

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

**COMPENDIUM OF AGREEMENTS AND OPERATING
PROCEDURES**

Updated January 2024



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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.

The Compendium includes the formally adopted 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 supplemental agreements; and the Organizational Operating Procedures and the Functional Operating Procedures that supplement the MOU.

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, suburban 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 adopted 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 the 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:

- Continuation of Transportation Coordinating Committees – Committee Membership

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

- a. Westchester County Executive
- b. Putnam County Executive
- c. Chairman of Legislators, Rockland County
- d. Mayor of the City of Yonkers (tenure of membership to be determined by the Mid-Hudson South Transportation Coordinating Committee)
- e. Chairman, Metropolitan Transportation Authority
- f. Commissioner, New York State Department of Transportation

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

- a. Nassau County Executive
- b. Suffolk County Executive
- c. Chairman, Metropolitan Transportation Authority
- d. Commissioner, New York State Department of Transportation

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

- a. Chairman, New York City Planning Commission, representing the Mayor of the City of New York
- b. Commissioner, New York City Department of Transportation, representing the Mayor of the City of New York
- c. Chairman, Metropolitan Transportation Authority
- d. Commissioner, New York State Department of Transportation

- Council Membership

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

- a. Westchester County Executive
- b. Putnam County Executive
- c. Chairman of Legislators, Rockland County
- d. Nassau County Executive
- e. Suffolk County Executive

- f. Chairman, New York City Planning Commission, representing the Mayor of the City of New York
- g. Commissioner, New York City Department of Transportation, representing the Mayor of the City of New York
- h. Chairman, Metropolitan Transportation Authority
- i. 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.

- 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.

- 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.

- 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:

- data collection, monitoring and analysis,
- demographic analysis and forecasting,
- strategic transportation planning,
- regional transportation systems planning,
- travel simulation and modeling and other technical planning and planning services,
- mapping services,
- administrative services including contract administration, and
- special studies of regional significance.

- Unified Planning Work Program

- The Council shall establish goals, objectives, criteria, and standards for the development of work programs for the use of federal and other planning funds.
- The Unified Planning Work Program shall comprise the following major work elements:
 - Central Staff
 - TCC Staff
 - Subregional Pass Through
 - Transit Operators Planning Program
 - Special Studies
- The work program of the Central Staff shall be determined annually by the Council.

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

- 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.

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.

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.

- 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.
- 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.

- 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.

- Transportation Improvement Program

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.

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.

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.

- 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:
 - 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
 - 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. Upon the initiation by any Council member of a project (or projects) of regionwide 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 cannot be secured, the Council will meet to decide the issue.

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.

- 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.

- 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.

- Meetings and Agendas

A. Each TCC shall have an annual meeting, held each year between January 15 and February 15. Its business agenda shall include:

1. Election of Chairperson
2. Endorsement of a TCC TIP with an Annual Element
3. Endorsement of a TCC Transportation Plan
4. 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.)

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.

The Secretary shall be responsible for scheduling all meetings.

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.

The business agenda of this Annual Meeting of the Council shall include:

- Endorsement of the area-wide TIP and annual element
- Endorsement of the area-wide Transportation Plan
- Adoption of the UPWP
- Other business items requested by any members.

Special Council meetings may be called at any other time upon written request of any member of the Council to the Secretary.

The Secretary shall be responsible for the scheduling of all meetings, including special meetings.

A quorum for any Council meeting shall be 2/3 of its voting members.

- 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:

Program results:

- 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.
- 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.

Economy and efficiency of Central Staff operation:

- 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.
- 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.

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;

Approving all required task work programs (task amplifications) and preparing those required for Central Staff Activities;

Providing funds for a Central Staff Director and directing him/her to:

- Manage Central Staff planning activity to ensure continued compliance with Federal and State regulations;
- Prepare and maintain work budgets for all Central Staff planning activities and cash flow budgets for Central Staff operations;
- 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;
- 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;
- Assist the Department with the establishment and maintenance of Central Staff-related accounting records and bookkeeping procedures;

B. The Department shall be responsible for:

- Prefinancing the Central Staff operation for the Council prior to reimbursement;
- Employing Central Staff and paying Central Staff salaries and fringe benefits;
- Paying Central Staff operating expenses and program costs in accordance with the approved Unified Planning Work Program;
- 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.
- 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: Continuation of Transportation Coordinating Committees – Committee Membership

- 1.c. “Chairman of Legislators, Rockland County” should be “Rockland County Executive”.
- 1.d. “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.
- 2.c. “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
HAUPPAUGE, 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. Hennessy, 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
NameNASSAU COUNTY EXECUTIVE
Title, AgencyJUNE 25, 1982
DateApproved
[Signature]
Vp. Dir.[Signature]
[Stamp]Approved
[Signature]
FIRST DEPUTY COUNTY COMPTROLLER 6/20/82
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

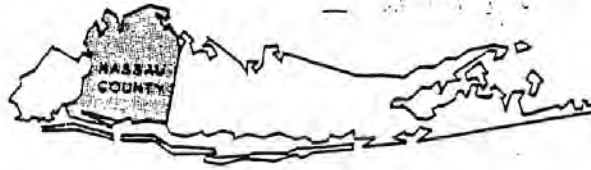
Signature

Name

Title, Agency

Date

JUL 8 2004



NASSAU COUNTY PLANNING DEPARTMENT

DIVISION OF TRANSPORTATION

HERBERT LIBERT
Director

FRANCIS T. PURCELL
County Executive

July 1, 1982

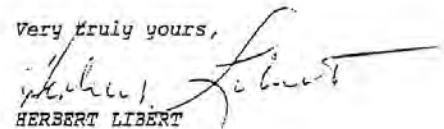
Mr. Sam Ippolito, Secretary
Nassau-Suffolk Transportation Coordinating Committee
New York State Office Building
Veterans Memorial Highway
Hauppauge, N. Y. 11787

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



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

RECEIVED

JUL 20 1982

U.S.D.T.
REGION 10

Members of the Board

Richard Pavlich
Chairman

Lawrence R. Bailey
Daniel T. Sosnoff
Vice Chairman

Carol Bellamy
Stephen Berger
David W. Brown
Jane A. Butcher
Herbert J. Libert
John F. McAlevey
Ronay Menschel
William J. Sheridan
Constantine Sidamon-Einstoff
Robert F. Wagner, Jr.
Robert T. Waldbauer

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
39-9224

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

6/30/82

Date

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,

A handwritten signature in dark ink, appearing to read "Francis T. Purcell", is written over a horizontal line.

Francis T. Purcell

FTP:HL:ser

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

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

Planned

The 1911
Interim Ballot

DATE JUL 09 1982

MEMORANDUM
DEPARTMENT OF TRANSPORTATION

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

FROM 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

Regional Director

Administration

Chief Engr.

Construction

Design

Engr. & Arch.

Environmental

Finance

General

Ge. Engrs.

Personnel

Planning

Real Estate Div.

Tech. Serv.

Traffic

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

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 NYS DOT, 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: 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 JUN 24 1982

REC'D
DOT

MAIL BALLOT

COMMITTEE	
DESIGN	
TECH. UNIT	
ENV. UNIT	

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 Albany, 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: Michael M. Krasner

Title: Acting Executive Director

Date: 7/20/82

JUL 20 1982

PLANNING	PLANNING
REAL EST.	REAL EST.

REC'D JUL 16 1982 REG 8

Mid Hudson South Transportation Coordinating Committee

MAIL BALLOT

CONSTR.	SOILS MAT.
DESIGN	TRAFFIC
DEPT. MGT.	GEN. FILE
ENV. MGMT.	

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: John T. Grant

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



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 on 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

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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 the 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 of 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.

Adopted:

New York Metropolitan Transportation Council:

Adopted Resolution #450 - Dated June 17, 2017

North Jersey Transportation Planning Authority

Adopted Resolution #

Western Connecticut Council of Governments

Adopted Resolution #

Connecticut Metro Council of Governments

Adopted Resolution #

Naugatuck Valley Council of Governments

Adopted Resolution #

South Central Regional Council of Governments

Adopted Resolution #

Lower Connecticut River Valley Council of Governments

Adopted Resolution #

Orange County Transportation Council

Adopted Resolution #

Lehigh Valley Planning Commission

Adopted Resolution #

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Jose 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

THE METROPOLITAN PLANNING ORGANIZATION

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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 States 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_{2.5}) 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. Jui 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

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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

- 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.

- 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.
- 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.
- 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.
- 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.
 - 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.
 - 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.
 - The Steering Committee will be responsible for overseeing the day-to-day operations of the Consortium and the Planning Program.
 - 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.
 - 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.
 - 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.

- 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.
- 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.
- 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.

Among its first activities, the Steering Committee will undertake the following:

- 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.
- 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.
- 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.
- 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.

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.

- Each advisory subcommittee will elect a chair to serve on the Advisory Board.
- The Steering Committee may revise the structure of the advisory subcommittees as needed during the Planning Program.

Decision-Making

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.

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.

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.

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.

All meetings of the Consortium principal representatives will be open to the public with appropriate notice given.

A quorum of the Consortium principal representatives will be required in order to conduct business at meetings of the Consortium principal representatives.

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.

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.

All meetings of the Steering Committee will be open to the public with appropriate notice given.

A quorum of the Steering Committee representatives will be required in order to conduct business at meetings of the Steering Committee.

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

- 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.

The Advisory Board will initially include:

- 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.
- 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.
- The North Jersey Transportation Planning Authority, the MPO for northern New Jersey, and the cities of Newark and Jersey City, New Jersey.
- The chairs of the Steering Committee's two advisory subcommittees as described in Section 5.4 of this Agreement.
- 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.

The role of the Advisory Board will include the following:

- 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.
- In addition, the Advisory Board will take specific actions at key junctures in the Planning Program, as follows:
 - 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.

- o 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.
- o 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.
- o 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

- The Consortium will maintain the following administrative arrangements:
RPA will be responsible for receiving and disbursing Federal funding granted by HUD for the purpose of executing the Planning Program.
 - 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.
 - RPA will be responsible for all other aspects of the administration of Federal funding from HUD for the purpose of executing the Planning Program.

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.

- 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.
- 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.
- 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.

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

- 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.

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.

- 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.
- 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.

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.

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.

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.

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.

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.

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.

- o 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.
- o 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.
- o The City of Norwalk will develop a plan to introduce better bus, bicycle, car, pedestrian and circulator connectivity at the South Norwalk rail station.
- o The City of Stamford will complete a feasibility study for a new East Side train station.

- o The City of New Rochelle will complete a station area plan and create a transit-oriented development zone within ½ mile of Station Plaza.
- o 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.
 - 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.
- o 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.
- o 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.
 - 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.
 - 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.
- o 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.

- o 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 Railroad 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.
- o 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

- o 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.
- o 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.
- o 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.
- o 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.
- o 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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**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); 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 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 Uscio

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 Delle

Title: Deputy Commissioner

Date: 6/15/18

Designated Recipient Name: TOR - Rockland County

Resolution # / Date (if applicable): _____

Signature: _____

Title: _____

Date: _____

R/b A M
Acting Commissioner
5/21/18

Designated Recipient Name: Bee-Line System - Westchester County

Resolution # / Date (if applicable): 63098 / May 31, 2018

Signature: _____

Title: Commissioner of Public Works and Transportation

Date: May 31, 2018

MPD

[Signature]

Designated Recipient Name: Town of Huntington

Resolution # / Date (if applicable): June 5, 2018, Resolution # TBD

Signature: _____

Title: Supervisor

Date: _____

Patrina De Ce
Deputy
5/22/18

Designated Recipient Name: City of Long Beach

Resolution # / Date (if applicable): _____

Signature: _____

Title: _____

Date: _____

[Signature]
Director of Transportation
5/22/18

Designated Recipient Name: New York City Department of Transportation

Resolution # / Date (if applicable): 464

Signature: _____

Jai P. Therattil

Title: Associate Deputy Commissioner, Grants and Fiscal Management

Date: May 24, 2018

[Signature]

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."



Ron Epstein, PFAC Chair

- I (g) -

**SUPPLEMENTAL:
Addendum to the Joint Performance
Management Agreement to
Support Urbanized Area Performance-Based
Planning and Programming**

Attachment 1 Resolution 487 Of May 16, 2019

**CMAQ Traffic Congestion Performance Management Addendum
for the New York-Newark, NY-NJ-CT Urbanized Area (UZA 63217)**

to be added to the System Performance Management Agreements/Written Procedures of

**The New York Metropolitan Transportation Council (NYMTC),
The North Jersey Transportation Planning Authority (NJTPA), and
The Delaware Valley Regional Planning Commission (DVRPC).**

1. Overall schedule

- a. The metropolitan planning organizations (MPOs) subject to the federal CMAQ Traffic Congestion performance measurement requirement for the New York-Newark, NY-NJ-CT Urbanized Area along with the Departments of Transportation for New York and New Jersey (State DOTs) will collaboratively determine the overall schedule for data collection, analysis, target setting, and reporting for the CMAQ Traffic Congestion performance measures.

2. Transportation performance data collection and analysis

- a. The MPOs and State DOTs subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will collaborate on the collection and analysis of data to measure and forecast CMAQ Traffic Congestion performance in keeping with the data requirements specified in 23 CFR 490.709.
- b. All data collected pursuant to the analysis of the CMAQ Traffic Congestion performance measures in the New York-Newark, NY-NJ-CT Urbanized Area will be shared among the MPOs and State DOTs subject to this requirement, to the extent allowed by data restrictions that may be outside the control of the parties.

3. Selection of transportation performance targets

- a. The MPOs and State DOTs subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will set draft and final CMAQ Traffic Congestion performance targets, by collaborating to the maximum extent practicable.
 - (i) Collaboration 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) The member agencies of the MPOs and the State DOTs subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area, which

include public transportation operators providing service in this urbanized area, shall be given an opportunity to provide comments on CMAQ Traffic Congestion performance targets for the urbanized area.

4. Reporting of CMAQ Traffic Congestion performance targets for the New York-Newark, NY-NJ-CT Urbanized Area

- a. Per 23 CFR 490.107(c), each MPO subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will report CMAQ Traffic Congestion performance targets to their respective state department of transportation through their submittal of a CMAQ Performance Plan as specified in 23 CFR 490.107(c)(3). Such submittals shall be subject to schedules that will be mutually agreed to by each MPO and appropriate State DOT.
- b. Per 23 CFR 490.107(b), each state department of transportation subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will include the relevant MPO CMAQ Performance Plan, including the aforementioned performance targets, as an attachment to their periodic performance reports to the Federal Highway Administration.

5. Reporting of performance to be used in tracking progress toward attainment of CMAQ Traffic Congestion performance targets for the New York-Newark, NY-NJ-CT Urbanized Area

- a. Per 23 CFR 490.107(c)(3)(i), each MPO subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will report their performance to the relevant state department of transportation through their submittal of a CMAQ Performance Plan biennially on a coordinated schedule with the State Biennial Performance Reports.
- b. Per 23 CFR 490.107(c)(3)(ii)(C), the CMAQ Performance Plans that accompany the mid- and full-performance period Progress Reports will include baseline condition/performance for each MPO, reported CMAQ Traffic Congestion targets, as well as an assessment of the progress of the projects identified in the CMAQ Performance Plan toward achieving CMAQ Traffic Congestion performance targets for the urbanized area.
- c. Per 23 CFR 490.107, each state department of transportation subject to this requirement for the urbanized area will include the relevant MPO CMAQ Performance Plan as an attachment to their State Biennial Performance Reports to the Federal Highway Administration.

6. Documentation in supporting plans and programs

- a. Per 23 CFR 450.324(f)(3), 450.324(f)(4), 450.326(c), 450.326(d), and 450.340, each MPO subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will include the required information relating to the CMAQ Traffic Congestion performance measures in any metropolitan transportation plan or transportation improvement program amended or adopted after May 20, 2019¹.

