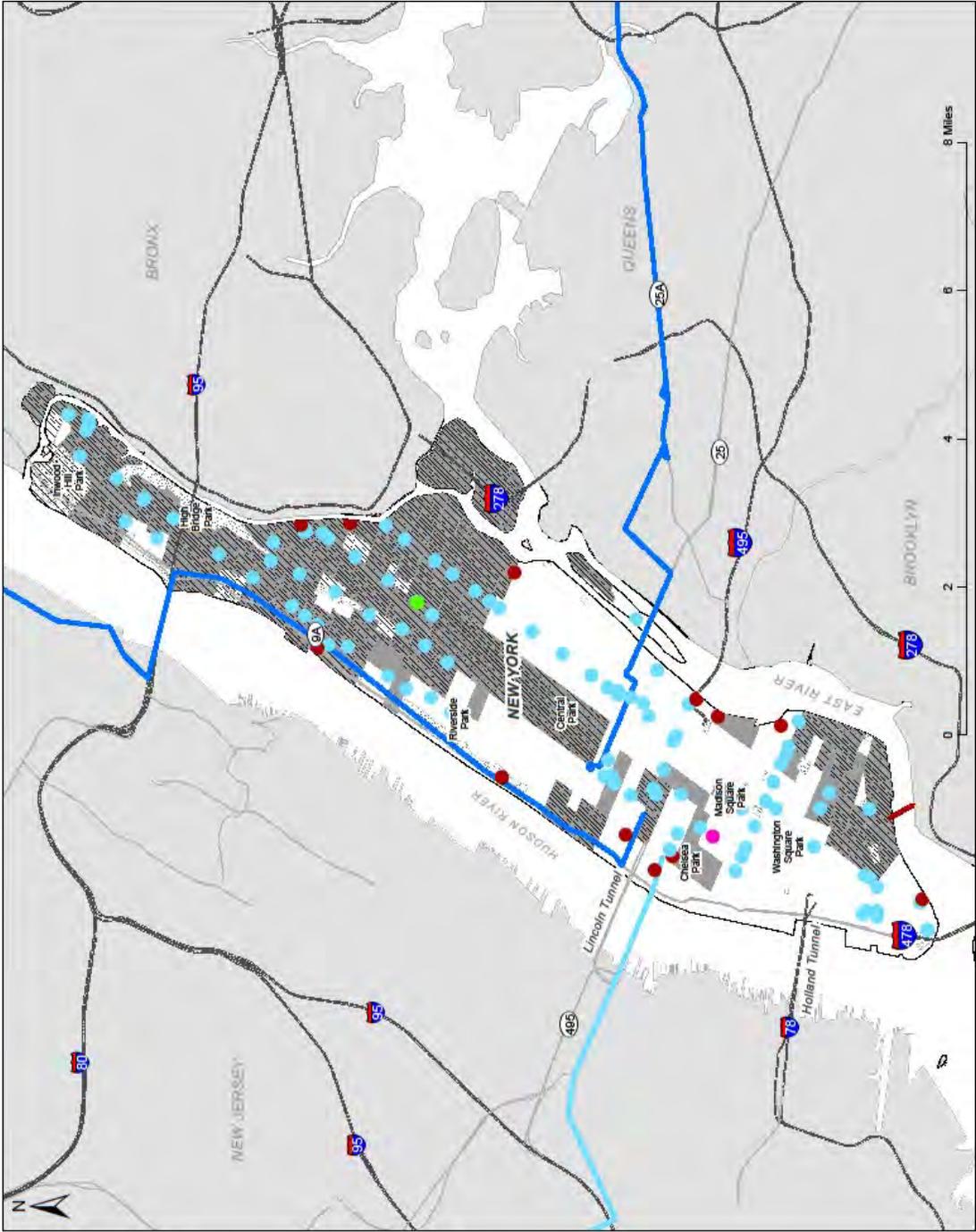
**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

*\* Low Income and Minority Community boundaries are delineated by Census tracts.*

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**TIP Projects**  
New York County

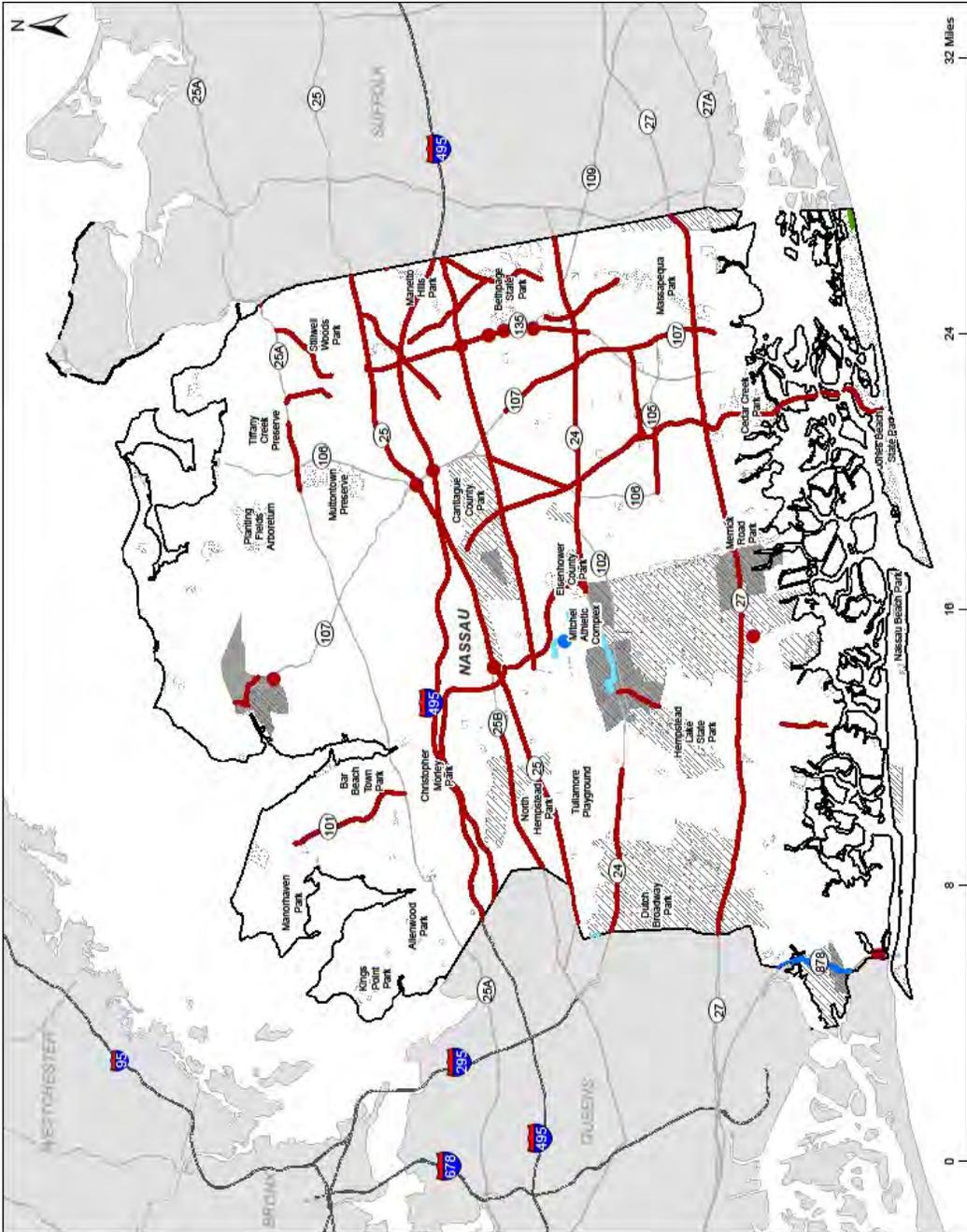
**LEGEND**

-  Minority Community
-  Low Income Community
-  Minority & Low Income Overlap Area
-  Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

-  BIKE
-  BUS
-  FERRY
-  HIGHWAY
-  HISTORIC
-  ITS
-  PARKING
-  PED
-  RAIL
-  STUDY
-  TRANSIT
-  TRUCK



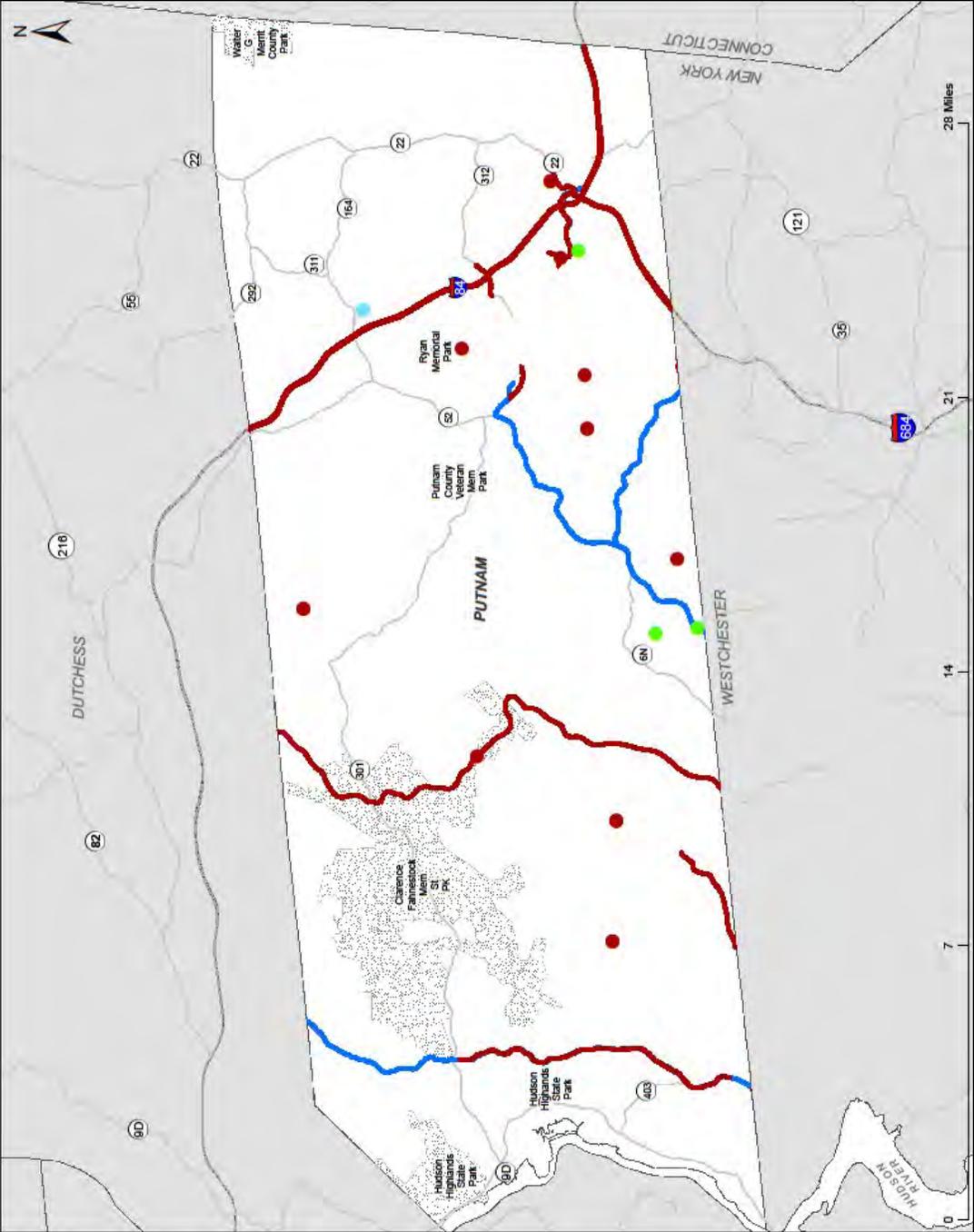
**TIP Projects  
Nassau County**

- LEGEND**
- Minority Community
  - Low Income Community
  - Minority & Low Income Overlap Area
  - Park Areas

\*Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



# TIP Projects Putnam County

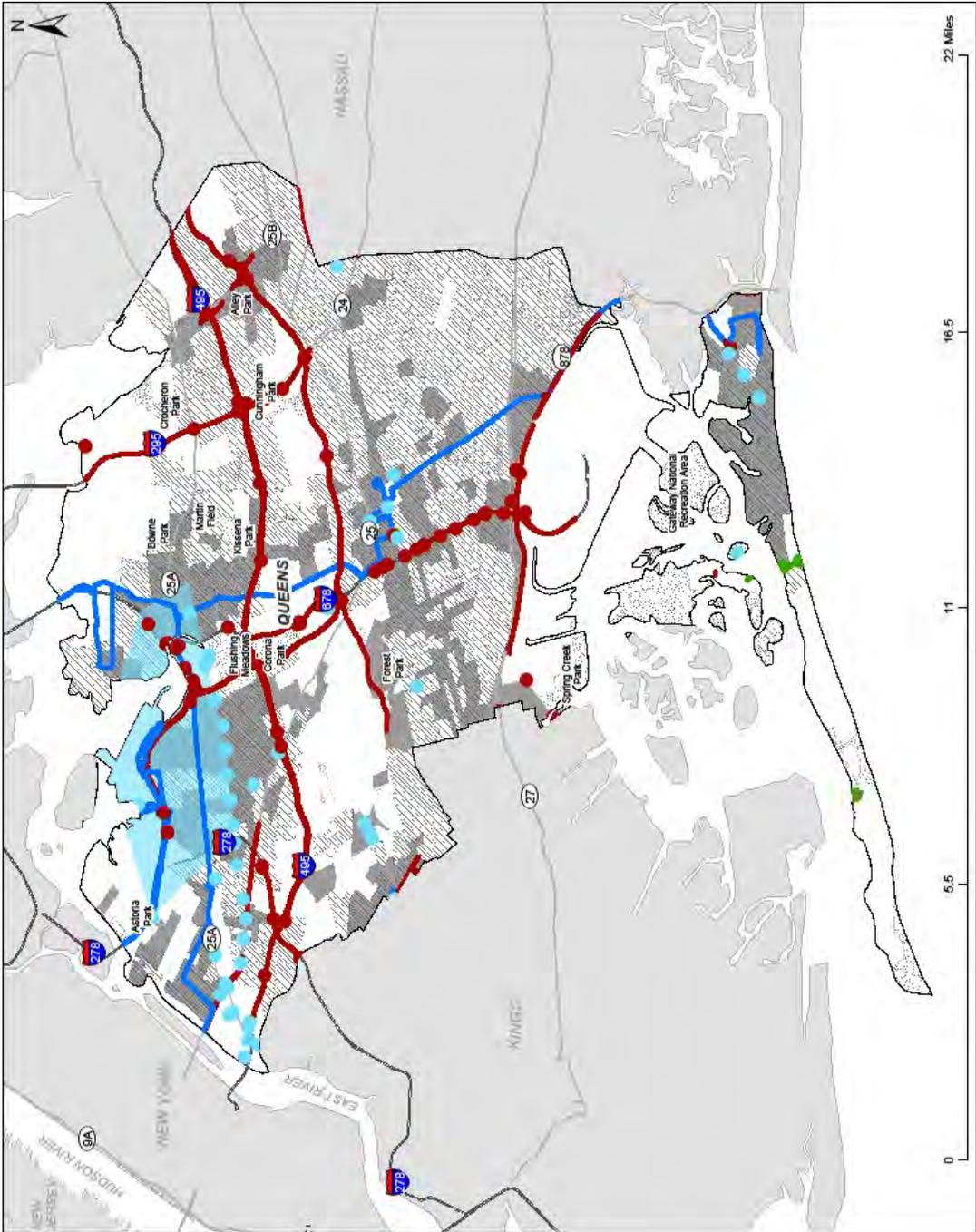
## LEGEND

- Minority Community
- Low Income Community
- Minority & Low Income  
Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

## Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**TIP Projects**  
Queens County

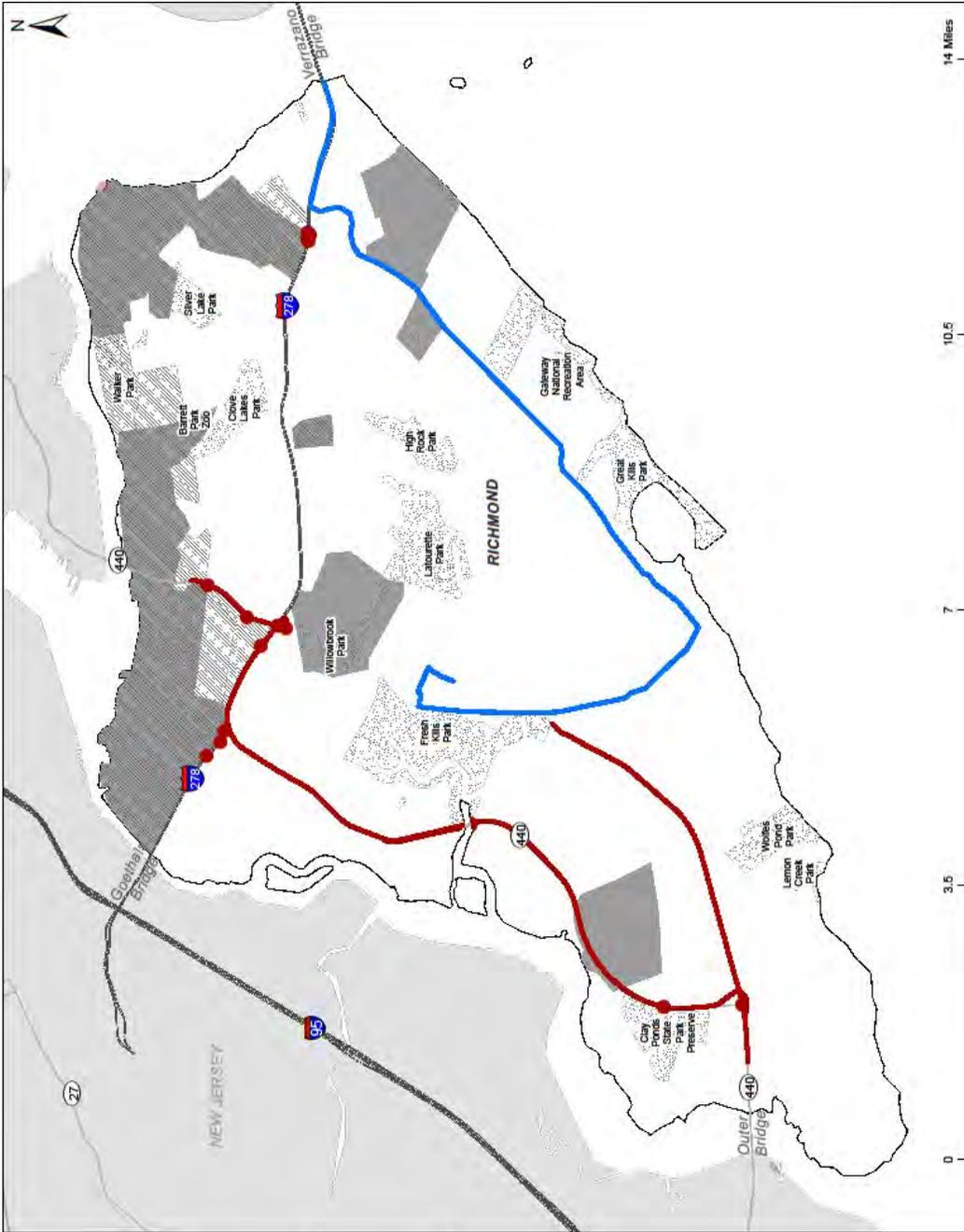
**LEGEND**

-  Minority Community
-  Low Income Community
-  Minority & Low Income Overlap Area
-  Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

-  BIKE
-  BUS
-  FERRY
-  HIGHWAY
-  HISTORIC
-  ITS
-  PARKING
-  PED
-  RAIL
-  STUDY
-  TRANSIT
-  TRUCK



### TIP Projects Richmond County

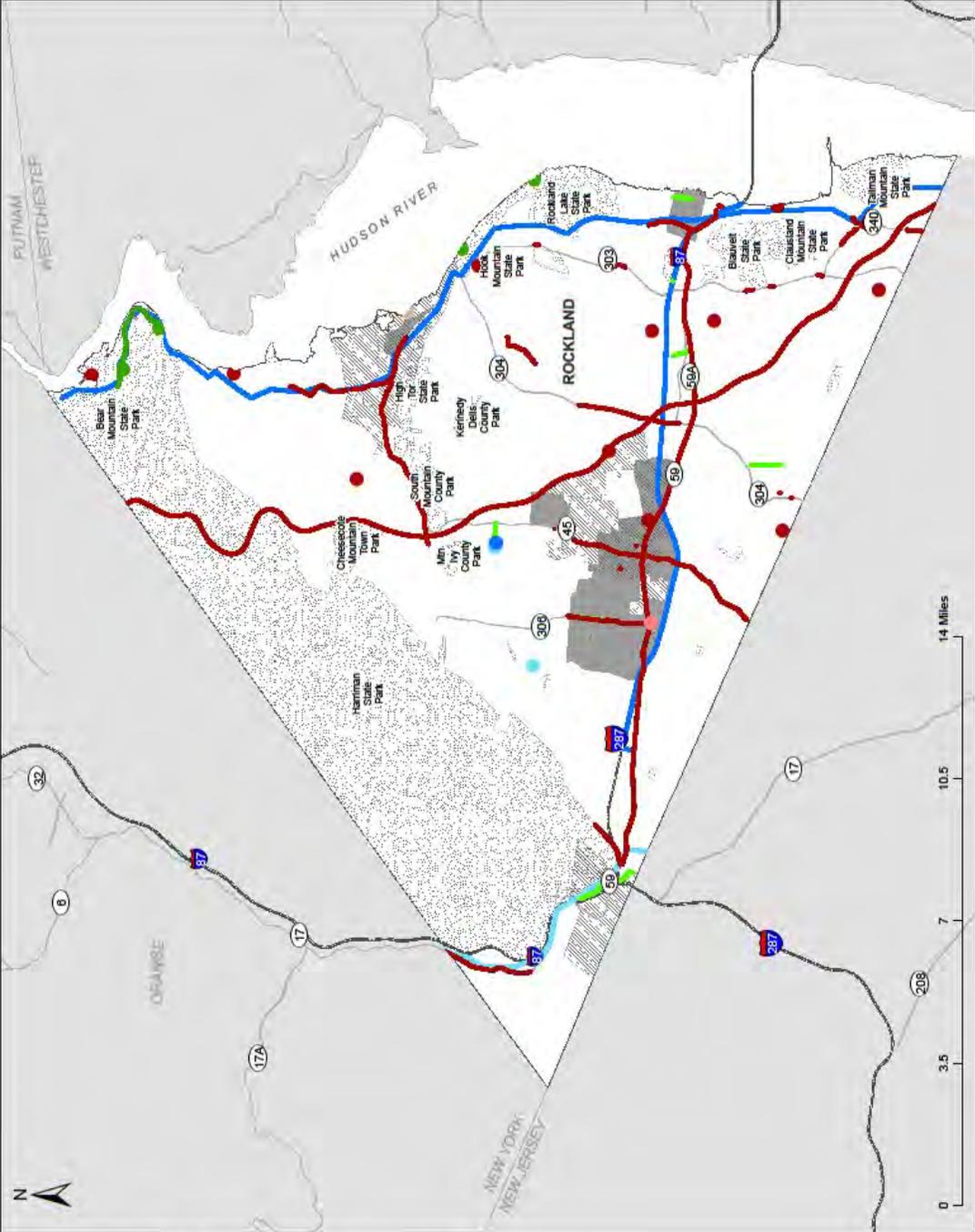
#### LEGEND

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

#### Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**TIP Projects  
Rockland County**

**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



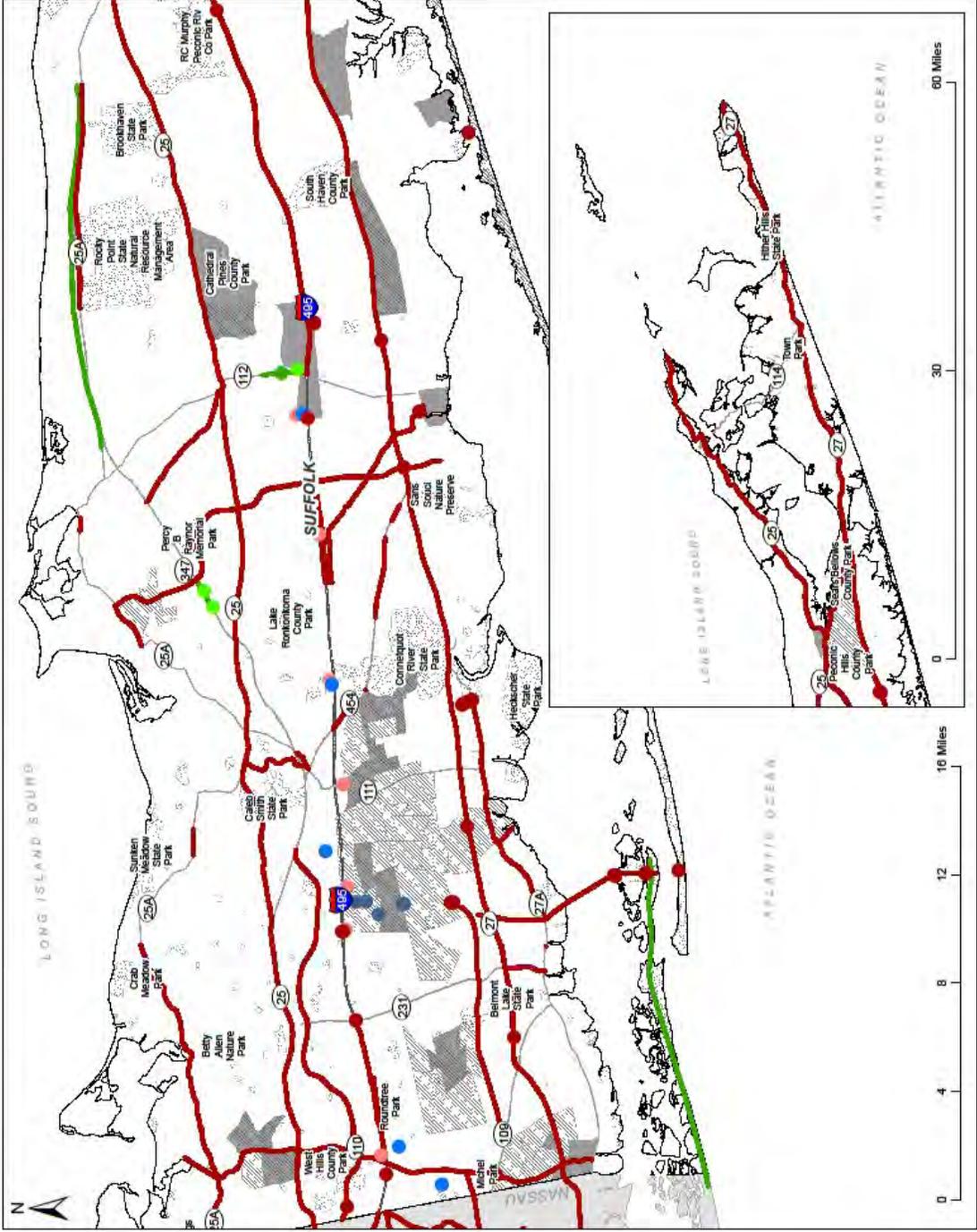
# TIP Projects Suffolk County

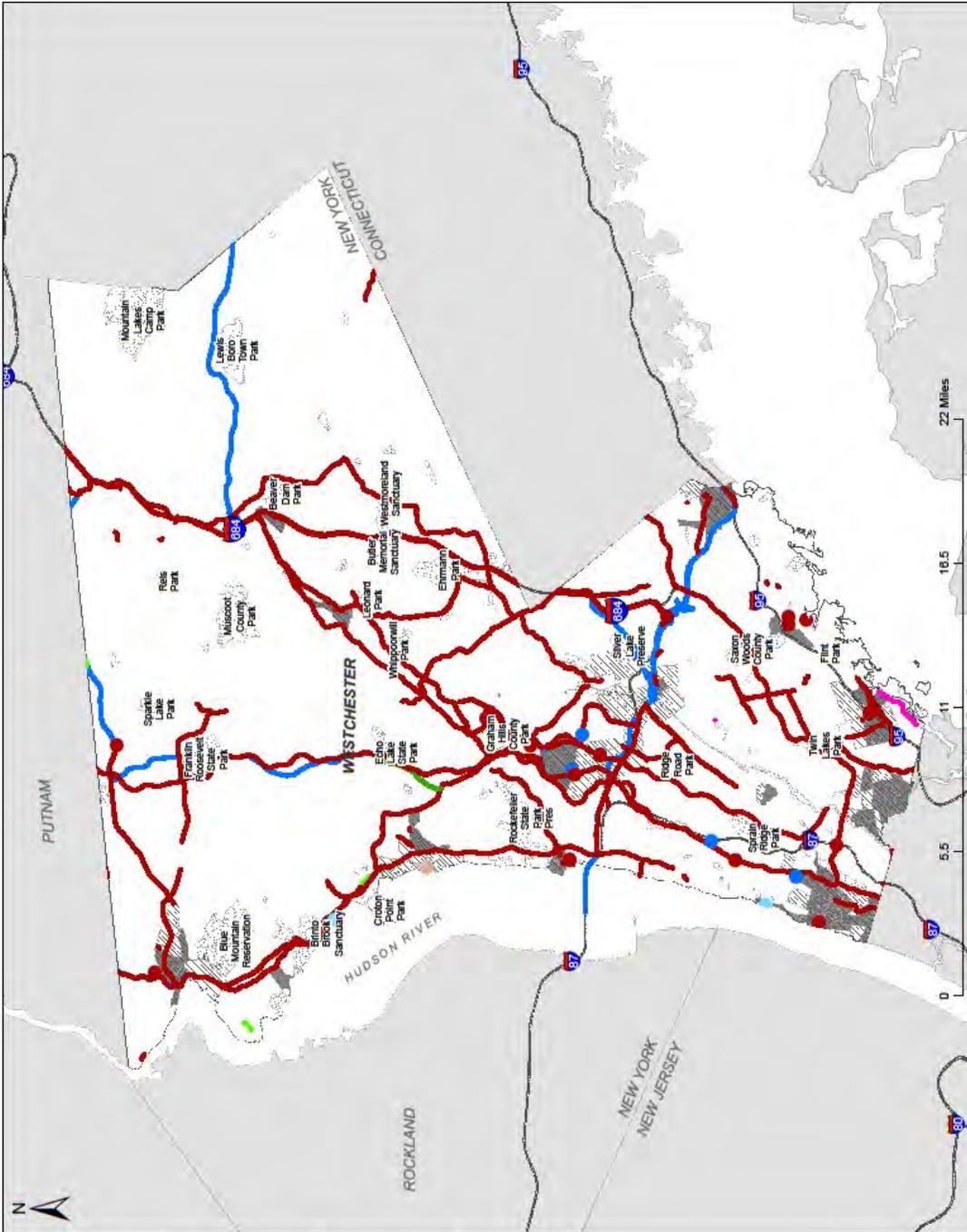
- LEGEND**
-  Minority Community
  -  Low Income Community
  -  Minority & Low Income Overlap Area
  -  Park Areas

