

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

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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.