Per 23 CFR 450.216(f), 450.218(q), and 450.226 each state department of transportation subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will include the required information relating to the CMAQ Traffic Congestion performance measures, in any statewide transportation plan or statewide transportation improvement program amended or adopted after May 20, 2019.

¹ May 20, 2019 in this document reflects the date revised by FHWA from the original date of May 27, 2018 published in the Statewide and Nonmetropolitan Transportation; Metropolitan Transportation Planning rule (23 CFR Parts 450 and 771).

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

José M.E. Rivera, P.E.
Executive Director



PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION # 487

ADDENDUM TO THE JOINT PERFORMANCE MANAGEMENT AGREEMENT TO SUPPORT URBANIZED AREA 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, Title 23, Section 134 of the United States Code requires that each MPO undertake a transportation planning process that shall provide for the establishment and use of a performance-based approach to transportation decision-making to support national goals; and that each MPO shall establish performance targets that address the performance measures to use in tracking progress toward attainment of critical project and other outcomes for the region; and

WHEREAS, the performance management rule (23 CFR 490.703) specifies that CMAQ Traffic Congestion performance measures are applicable to all urbanized areas (UZAs) that include National Highway System (NHS) mileage and with a population over 1 million for the first performance period and in UZAs with a population over 200,000 for the second and all other performance periods, that are, in all or part, designated as nonattainment or maintenance areas for ozone, carbon monoxide, or particulate matter National Ambient Air Quality Standards (NAAQS); and

WHEREAS, NYMTC is part of the New York–Newark, NY–NJ–CT Urbanized Area (UZA 63217) and has a population that exceeds 1 million; NHS roadways within the planning areas of each of the MPOs described in the Addendum; and areas that are in nonattainment or maintenance for ozone, carbon monoxide, and/or particulate matter.

WHEREAS, on May 24, 2018, PFAC adopted a Performance Management Agreement, via Resolution #464, by which NYMTC, the New York State Department of Transportation (NYSDOT), and providers of public transportation would cooperatively determine their mutual responsibilities in carrying out the performance-based planning and programming requirements required by 23 CFR 450.314(h); and

WHEREAS, the MPOs subject to the federal CMAQ Traffic Congestion performance measurement requirement for the New York–Newark, NY–NJ–CT UZA, along with the NYSDOT and the New Jersey Department of Transportation will collaboratively determine the overall schedule for data collection, analysis, target setting, and reporting for the CMAQ Traffic Congestion performance measures; and

WHEREAS, Attachment 1 of this resolution describes this collaborative process between all parties in the New York–Newark NY–NJ–CT UZA as required.

NOW, THEREFORE, BE IT RESOLVED THAT PFAC adopts this addendum to the Performance Management Agreement to meet performance-based planning and programming requirements in accordance with 23 CFR 450 and established federal guidance.

This resolution shall take effect on the sixteenth day of May two thousand and nineteen.

"I hereby certify that the above is a true copy of Resolution #487, Addendum to the Joint Performance Management Agreement to Support Urbanized Area Performance-Based Planning and Programming, and was motioned by Ms. Ann McGlone, representing the New York City Transportation Coordinating Committee and seconded by Mr. Robert Brickman, representing the Nassau/Suffolk Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."

Ron Epstein, PFAC Chair

THE METROPOLITAN PLANNING ORGANIZATION

25 BEAVER STREET ▼ SUITE 201 ▼ NEW YORK ▼ NEW YORK ▼ 10004 ▼ 212.383.7200 ▼ WWW.NYMTC.ORG

**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
 - o Minor changes in scope of endorsed projects,
 - o Substitutions by the initiating agency of projects of similar scope,
 - o 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
 - o activities of staff/administration
 - o changes in agenda
 - o notices, events, announcements, publications
3. Citizen Views (if any)

B. Action Items

- I. TIP Changes/Endorsements
- II. Section 8 Study Changes
- III. UPWP Changes
- IV. Other Actions Required (policy statements, comments on Federal regulations, plan endorsements, central staff activities, contractual, 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
 - o Section 5 Designated Recipients
 - o Technical/Feasibility Project Selection
 - o Data Forecasting and Modeling
 - o Contract Review
 - o Others
5. Other

E. 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

I. 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:

1. The Mid-Hudson South TCC (MHSTCC) is the subregional planning forum for Putnam, Rockland and Westchester counties.
2. The Nassau/Suffolk TCC (NSTCC) is the subregional planning forum for Nassau and Suffolk counties.
3. 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.

II. MEMBERSHIP

The TCCs are comprised of an executive-level committee supported by technical staff. The composition of each of the Executive Committees 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:

1. Putnam County Executive
2. Rockland County Executive¹
3. Westchester County Executive
4. Metropolitan Transportation Authority, Chair and Chief Executive Officer²
5. New York State Department of Transportation, Regional Director³
6. New York State Thruway Authority, Executive Director⁴

Advisory (non-voting) Members:

7. Port Authority of New York and New Jersey, Executive Director
8. Southwestern Region (Connecticut) Metropolitan Planning Organization, Executive Director⁵
9. Federal Highway Administration, Division Administrator
10. Federal Transit Administration, Regional Administrator
11. United States Environmental Protection Agency, Regional Administrator
12. 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.

¹ Changed from the NYMTC Memorandum of Understanding since the position did not exist at the time the MOU was signed.

² Changed from the NYMTC Memorandum of Understanding since the position did not exist at the time the MOU was signed.

³ Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner.

⁴ Added by action of the TCC, April 6.

⁵ Added by agreement of the TCC.

New York City TCC

Voting Members:

1. New York City Department of Transportation, Commissioner
2. New York State Department of Transportation, Regional Director ⁶
3. New York City Department of City Planning, Chair
4. Metropolitan Transportation Authority Chair and Chief Executive Officer ⁷

Advisory (non-voting) Members:

5. Port Authority of New York and New Jersey, Executive Director
6. New York State Department of Environmental Conservation, Regional Director
7. New York City Department of Environment Protection, Commissioner
8. Federal Highway Administration, Division Administrator
9. Federal Transit Administration, Regional Administrator
10. 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.

⁶ Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner

⁷ 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:

1. Suffolk County Executive
2. Nassau County Executive
3. New York State Department of Transportation, Regional Director⁸
4. Metropolitan Transportation Authority Chair and Chief Executive Officer ⁹

Advisory (non-voting) Members:

5. Federal Highway Administration, Division Administrator
6. Federal Transit Administration, Regional Administrator
7. US Environmental Protection Agency, Regional Administrator
8. New York State Department of Environmental Conservation, Regional Director
9. 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.

⁸ Changed from the NYMTC Memorandum of Understanding due to delegation by NYSDOT Commissioner.

⁹ Changed from the NYMTC Memorandum of Understanding, since the position did not exist at the time the MOU was signed.

III. RESPONSIBILITIES

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

1. 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.
2. 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.
3. Collecting data on projects to be analyzed through the regional emissions analyses.
4. Developing and recommending project listings for inclusion in the NYMTC TIP and making amendments and administrative modifications to the NYMTC TIP.
5. Developing subregional components of the NYMTC Regional Transportation Plan (RIP).
6. Overseeing studies and other planning activities as outlined in the UPWP and RTP.
7. Providing individuals, public agencies, community groups and stakeholders in their respective planning areas with the opportunity to participate in the transportation planning process.
8. Recommending Urban Area Boundaries and delineating the Federal-Aid Urban Highway system within these boundaries for submission to NYSDOT.
9. 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.

IV. 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.

V. 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) 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:

1. Call to Order
2. Roll Call
3. Call for Public Participation
4. Synopses of the Preceding Meeting
5. Communications and Announcements
6. Reports and Actions
7. New Business
8. Reports on Subcommittee Activities
9. Adjournment

VI. 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.

1. 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.

2. 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.

1. **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.
2. **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.

C. 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

REFER TO UPDATED TIP & RTP OPERATING PROCEDURES IN RESOLUTION #536 - (PAGE 170)

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:

1. FHWA – an increase of \$10 million or greater
2. 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 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 sponsor 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 9th day of Oct, two thousand and fourteen.

10/9/14

Date

Glenn R. Murrell

Glenn Murrell, Secretary
Nassau/Suffolk Transportation Coordinating Committee

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Gerry Bogacz
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

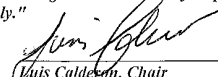
WHEREAS, upon adoption by each of them, NYMTC's TCCs agree that these joint procedures will govern their operations.

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

- II (f) -

**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:
 - a. The delineation and update of subregional urban area boundaries in conjunction with the State;
 - b. The designation of appropriate federal-aid urban highway systems subject to the concurrence of the State; and
 - c. 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:

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 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.
3. Coordinate 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 metropolitan planning organizations, 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.
6. 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.
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.
8. Formulate transportation policy recommendations for Council action and take interim action on policy positions already taken by the Council.
9. 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.

10. Carry out any other transportation-oriented aspects of the Council business as directed by the Council or the co-chairpersons 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

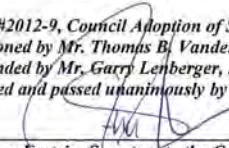
WHEREAS, these supplemental operating procedures also clarify PFAC's responsibility to assure that the federal agencies responsible for reviewing and accepting NYMTC's adopted planning products and analyses are provided, at a minimum, the required thirty day review period after NYMTC's adoption of the 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 Lenberger, 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:

1. The Unified Planning Work Program, which details the planning efforts that will be undertaken each program year;
2. The Transportation Improvement Program, a four year fiscally constrained program of transportation improvement projects;
3. The Regional Transportation Plan, which lays out a minimum 20-year long-range vision for the future of the region;
4. Transportation Conformity Determinations under the Clean Air Act as amended in of 1990; and
5. 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.

I. - 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.

II. - 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.

III. – 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.

IV. – 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 official 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.
 - b. Public meeting materials will be posted on NYMTC's website in advance of the meeting for the use of remote participants.

V. 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 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.
5. 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.
6. The meetings will be conducted in a manner consistent 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.
 - 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.
7. 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.
8. 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.
9. 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 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 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.
 - 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. Ettinger
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

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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 the Intermodal Transportation Efficiency Act of 1991 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 Administered (Title I) Funds

- 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.
- 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.
- 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 Administered (Title III) Funds

- 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.
- 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

Executive Order 13166 on Improving Access to Services for Persons with Limited English Proficiency (LEP), directs federal agencies and recipients of federal funding to provide meaningful language access to their services. Agencies receiving federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with limited English proficiency.

In compliance with guidance and rules issued by United States Department of Transportation (USDOT) to its recipients, the New York Metropolitan Transportation Council (NYMTC) has developed these Language Access Operating Procedures to identify reasonable steps to provide meaningful access and language assistance for LEP persons to its programs and activities at no additional cost. In developing these procedures, we have understood Limited English Proficiency individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. In addition, NYMTC reassesses its language needs frequently in an as needed basis.

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

- The general distribution or availability of public information related to federally mandated regional planning products and analyses that affect the entire NYMTC planning area; or
- 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 scope of the Language Access Operating Procedures is determined in large part through a "four-factor analysis", which includes the following:

- The number and proportion of LEP persons in the planning area or spatially specific study area;
- The frequency with which LEP individuals come in contact with NYMTC's programs and activities;
- The nature and importance of the programs and activities provided by NYMTC to people's lives;
- The resources to be employed by the NYMTC for language access services.

LEP PERSONS IN THE NYMTC PLANNING AREA

The USDOT LEP guidance states that recipients must provide "meaningful access" to LEP individuals where oral language services are needed and are reasonable. For translations, the guidance provides "safe harbor" rules to help recipients make good decisions.³

USDOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if an organization 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 organization's written translation obligations.

The U.S. Census Bureau's American Community Survey (ACS) identifies the size and proportion of LEP populations in the NYMTC planning area. The ACS defines people five years and older who identified themselves as speaking English less than "very well" as LEP individuals.

³ Title VI limited English proficiency data collection walkthrough - Civil rights | Federal highway administration. (2022, January 26). Federal Highway Administration. https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm

Table 1 below presents Safe Harbor languages and LEP populations in NYMTC's planning area categorized by language spoken of individuals older than age five years and over who speak another language at home. The data reveal an estimated 2.2 million LEP persons in the NYMTC planning area, of which just over 98% speak Safe Harbor languages.

Table 1: Safe Harbor Languages in the NYMTC Planning Area

Language Spoken	LEP Speakers	% Total LEP	Language Spoken	LEP Speakers	% Total LEP
Spanish	1,118,785	50.56%	Gujarati	4,832	0.22%
Chinese	253,326	11.45%	Nepali	4,656	0.21%
Russian	112,891	5.10%	Min Nan Chinese	4,504	0.20%
Bengali	61,935	2.80%	Thai	4,330	0.20%
Cantonese	60,047	2.71%	Burmese	4,089	0.18%
Haitian	53,477	2.42%	Romanian	3,612	0.16%
Korean	50,792	2.30%	German	3,377	0.15%
Yiddish	49,711	2.25%	Tibetan	3,362	0.15%
Mandarin	41,114	1.86%	Croatian	2,710	0.12%
Italian	37,944	1.71%	Fulah	2,439	0.11%
Arabic	31,898	1.44%	Hungarian	2,392	0.11%
Polish	30,205	1.36%	Pashto	2,359	0.11%
Urdu	26,751	1.21%	Yoruba	2,293	0.10%
French	26,240	1.19%	Pakistan N.E.C.	2,133	0.10%
Albanian	16,551	0.75%	Serbian	2,092	0.09%
Greek	15,508	0.70%	Jamaican Creole	2,072	0.09%
Hindi	15,220	0.69%	Armenian	2,065	0.09%
Japanese	14,076	0.64%	Tamil	1,984	0.09%
Punjabi	14,009	0.63%	Bosnian	1,720	0.08%
Tagalog	12,839	0.58%	India N.E.C.	1,672	0.08%
Portuguese	11,638	0.53%	Indonesian	1,595	0.07%
Hebrew	9,488	0.43%	Igbo	1,481	0.07%
Vietnamese	7,988	0.36%	Serbocroatian	1,431	0.06%
Malayalam	7,474	0.34%	Khmer	1,380	0.06%
Ukrainian	7,297	0.33%	Sinhala	1,335	0.06%
Akan (incl. Twi)	6,261	0.28%	Bulgarian	1,245	0.06%
Turkish	6,180	0.28%	Telugu	1,117	0.05%
Filipino	6,135	0.28%	Wolof	1,060	0.05%
Farsi	6,073	0.27%	TOTAL ALL LEP	2,212,889	98.57%

Source: U.S. Census, 2015-2019 5 Year American Community Survey (ACS) and Public Use Microdata Sample (PUMS)

Under the Safe Harbor Provision, NYMTC provides translation of written materials related to its planning products and analyses into languages that meet or exceed the established five percent or 1,000-person threshold. As seen in Table 1, 57 Safe Harbor languages meet or exceed this threshold in the NYMTC planning area, while roughly 67 percent of the total LEP population speaks one of three languages: Spanish, Chinese, or Russian. These languages each exceed five percent of the total LEP population and therefore, for purposes of these operating procedures, these three languages are considered primary LEP languages in NYMTC's planning area, while the remaining LEP languages are regarded as secondary LEP languages.

Federal regulations mandate that Metropolitan Planning Organizations (MPOs) such as NYMTC produce three required products and two analyses, along with a Public Involvement Plan. These products guide the long-, medium- and short-term transportation planning activities of the region and confer eligibility for federal transportation funding. NYMTC's planning area includes people that are LEP and may require additional services to participate fully in the planning process. Public input is an important consideration for NYMTC as it undertakes its planning responsibilities.