*\*Low Income and Minority Community boundaries are delineated by Census Tracts*

**Project Category**

-  BIKE
-  BUS
-  FERRY
-  HIGHWAY
-  HISTORIC
-  ITS
-  PARKING
-  PED
-  RAIL
-  STUDY
-  TRANSIT
-  TRUCK





# TIP Projects Westchester County

## LEGEND

-  Minority Community
-  Low Income Community
-  Minority & Low Income  
Overlap Area
-  Park Areas

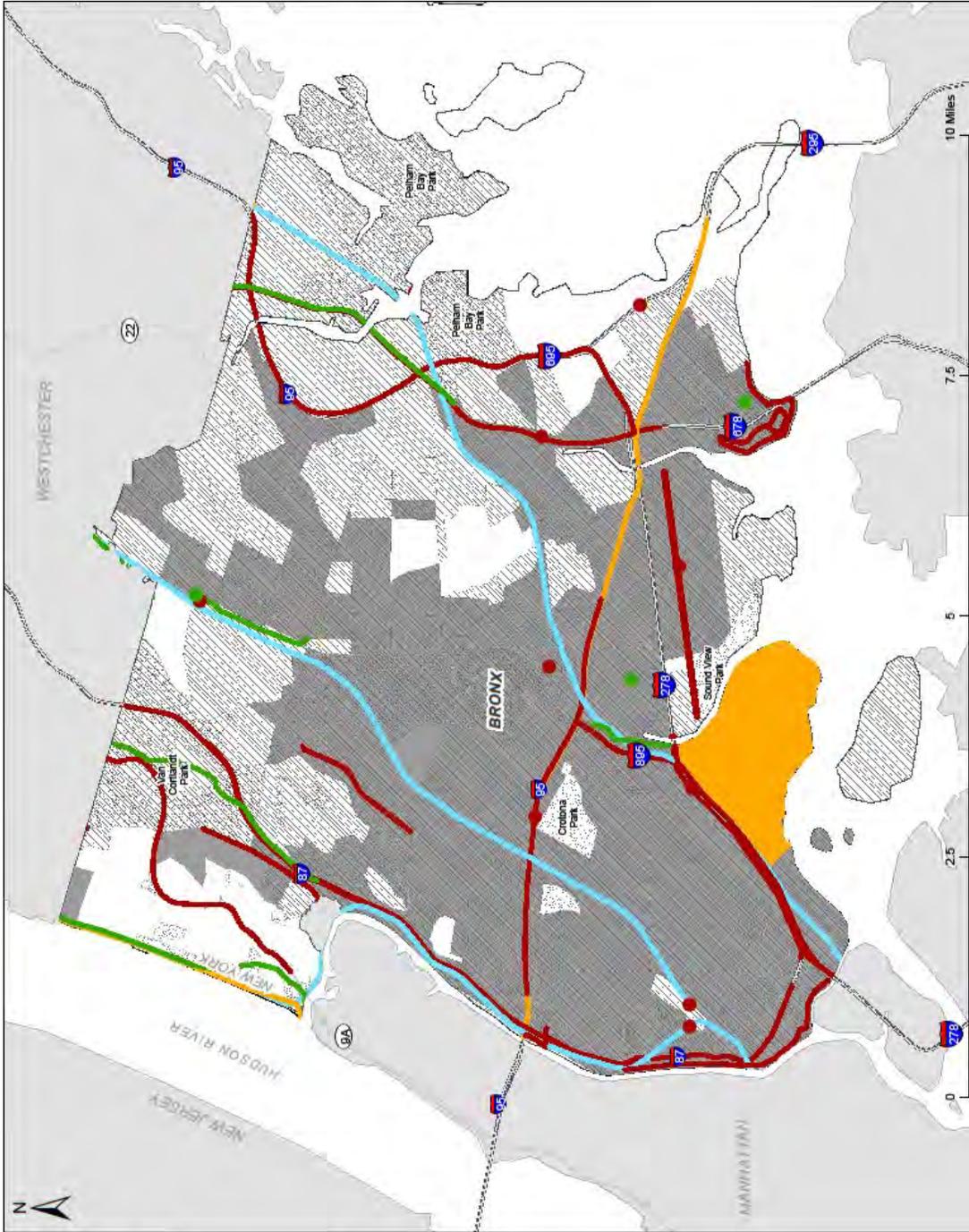
\* Low Income and Minority Community boundaries are delineated by Census tracts.

## Project Category

-  BIKE
-  BUS
-  FERRY
-  HIGHWAY
-  HISTORIC
-  ITS
-  PARKING
-  PED
-  RAIL
-  STUDY
-  TRANSIT
-  TRUCK



PROJECTS, PROGRAMS AND STUDIES FROM THE  
FEDERAL FISCAL YEARS 2018-2045 REGIONAL  
TRANSPORTATION PLAN (*PLAN 2045*)



**PLAN 2045 Projects  
Bronx County**

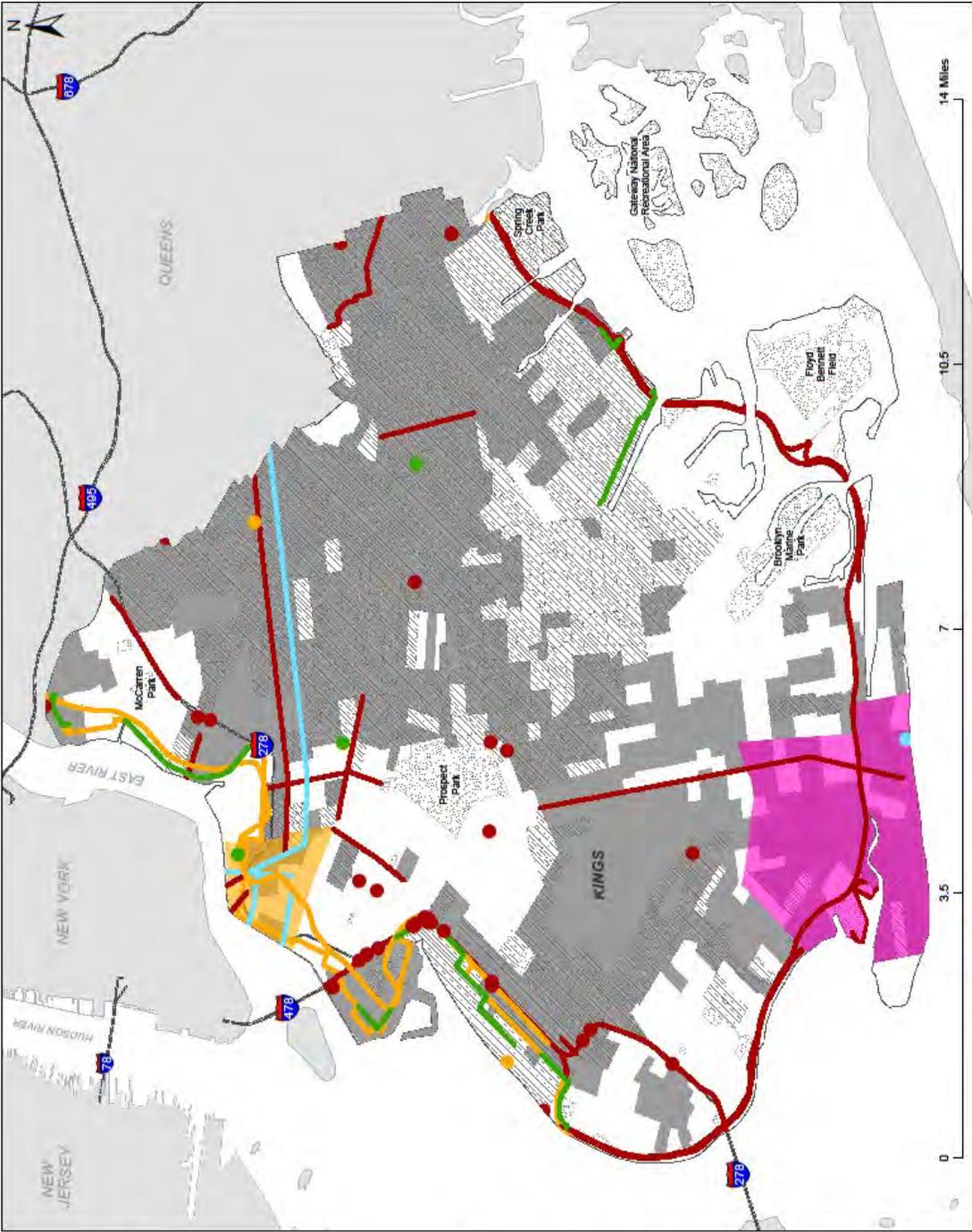
**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**PLAN 2045 Projects  
Kings County**

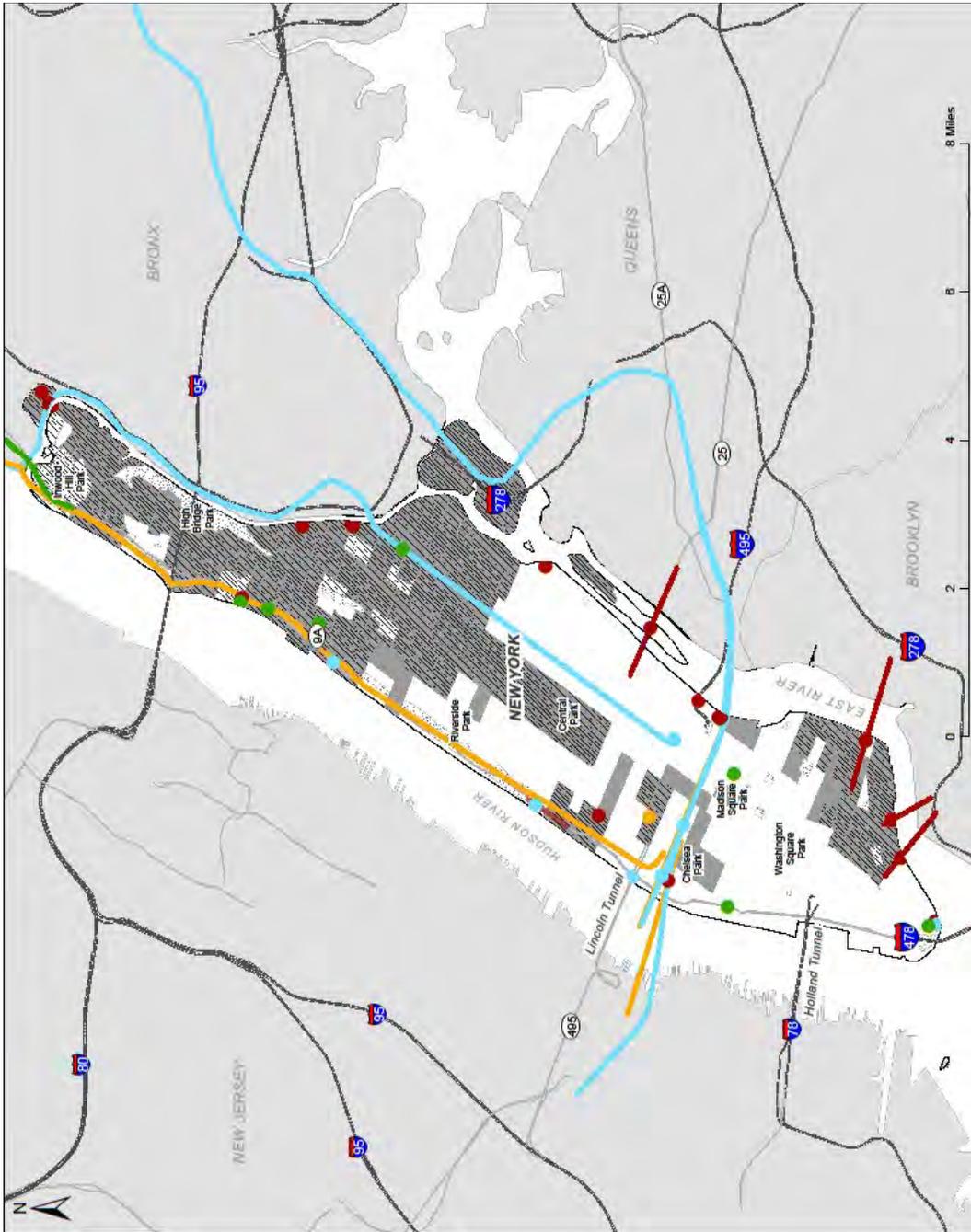
**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

*\* Low Income and Minority Community boundaries are delineated by Census tracts.*

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**PLAN 2045 Projects  
New York County**