PROVISION OF LANGUAGE ASSISTANCE

NYMTC will provide ongoing language assistance for LEP populations in the planning area as a whole and in specific study areas for planning studies. Instructions explaining the language assistance will be publicly available and accessible to the LEP populations.

Written Translation of Vital Documents

NYMTC identifies the following as vital documents for translation:

- Title VI/ Non-Discrimination Notice to the Public (Appendix 1);
- Title VI/Non-Discrimination Complaint Form (Appendix 2);
- Display ads in ethnic newspapers and media;
- Public hearing/meeting notices with information on free language assistance;
 - Other documents and media that allow LEP persons to participate in NYMTC's programs and activities, including public notices, surveys, and polls; and
 - The Title VI/Non-Discrimination Program document.
- Summaries of NYMTC's federally mandated regional planning products and analyses; specifically:
 - o Regional Transportation Plan;
 - o Transportation Improvement Program and related Annual Listing of Obligated Projects;
 - o Unified Planning Work Program;
 - o Congestion Management Process Status Report;
 - o Transportation Conformity Determination; and
 - o Public Involvement Plan.

Summaries of the regional planning products and analyses, along with the other vital documents previously listed in their entirety, will be translated to the languages that meet or exceed the established five percent or 1,000-person threshold as defined in Table 1, in the following manner:

- Drafts and final versions of executive summaries and final versions of the other vital documents that are released publicly will be issued in English and the three primary LEP languages as shown in Table 1.
- For the secondary LEP language that total more than 1,000 speakers but less than 5% of the total LEP population, the vital documents as described above can be translated on demand, as practical, into the secondary LEP languages using online open-source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.
- Other NYMTC documents will be translated in whole or in part on demand for all LEP languages, as practical, using the online open-source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.

Website Language Assistance

Translation services are provided on the NYMTC website through online open-source translation programs, which can translate all the constituent website pages as well as the vital documents identified above. The translation program provides translation for the primary LEP languages and as many of the secondary languages as are provided through the program. Instructions on the use of the online open-source translation program will also be provided on the website.

Oral Interpretation Language Assistance

Designated public facing staff are provided language assistance training and tools to be prepared for potential encounters with LEP speakers, either in person, on the phone or online. Tools provided include Language Identification Tool signs and "I Speak" cards. Over the phone interpretation is provided on demand.

For meetings related to the regional transportation planning process and NYMTC's mandated planning products, NYMTC will advertise the availability of translation services prior to the meeting. Meeting announcements can be translated upon request or using the online open-source translation program available on the website.

Upon request at least 72 hours in advance, oral interpretation services in the primary LEP languages will be provided for NYMTC's public meetings. Requests American Sign Language (ASL) must be made five days in advance of the meeting.

The need to conduct public engagement virtually during the COVID-19 pandemic has resulted in expanded opportunities for virtual or hybrid virtual/in person public meetings and workshops. NYMTC meetings are held virtually on the online meeting platforms such as WebEx. Virtual attendees may request oral interpretation services or close captioning translation 72 hours in advance of the meeting.

The 7-1-1 N.Y. Relay Service is another service the public is notified about. Persons with a hearing or speech disability may use the Telecommunications Relay Service, via Telephone Text (TTY) or a or voice carry-over (VCO) phone may contact the 7-1-1 N.Y. Relay Service by dialing Dial 7-1-1 or 1-800-421-1220.

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:

- Information 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 NYMTC's main offices.
- 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 when contacting NYMTC's main phone number.

Frequency of Contact with LEP Populations

Contact with LEP populations most often occurs through online communications, such as through the website, emails, surveys, polls, and social media and media outlets geared towards LEP communities. NYMTC staff and members conduct outreach activities in communities with significant LEP populations and with organizations that involve LEP persons. This outreach is usually undertaken in the context of spatially specific planning studies.

Need for Services and Cost

NYMTC assessed its available resources that could be used for providing LEP assistance by reviewing the four-factor analysis. This included identifying the staff and volunteer language interpreters are readily available, how much a professional interpreter and translation service would cost, LEP contact with NYMTC programs and services, LEP Population in the NYMTC Planning area, and potential contact with the LEP Population in a study or project area, to determine which documents should be translated, examining which financial sources and free language sources could be used to provide assistance, and determine what level of staff training is needed.

MONITORING PROGRAM IMPLEMENTATION

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

- Language access assistance provided through website downloads, use of online translation programs, requests for translated documents, retained translation services, calls to translation services and meetings at which translation services are provided.
- Complaints received regarding language acting as a barrier to accessing information and/or services.
- Consultation with NYMTC staff and members on encounters with LEP persons.
- Surveys and focus groups with LEP persons to evaluate the scale and effectiveness of language access services.

A Language Access Coordinator is designated to oversee NYMTCs Language Access Procedures. The coordinator will maintain:

- A list of oral interpreting and translation resources available to staff.
- Procedures for accessing each interpretation or translation service.
- A list of Professional Vendors.
- A list of Bilingual Volunteer Staff who are self-assessed in their language competency and when they are used.
- A record of oral interpreting services provided to LEP individuals at each encounter.
- A record of translated documents by Professional Vendors.
- Relevant new data for the planning area.

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 identify the LEP populations within the spatial boundaries of the project or study, define the Safe Harbor LEP languages of the area, identify vital documents for the project or study, and provide language services consistent with the procedures for the regional planning products 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 vital documents related to the spatially specific project or study.
- 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.
- Community outreach informational handouts will be provided at public hearings.
- Notice of the language access services will be provided on the project or study website.

Project managers of spatially specific planning projects or studies that are funded through NYMTC's planning process must provide notice of availability of language assistance services under the Safe Harbor Provision.

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.

Meetings For Spatially Specific Planning Projects

The procedures for public meetings will be followed for public meetings related to spatially specific planning projects and studies funded through NYMTC's planning process.

- III (d) -

Major Investment Studies Procedures

***NOTE: MAJOR INVESTMENT STUDY PROCEDURES RESCINDED,
PER 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 21st 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

Operating Procedures

Congestion Management Process (CMP)

Operating Procedures

(Final draft for PFAC action – 4/14/22)

1. Introduction

NYMTC's Congestion Management Process (CMP) covers a region encompassing the five boroughs of New York City, Nassau and Suffolk counties on Long Island, and Westchester, Rockland and Putnam counties in the Lower Hudson Valley, all within the State of New York. The CMP is an ongoing process required by Federal law that addresses congestion within Transportation Management Areas (TMAs) defined as metropolitan planning regions with populations of 200,000 or greater.

2. Regulatory Context

23 CFR § 450.322 specifies the following:

(a) The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction (including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects, and operational management strategies.

(b) The development of a congestion management process should result in multimodal system performance measures and strategies that can be reflected in the metropolitan transportation plan and the TIP.

(c) The level of system performance deemed acceptable by State and local transportation officials may vary by type of transportation facility, geographic location (metropolitan area or subarea), and/or time of day. In addition, consideration should be given to strategies that manage demand, reduce single occupant vehicle (SOV) travel, improve transportation system management and operations, and improve efficient service integration within and across modes, including highway, transit, passenger and freight rail operations, and non-motorized transport. Where the addition of general-purpose lanes is determined to be an appropriate congestion management strategy, explicit consideration is to be given to the incorporation of appropriate features into the SOV project to facilitate future demand management strategies and operational improvements that will maintain the functional integrity and safety of those lanes.

(d) The congestion management process shall be developed, established, and implemented as part of the metropolitan transportation planning process that includes coordination with transportation system management and operations activities. The congestion management process shall include:

(1) Methods to monitor and evaluate the performance of the multimodal transportation system, identify the underlying causes of recurring and non-recurring congestion, identify and evaluate alternative strategies, provide information supporting the implementation of actions, and evaluate the effectiveness of implemented actions.

(2) Definition of congestion management objectives and appropriate performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods. Since levels of acceptable system performance may vary among local communities, performance measures should be tailored to the specific needs of the area and established cooperatively by the State(s), affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area, including providers of public transportation.

(3) Establishment of a coordinated program for data collection and system performance monitoring to define the extent and duration of congestion, to contribute to determining the causes of congestion, and evaluate the efficiency and effectiveness of implemented actions. To the extent possible, this data collection program should be coordinated with existing data sources (including archived operational/ITS data) and coordinated with operations managers in the metropolitan area.

(4) Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies that will contribute to the more effective use and improved safety of existing and future transportation systems based on the established performance measures.

(5) Identification of an implementation schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation.

(6) Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures. The results of this evaluation shall be provided to decision makers and the public to provide guidance on selection of effective strategies for future implementation.

(e) In a TMA designated as nonattainment area for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed for any project that will result in a significant increase in the carrying capacity for SOVs (i.e., a new general purpose highway on a new location or adding general purpose lanes, with the exception of safety improvements or the elimination of bottlenecks), unless the project is addressed through a congestion management process meeting the requirements of this section.

(f) In TMAs designated as nonattainment for ozone or carbon monoxide, the congestion management process shall provide an appropriate analysis of reasonable (including multimodal)

travel demand reduction and operational management strategies for the corridor in which a project that will result in a significant increase in capacity for SOVs (as described in paragraph (d) of this section) is proposed to be advanced with Federal funds. If the analysis demonstrates that travel demand reduction and operational management strategies cannot fully satisfy the need for additional capacity in the corridor and additional SOV capacity is warranted, then the congestion management process shall identify all reasonable strategies to manage the SOV facility safely and effectively (or to facilitate its management in the future). Other travel demand reduction and operational management strategies appropriate for the corridor, but not appropriate for incorporation into the SOV facility itself, shall also be identified through the congestion management process. All identified reasonable travel demand reduction and operational management strategies shall be incorporated into the SOV project or committed to by the State and MPO for implementation.

(g) State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process, if the FHWA and the FTA find that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of 23 U.S.C. 134 and 49 U.S.C. 5303.

(h) Congestion management plan. An MPO serving a TMA may develop a plan that includes projects and strategies that will be considered in the TIP of such MPO.

(1) Such plan shall:

(i) Develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

(ii) Identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

(iii) Identify proposed projects and programs to reduce congestion and increase job access opportunities.

3. Technical Approach

To comply with these Federal regulatory requirements, NYMTC will:

- Evaluate **current** traffic congestion using the appropriate performance management data set (e.g., National Performance Management Research Data Set (NPMRDS) or subsequent accepted data set). Based on available data, NYMTC staff will assess current recurring and non-recurring congestion in the context of development trends, overarching travel markets and commodity flows, and crash data.
- Forecast **future** levels of traffic congestion using the current travel demand model for the region (e.g., NYMTC's New York Best Practice Model (NYBPM)) and related post-processor, as appropriate, to estimate future congestion at the county/borough and regional levels in the

context of the projects and programs contained in the Transportation Improvement Program (TIP) and the constrained element of the Regional Transportation Plan.

A series of performance metrics that are established cooperatively at the time will be provided in each CMP Status Report. Current (2022) specific performance measures to be included, based on available data, are:

Indicators of Current Conditions That Can Be Derived From NPMRDS

- **Level of Travel Time Reliability (LOTTR)** represents the consistency or dependability of travel times from day-to-day or across different times of day. LOTTR is calculated by dividing the 80th percentile travel time for a segment of road during peak travel times by the 50th percentile travel time.
- **Truck Travel Time Reliability (TTTR)** represents the consistency or dependability of truck travel times from day to day or across different times of day. TTTR is calculated by dividing the 95th percentile truck travel time for a segment of road during peak travel times by the 50th percentile truck travel time.
- **Travel Time Index (TTI)** is the ratio of peak period travel time to free-flow travel time. TTI represents the average additional time required during peak times compared to times of light traffic.
- **Planning Time Index (PTI)** represents the total travel time that should be planned when an adequate buffer time is included. The calculation includes typical and unexpected delays. Thus, PTI compares near-worst case travel time to a travel time in light or free-flow traffic. PTI is calculated with the 95th percentile cross-peak travel time divided by the free-flow travel time.

Indicators of Future Conditions Computed by the Post-Processor Software for CMP Based on NYBPM Outputs

- **Demand-to-Capacity (DC)** ratio is a measure that reflects the level of mobility and the quality of travel of a roadway or a section of a roadway. The DC ratio compares the roadway capacity with the estimated trip demand generated directly from the travel demand models. The capacity of a roadway is defined as the theoretical maximum volume that can be processed by that roadway during a specified time period.
- **Vehicle Hours of Delay (VHD)** is the sum total of delay experienced by all vehicles on the network. Delay is defined as the difference between estimated actual travel speed and free-flow travel speed.
- **Person Hours of Delay (PHD)** is calculated by multiplying VHD by the average vehicle occupancy rate. Because vehicle occupancy differs from place to place, the following rates are used: 1.48 for New York City counties, 1.75 for Nassau and Suffolk counties, and 1.44 for Westchester, Rockland, and Putnam counties.
- **Average Travel Speed (ATS)** is the calculation for a weighted average of speed. The weighted average speed considers varying length of each segment of the road system.

- **Lane Miles of Congestion (LMC)** measures the road space that functions at less than free-flow speeds during the peak period and compares actual roadway volume with maximum acceptable volume for the roadway. It reflects the mobility of a roadway or section of a roadway, indicating the proportion that is congested. LMC can easily be aggregated from facility to corridors to sub-regional to region. For purposes of this performance measure, a roadway is defined as congested if the volume is greater than or equal to 85 percent of the maximum acceptable volume for that roadway (essentially the level of service E volume).
- **Vehicle Miles Traveled (VMT)** is another performance measure developed by the post processor. VMT is the sum of distances traveled by all motor vehicles in a specified region. Travel demand forecasting is used to generate the average trip lengths for a region. The average trip length measure is then used to estimate VMT, which in turn is used in estimating gasoline usage or mobile source emissions of air pollutants.

NYMTC maintains a program of data collection and survey research in support of the currently accepted travel demand model (e.g., NYBPM) to ensure its validity as a calibrated forecasting tool. Data collected for this purpose may include traffic counts, vehicle occupancy rates, vehicle speed, transit services and commodity flows.

4. Planning & Programming Approach

The CMP assessments and forecasts will be used as input into the development of related strategies and actions recommended in the Plan and ultimately intended for inclusion in the TIP. Evaluation of these strategies and actions will be a component of a CMP Status Report that accompanies each NYMTC Plan.

NYMTC's congestion management-related goals and objectives will be components of the strategic framework of each Plan, along with related recommended strategies and actions. Potential transit, highway and Transportation Systems Management & Operations (TSMO) strategies for congestion management will be identified in the Plan. These strategies will be integrated into the CMP and will be highlighted in each CMP Status Report.

NYMTC will establish the implementation schedule, responsibilities, and funding for congestion management projects in the Plan and TIP. NYMTC also will include relevant congestion management studies in the UPWP, as appropriate.

NYMTC as an organization and/or its individual member agencies will consider Planning and Environmental Linkages (PEL) studies, alternatives analyses and corridor studies for projects that significantly increase SOV capacity. Such projects will be included in the regional emissions analyses for NYMTC's transportation conformity determinations, as appropriate.

A Congestion Management Plan that addresses congestion management projects and strategies will be contained within and integrated into each Plan and highlighted in each CMP Status Report.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #536

UPDATED OPERATING PROCEDURES FOR THE CONGESTION MANAGEMENT PROCESS AND FOR REVISIONS TO THE TRANSPORTATION IMPROVEMENT PROGRAM AND REGIONAL TRANSPORTATION PLAN

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, as part of its Compendium of Agreements and Operating Procedures, NYMTC has also established operating procedures for the Congestion Management Process; and

WHEREAS, NYMTC has also established operating procedures for revisions to the Transportation Improvement Program and Regional Transportation Plan; and

WHEREAS, these procedures are agreed upon by NYMTC's members in compliance with relevant federal metropolitan planning regulations and federal guidance, and

WHEREAS, NYMTC seeks to update these operating procedures, which are included as attachments to this resolution, to include regulatory definitions, clarify terms, address procedural gaps, and better reflect current practices and regulations; and

WHEREAS, these operating procedures are critical to NYMTC's planning process and the effective management and use of federal transportation funds.

NOW, THEREFORE, BE IT RESOLVED that PFAC adopts the attached updated operating procedures for the Congestion Management Process and for revisions to the Transportation Improvement Program and Regional Transportation Plan; and

BE IT FURTHER RESOLVED that PFAC instructs NYMTC staff to revise the Compendium of Agreements and Operating Procedures to include these adopted updates.

This resolution shall take effect on the fourteenth day of April, two thousand and twenty-two.

ADOPTED: April 14, 2022

"I hereby certify that the above is a true copy of Resolution #536, Updated Operating Procedures for the Congestion Management Process and for Revisions to the Transportation Improvement Program and the Regional Transportation Plan, and was motioned by Jack Schmidt, 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."



PFAC Acting Chair

- III (f) -
Major Projects Procedures

MAJOR PROJECTS PROCEDURES FOR THE METROPOLITAN TRANSPORTATION PLANNING PROCESS

The following procedures govern the inclusion of major projects in the metropolitan transportation planning process undertaken by the New York Metropolitan Transportation Council (NYMTC).

1. Designation of Major Projects

For the purposes of NYMTC's planning process, major projects are designated when the following conditions are met:

- a) Individual transportation system enhancement projects funded in whole or in part under Title 23 U.S.C. with an anticipated total cost of \$100 million or more.
- b) Individual transportation system preservation projects funded in whole or in part under Title 23 U.S.C. with an anticipated total cost of \$500 million or more.

Individual projects that consist of multiple phases which, in total, exceed the specified thresholds must be designated.

These major project designation requirements do not apply to transit projects exceeding the specified thresholds that do not include funding under Title 23 U.S.C., administered by the Federal Highway Administration. These transit projects are subject to the Federal Transit Administration's New Starts requirements.

2. Definitions

- a) **System Preservation** includes project and program costs related to the lifecycle replacement, refurbishment, rehabilitation, reconditioning or reconstruction of the components (i.e., equipment and facilities) of the federally supported transportation system under the jurisdiction of NYMTC's member agencies.
- b) **System Enhancements** include project and program costs related to the expansion of the federally supported system's capacity through the addition of new components or the significant expansion of the capacity of existing components to move, people, vehicles and/or goods.

3. Regional Transportation Plan

As part of its designation, a major project must be included in NYMTC's Regional Transportation Plan.

- a) The major project must be specified in the fiscally constrained element of the Plan.
- b) The major project specification in the Plan must include the information specified in Attachment A.
- c) The costs identified in the major project specification must be included in the long-range financial plan to demonstrate that the major project is within the Plan's fiscally constrained element.
- d) All applicable public review requirements related to the adoption or amendment of the Plan must be followed to specify a major project.

Attachment A**NEW YORK METROPOLITAN TRANSPORTATION COUNCIL****Major Projects Form**

Project Name:
Sponsoring Agency:
Purpose & Need:
Project Description:
Alternatives Considered:
EJ-Environmental-Historic Preservation Implications:
Other Information:
Total Projected Cost (\$M): Anticipated Fund Sources & Amounts: Anticipated Completion Year:

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #512

ADOPTION OF REVISED MAJOR PROJECTS PROCEDURES

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, suburban Long Island and the lower Hudson Valley; and

WHEREAS, per 23 U.S. Code § 106(h) and (i), the sponsors of major projects exceeding specified cost thresholds must submit project managements plans and/or annual financial plans to the Secretary of Transportation; and

WHEREAS, per 23 CFR § 627.5(b)(3), any major project (as defined in 23 U.S.C. 106(h)), located on or off of the National Highway System, that utilizes Federal-aid highway funding in any contract or phase comprising the major project must conduct a value engineering analysis prior to final design; and

WHEREAS, on June 19, 2008 through Resolution #258, PFAC adopted Major Projects Analysis and Financial Planning operating procedures, hereinafter referred to as major projects procedures; and

WHEREAS, these major projects procedures were incorporated into the Section III(f) of NYMTC's Compendium of Agreements and Operating Procedures; and

WHEREAS, NYMTC's major projects procedures are proposed to be revised as described in Attachment 1 of this resolution and will replace Section III(f) the Council's Compendium of Agreements and Operating Procedures.

NOW, THEREFORE, BE IT RESOLVED THAT PFAC adopts the revised major projects procedures presented as Attachment 1 to this resolution.

This resolution shall take effect on the seventeenth day of December, two thousand and twenty.

ADOPTED: December 17, 2020

"I hereby certify that the above is a true copy of Resolution #512, Adoption of Revised Major Projects Procedures, and was motioned by Sean Sallie, representing the Nassau/Suffolk Transportation Coordinating Committee and seconded by Ann McGrane, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."

Ron Epstein, PFAC Chair

THE METROPOLITAN PLANNING ORGANIZATION

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- III (g) -

**Transportation Improvement Program and Regional
Transportation Plan Revision Operating Procedures**

TIP & PLAN REVISION OPERATING PROCEDURES

(FINAL DRAFT FOR PFAC ACTION - 4/14/22)

1) Introduction

These *TIP and Plan Revision Operating Procedures* outline the steps to revise project listings on an approved Transportation Improvement Program (TIP) and the fiscally constrained element of an adopted Regional Transportation Plan. These operating procedures are to be used as a guide in administering all TIP administrative modifications and/or amendments, and fiscally constrained Plan amendments within the context of relevant federal regulations.

2) Definitions

Per 23 CFR 450.104 –

Administrative modification means a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), or Statewide Transportation Improvement Program (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, a redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).

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 (e.g., changing project termini or the number of through traffic lanes or changing the number of stations in the case of fixed guideway transit projects). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment and a redemonstration of fiscal constraint. If an amendment involves “non-exempt” projects in nonattainment and maintenance areas, a conformity determination is required.

3) Project Revisions to the TIP and Fiscally Constrained Plan

a) Relevant Regulatory Language

Per 23 CFR 450.328 –

a) An MPO may revise the TIP at any time under procedures agreed to by the cooperating parties consistent with the procedures established in this part for its development and approval. In nonattainment or maintenance areas for transportation-related pollutants, if a TIP amendment involves non-exempt projects (per 40 CFR part 93), or is replaced with an updated TIP, the MPO and the FHWA and the FTA must make a new conformity determination. In all areas, changes that affect fiscal constraint must take place by amendment of the TIP. The MPO shall use public participation procedures consistent with §450.316(a) in revising the TIP, except that these procedures are not required for administrative modifications.

(b) After approval by the MPO and the Governor, the State shall include the TIP without change, directly or by reference, in the Statewide Transportation Improvement program (STIP) required

under 23 U.S.C. 135. In nonattainment and maintenance areas, the FHWA and the FTA must make a conformity finding on the TIP before it is included in the STIP. A copy of the approved TIP shall be provided to the FHWA and the FTA.

(c) The State shall notify the MPO and Federal land management agencies when it has included a TIP including projects under the jurisdiction of these agencies in the STIP.

b) Steps in the Process

- i) The project sponsor submits a requested change to appropriate NYMTC staff by the first Wednesday of the month.
- ii) The relevant project sponsor(s) works with NYMTC staff to resolve issues involving the nature of a requested TIP or Plan change. If an issue cannot be resolved, NYMTC staff would seek guidance from FTA or FHWA, depending on the project type and funding.
- iii) For TIP changes:
 - (1) NYMTC staff determines if the requested change is an administrative modification or amendment, using Appendix A to these Operating Procedures for guidance. NYMTC staff may request that the project sponsor provide additional details on the requested change.
 - (2) NYMTC staff creates a TIP change description through the currently used database (e.g., eSTIP or other relevant platform in use) and submits the description to the appropriate NYMTC staff manager.
 - (3) For TIP amendments, a public notice is developed by NYMTC staff, posted on the NYMTC website, and distributed via the NYMTC distribution list. Responses to public comments received will be coordinated among appropriate NYMTC staff and the relevant agency(ies) and will be included with the ballot package for the requested TIP amendments.
 - (a) For non-regional TIP amendments, the ballot package is distributed to the member agencies of the appropriate Transportation Coordinating Committee (TCC). Administrative modifications are distributed for informational purposes.
 - (4) For regional TIP amendments, NYMTC staff prepares a resolution for adoption at an upcoming public business meeting of the NYMTC Program, Finance and Administration Committee (PFAC).
- iv) For fiscally constrained Plan changes:
 - (1) NYMTC staff determines if the requested change is an administrative modification or amendment, using Appendix A to these Operating Procedures for guidance. NYMTC staff may request that the project sponsor provide additional details on the requested change.
 - (2) NYMTC staff enters this information into the currently used database and submits a draft Plan change description to the appropriate NYMTC staff manager.
 - (3) For Plan amendments, NYMTC staff prepares a resolution for adoption at an upcoming public business meeting of the NYMTC Program, Finance and Administration Committee (PFAC). Administrative modifications are distributed for informational purposes.
- v) NYMTC staff submits relevant TIP and Plan amendment(s) to the Interagency Consultation Group (ICG) for review/concurrence with the proposed project air quality classification(s); TIP and Plan administrative modifications are provided for informational purposes.
- vi) NYMTC staff forwards completed TIP changes to NYSDOT Main Office, who will in turn approve (or disapprove) the request in eSTIP for subsequent approval/disapproval by the federal agencies.

c) Adoption of Amendments

- i) For non-regional TIP amendments, a quorum of voting members of the relevant TCC is required for adoption. The relevant TCC will vote on an amendment to the TIP either using the mail ballot provision in NYMTC's Memorandum of Understanding and related Operating Procedures or at a public business meeting.
- ii) For regional TIP amendments or amendments to the fiscally constrained Plan, NYMTC's PFAC will vote on a resolution to amend the TIP or Plan either using the mail ballot provision in NYMTC's Memorandum of Understanding and related Operating Procedures or at a public business meeting. The resolution for this action will indicate approval of a TIP or Plan amendment.
- iii) As indicated in NYMTC's Memorandum of Understanding and related Operating Procedures, consensus is required for the adoption of a TIP or Plan amendment. If any objections are raised, the action will be suspended until the objection is resolved and consensus is obtained.

d) Fiscal Constraint

- i) Relevant regulatory language:

Per 23 CFR 450.104 –

Financially constrained or Fiscal constraint means that the metropolitan transportation plan, TIP, and STIP includes sufficient financial information for demonstrating that projects in the metropolitan transportation plan, TIP, and STIP can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained. For the TIP and the STIP, financial constraint/fiscal constraint applies to each program year. Additionally, projects in air quality nonattainment and maintenance areas can be included in the first 2 years of the TIP and STIP only if funds are "available" or "committed."

- i) New York State DOT provides Planning Targets at the beginning of each TIP development cycle. Planning Targets are estimates based on transportation authorization and suballocation within the State, or on assumed values in the absence of federal authorizations. Fiscal constraint is defined as maintaining the amount of funding programmed for each funding program in each year of the TIP so that the Planning Targets are not exceeded. Additionally, the overall amount of funds available per the Planning Targets over the timeframe of the STIP cannot be exceeded.

To maintain and document fiscal constraint, funds programmed in each TIP year for each federal fund source need to be consistent with the Planning Targets for formula funding and with the amounts shown in the *Federal Register* or on the relevant federal website for discretionary funding.

- (1) Fiscal constraint must be maintained and considered for all TIP changes, including fiscal offsets as required..
- ii) The fiscally constrained element of the Regional Transportation Plan is established in the Plan's financial chapter and its listing of projects, programs and studies.
 - (1) Reasonably expected federal, state and local or private funding is forecast for the period of the Plan. This forecast includes the Planning Targets for the TIP years which fall within the period of the Plan.

- (2) The cost of system preservation is forecast for the period of the Plan and the costs of recommended system enhancement projects and programs are itemized.
 - (a) System preservation projects in TIP years that fall within the period of the Plan are part of the overall forecast of system preservation costs.
 - (b) System enhancement projects in TIP years that fall within the period of the Plan are added to the itemized system enhancement costs in the Plan.
 - (c) Speculative “vision” projects, programs and studies are not part of the fiscally constrained Plan.
- (3) The Plan’s fiscal constraint must be maintained and considered for all changes to the fiscally constrained Plan, including fiscal offsets as required..
 - (a) Give the system preservation cost forecast for the entire period of the Plan, all system preservation projects are considered to be part of that overall forecast and therefore fiscally constrained. Consequently, all changes to system preservation projects in the Plan are considered to be fiscally constrained.

e) Changes in Project Cost

- i) For cost revisions to federally funded projects, amendments are required for total project cost changes, based upon the following thresholds. Administrative modification is sufficient in cases where the thresholds are not exceeded:
 - For Title 23 funding administered by FHWA – an increase in total project costs of \$10 million or greater.
 - For Title 49 Chapter 53 funding administered by FTA – an increase in total project cost of 25% or greater.
- ii) NYMTC staff works with project sponsors to determine the total project cost 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.

f) Programmed Funding from an Expiring TIP

- i) Programmed federal funding from an expiring TIP can be included in its successor TIP given project scheduling and/or delays in progressing the project.
 - ii) All projects in the year of the expiring TIP immediately prior to the first year of the successor TIP that are not obligated and/or cannot be implemented in whole or in part may be included in future program years in the successor TIP once adopted without further NYMTC action providing that transportation conformity and fiscal constraint can be maintained.
- (1) Fiscal constraint is maintained in the successor TIP when projects from an expiring TIP are included since the funding programmed for the project in the expiring TIP accompanies the project into the successor TIP.

g) Public Review

- i) In general, public review is required for the following changes to the TIP or fiscally constrained Plan:
 - (1) Adding or deleting programmed funding for a project in its entirety.

- (2) A major scope change to a programmed project or change to a programmed project's defined limits.
- (3) The addition/removal of a project phase to/from a programmed project.
- (4) Specifying locations for funding programmed as areawide or generic.
- ii) The Overall Public Participation Operating Procedures specify the length of time a proposed TIP amendment requires for public review, with the following exceptions:
 - (1) In cases where the scope of a project as programmed in the TIP does not change or a cost threshold as specified in Section 3(e)(i) is not exceeded, if public review has already been conducted on the project by the sponsoring agency -- for example as part of a prior TIP action or adoption, or a federally required Program of Projects notice -- the previous public review shall be considered sufficient, if it has occurred within three years of the requested TIP amendment. The notice of a project published in the *Federal Register* shall constitute the required amendment public review.
- iii) A proposed amendment to the fiscally constrained Plan will be made public two weeks prior to the date of the PFAC meeting at which the amendment will be considered. Comments will be accepted in writing up to 4 pm on the third business day prior to the meeting date and written replies will be made available to the PFAC members as part of their consideration of the resolution. The timeframe for comments will be noted in the public notice for the meeting.
- iv) The public review of a proposed fiscally constrained Plan or TIP amendment will be conducted in accordance with NYMTC's Overall Public Outreach Operating Procedures. Any public comments and proposed responses will be forwarded to the NYMTC member agencies as part of the amendment approval process.

h) Transportation Conformity

- i) Relevant regulatory language –

§ 93.104 Frequency of conformity determinations.

(b)(2) All transportation plan amendments must be found to conform before the transportation plan amendments are approved by the MPO or accepted by DOT, unless the amendment merely adds or deletes exempt projects listed in § 93.126 or § 93.127. The conformity determination must be based on the transportation plan and the amendment taken as a whole.