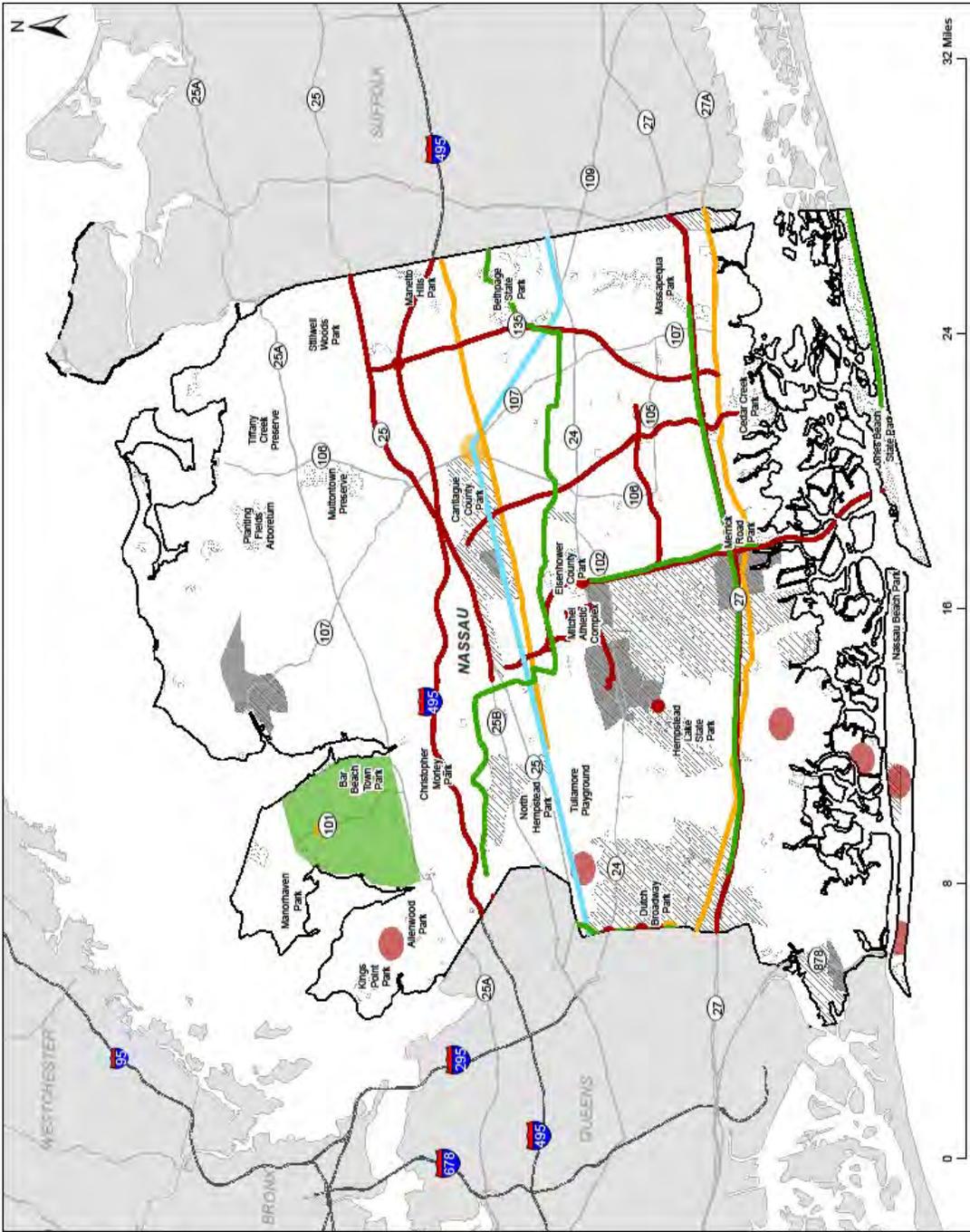
**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**PLAN 2045 Projects  
Nassau County**

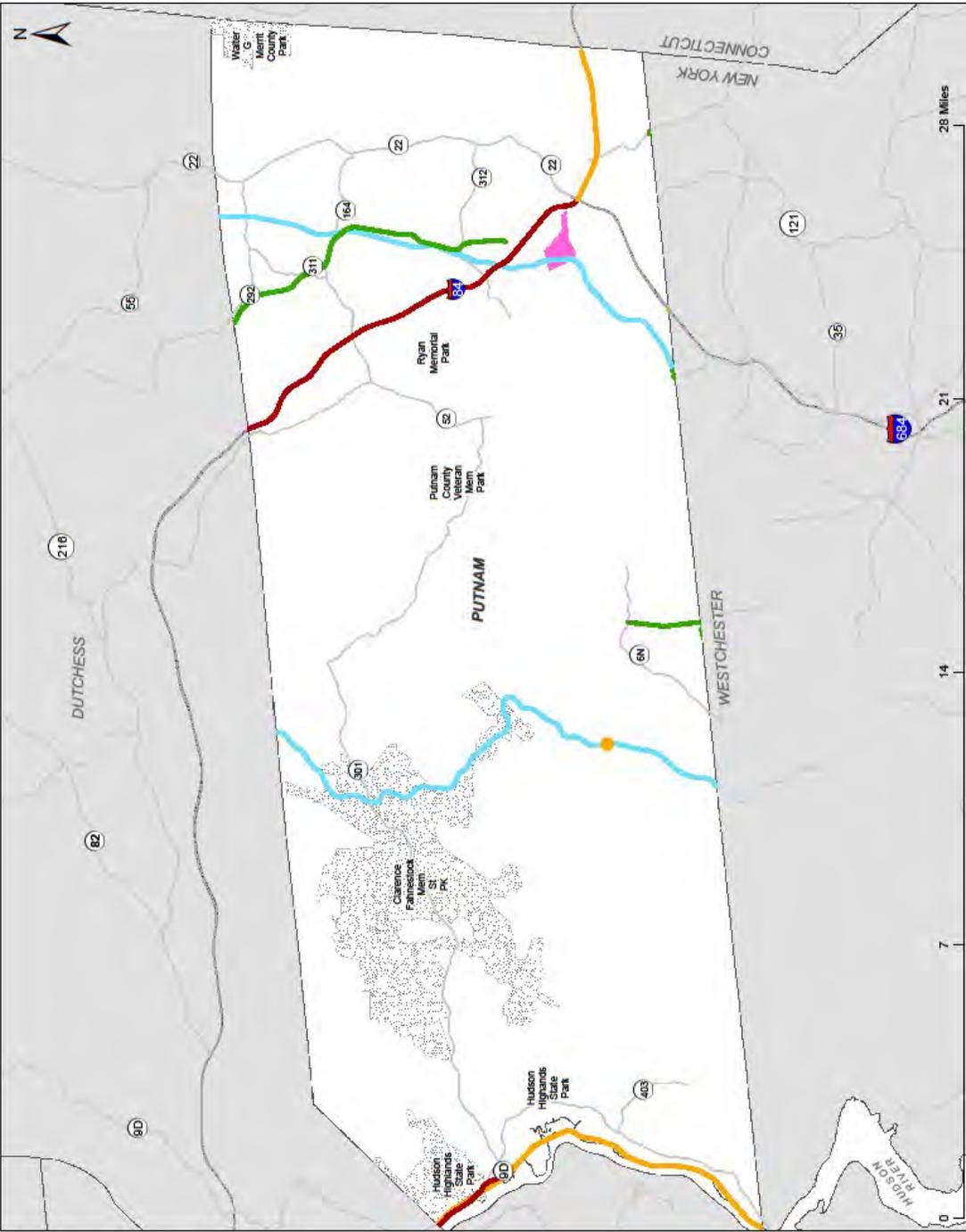
**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

*\* Low Income and Minority Community boundaries are delineated by Census tracts.*

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



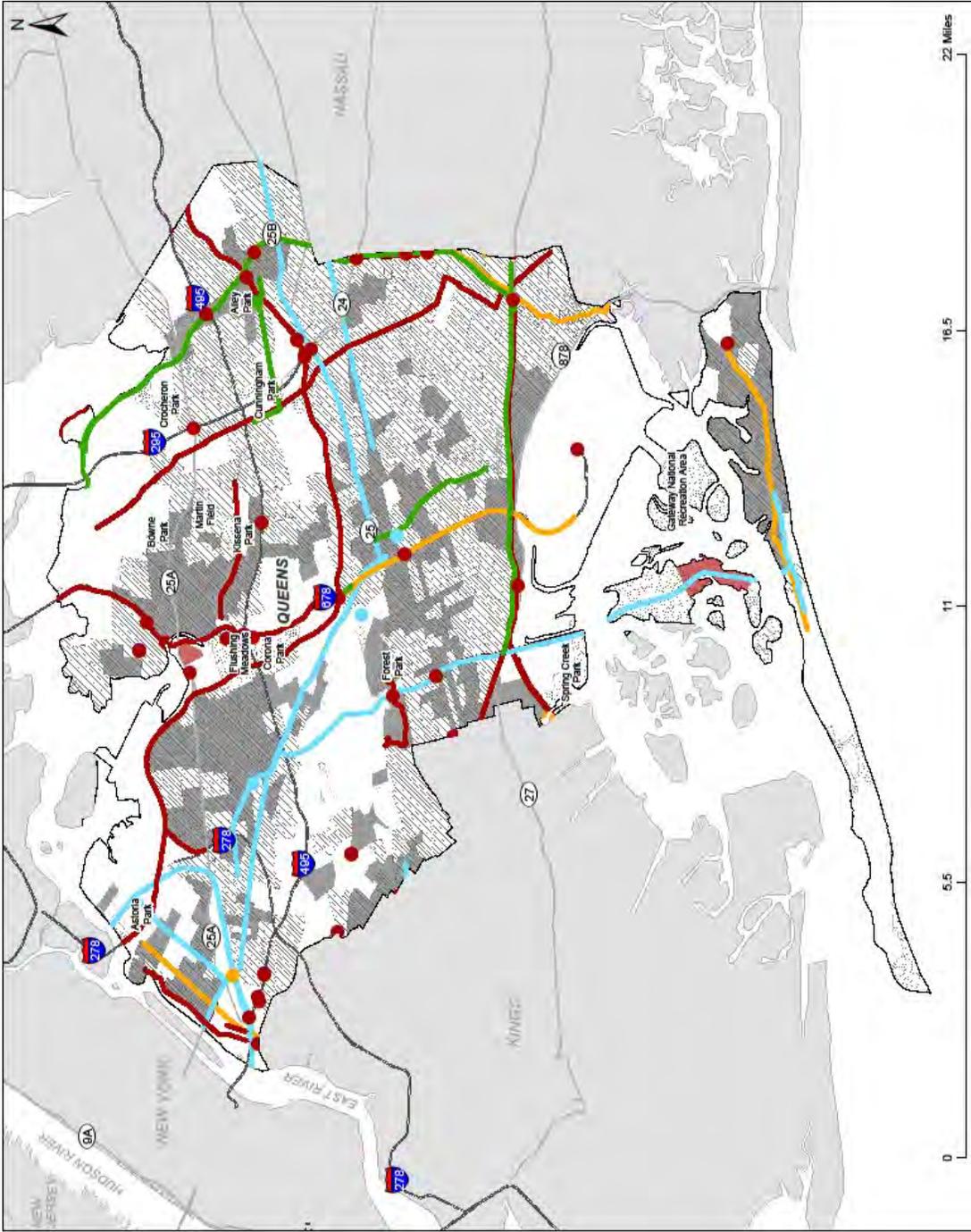
**PLAN 2045 Projects  
Putnam County**

- LEGEND**
- Minority Community
  - Low Income Community
  - Minority & Low Income Overlap Area
  - Park Areas

*\* Low Income and Minority Community boundaries are delineated by Census tracts.*

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**PLAN 2045 Projects**  
Queens County

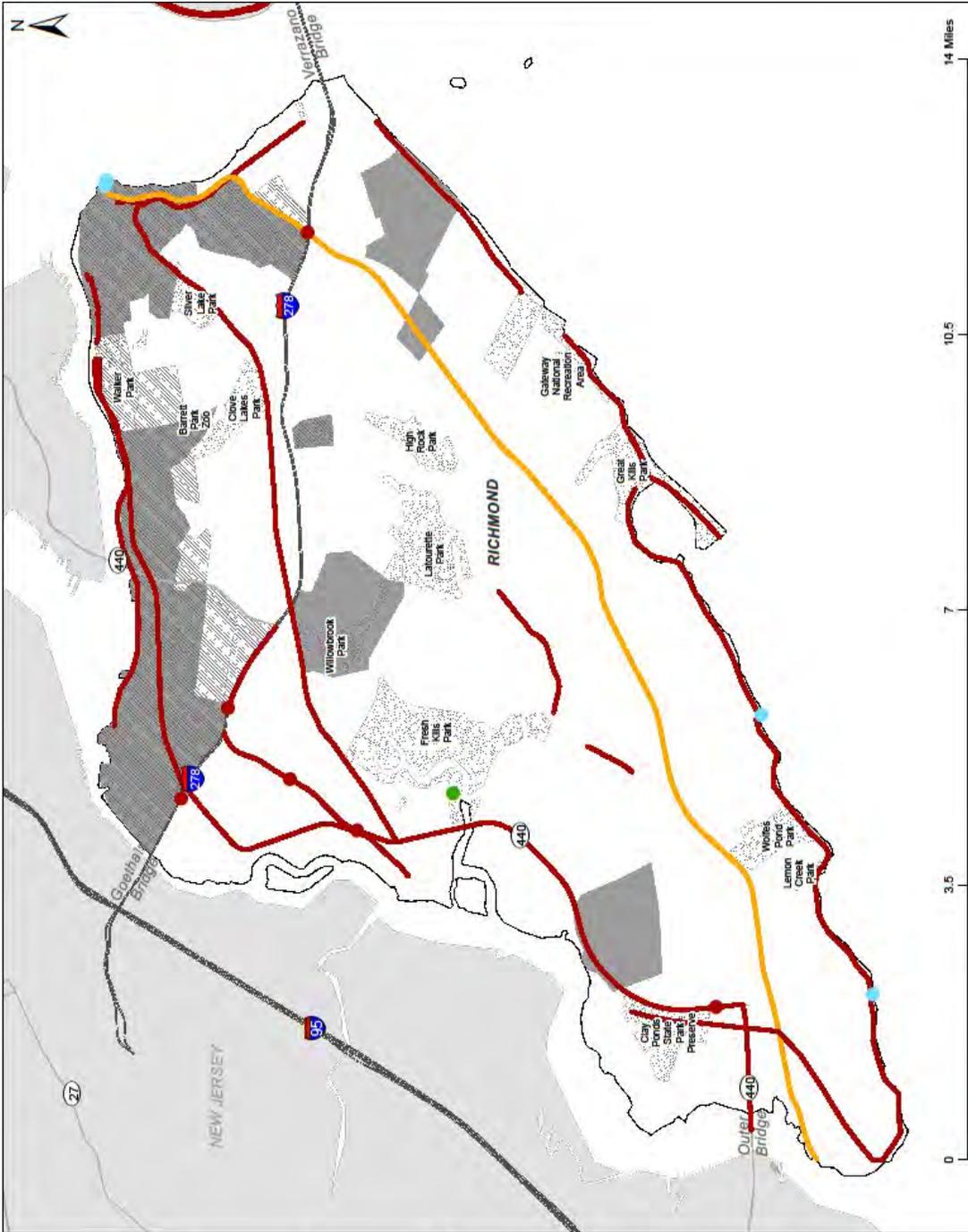
**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