(c)(2) A TIP amendment requires a new conformity determination for the entire TIP before the amendment is approved by the MPO or accepted by DOT, unless the amendment merely adds or deletes exempt projects listed in § 93.126 or § 93.127.

(d) Projects. FHWA/FTA projects must be found to conform before they are adopted, accepted, approved, or funded. Conformity must be redetermined for any FHWA/FTA project if one of the following occurs: a significant change in the project's design concept and scope; three years elapse since the most recent major step to advance the project; or initiation of a supplemental environmental document for air quality purposes. Major steps include NEPA process

completion; start of final design; acquisition of a significant portion of the right-of-way; and, construction (including Federal approval of plans, specifications and estimates).

- ii) Changes to projects programmed in the TIP or fiscally constrained Plan may or may not trigger the need for a new transportation conformity determination.
 - (1) Programming new non-exempt projects or removing non-exempt programmed projects requires a new transportation conformity determination.
 - (2) No new transportation conformity determination is required for administrative modifications or for amendments to exempt projects.
 - (3) No new transportation conformity determination is required for non-exempt projects programmed in an approved TIP whose scheduled implementation is changed within the first four years of the TIP.
 - (4) Updates to non-exempt projects that affect the scope of the project will be assessed through interagency consultation to determine if a new transportation conformity determination is required.

4) Specific or Unique Project Revisions

a) Funding Transfers

- i) Relevant regulatory language --

Per 23 CFR 450.326 (e) –

The TIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the metropolitan planning area proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53 (including transportation alternatives; associated transit improvements; Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects; HSIP projects; trails projects; accessible pedestrian walkways; and bicycle facilities)

- ii) Under the provisions of specific federal funding programs, funding may be transferred between Title 23, which is administered by FHWA, and Title 49 Chapter 53, which is administered by FTA. Such funding transfers should be noted in TIP project descriptions as “*transferred from Title XX to Title YY*”.
- iii) There are also instances where Title 23 funding is transferred to Title 49 Chapter 53 in a specific federal fiscal year but included in the program of projects of a grant application in the following federal fiscal year. In these instances, the Title 23 funds can only be listed once in the year of the transfer using the Title 23 fund source. The grant application year, if different, will list “FTA MISC” as the Title 49 fund source unless a specific fund source is known.

b) Congress Members’ Designated Projects and Projects Programmed with Discretionary Funds

- i) Congress members' designated projects (also referred to as "earmarks") and projects programmed with federal discretionary funds use funding specific to the project and not drawn from the TIP's Planning Targets. Therefore, these projects are, by their nature, fiscally constrained and the programming of these funds does not require the redemonstration of fiscal constraint unless the sponsoring agency is also adding other Title 23 or Title 49 Chapter 53 funds to the project.

c) Changing Project Funding from Local Funding to Federal Funding

- i) If a project programmed with 100% local funds is revised to include federal funds, this action will be processed as an amendment. If public review of the project has already occurred at the point it was programmed on the TIP, then only the adoption of the amendment and subsequent STIP processing are required.

d) Removal of Federal Funding from a Project

- i) If programmed federal funding for a project is removed, an amendment is needed. Public review will be required in cases where *all* programmed funding for the project, including state and local, is removed from the TIP or fiscally constrained Plan.
- ii) FHWA defines an *inactive* project as a project for which programmed federal funding has been *obligated* (i.e., a formal federal commitment has been made to reimbursing costs for the project) but no project expenditures have been billed during the previous twelve months.

(1) If a project status is confirmed as inactive, the federal funds programmed for that project may be considered for release and made available for programming. This release of funds from a project is done in one of two ways: by *deobligation* or by *withdrawal*. These terms are further explained below:

- Deobligation: When funds are deobligated from a project, the approved funding amount is altered on the FHWA fiscal accounting system.
- Withdrawal: When funds are withdrawn from a project, the project is deleted from the FHWA fiscal accounting system.

(2) Should a project sponsor seek to reinstate a project to active status after deobligation or withdrawal to restart the project and/or enable federal reimbursement of previously unbilled project cost, the TIP/STIP implications are different depending on the type of action previously taken to release funds:

- (a) If a project sponsor requests that an inactive project, either prior to or following deobligation, be returned to active status and have funds reestablished on the accounting system to reimburse expenditures, the protocols for either adding a new project or adding federal funds to a project are used, depending on the TIP status of the project in question.
- (b) An inactive project that has been withdrawn no longer exists from the federal viewpoint. It may be put back on the TIP only by amendment to be reinstated as a "new" project which includes public review.

- (c) If the inactive project is being reinstated in a different federal fiscal year from when its federal funding was deobligated or withdrawn, the funds are normally reprogrammed with fiscal offsets required to maintain fiscal constraint.

e) Programming Funds for Projects from a Previous TIP

- i) Should a project programmed and obligated in a previous TIP require additional funding be programmed in the current TIP for completion (including orders-on-contract), the additional funding can be programmed through an administrative modification, since the project previously appeared in a TIP and was publicly reviewed.
- ii) In cases where the project did not appear in a previous TIP, as can happen with transit projects in multiple grants/years, an amendment with public review will be required to program the new funding.

f) Administrative Modifications Involving CMAQ-Funded and STBG Urban-Funded Projects

- i) Voting member concurrence is required through the relevant TCC for non-regional TIP actions and through PFAC for regional TIP actions or actions involving the fiscally constrained Plan when Congestion Mitigation/Air Quality (CMAQ)-funded projects and Surface Transportation Block Grant (STBG), Urban-funded projects are revised through administrative modifications. Voting members will be allowed five calendar days to concur with or object to the modification.

APPENDIX A: THRESHOLDS FOR PROJECT REVISIONS

Project Revision	Administrative Modification	Amendment
Project Cost Revision (see Section 3(e))		
Below Thresholds	√	
Above Thresholds		√
Project/Project Phase Date Revision		
Within the 4 years of the STIP	√	
Outside the 4 years of the STIP		√
Change to a non-exempt project affecting the regional conformity determination		√
Programmed Funding Revision		
Within resources (committed column to first year of STIP)	√	
When redemonstration of fiscal constraint is needed		√
Fund Source Revision		
Local-to-Federal		√
Federal-to-Local (project removed from the Federal program)		√
Between federal programs	√	
Project/Project Phase Addition or Deletion		
Addition or deletion of project (regardless of fund source)		√
Blocking funds (not a project)	√	
Addition or deletion of a project phase		√
Deletion of a completed or unneeded project phase	√	
Projects split into multiple PINs for implementation	√	
Separate projects combined into one PIN for implementation	√	
Addition of a deobligated project (see Section 4(d)(2)(a))	√	
Addition of a withdrawn project (see Section 4(d)(2)(b))		√
Other Revisions		
Change in air quality status (between non-exempt and exempt)		√
Change in implementing/sponsoring agency	√	
Minor technical corrections consistent with prior approvals	√	
Changes considered routine by agreement of NYSDOT/FHWA	√	

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #536

UPDATED OPERATING PROCEDURES FOR THE CONGESTION MANAGEMENT PROCESS AND FOR REVISIONS TO THE TRANSPORTATION IMPROVEMENT PROGRAM AND REGIONAL TRANSPORTATION PLAN

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, as part of its Compendium of Agreements and Operating Procedures, NYMTC has also established operating procedures for the Congestion Management Process; and

WHEREAS, NYMTC has also established operating procedures for revisions to the Transportation Improvement Program and Regional Transportation Plan; and

WHEREAS, these procedures are agreed upon by NYMTC's members in compliance with relevant federal metropolitan planning regulations and federal guidance, and

WHEREAS, NYMTC seeks to update these operating procedures, which are included as attachments to this resolution, to include regulatory definitions, clarify terms, address procedural gaps, and better reflect current practices and regulations; and

WHEREAS, these operating procedures are critical to NYMTC's planning process and the effective management and use of federal transportation funds.

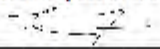
NOW, THEREFORE, BE IT RESOLVED that PFAC adopts the attached updated operating procedures for the Congestion Management Process and for revisions to the Transportation Improvement Program and Regional Transportation Plan; and

BE IT FURTHER RESOLVED that PFAC instructs NYMTC staff to revise the Compendium of Agreements and Operating Procedures to include these adopted updates.

This resolution shall take effect on the fourteenth day of April, two thousand and twenty-two.

ADOPTED: April 14, 2022

"I hereby certify that the above is a true copy of Resolution #536, Updated Operating Procedures for the Congestion Management Process and for Revisions to the Transportation Improvement Program and the Regional Transportation Plan, and was motioned by Jack Schmidt, 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."



PFAC Acting Chair

THE METROPOLITAN PLANNING ORGANIZATION

125 Broad Street • Suite 201 • New York • New York • 10001 • 212 383 7200 • FAX 212 383 7200

- III (h) -

Title VI Program



Title VI/ Non-Discrimination Program

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

ADOPTED NOVEMBER 17, 2022

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INTRODUCTION

What is NYMTC?

The New York Metropolitan Transportation Council (NYMTC) is a regional council that is the designated federal Metropolitan Planning Organization (MPO) for New York City, Long Island and 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 based on a continuing, comprehensive and coordinated planning process.

NYMTC was created through a Memorandum of Understanding (MOU) between its nine voting members. This MOU also designated several advisory members. NYMTC's principal membership consists of the elected and appointed officials who represent the signatory agencies of the MOU and the advisory agencies. NYMTC's MOU also establishes three geographically-based transportation coordinating committees (TCCs) – one each for New York City, for the Long Island and the Lower Hudson Valley. Similarly, the principal membership of these three subregional TCC's consist of the elected and appointed officials of the constituent member agencies. NYMTC's fourth standing committee, the Program, Finance and Administration Committee (PFAC) is comprised of the designees of the principal members.

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.

NYMTC's nine voting principal members are:

- Commissioner, New York State Department of Transportation (NYSDOT)
- County Executives, Nassau and Suffolk counties
- County Executives, Putnam, Rockland, and Westchester counties
- Chief Executive Officer, Metropolitan Transportation Authority (MTA)
- Director, New York City Department of City Planning (NYCDCP)
- Commissioner, New York City Department of Transportation (NYC DOT)

NYMTC's seven advisory principal members are:

- Executive Director, Port Authority of New York & New Jersey (PANYNJ)
- Commissioner, New York State Department of Environmental Conservation (NYSDEC)
- Chief Executive Officer, New Jersey Transit (NJT)
- Executive Director, North Jersey Transportation Planning Authority (NJTPA)
- Regional Administrator, Federal Transit Administration (FTA)
- Regional Administrator, U.S. Environmental Protection Agency (USEPA)
- Division Administrator, Federal Highway Administration (FHWA)

Metropolitan Transportation Planning Process

The federal legislation which authorizes funding for transportation improvements in metropolitan regions with 50,000 residents or greater requires an MPO in those regions to plan for and make decisions on the use of federal transportation funding. MPOs ensure that existing and future federal expenditures for transportation improvements are based on a continuing, cooperative, and comprehensive ("3C") planning process.

Federal regulations mandate that MPOs produce three required products and two analyses, along with a Public Involvement Plan. These planning products together constitute the MPO's planning process.

PLANNING PRODUCTS

The Regional Transportation Plan (the Plan), which describes long-range goals, objectives, and needs, over a minimum 20-year horizon for the NYMTC planning area;

1. The Regional Transportation Plan (the Plan), which describes long-range goals, objectives, and needs, over a minimum 20-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.

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 TIP impact future mobile source emissions milestones set in response to federal air quality standards under the Clean Air Act Amendments of 1990.

TITLE VI/NON-DISCRIMINATION PROGRAM IMPLEMENTATION

Legislative and Regulatory Overview

NYMTC's Title VI/Non-Discrimination Program establishes a framework for compliance with Title VI of the Civil Rights Act of 1964. Additionally, the Title VI/Non-Discrimination Program considers the requirements of 49 U.S.C. Section 5332, Executive Order 12898 on Environmental Justice (EJ), and related statutes regarding the nondiscriminatory delivery of services and benefits.

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 (42 USC 2000d et seq) - 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.

23 U.S.C. 324 - Prohibition of Discrimination on the Basis of Sex – prohibits sex/gender discrimination.

49 U.S.C. 5332 - Nondiscrimination - prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.

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, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

[Uniform Act of 1970 \(42 U.S.C. 4601\)](#) – prohibits unfair and inequitable treatment of persons displaced or property to be acquired as a result of federal-aid programs and projects.

[Age Discrimination Act of 1975 \(42 U.S.C. 6101\)](#) – prohibits discrimination based on age – prohibits discrimination based on age.

[Americans with Disabilities Act of 1990 \(ADA\) \(42 U.S.C. 12101\)](#) - 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.

ADA Amendments Act of 2008 ([Public Law 110-325](#)) - amended the Americans with Disabilities Act of 1990 (ADA) and other disability nondiscrimination laws at the Federal level of the United States.

Section 504 of the 1973 Rehabilitation Act (29 U.S.C.794) – prohibits discrimination on the basis of disability, physical or mental impairment in federally assisted programs or activities.

IMPLEMENTING REGULATIONS AND DIRECTIVES

49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964.

23 CFR Part 200 – Title VI/Non-Discrimination Program and related Statutes – Implementation and Review Procedures.

[49 CFR Part 26](#) – **Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs** - requires FTA funding recipients to comply with the DBE regulations (49 CFR Part 26).

[28 CFR 42 Part 401](#) - direct agencies to “publish title VI guidelines for each type of program to which they extend financial assistance, where such guidelines would be appropriate to provide detailed information on the requirements of Title VI.”

23 USC 324, Federal-Aid Highway Act - prohibits the sexual discrimination in employment connected with Federal proposed projects

[U.S. DOT Order 1000.12C](#) – **Implementation of DOT Title VI/Non-Discrimination Program**

U.S. [DOT Order 1050.2A](#) – **DOT Standard Title VI Assurances and Non-Discrimination Provisions**

[U.S. DOT Order 5610.2C](#) – this order updates Environmental Justice Procedures, U.S. Department of Transportation actions to address environmental justice in minority populations and low-income-populations

[28 CFR Part 41](#) - **Implementation of Executive Order 12250, Nondiscrimination On The Basis Of Handicap In Federally Assisted Programs**

FEDERAL EXECUTIVE ORDERS

[Executive Order 12250](#) - Department of Justice coordination of enforcement of non-discrimination in federally assisted program.

[Executive Order 12898](#) - **Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations.** Focuses federal attention on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities.

Executive Order 13166 - Limited English Proficiency (LEP). Prohibits discrimination on the basis of how well a person speaks, reads or writes English.

[Executive Order 13175](#) – **Consultation and Coordination with Indian Tribal Governments.** It states that “in formulating or implementing policies that have tribal implications, agencies shall establish regular and meaningful consultation and collaboration with tribal officials to reduce the imposition of unfunded mandates upon Indian tribes.”

Executive Order 13985 - Advancing Racial Equity and Support for Underserved Communities through the Federal Government. Ensures nondiscrimination in all of its federally conducted programs, activities, and services.

GUIDANCE

[Federal Transit Administration Circular 4702.1B](#) of October 1, 2012. - provides guidance to grantees on how to comply with Title VI regulations, and ensures grantees provide meaningful language access to persons who are limited English proficient.

[Federal Transit Administration Circular 4703.1](#) (FTA C. 4703.1) – environmental justice(EJ) policy guidance for recipients of Federal Transit Administration funds how to fully engage EJ populations in the public transportation decision-making process; determine whether EJ populations would be subjected to disproportionately high and adverse human health or environmental effects as a result of transportation plans, projects, or activities; and how to avoid, minimize, or mitigate these effects.

[Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient \(LEP\) Person](#) - USDOT LEP Guidance, Federal Register, December 14, 2005

NEW YORK STATE LEGISLATION

New York State Human Rights Law Article 15 (1945) – guarantees nondiscrimination in the state of New York on the basis of race, creed, color, national origin, sex, marital status, age disability and or sexual orientation.

New York State Law Article 15-A (1988) – requires State agencies to establish employment and business participation goals for minorities and women on State contracts.

New York State Law Article 17-B (2014) – an act to the Executive Law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises.

Sexual Orientation Non- Discrimination Act (SONDA) (2003) - amends Executive Law to include sexual orientation

NYMTC's Organizational Approach to Title VI/Non-Discrimination

Title VI/Non-Discrimination Objectives and Policy Statement

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, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level;
- 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 based on race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level;
- Ensure that public events related to the planning process are scheduled at convenient times and convenient, transit-accessible locations; and
- Ensure meaningful access to the metropolitan transportation planning process by persons with limited English proficiency (LEP).

NON-DISCRIMINATION POLICY 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, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 on Environmental Justice, Executive Order 13166 on Limited English Proficiency, and all other related nondiscrimination statutes, rules, regulations, and executive orders cited in its Title VI/Non-Discrimination Program.

NYMTC assures that no person or group(s) of persons shall, on the grounds of race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level, 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 its plans, programs, procedures, policies, and activities do not have disproportionate adverse effects based on race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level. 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/non-discrimination 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 is responsible for initiating and monitoring the organization's Title VI/Non-Discrimination 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/Non-Discrimination 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 NYSDOT as administrative host. Where space and costs are issues, NYMTC may use the abbreviated version of the notice presented in Appendix 2.

Title VI/Non-Discrimination Operational Arrangements

TITLE VI/NON-DISCRIMINATION COORDINATOR

NYMTC has designated a Title VI/Non-Discrimination Coordinator who is responsible for facilitating the implementation of this Title VI/Non-Discrimination Program. This responsibility includes overseeing compliance with the program in each area of organizational activity, with specific attention to the Special Emphasis Areas described below. Additionally, the Coordinator monitors the program's implementation and addresses any related compliance issues. The responsibilities of the coordinator also include the following:

- Ensuring all organizational activities comply with the Title VI/Non-Discrimination Program while monitoring the implementation of the program and addressing any related compliance issues.
- Ensuring the collection and analysis of relevant data related to the Title VI/Non-Discrimination Program, including statistical data (i.e., race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level) for use in compliance planning and monitoring by NYMTC, its member agencies, consultants, and the public.
- Ensuring and monitoring the dissemination of Title VI/Non-Discrimination Program information to NYMTC staff and member agencies, other participants in the metropolitan transportation planning process, and the public.
- Ensuring the inclusion of the Title VI/Non-Discrimination Policy Statement, necessary assurances in contracts and organizational materials, products and reports, and the Title VI/Non-Discrimination Program policies, provisions, and related requirements are provided, as applicable, to consultants, vendors or other parties under direct contract with NYMTC via NYSDOT as the administrative host.
- Providing appropriate Title VI/Non-Discrimination Program training for NYMTC members and staff.
- Identifying, investigating, and addressing discrimination and complaints of discrimination.

- Preparing an annual report which evaluates the effectiveness of NYMTC's Title VI/Non-Discrimination Program and related effort, documents related accomplishments over the past year establishes goals for the forthcoming year.
- Monitoring federal and state laws, rules, regulations, guidelines, and other resource information pertaining to NYMTC's Title VI/Non-Discrimination Program.

TITLE VI/NON-DISCRIMINATION COMPLAINT PROCEDURES

NYMTC's Title VI/Non-Discrimination Complaint Procedure is the process by which NYMTC receives and investigates complaints of discrimination while ensuring due process for complainants and respondents. The procedure does not preclude NYMTC from attempting to informally resolve complaints where possible. All complaints are routed to the Federal Highway Administration's (FHWA) Regional Office as FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

The Title VI/Non-Discrimination Complaint Procedure applies to all external complaints of discrimination 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, regulations, executive orders and directives as specified in this Title VI/Non-Discrimination Program which prohibit discrimination on the basis of race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level.

The 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 49 CFR Part 21.11(e).

Under this procedure, any individual (or their representative) who believes they have been subject to discrimination 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.

The complainant also has a right to forward the complaint to any of the below ensuring that the required information is included. Complaints must be in writing and transmitted by hard copy, fax or by email. The complainant may use NYMTC's complaint form (see Appendix 2 and/or www.nymtc.org) which should be signed by the complainant(s) or their representative:

Title VI/Non-Discrimination Coordinator
[New York Metropolitan Transportation Council](#)
 25 Beaver Street, 2ND Floor
 New York, NY 10004
 Email: NYMTC-Web@dot.ny.gov
 Phone: 212- 383-7200 Fax: 212-383-7287

Title VI Coordinator
 Office of Civil Rights
New York State Department of Transportation
 50 Wolf Road, 6th Floor Albany, NY 12232
 Email: OCR-TitleVI@dot.ny.gov
 Phone: (518) 457-1129 Fax: (518) 485-5517

Civil Rights Officer
U.S. Department of Transportation
 Federal Transit Administration, Region II
 One Bowling Green, Room 429
 New York, NY 10004
 Email: FTACivilRightsCommunications@dot.gov
 Phone: (212) 668-2170 Fax: (212) 668-2136

Federal Highway Administration
 U.S. Department of Transportation Office of Civil Rights
 1200 New Jersey Avenue, SE
 8th Floor E81-105
 Washington, DC 20590
 Email: FHWA.TitleVIcomplaints@dot.gov
 Phone: (202) 366-0693 Fax: 202-366-1599

U.S. Department of Justice
 Civil Rights Division
 950 Pennsylvania Avenue, N.W.
 Office of the Assistant Attorney General, Main
 Washington, D.C. 20530
 Phone # (202) 514-3847
 Telephone Device for the Deaf (TDD) (202) 514-0716

All written complaints should include the following information:

- The Complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The date and time when the alleged discrimination became known to the complainant., In cases where there has been a continuing pattern of conduct, the date on which the latest instance of the conduct occurred.
- A written explanation of the alleged discriminatory actions. Complainants should present a detailed description of the issues, including the names, job titles, agency of those individuals perceived as parties in the complained-of incident;
- The basis of the complaint (e.g., race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level);
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred as part of NYMTC's programs or activities.

Should additional information be needed for assessment of or investigation of the complaint, the Title VI/Non-Discrimination Coordinator will contact the complainant within fifteen business days of the postmark or stamp time of the acknowledgement of the complaint. The complainant's failure to provide the requested additional information by the date specified by the Title VI/Non-Discrimination Coordinator could result in the administrative closure of the complaint.

Complaints received by telephone will be reduced to writing with the assistance of the Title VI/Non-Discrimination Coordinator or designated staff and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for them to complete, sign, and return to NYMTC for processing.

Once received, complaints will be recorded by NYMTC in a Title VI/Non-Discrimination Complaint Log. The Log will include the following information --

- Name and contact information of the complainant(s);
- Date complaint was received;
- Nature of the complaint;
- Name of the NYMTC Title VI/Non-Discrimination Coordinator or other NYMTC representative handling the complaint;
- Disposition of the complaint.

The Title VI/Non-Discrimination 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. Since the last Title VI/Non-Discrimination Program submission there have been no complaints, investigations or lawsuits that pertain to allegations of discrimination as a result of NYMTC's programs or activities.

Special Emphasis Areas

This Title VI/Non-Discrimination Program places special emphasis on the following areas of NYMTC's organizational activity undertaken as part of the metropolitan transportation planning process. These areas involve public access to the planning process, outcomes of the planning process in terms of funding programmed for projects, programs and studies, and the use of professional services to assist in the execution of the planning process.

PUBLIC OUTREACH & INVOLVEMENT

This emphasis area impacts all aspects of NYMTC's 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 strategies for its public outreach and involvement activities:

- 1) Provide a robust, creative, multi-pronged, and inclusive outreach process for all populations within the region, including employers, local municipalities, and tribal nations, with opportunities to engage in meaningful discussions between NYMTC and the public about transportation planning issues and activities.

- 2) Educate all populations within the region, including employers, local municipalities, and tribal nations, so they can purposefully participate, know how to provide input, and be encouraged to do so by:
 - Adopting strategic techniques to involve different audiences; and
 - Developing a greater understanding of how NYMTC functions as an organization and the roles and responsibilities of Council members and staff.
- 3) Evaluate current and ongoing public involvement activities on a periodic basis to identify successes and areas for improvement.
- 4) Provide a robust, creative, multi-pronged, and inclusive outreach process for all populations within the region, including employers, local municipalities, and tribal nations, with opportunities to engage in meaningful discussions between NYMTC and the public about transportation planning issues and activities.

Public involvement is a required element of the development of NYMTC's federally required planning products and analyses. NYMTC's Public Involvement Plan and related Public Outreach Operating Procedures define public outreach and involvement at regional; sub-regional; and local levels.

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 used to interact with the public. NYMTC's Public Involvement Plan is available at:

https://www.nymtc.org/Portals/0/Pdf/PIP/PIP%202022/NYMTC_PIP2022.pdf?ver=fmkW3virSNMiUn

NYMTC also maintains Language Access Operating Procedures to ensure Individuals with limited English proficiency can access programs and services. These procedures, which are included in this Title VI/Non-Discrimination 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.

PLANNING & PROGRAMMING

NYMTC is responsible for developing a long-range Plan, medium-range TIP, and annual Work Program so that federal transportation funding can be used for both planning activities and transportation improvements within the NYMTC planning area. As part of this emphasis area, the Title VI/Non-Discrimination Program is a consideration in 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, income, transportation service and usage, mobility and growth. This aspect of the process will be explored in greater detail in the following section on planning process outcomes.

- 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/Non-Discrimination Program.
- An Environmental Justice and Title VI Assessment is undertaken for each of NYMTC's regional transportation plans to assess the distribution of burdens and benefits of transportation plans and programs. The Environmental Justice and Title VI/ Assessment undertaken for NYMTC's current Federal Fiscal Years 2022-2050 Regional Transportation Plan can be found here: <https://www.nymtc.org/Required-Planning-Products/Regional-Transportation-Plan-RTP>

CONTRACTUAL SERVICES

NYMTC relies on its administrative hosting arrangement with NYSDOT to retain professional services in support of its programs and activities. Standard language incorporated into contracts executed for this purpose requires that contractors 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 in the execution of all contracts and to ensure that all Title VI/Non-Discrimination Program provisions are met. Specifically, the contracting process includes the following:

- Title VI/Non-Discrimination assurances 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 5**.
- 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).
- 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.

ASSESSMENT OF PLANNING PROCESS OUTCOMES

There are no specific federal standards for conducting a Title VI/non-discrimination-related assessment of an MPO's planning process outcomes. For this purpose, NYMTC has developed the approach outlined below to assess the impacts of the planning process on minority populations and low-income communities for which geo-spatial information can be accessed.

Defining Communities of Concern and Relevant Characteristics

For this analysis, the following U.S. Department of Transportation definitions of *minority* and *low-income* have been used for a shared understanding of the terms.

Minority refers to a person's racial or ethnic identity, including the following:

- Black: a person having origins in any of the black racial groups of Africa;
- Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
- Native Hawaiian and Other Pacific Islander: people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Low-income refers to median household income that is at or below the U.S. Department of Health and Human Services poverty thresholds, which are derived each year by the U.S. Census Bureau for statistical purposes (e.g., preparing estimates of the number of Americans in poverty each year).

NYMTC defines *Communities of Concern* (CofCs) based on census tracts that meet both of the following-two conditions related to minority and lower income populations.

- Census tracts within the boundaries of the NYMTC planning area that meet the following parameters:
 - Minority population of more than 57 percent (the NYMTC planning area average) of the tract population; and
 - More than 14 percent (the NYMTC planning area average) of the tract population living in low-income households at or below the poverty level.

Table 1 presents the proportions of minority and low-income populations in each of NYMTC's counties/boroughs and subareas. In addition, this table shows the results when this information is applied to the above parameters to identify CofCs based on the prevalence of minority and low-income populations within census tracts.

The NYMTC planning area's minority population totaled 7.3 million, which represents 57 percent of the planning area's total population. New York City had the largest percentage of minority

population, with 62 percent or nearly 5.7 million people. Long Island's minority population totaled 1 million people or 33 percent of its total population, and the Lower Hudson Valley had a minority population of 585,000, approximately 34 percent of its total population.

Regarding household income, approximately 14 percent (1.8 million people) of the planning area's population was living in households at or below the defined poverty level. Long Island had the lowest proportion of population at or below the poverty level with 6 percent (approximately 180,000 people), followed by the Lower Hudson Valley with 9 percent (approximately 138,000) and New York City with 17 percent (approximately 1.6 million).

Table 1: Minority Population and Population Below Poverty Level

County/Borough	Minority Population	Percent Minority	Population Below Poverty Level	% Below Poverty Level
Bronx	1,303,998	87%	407,528	27%
Brooklyn	1,659,988	62%	544,622	19%
Manhattan	866,916	51%	263,413	16%
Queens	1,717,140	72%	295,165	12%
Staten Island	181,741	40%	60,026	13%
New York City Subtotal	5,729,783	62%	1,570,754	17%
Nassau	532,139	37%	76,461	5%
Suffolk	474,510	29%	103,887	7%
Long Island Subtotal	1,006,649	33%	180,348	6%
Putnam	20,325	20%	5,191	5%
Rockland	118,844	36%	45,613	13%
Westchester	445,341	47%	87,214	9%
Lower Hudson Valley Subtotal	584,510	34%	138,018	9%
NYMTC Planning Area Total	7,320,942	57%	1,889,120	14%
Source: U.S. Census Bureau; 2014 – 2018 American Community Survey (ACS)				

RACE AND ETHNICITY

As shown in Table 2, approximately 42 percent of the residents of NYMTC's planning area are non-Hispanic white, 26 percent are Hispanic or Latino, 18 percent are non-Hispanic Black or African American, and 11 percent are non-Hispanic Asian. The remaining 3 percent are American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, and other or mixed race.

Table 2 – Populations by Race/Ethnicity in the NYMTC Planning Area

Race/Ethnicity	Group Population in the NYMTC Region	% of Population in the NYMTC Region
Hispanic or Latino	3,269,854	25.79%
White (not Hispanic or Latino)	5,358,807	42.26%
Black or African American alone (not Hispanic or Latino)	2,282,510	18.00%
American Indian and Alaska Native alone (Not Hispanic or Latino)	20,617	0.16%
Asian alone (Not Hispanic or Latino)	1,427,211	11.26%
Native Hawaiian and Other Pacific Islander alone	3,515	0.03%
Some other race alone (Not Hispanic or Latino)	90,571	0.71%
Two or more races (Not Hispanic or Latino)	226,664	1.79%
Total	12,679,749	100%

Source: 2014 – 2018 American Community Survey (ACS)

An interactive map displaying the CofCs and racial/ethnic concentrations in the NYMTC planning area has been prepared as part of this assessment and can be accessed through the following link: <https://arcg.is/1PSXvy0>. This map illustrates the communities of concern identified in the NYMTC planning area; and visualizes population distribution by race and ethnicity as added layers. The map also visualizes the spatial relationship of the communities of concern to projects, programs and studies that appear in NYMTC's Plan and TIP.

MOBILITY CHARACTERISTICS

The tables below present the mobility characteristics of CofCs relative to all other communities in the NYMTC planning area. Tables 3 and 4 show the transportation modes people in CofCs and the remainder of the population in NYMTC's planning area use to get to work. Across the planning area, people living in CofCs are more likely to take transit than people living in other communities. In CofCs, 60 percent of workers use public transportation to commute to work, compared to 34 percent of workers in other communities. Conversely, workers in CofCs are less likely than those in other communities to use an auto, van, truck, or carpool to travel to work; 26 percent of workers in CofCs travel by one of these modes compared to 52 percent of commuters in other communities.