# PLAN 2045 Projects Richmond County

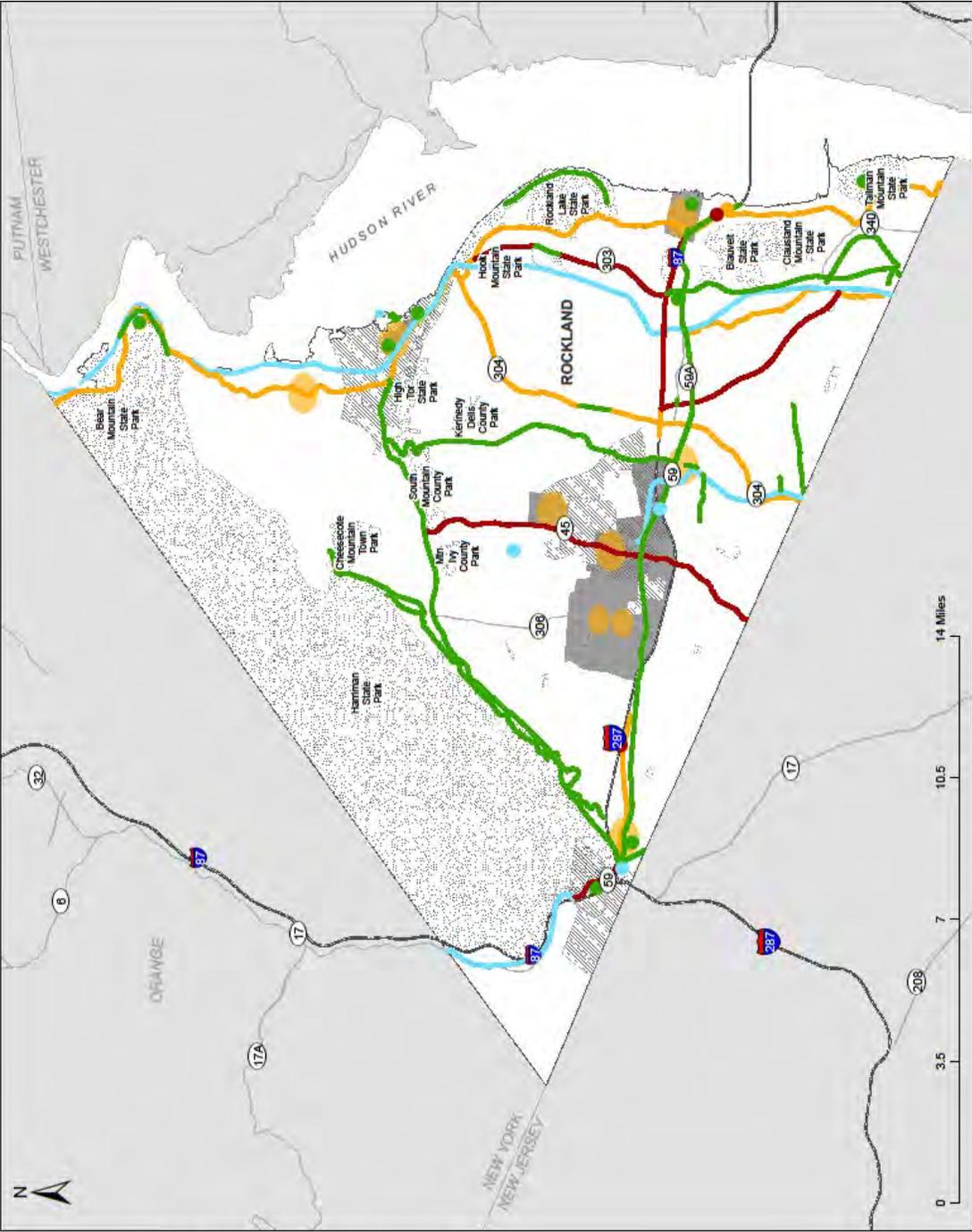
## LEGEND

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

## Project Category

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



**PLAN 2045 Projects  
Rockland County**

**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK

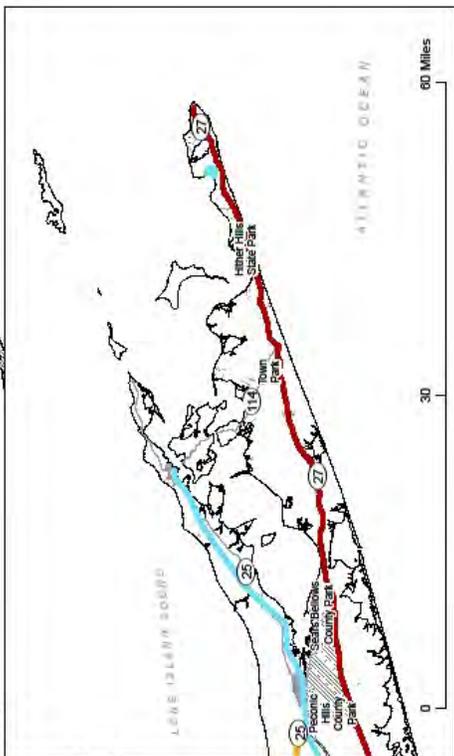
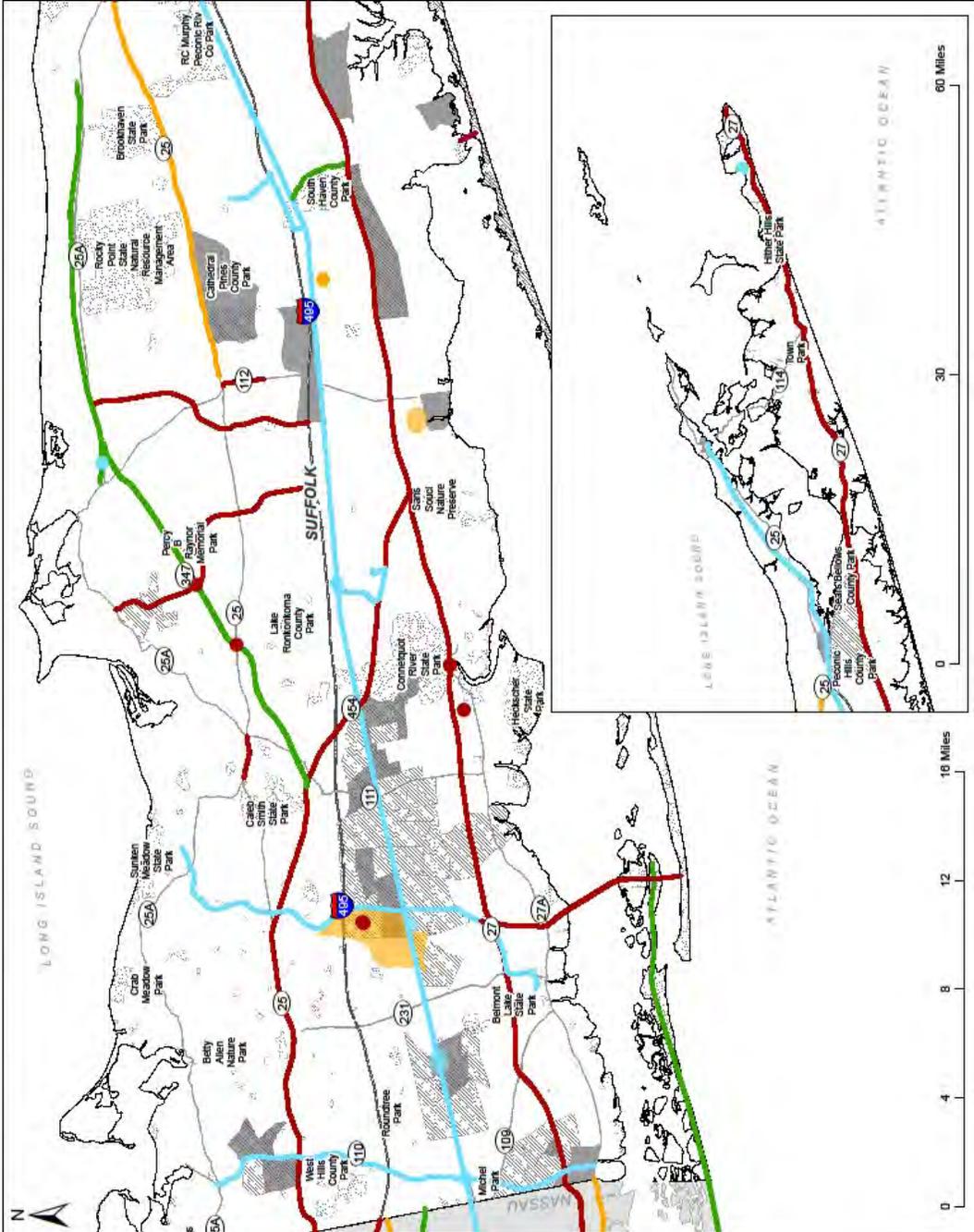
**PLAN 2045 Projects**  
Suffolk County

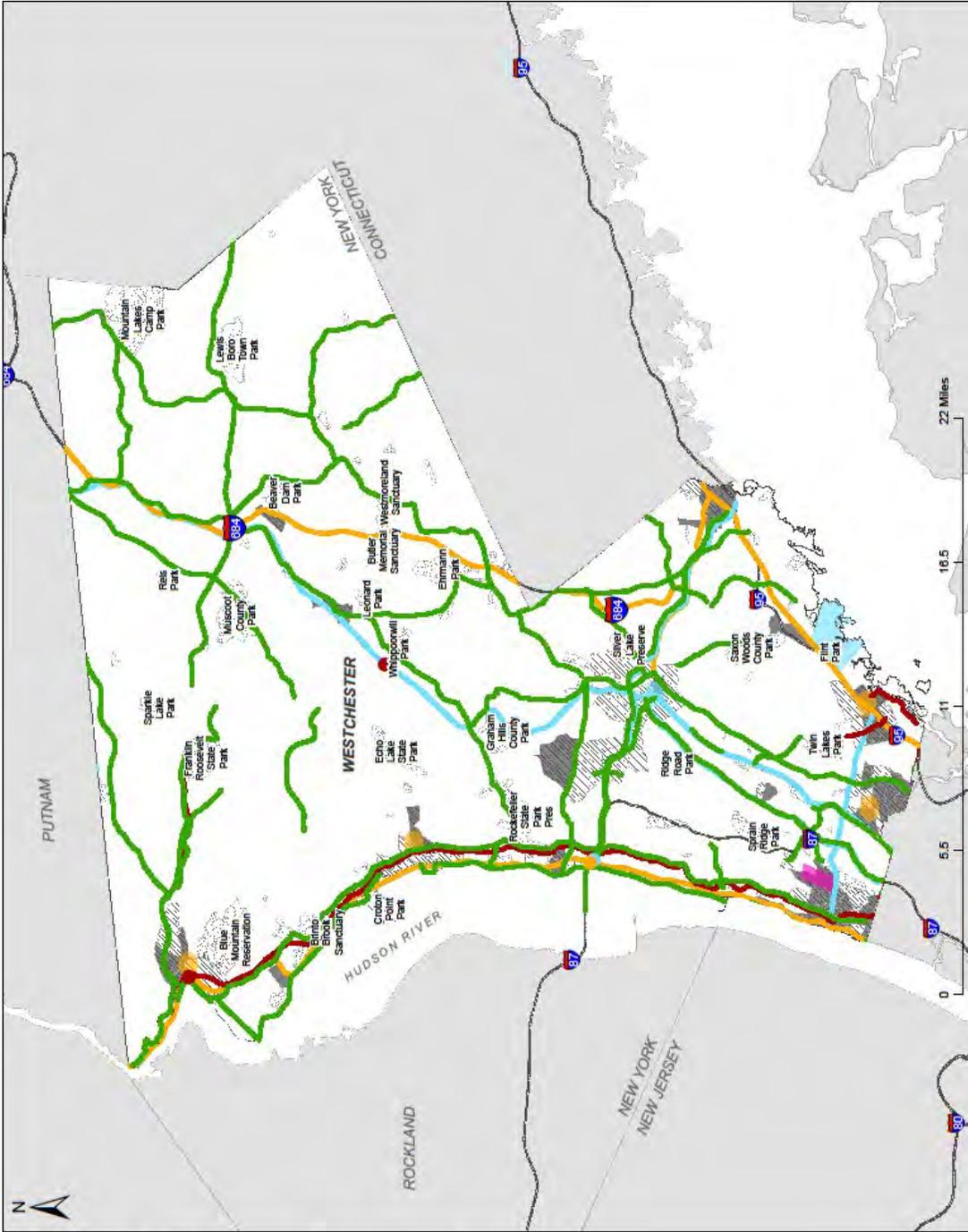
- LEGEND**
- Minority Community
  - Low Income Community
  - Minority & Low Income Overlap Area
  - Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK





**PLAN 2045 Projects  
Westchester County**

**LEGEND**

- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

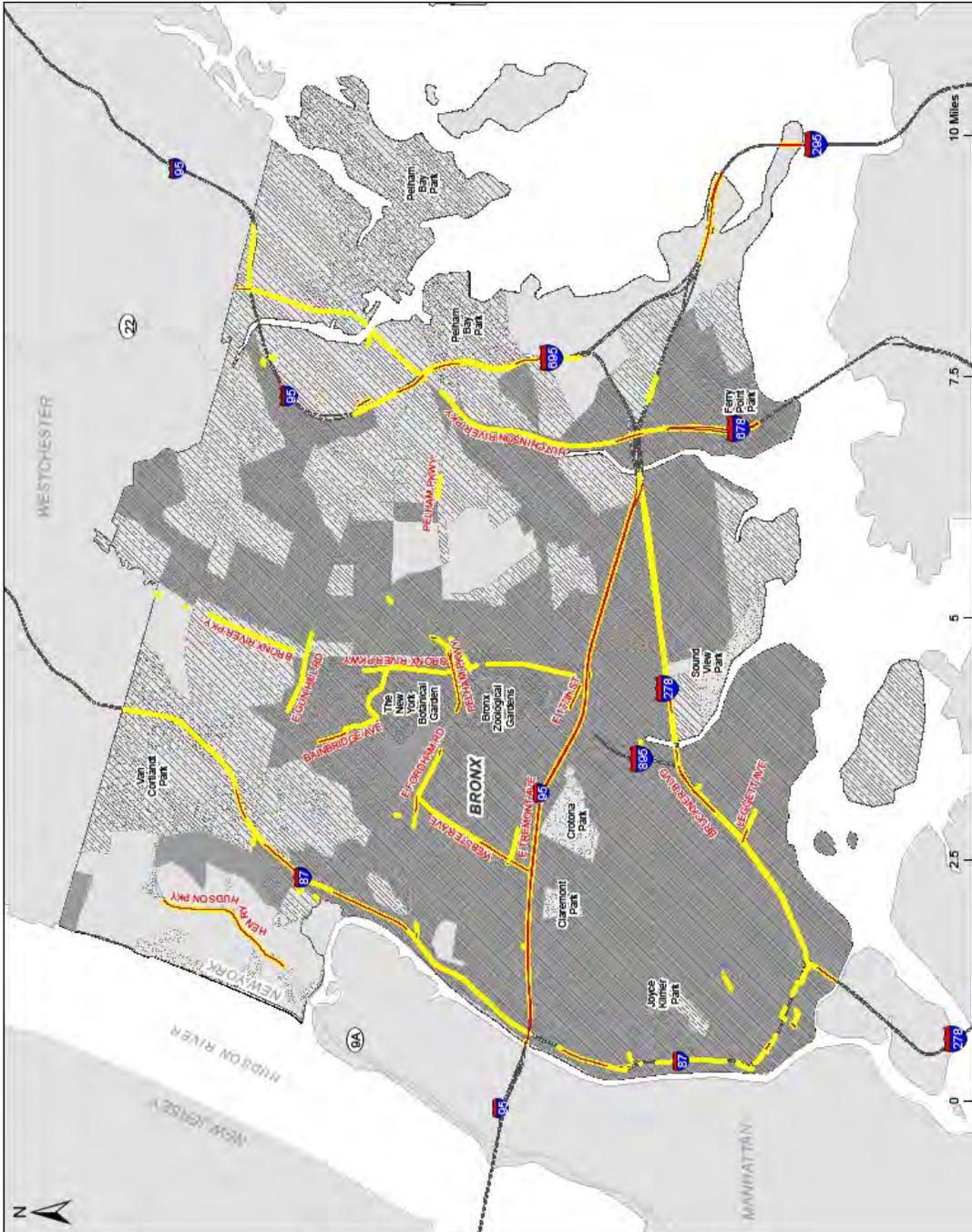
\* Low Income and Minority Community boundaries are delineated by Census tracts.

**Project Category**

- BIKE
- BUS
- FERRY
- HIGHWAY
- HISTORIC
- ITS
- PARKING
- PED
- RAIL
- STUDY
- TRANSIT
- TRUCK



CONGESTED CORRIDORS FROM THE 2017  
CONGESTION MANAGEMENT PROCESS STATUS  
REPORT



**Bronx AM Peak Period Congested Links**



**LEGEND**

-  Minority Community
-  Low Income Community
-  Minority & Low Income Overlap Area
-  Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**4 Hour AM Peak Period between 6 - 10 AM**

-  Extremely Congested Highway Links (DC > 1)
-  Congested Highway Links (DC = 0.8 - 1)

\* DC: Demand to Capacity Ratio

# Kings AM Peak Period Congested Links

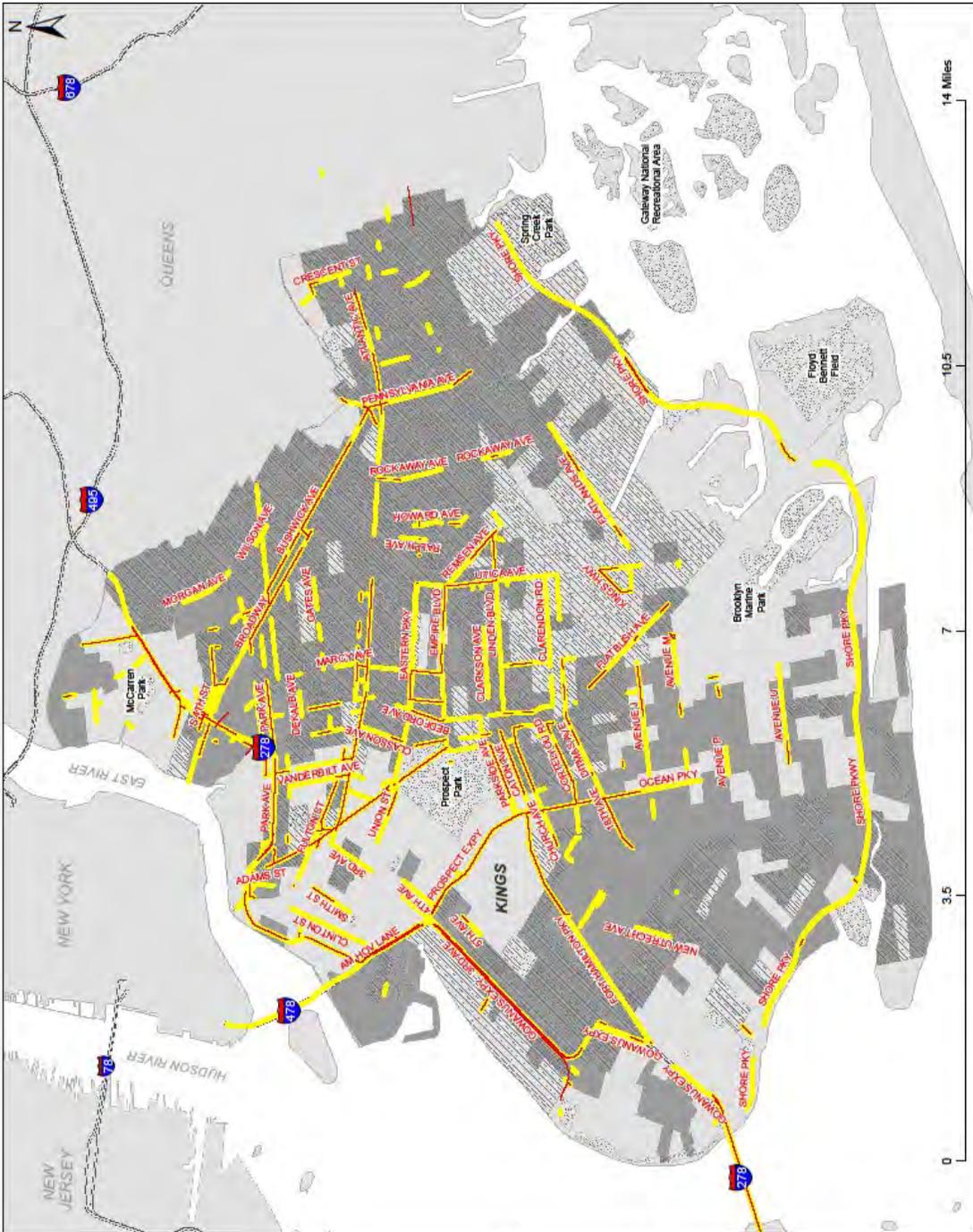


- LEGEND**
- Minority Community
  - Low Income Community
  - Minority & Low Income Overlap Area
  - Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

- 4 Hour AM Peak Period between 6 - 10 AM**
- Extremely Congested Highway Links (DC > 1)
  - Congested Highway Links (DC = 0.8 - 1)

\* DC : Demand to Capacity Ratio



**Nassau AM Peak Period Congested Links**



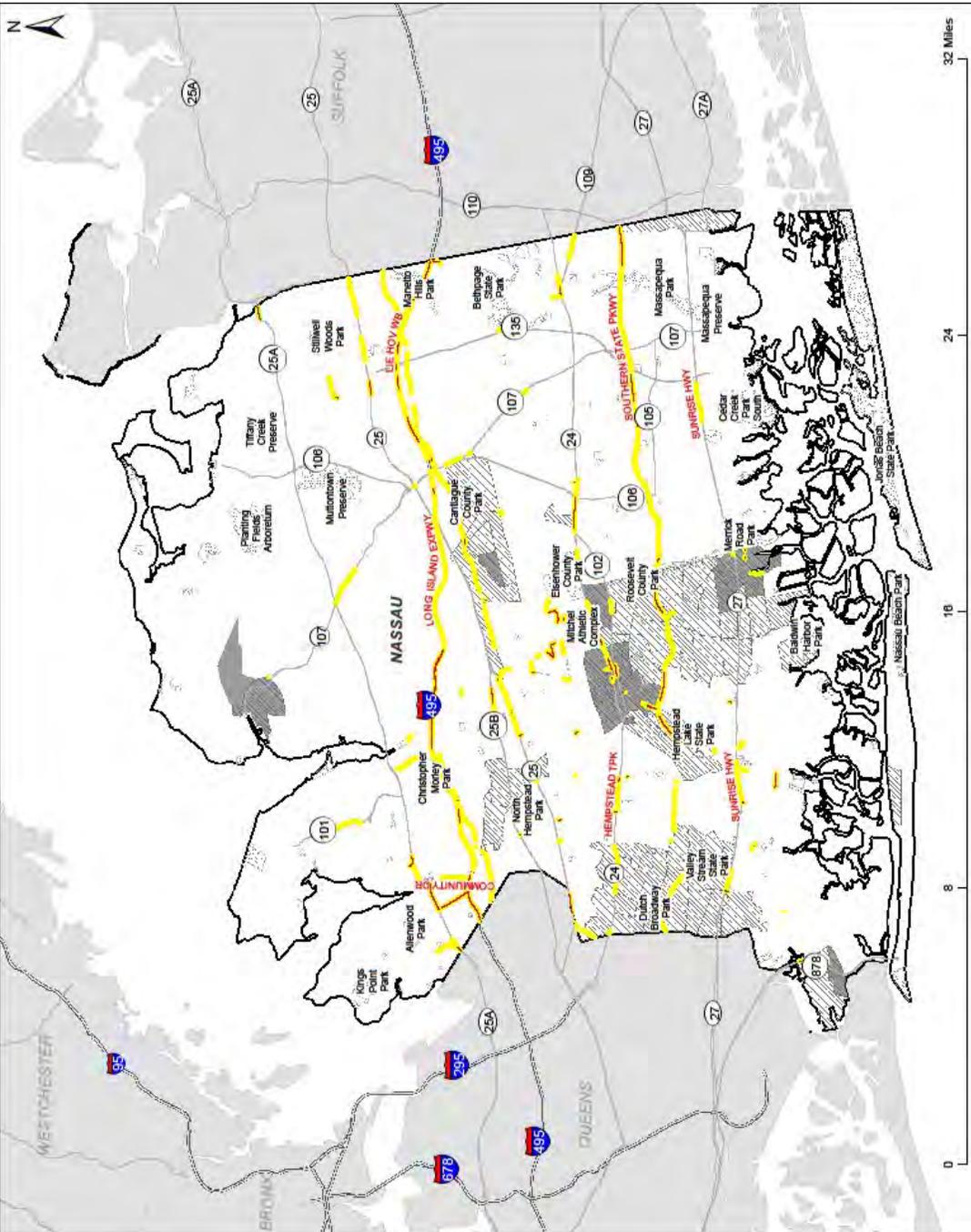
**LEGEND**

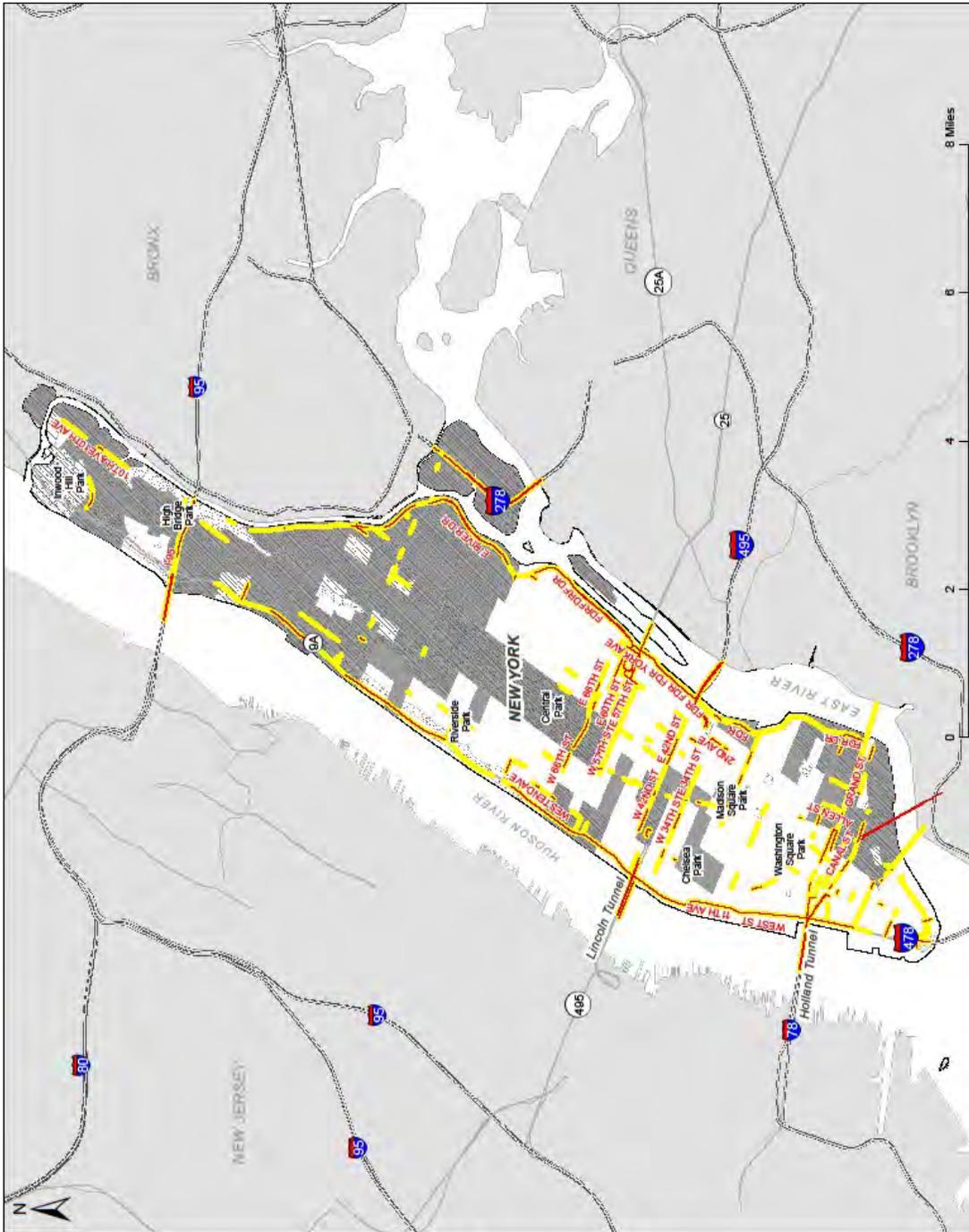
- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