Table 3: Means of Transportation to Work for Communities of Concern

County	Total Workers (over 16) in CofCs	Primary Modes of Travel											
		Car, Trucks, Vans, and Carpool		Public Transit (excluding taxi)		Bicycle		Walking		Taxi, Motorcycle or Other Means		Work at Home	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bronx	439,363	98,997	23%	283,187	64%	1,899	0%	35,108	8%	7,095	2%	13,075	3%
Kings (Brooklyn)	544,801	102,534	19%	364,813	67%	10,243	2%	40,087	7%	6,790	1%	20,356	4%
New York (Manhattan)	299,800	28,414	9%	203,033	68%	4,957	2%	41,447	14%	5,401	2%	16,554	6%
Queens	333,953	107,091	32%	184,578	55%	2,100	1%	28,628	9%	4,098	1%	7,426	2%
Richmond (Staten Island)	35,868	17,473	49%	15,128	42%	155,916	0%	1,586	4%	638,527	2%	890,759	2%
New York City Subtotal	1,653,785	354,509	21%	1,050,739	64%	19,354	1%	146,856	9%	24,022	1%	58,302	4%
Nassau	42,084	30,102	72%	7,753	18%	331,858	1%	2,193	5%	381.59	1%	1,322	3%
Suffolk	27,051	22,616	84%	2,634	10%	218,744	1%	502.846	2%	360.97	1%	718,509	3%
Long Island Subtotal	69,135	52,719	76%	10,387	15%	551	1%	2,696	4%	743	1%	2,041	3%
Putnam	-	-	-	-	-	-	-	-	-	-	-	-	-
Rockland	18,274	13,506	74%	2,290	13%	32.28	0%	897.619	5%	978.258	5%	562.67	3%
Westchester	84,362	48,443	57%	24,037	28%	254.15	0%	7,574	9%	1,787	2%	2,264	3%
Lower Hudson Valley Subtotal	102,636	61,950	60%	26,327	26%	286	0%	8,471	8%	2,766	3%	2,827	3%
NYMTC Planning Area Total	1,825,556	469,177	26%	1,087,453	60%	20,191	1%	158,023	9%	27,530	2%	63,170	3%

Source: 2015-2019 ACS 5-year Estimates

Table 4: Means of Transportation to Work for Other Communities

County	Total Workers (over 16) in Other Communities	Primary Modes of Travel											
		Car, Trucks, Vans, and Carpool		Public Transit (excluding taxi)		Bicycle		Walking		Taxi, Motorcycle or Other Means		Work at Home	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bronx	143,191	63,204	44%	64,906	45%	422	0%	7,885	6%	2,305	2%	4,445	3%
Kings (Brooklyn)	653,134	166,785	26%	368,856	56%	11,207	2%	63,746	10%	8,181	1%	34,364	5%
New York (Manhattan)	587,391	41,539	7%	318,522	54%	15,043	3%	139,750	24%	25,276	4%	47,285	8%
Queens	767,794	319,521	42%	378,913	49%	3,905	1%	35,204	5%	7,714	1%	22,534	3%
Richmond (Staten Island)	175,303	117,626	67%	47,526	27%	302,102	0%	3,902	2%	1212.16	1%	4742.833	3%
New York City Subtotal	2,326,813	708,675	30%	1,178,723	51%	30,880	1%	250,487	11%	44,689	2%	113,370	5%
Nassau	633,618	478,494	76%	108,016	17%	1270.692	0%	13,240	2%	5348.53	1%	27,222	4%
Suffolk	712,390	623,371	88%	44,305	6%	1430.351	0%	9170.441	1%	6828.701	1%	27266.881	4%
Long Island Subtotal	1,346,008	1,101,865	82%	152,320	11%	2,701	0%	22,411	2%	12,177	1%	54,488	4%
Putnam	49793	42883.659	86%	3679.512	7%	102.922	0%	628.079	1%	232.911	0%	2263.874	5%
Rockland	126,045	103,702	82%	9,398	7%	49.846	0%	3919.696	3%	1764.628	1%	7230.811	6%
Westchester	387,363	259,724	67%	84,535	22%	815.17	0%	14,670	4%	4,169	1%	23,461	6%
Lower Hudson Valley Subtotal	563,201	406,310	72%	97,612	17%	968	0%	19,218	3%	6,166	1%	32,956	6%
NYMTC Planning Area Total	4,236,022	2,216,850	52%	1,428,655	34%	34,549	1%	292,116	7%	63,032	1%	200,815	5%

Source: 2015-2019 ACS 5-year Estimates

Another meaningful mobility characteristic is travel time to work. The national average commuting time of 23 minutes falls within the 15–29-minute category used by the U.S. Census Bureau in the American Community Survey (ACS). In the NYMTC planning area, 37 percent of CofC workers travelled for more than one hour to work, while 30 percent of residents of other communities had a commute time of more than one hour. When looking at short commutes (less than 30 minutes), CofC workers are less likely to have shorter commutes than those in other communities; 24 percent of workers in CofCs had commutes of less than 30 minutes, whereas this figure was 30 percent for those in other communities.

Table 5: Travel Time to Work for Communities of Concern

County/Borough	Total # of Workers in CofCs	< 15 Minutes		15-29 Minutes		30-44 Minutes		45-59 Minutes		>59 Minutes	
		No.	%	No.	%	No.	%	No.	%	No.	%
Bronx	419,926	36,455	9%	66,904	16%	97,878	23%	71,966	17%	184,509	44%
Brooklyn	519,116	33,699	6%	76,387	15%	151,870	29%	108,320	21%	187,174	36%
Manhattan	280,725	24,379	9%	61,770	22%	94,091	34%	50,849	18%	60,730	22%
Queens	324,727	28,092	9%	50,606	16%	86,586	27%	56,864	18%	132,008	41%
Staten Island	34,386	4,144	12%	8,466	25%	5,858	17%	3,353	10%	18,203	53%
New York City Subtotal	1,578,880	126,769	8%	264,133	17%	436,283	28%	291,352	18%	582,624	37%
Nassau	40,781	7,910	19%	14,008	34%	10,558	26%	2,552	6%	7,436	18%
Suffolk	26,103	6,000	23%	10,037	38%	4,993	19%	1,481	6%	5,272	20%
Long Island Subtotal	66,884	13,910	21%	24,045	36%	15,551	23%	4,033	6%	12,708	19%
Putnam	-	-	-	-	-	-	-	-	-	-	-
Rockland	17,784	4,330	24%	6,947	39%	3,611	20%	928	5%	21,489	121%
Westchester	79,412	16,442	21%	22,184	28%	18,262	23%	7,240	9%	20,216	25%
Lower Hudson Valley Subtotal	97,196	20,772	21%	29,131	30%	21,873	23%	8,168	8%	41,705	43%
NYMTC Planning Area Total	1,742,960	161,451	9%	317,309	18%	473,707	27%	303,553	17%	637,037	37%

Source: 2014–2018 ACS Five-Year Estimates

Table 6: Travel Time to Work for Other Communities

County/Borough	Total # of Workers in CofCs	< 15 Minutes		15-29 Minutes		30-44 Minutes		45-59 Minutes		>59 Minutes	
		No.	%	No.	%	No.	%	No.	%	No.	%
Bronx	139,916	15,053	11%	27,684	20%	26,142	19%	19,273	14%	65,820	47%
Brooklyn	618,027	57,839	9%	110,254	18%	170,221	28%	111,154	18%	210,336	34%
Manhattan	538,662	73,127	14%	200,146	37%	171,527	32%	52,198	10%	54,262	10%
Queens	744,928	53,517	7%	135,671	18%	201,141	27%	126,175	17%	297,173	40%
Staten Island	168,525	22,380	13%	39,438	23%	30,232	18%	16,663	10%	84,067	50%
New York City Subtotal	2,210,058	221,916	10%	513,193	23%	599,263	27%	325,463	15%	711,658	32%
Nassau	603,614	109,427	18%	167,124	28%	124,985	21%	54,884	9%	197,064	33%
Suffolk	678,247	145,428	21%	226,350	33%	144,860	21%	56,396	8%	158,030	23%
Long Island Subtotal	1,281,861	254,855	20%	393,474	31%	269,845	21%	111,280	9%	355,094	28%
Putnam	47,148	7,968	17%	10,278	22%	10,571	22%	7,416	16%	15,326	33%
Rockland	119,782	30,729	26%	35,644	30%	19,981	17%	10,997	9%	31,019	26%
Westchester	363,886	70,996	20%	104,953	29%	71,138	20%	36,322	10%	104,299	29%
Lower Hudson Valley Subtotal	530,816	109,693	21%	150,875	28%	101,690	19%	54,735	10%	150,644	28%
NYMTC Planning Area Total	4,022,735	586,464	15%	1,057,542	26%	970,798	24%	491,478	12%	1,217,396	30%

Source: 2014–2018 ACS Five-Year Estimates

Table 7 presents comparisons between CofCs and all other communities. Roughly one-third of the residents in NYMTC’s planning area live in CofCs, while CofCs account for only five percent of the total land area. Therefore, population density in CofCs is ten times greater than in all other communities.

Forecasted 2050 peak period vehicle miles of travel (VMT) per capita in CofCs is significantly less than in all other communities, and the forecasted 2050 VMT per square mile in CofCs is nearly five times as great as in all other communities. However, the lower rate of forecasted VMT per capita in CofCs is consistent with the higher rate of transit trips per capita identified in Table 3.

Table 7 - Community Comparisons				
Characteristic		Communities of Concern	All Other Communities	Totals
Population	No.	4,215,456	8,464,293	12,679,749
	%	33%	67%	100%
Land Area (square miles)	No.	127	2,250	2,377
	%	5%	95%	100%
Population per square mile		33,301	3,761	5,334
2050 Vehicle Miles of Travel (weekday peak period)	No.	9,686,641	36,742,383	46,429,024
	%	21%	79%	100%
VMT per Capita		2.3	4.3	3.66
VMT per Square Mile		76,522	16,327	19,533

Source 1- 2014-2018 ACS

Assessing Planning Process Outcomes

The distribution of planned transportation projects, programs and studies in NYMTC's Plan and TIP has been assessed in relation to CofCs and all other communities as a measure of the outcomes of NYMTC's planning process. One component of this geospatial assessment displays the location of these projects, proposals and studies relative to the CofCs (see Appendix 4).

A second component assesses the projected funds programmed for transportation projects, as well as the locations of the projects themselves, in relation to the CofCs. Funding is considered "programmed" when it is included within the anticipated envelope of available resources. This analysis is described below.

Table 8 indicates that the NYMTC planning area encompasses 3,074 census tracts. Of those census tracts, 962 (31 percent) are within CofCs and 2,112 (69 percent) are in the remainder of the region. Of the 962 CofC census tracts, 532 census tracts (55 percent) contain programmed transportation projects. The remainder of the NYMTC planning area census tracts (2,112) include 692 census tracts (33 percent) containing programmed transportation projects. Table 8 below also presents an assessment of programmed funding and projects.

Total programmed funding is at similar levels for projects solely in CofCs in comparison with projects solely in all other communities. However, roughly three-quarters of the programmed funding is for projects that impact both categories of communities at the same time. 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 CofCs is almost twice as high as the per capita funding programmed for projects impacting all other communities.

Table 8 - Assessment of Programmed Funding and Projects

		Project Locations			Totals
		Communities of Concern	All Other Communities	Both Categories	
Population	No.	4,215,456	8,464,293	n/a	12,679,749
	%	33%	67%	n/a	100%
Programmed Funding for Projects	\$ in millions	\$4,682	\$4,975	\$27,253	\$36,910
	% of total programmed funds	13%	13%	74%	100%
Programmed Funding per 100,000 Residents (in millions and including funding in both categories)		\$758	\$381	n/a	n/a
Census Tracts	No.	962	2,112	n/a	3,074
	% of total tracts	31%	69%	n/a	100%
Census Tracts Containing Programmed Projects	No.	532	692	n/a	1,224
	% of tracts in category	55%	33%	n/a	40%

Source 2- 2014-2018 ACS and FFYs 2023-27 TIP

CONTINUOUS IMPROVEMENT

Through benchmarking research conducted on 28 MPOs across the country, possible improvements to the Title VI/Non-Discrimination Program were revealed. Thus, this research illustrated areas of continued improvement for NYMTC's Title VI/Non-Discrimination Program, including the following:

- Measuring performance in public participation through benchmarks.
- Improving information for LEP communities and those individuals who may need special accommodations to participate in the planning process.
- Diversifying outreach techniques and improving the involvement of CofCs through stronger relationships with these communities and their representatives.
- Further researching the transportation patterns of low-income, minority, and LEP populations.
- Monitoring and incorporating new initiatives and legislative/regulatory requirements.

In the development of this Title VI/Non-Discrimination Program, special efforts at engagement with community-based organizations representing CofCs and other protected classes were undertaken through a focus group-style survey online. Ten organizations registered for the online focus group and eight organizations participated. The feedback from these organization touched upon areas that can be avenues of continued improvement, including:

- Improving engagement with seniors and people with disabilities.
- Educating the public on the metropolitan transportation planning process and its local impacts.

- Establishing better collaborations with CofCs and their representatives.
- Improving coordination with NYMTC member agencies' and community organizations' public outreach activities.
- Incorporating new and emerging technologies with which to engage the public in an interactive way.
- Strengthening coordination with Tribal governments to improve their involvement in the planning processes.
- Exploring new ways to involve the Tribal Nations, community organizations, and other stakeholders in NYMTC's working groups and committees.

In addition to these areas, NYMTC will also continue to:

- Improve the organization of the NYMTC website to assist speakers of Safe Harbor LEP languages in using available on-line translation resources (see Appendix 3)
- Maintain and effectively implement the Title VI/Non-Discrimination Program requirements, Language Access Operating Procedures, and Public Involvement Plan.
- Work with the members, other government agencies, and community partners to enhance CofC outreach and involve CofCs in the planning process.
- Improve the methodologies used for assessing the impacts of the metropolitan transportation planning process on underrepresented and disadvantaged groups in the NYMTC planning area.
- Expand relevant staff operations and training opportunities.

APPENDIX 1 –
NYMTC TITLE VI/ Non-Discrimination Notice to the Public

TITLE VI POLICY

STATEMENT

The New York Metropolitan Transportation Council (NYMTC) gives public notice of its non-discrimination policy to ensure compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, Executive Order 13166 on Limited English Proficiency and all other related non-discrimination statutes, rules, regulations, and executive orders identified in the NYMTC Title VI/Non-Discrimination Program.

NYMTC assures that no person or group(s) of persons shall, on the grounds of race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level, 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.

Any individual (or their representative) who believes they have been subject to discrimination in NYMTC's metropolitan transportation planning process that is prohibited by Title VI and other non-discrimination provisions, has a right to file a complaint within 180 calendar days of the alleged occurrence. The complainant may submit a complaint directly to NYMTC by using the provided complaint form on NYMTC's website, or by written statement with information found on the form and procedures or by contacting NYMTC by phone.

Regarding the distribution of federal-aid funds to eligible subrecipients, NYMTC will include Title VI/Non-Discrimination 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 is responsible for initiating and monitoring the organization's Title VI/Non-Discrimination 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.

ADOPTED as part of the 2022 Title VI/Non-Discrimination Program by the NYMTC Program, Finance and Administration Committee via Resolution #552 on November 17, 2022.

ABBREVIATED TITLE VI/NON-DISCRIMINATION 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 other related non-discrimination statutes, rules, regulations, and executive orders identified in the NYMTC Title VI/Non-Discrimination Program. For more information, or to obtain a Title VI/Non-Discrimination Complaint Form, see www.nymtc.org, call 212-383-7200 or by email at www.NYMTC-Web@dot.ny.gov.