- 4 Hour AM Peak Period between 6 - 10 AM**
- Extremely Congested Highway Links (DC > 1)
- Congested Highway Links (DC = 0.8 - 1)

\* DC: Demand to Capacity Ratio





**New York AM Peak Period Congested Links**



**LEGEND**

-  Minority Community
-  Low Income Community
-  Minority & Low Income Overlap Area
-  Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

- 4 Hour AM Peak Period between 6 - 10 AM**
-  Extremely Congested Highway Links (DC > 1)
-  Congested Highway Links (DC = 0.8 - 1)

\* DC : Demand to Capacity Ratio



# Putnam AM Peak Period Congested Links

## LEGEND

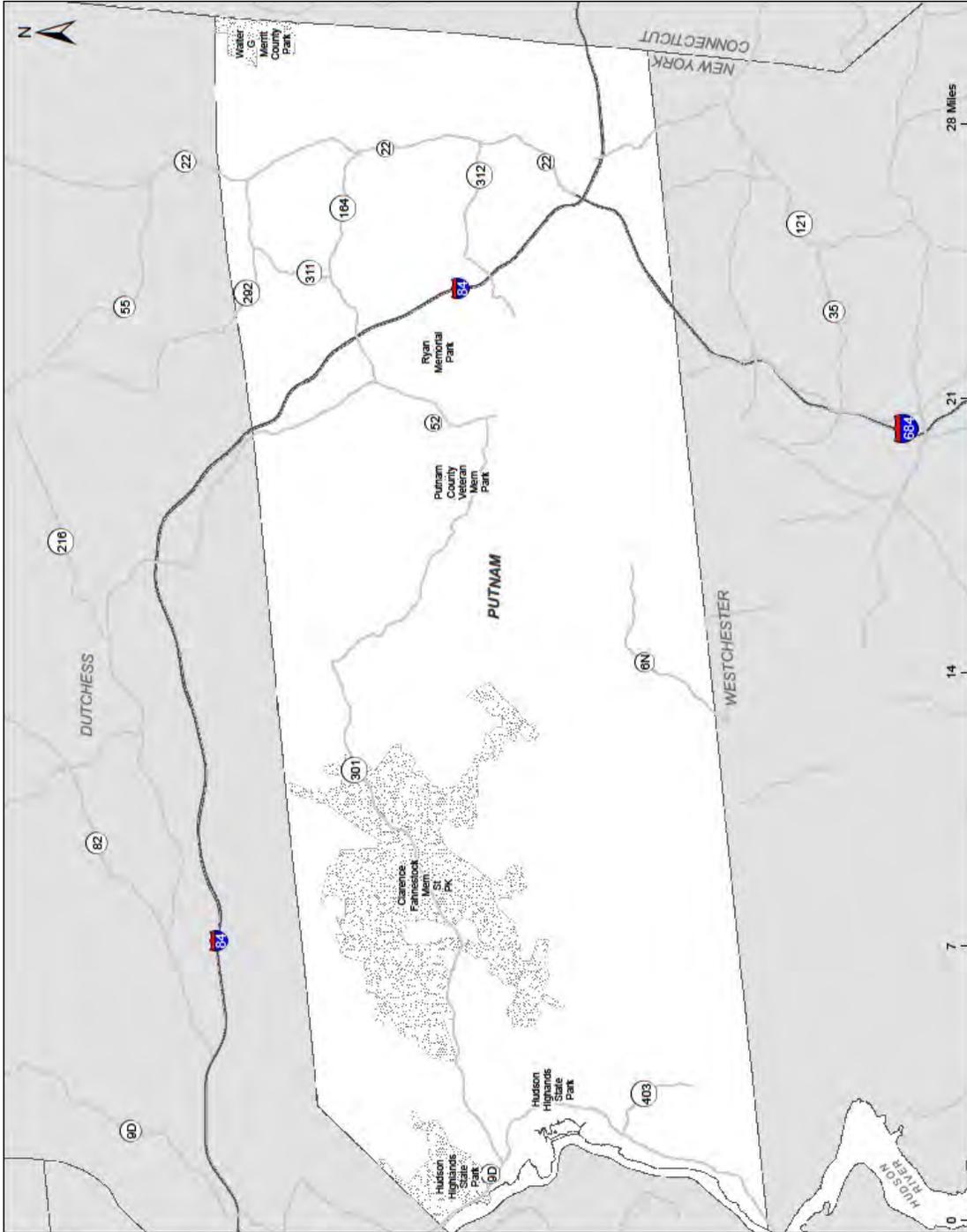
-  Minority Community
-  Low Income Community
-  Minority & Low Income Overlap Area
-  Park Areas

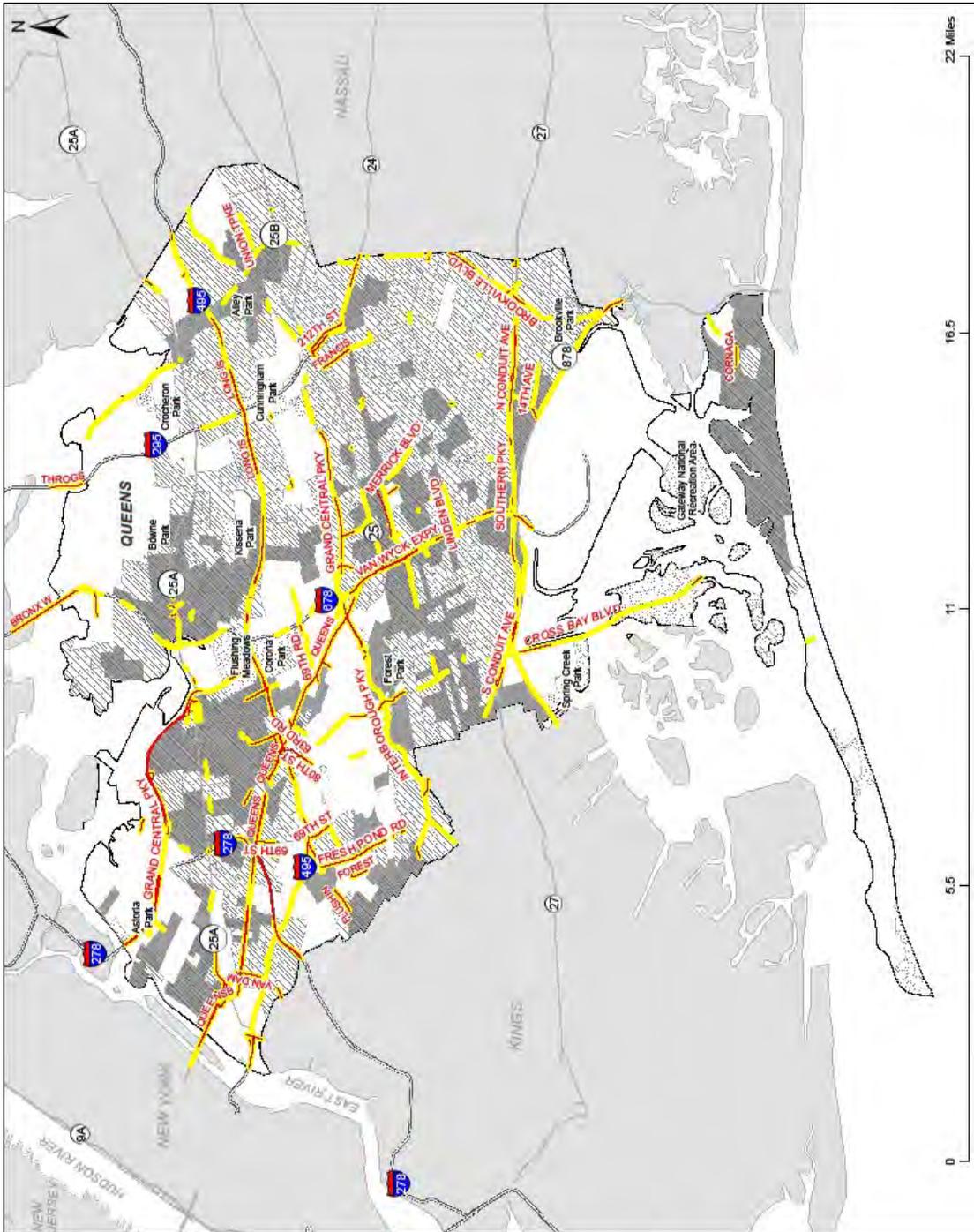
\* Low Income and Minority Community boundaries are delineated by Census tracts.

## 4 Hour AM Peak Period between 6 - 10 AM

-  Extremely Congested Highway Links (DC > 1)
-  Congested Highway Links (DC = 0.8 - 1)

\* DC : Demand to Capacity Ratio





**Queens AM Peak Period Congested Links**



- LEGEND**
- Minority Community
  - Low Income Community
  - Minority & Low Income Overlap Area
  - Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

- 4 Hour AM Peak Period between 6 - 10 AM**
- Extremely Congested Highway Links (DC > 1)
  - Congested Highway Links (DC = 0.8 - 1)
- \* DC: Demand to Capacity Ratio

**Richmond AM Peak Period Congested Links**



**LEGEND**

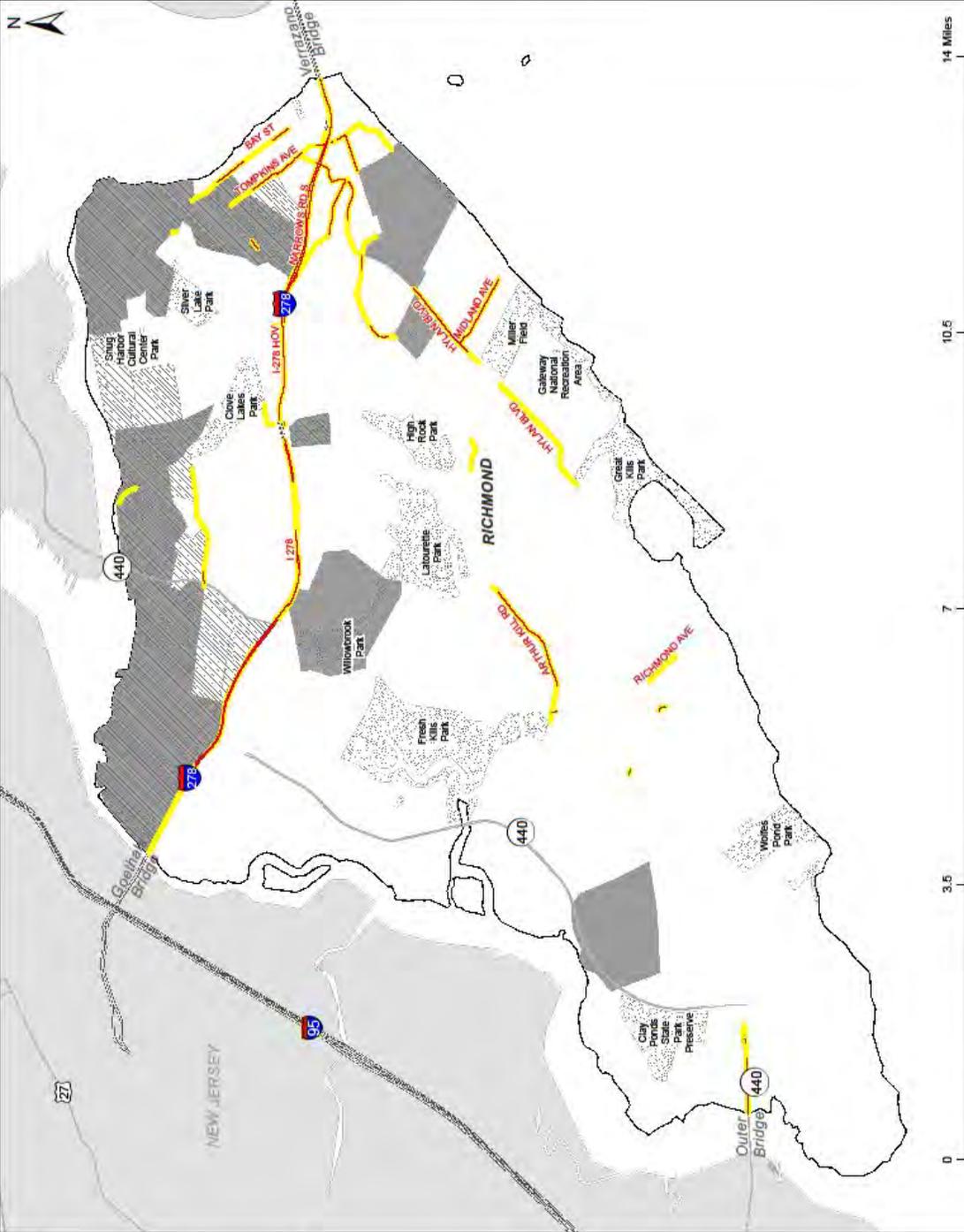
- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

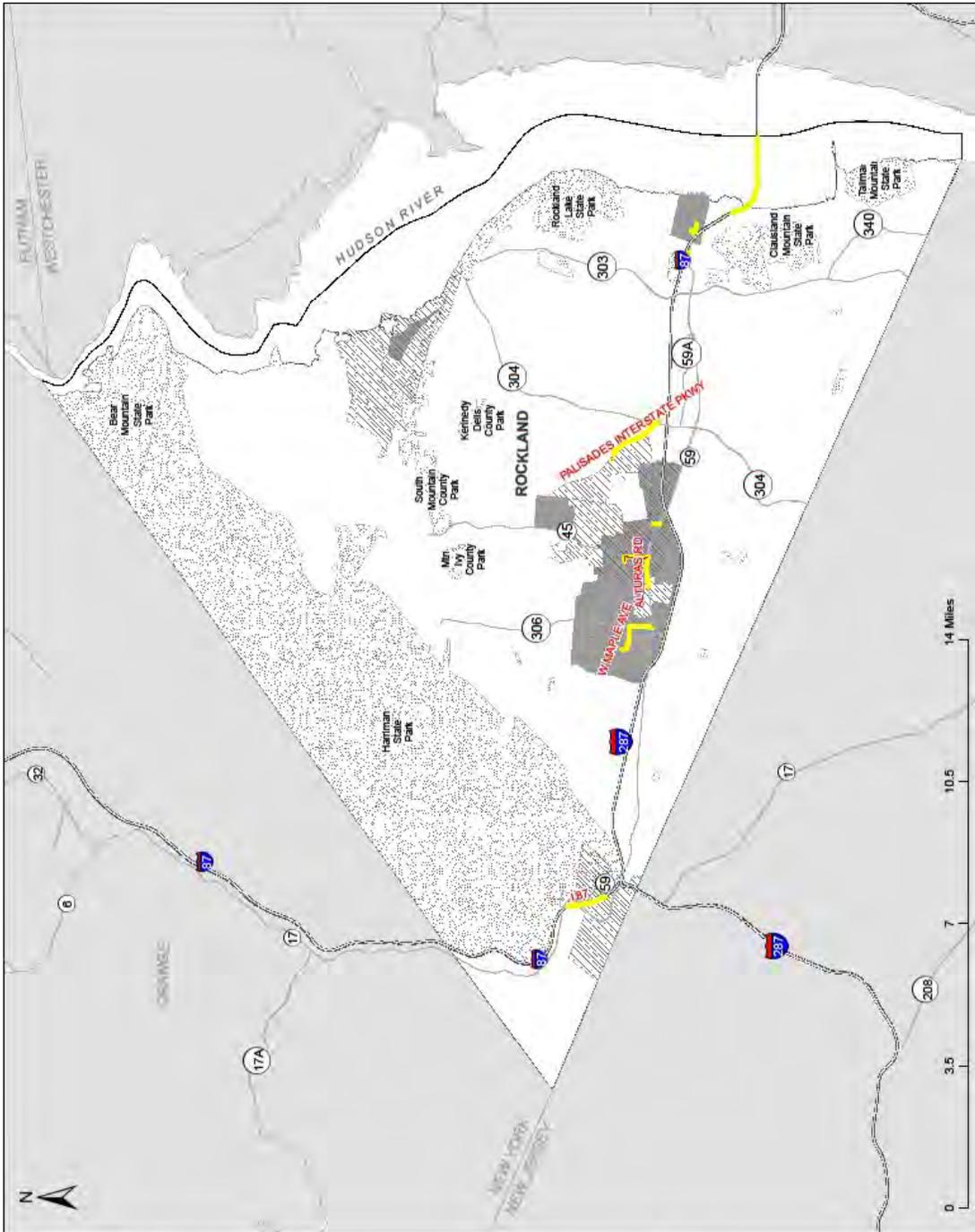
\* Low Income and Minority Community boundaries are delineated by Census tracts.

**4 Hour AM Peak Period between 6 - 10 AM**

- Extremely Congested Highway Links (DC > 1)
- Congested Highway Links (DC = 0.8 - 1)

\* DC : Demand to Capacity Ratio





**Rockland AM Peak Period Congested Links**



- LEGEND**
- Minority Community
  - Low Income Community
  - Minority & Low Income Overlap Area
  - Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

- 4 Hour AM Peak Period between 6 - 10 AM**
- Extremely Congested Highway Links (DC > 1)
  - Congested Highway Links (DC = 0.8 - 1)

\* DC: Demand to Capacity Ratio

# Suffolk AM Peak Period Congested Links



## LEGEND

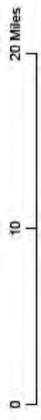
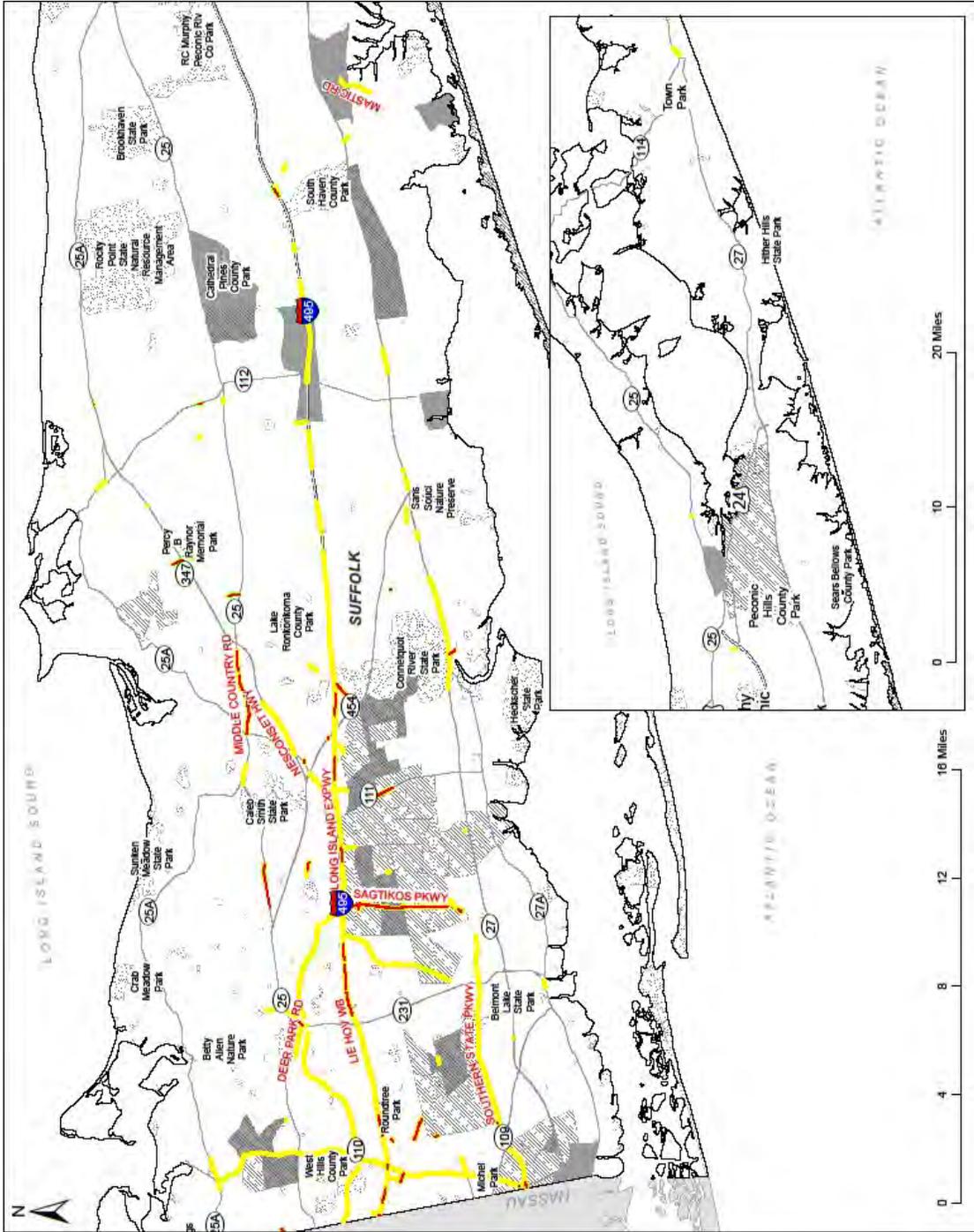
- Minority Community
- Low Income Community
- Minority & Low Income Overlap Area
- Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**4 Hour AM Peak Period between 6 - 10 AM**

- Extremely Congested Highway Links (DC > 1)
- Congested Highway Links (DC = 0.8 - 1)

\* DC: Demand to Capacity Ratio



**Westchester  
AM Peak Period  
Congested Links**



**LEGEND**

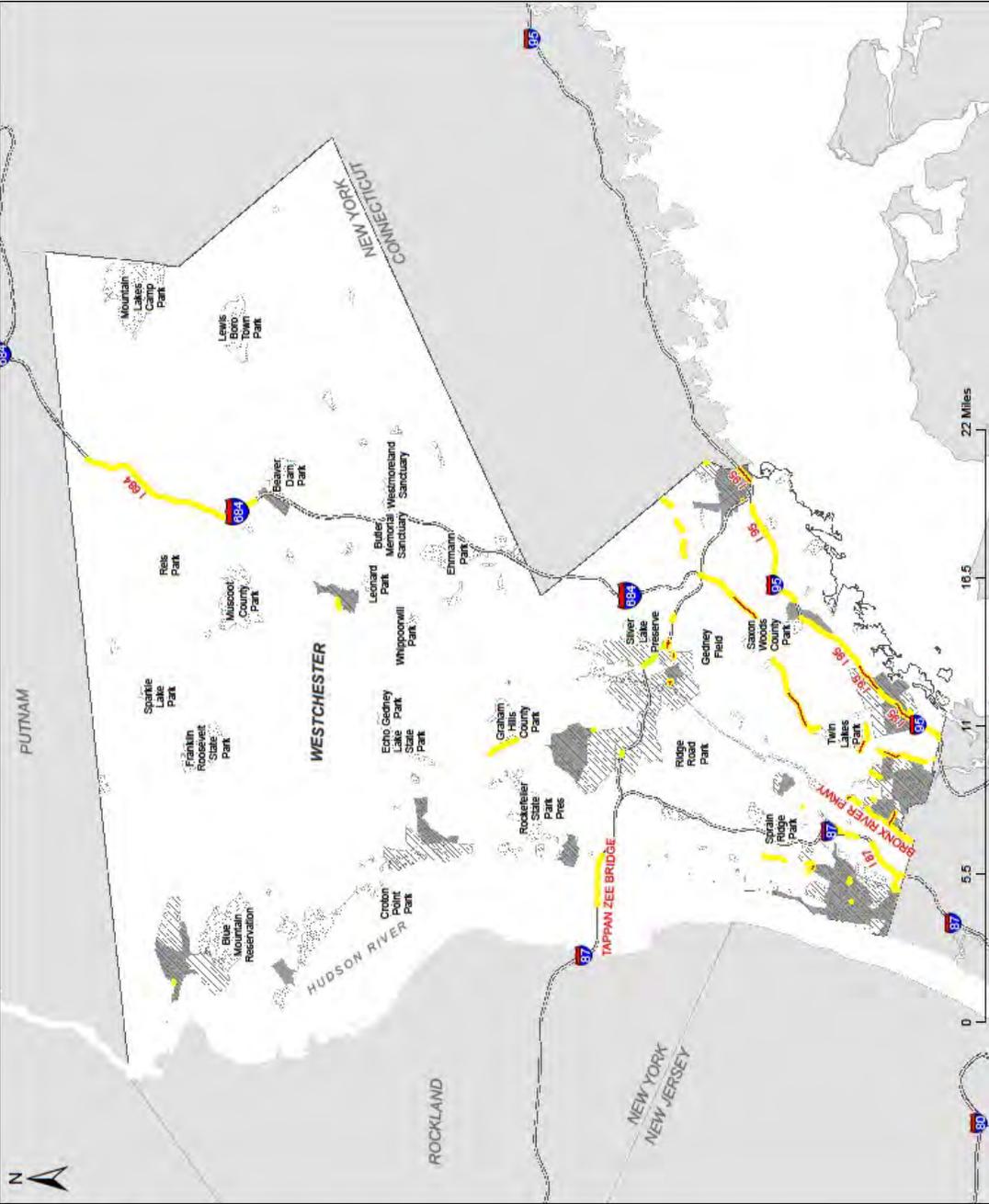
-  Minority Community
-  Low Income Community
-  Minority & Low Income Overlap Area
-  Park Areas

\* Low Income and Minority Community boundaries are delineated by Census tracts.

**4 Hour AM Peak Period  
between 6 - 10 AM**

-  Extremely Congested Highway Links (DC > 1)
-  Congested Highway Links (DC = 0.8 - 1)

\* DC : Demand to Capacity Ratio



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## Appendix 7 – NYMTC Standard Title VI Assurance

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# NYMTC Standard Title VI Assurance

The New York Metropolitan Transportation Council HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (“the Act”) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the New York Metropolitan Transportation Council receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration and the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the New York Metropolitan Transportation Council hereby gives the following specific assurances with respect to its programs and activities receiving Federal financial assistance:

1. That each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the New York Metropolitan Transportation Council shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form, in all proposals for negotiated agreements:

The New York Metropolitan Transportation Council, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color, or national origin in consideration for an award.

3. That the New York Metropolitan Transportation Council shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the New York Metropolitan Transportation Council shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the New York Metropolitan Transportation Council receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the New York Metropolitan Transportation Council receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

7. That where the New York Metropolitan Transportation Council shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the New York Metropolitan Transportation Council with other parties: (a) for the subsequent transfer of real property acquired or improved; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved.

8. That this assurance obligates the New York Metropolitan Transportation Council for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the New York Metropolitan Transportation Council or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the New York Metropolitan Transportation Council retains ownership or possession of the property.

9. The New York Metropolitan Transportation Council shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom (s)he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.

10. That the New York Metropolitan Transportation Council agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the New York Metropolitan Transportation Council and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the New York Metropolitan Transportation Council.

Dated: \_\_\_\_\_

## APPENDICES TO STANDARD TITLE VI ASSURANCE

### **Appendix A**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

(1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter “DOT” Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment.

The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitation for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the New York Metropolitan Transportation Council or the (Name of the Appropriate Administration) as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the New York Metropolitan Transportation Council shall impose such contract sanctions as it or the (Name of the Appropriate Administration) may determine to be appropriate, including but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as New York Metropolitan Transportation Council or the (Name of the Appropriate Administration) may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such directions, the contractor may request New York Metropolitan Transportation Council to enter into such litigation to protect New York Metropolitan Transportation Council, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**Appendix B**

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the New York Metropolitan Transportation Council will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of the Appropriate Legislative Authority), the regulations for the Administration of (Name of the Appropriate Program) and the policies and procedures prescribed by the (Name of the Appropriate Administration) of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the New York Metropolitan Transportation Council all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the New York Metropolitan Transportation Council, and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the New York Metropolitan Transportation Council, its successors and assigns.

The New York Metropolitan Transportation Council, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that: (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]\* (2) that the New York Metropolitan Transportation Council shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of

Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns as such interest existed prior to the deed.\*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964. Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the New York Metropolitan Transportation Council, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in event of breach of any of the above nondiscrimination covenants, the New York Metropolitan Transportation Council shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed]\*

That in the event of breach of any of the above nondiscrimination covenants, the New York Metropolitan Transportation Council, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the New York Metropolitan Transportation Council and its assigns.

The following shall be included in all deeds, licenses, leases permits, or similar instruments entered into by the New York Metropolitan Transportation Council, pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from

participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in event of breach of any of the above nondiscrimination covenants, the New York Metropolitan Transportation Council shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed]\*

That in the event of breach of any of the above nondiscrimination covenants, the New York Metropolitan Transportation Council, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the New York Metropolitan Transportation Council and its assigns.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

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