APPENDIX 2
NYMTC TITLE VI/NON-DISCRIMINATION
COMPLAINT FORM

TITLE VI/NON-DISCRIMINATION COMPLAINT FORM

(to be completed by complainant or their designated representative)

Please provide the information requested below, which is necessary to process your complaint.

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.

ARE YOU FILING THIS COMPLAINT ON YOUR OWN BEHALF? ☐ YES ☐ NO

IF NOT PLEASE PROVIDE YOUR NAME, CONTACT INFORMATION, AND RELATIONSHIP TO THE COMPLAINANT Click or tap here to enter text.

INFORMATION ON PERSON CHARGING DISCRIMINATION UNDER TITLE VI/NON-DISCRIMINATION (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.

Please explain why you have filed on behalf of the Third Party and whether you have obtained permission from the Third Party to file on their behalf: [Click or tap here to enter text.](#)

I believe the discrimination I experienced was based on (check all that apply):

☐ Race ☐ Color ☐ Ethnicity ☐ National Origin ☐ Other [Click or tap here to enter text.](#)

Please complete the electronic form or submit a written statement including all the information requested above and send a signed copy with all the requested information the address below, email or fax.

TITLE VI/NON-DISCRIMINATION COORDINATOR
NEW YORK METROPOLITAN TRANSPORTATION COUNCIL
25 BEAVER STREET, SUITE 201
NEW YORK, NY 10004
Email: NYMTC-Web@dot.ny.gov
Phone: (212)- 383-7200, FAX (212)-383-7287

Note that you may also receive assistance with your Title VI/Non-Discrimination Complaint via phone by contacting 212.383.7200.

COMPLAINT FILING

Have you filed this complaint with any of the agencies listed below:

☐ YES ☐ NO

TITLE VI/NON-DISCRIMINATION COORDINATOR
OFFICE OF CIVIL RIGHTS
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
50 WOLF ROAD, 6TH FLOOR ALBANY, NY 12232
EMAIL: OCR-TITLEVI@DOT.NY.GOV
PHONE (518) 457-1129, FAX (518) 485-5517

☐ YES ☐ NO

CIVIL RIGHTS OFFICER
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION, REGION II
ONE BOWLING GREEN, ROOM 429
NEW YORK, NY 10004
PHONE (212) 668-2170, FAX (212) 668-2136

☐ YES ☐ NO

FEDERAL HIGHWAY ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION OFFICE OF CIVIL RIGHTS
1200 NEW JERSEY AVENUE, SE
8TH FLOOR E81-105
WASHINGTON, DC 20590
EMAIL: FHWA.TITLEVICOMPLAINTS@DOT.GOV
PHONE: (202) 366-0693 FAX: 202-366-1599

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.

If information is needed in another language, contact (212) 383-7200, or visit

<https://www.nymtc.org/ABOUT-US/federal-regulations/>

SIGNATURE: _____ **Date:** _____

***APPENDIX 3 –
NYMTC LANGUAGE ACCESS OPERATING
PROCEDURES***

OVERVIEW

Executive Order 13166 on Improving Access to Services for Persons with Limited English Proficiency (LEP), directs federal agencies and recipients of federal funding to provide meaningful language access to their services. Agencies receiving federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with limited English proficiency.

In compliance with guidance and rules issued by United States Department of Transportation (USDOT) to its recipients, the New York Metropolitan Transportation Council (NYMTC) has developed these Language Access Operating Procedures to identify reasonable steps to provide meaningful access and language assistance for LEP persons to its programs and activities at no additional cost. In developing these procedures, we have understood Limited English Proficiency individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. In addition, NYMTC reassesses its language needs frequently in an as needed basis.

NYMTC's Language Access Operating Procedures apply to two distinct levels of its programs and 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; or
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 scope of the Language Access Operating Procedures is determined in large part through a "four-factor analysis", which includes the following:

1. The number and proportion of LEP persons in the planning area or spatially specific study area;
2. The frequency with which LEP individuals come in contact with NYMTC's programs and activities;
3. The nature and importance of the programs and activities provided by NYMTC to people's lives;
4. The resources to be employed by the NYMTC for language access services.

LEP PERSONS IN THE NYMTC PLANNING AREA

The USDOT LEP guidance states that recipients must provide "meaningful access" to LEP individuals where oral language services are needed and are reasonable. For translations, the guidance provides "safe harbor" rules to help recipients make good decisions.⁴

⁴ Title VI limited English proficiency data collection walkthrough - Civil rights | Federal highway administration. (2022, January 26). Federal Highway Administration. https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm

USDOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if an organization 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 organization's written translation obligations.

The U.S. Census Bureau's American Community Survey (ACS) identifies the size and proportion of LEP populations in the NYMTC planning area. The ACS defines people five years and older who identified themselves as speaking English less than "very well" as LEP individuals.

Table 1 below presents Safe Harbor languages and LEP populations in NYMTC's planning area categorized by language spoken of individuals older than age five years and over who speak another language at home. The data reveal an estimated 2.2 million LEP persons in the NYMTC planning area, of which just over 98% speak Safe Harbor languages.

Table 1: Safe Harbor Languages in the NYMTC Planning Area

Language Spoken	LEP Speakers	% Total LEP	Language Spoken	LEP Speakers	% Total LEP
Spanish	1,118,785	50.56%	Gujarati	4,832	0.22%
Chinese	253,326	11.45%	Nepali	4,656	0.21%
Russian	112,891	5.10%	Min Nan Chinese	4,504	0.20%
Bengali	61,935	2.80%	Thai	4,330	0.20%
Cantonese	60,047	2.71%	Burmese	4,089	0.18%
Haitian	53,477	2.42%	Romanian	3,612	0.16%
Korean	50,792	2.30%	German	3,377	0.15%
Yiddish	49,711	2.25%	Tibetan	3,362	0.15%
Mandarin	41,114	1.86%	Croatian	2,710	0.12%
Italian	37,944	1.71%	Fulah	2,439	0.11%
Arabic	31,898	1.44%	Hungarian	2,392	0.11%
Polish	30,205	1.36%	Pashto	2,359	0.11%
Urdu	26,751	1.21%	Yoruba	2,293	0.10%
French	26,240	1.19%	Pakistan N.E.C.	2,133	0.10%
Albanian	16,551	0.75%	Serbian	2,092	0.09%
Greek	15,508	0.70%	Jamaican Creole	2,072	0.09%
Hindi	15,220	0.69%	Armenian	2,065	0.09%
Japanese	14,076	0.64%	Tamil	1,984	0.09%
Punjabi	14,009	0.63%	Bosnian	1,720	0.08%
Tagalog	12,839	0.58%	India N.E.C.	1,672	0.08%
Portuguese	11,638	0.53%	Indonesian	1,595	0.07%
Hebrew	9,488	0.43%	Igbo	1,481	0.07%
Vietnamese	7,988	0.36%	Serbocroatian	1,431	0.06%
Malayalam	7,474	0.34%	Khmer	1,380	0.06%
Ukrainian	7,297	0.33%	Sinhala	1,335	0.06%
Akan (incl. Twi)	6,261	0.28%	Bulgarian	1,245	0.06%
Turkish	6,180	0.28%	Telugu	1,117	0.05%
Filipino	6,135	0.28%	Wolof	1,060	0.05%
Farsi	6,073	0.27%	TOTAL ALL LEP	2,212,889	98.57%

Source: U.S. Census, 2015-2019 5 Year American Community Survey (ACS) and Public Use Microdata Sample (PUMS)

Under the Safe Harbor Provision, NYMTC provides translation of written materials related to its planning products and analyses into languages that meet or exceed the established five percent or 1,000-person threshold. As seen in Table 1, 57 Safe Harbor languages meet or exceed this threshold in the NYMTC planning area, while roughly 67 percent of the total LEP population speaks one of three languages: Spanish, Chinese, or Russian. These languages each exceed five percent of the total LEP population and therefore, for purposes of these operating procedures, these three languages are considered primary LEP languages in NYMTC's planning area, while the remaining LEP languages are regarded as secondary LEP languages.

Federal regulations mandate that Metropolitan Planning Organizations (MPOs) such as NYMTC produce three required products and two analyses, along with a Public Involvement Plan. These products guide the long-, medium- and short-term transportation planning activities of the region and confer eligibility for federal transportation funding. NYMTC's planning area includes people that are LEP and may require additional services to participate fully in the planning process. Public input is an important consideration for NYMTC as it undertakes its planning responsibilities.

PROVISION OF LANGUAGE ASSISTANCE

NYMTC will provide ongoing language assistance for LEP populations in the planning area as a whole and in specific study areas for planning studies. Instructions explaining the language assistance will be publicly available and accessible to the LEP populations.

Written Translation of Vital Documents

NYMTC identifies the following as vital documents for translation:

- Title VI/ Non-Discrimination Notice to the Public (Appendix 1);
- Title VI/Non-Discrimination Complaint Form (Appendix 2);
- Display ads in ethnic newspapers and media;
- Public hearing/meeting notices with information on free language assistance;
- Other documents and media that allow LEP persons to participate in NYMTC's programs and activities, including public notices, surveys, and polls; and
- The Title VI/Non-Discrimination Program document.
- Summaries of NYMTC's federally mandated regional planning products and analyses; specifically:
 - o Regional Transportation Plan;
 - o Transportation Improvement Program and related Annual Listing of Obligated Projects;
 - o Unified Planning Work Program;
 - o Congestion Management Process Status Report;
 - o Transportation Conformity Determination; and
 - o Public Involvement Plan.

Summaries of the regional planning products and analyses, along with the other vital documents previously listed in their entirety, will be translated to the languages that meet or exceed the established five percent or 1,000-person threshold as defined in Table 1, in the following manner:

- Drafts and final versions of executive summaries and final versions of the other vital documents that are released publicly will be issued in English and the three primary LEP languages as shown in Table 1.
- For the secondary LEP language that total more than 1,000 speakers but less than 5% of the total LEP population, the vital documents as described above can be translated on demand, as practical, into the secondary LEP languages using online open-source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.
- Other NYMTC documents will be translated in whole or in part on demand for all LEP languages, as practical, using the online open-source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.

Website Language Assistance

Translation services are provided on the NYMTC website through online open-source translation programs, which can translate all the constituent website pages as well as the vital documents identified above. The translation program provides translation for the primary LEP languages and as many of the secondary languages as are provided through the program. Instructions on the use of the online open-source translation program will also be provided on the website.

Oral Interpretation Language Assistance

Designated public facing staff are provided language assistance training and tools to be prepared for potential encounters with LEP speakers, either in person, on the phone or online. Tools provided include Language Identification Tool signs and "I Speak" cards. Over the phone interpretation is provided on demand.

For meetings related to the regional transportation planning process and NYMTC's mandated planning products, NYMTC will advertise the availability of translation services prior to the meeting. Meeting announcements can be translated upon request or using the online open-source translation program available on the website.

Upon request at least 72 hours in advance, oral interpretation services in the primary LEP languages will be provided for NYMTC's public meetings. Requests American Sign Language (ASL) must be made five days in advance of the meeting.

The need to conduct public engagement virtually during the COVID-19 pandemic has resulted in expanded opportunities for virtual or hybrid virtual/in person public meetings and workshops. NYMTC meetings are held virtually on the online meeting platforms such as WebEx. Virtual attendees may request oral interpretation services or close captioning translation 72 hours in advance of the meeting.

The 7-1-1 N.Y. Relay Service is another service the public is notified about. Persons with a hearing or speech disability may use the Telecommunications Relay Service, via Telephone Text (TTY) or a or voice carry-over (VCO) phone may contact the 7-1-1 N.Y. Relay Service by dialing Dial 7-1-1 or 1-800-421-1220.

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:

- Information 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 NYMTC's main offices.
- 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 when contacting NYMTC's main phone number.

Frequency of Contact with LEP Populations

Contact with LEP populations most often occurs through online communications, such as through the website, emails, surveys, polls, and social media and media outlets geared towards LEP communities. NYMTC staff and members conduct outreach activities in communities with significant LEP populations and with organizations that involve LEP persons. This outreach is usually undertaken in the context of spatially specific planning studies.

Need for Services and Cost

NYMTC assessed its available resources that could be used for providing LEP assistance by reviewing the four-factor analysis. This included identifying the staff and volunteer language interpreters are readily available, how much a professional interpreter and translation service would cost, LEP contact with NYMTC programs and services, LEP Population in the NYMTC Planning area, and potential contact with the LEP Population in a study or project area, to determine which documents should be translated, examining which financial sources and free language sources could be used to provide assistance, and determine what level of staff training is needed.

MONITORING PROGRAM IMPLEMENTATION

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

- Language access assistance provided through website downloads, use of online translation programs, requests for translated documents, retained translation services, calls to translation services and meetings at which translation services are provided.
- Complaints received regarding language acting as a barrier to accessing information and/or services.
- Consultation with NYMTC staff and members on encounters with LEP persons.
- Surveys and focus groups with LEP persons to evaluate the scale and effectiveness of language access services.

A Language Access Coordinator is designated to oversee NYMTCs Language Access Procedures. The coordinator will maintain:

- A list of oral interpreting and translation resources available to staff.
- Procedures for accessing each interpretation or translation service.
- A list of Professional Vendors.
- A list of Bilingual Volunteer Staff who are self-assessed in their language competency and when they are used.
- A record of oral interpreting services provided to LEP individuals at each encounter.
- A record of translated documents by Professional Vendors.
- Relevant new data for the planning area.

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 identify the LEP populations within the spatial boundaries of the project or study, define the Safe Harbor LEP languages of the area, identify vital documents for the project or study, and provide language services consistent with the procedures for the regional planning products 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 vital documents related to the spatially specific project or study.
- 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.
- Community outreach informational handouts will be provided at public hearings.
- Notice of the language access services will be provided on the project or study website.

Project managers of spatially specific planning projects or studies that are funded through NYMTC's planning process must provide notice of availability of language assistance services under the Safe Harbor Provision.

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.

Meetings For Spatially Specific Planning Projects

The procedures for public meetings will be followed for public meetings related to spatially specific planning projects and studies funded through NYMTC's planning process.

***APPENDIX 4 –
GEOSPATIAL ANALYSIS OF NYMTC PLANNING
PROCESS OUTCOMES***

NYMTC COMMUNITIES OF CONCERN AND RACIAL/ETHNICITY CONCENTRATIONS

Link to interactive map: <https://arcg.is/GCfrO>

This map demonstrates the communities of concern zones/areas in the NYMTC region along with the current TIP and Plan projects. The CofCs are defined by two variables, population below poverty and minority population. The thresholds for each variable are calculated by taking the average of the variable across all the ten NYMTC counties.

***APPENDIX 5 – NYMTC STANDARD
ASSURANCES***

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL STANDARD ASSURANCE

The New York Metropolitan Transportation Council (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Federal Highway Administration and Federal Transit Administration, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"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 otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration and Federal Transit Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs and activities.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The New York Metropolitan Transportation Council in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient 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 Recipient, 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 Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, New York Metropolitan Transportation Council also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the New York Metropolitan Transportation Council access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the You must keep records, reports, and submit the material for review upon request to New York Metropolitan Transportation Council, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

New York Metropolitan Transportation Council gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the programs and activities. This ASSURANCE is binding on New York, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the programs and activities. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Adopted by the New York Metropolitan Transportation Council's Program, Finance and Administration Committee as part of Resolution #552, November 17, 2022

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #552

NYMTC 2022 TITLE VI NON-DISCRIMINATION PROGRAM

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, 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, 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 its subsequent update in 2018; and

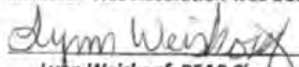
WHEREAS, in conjunction with the adoption of its most recent Federal Fiscal Years 2022-2050 Regional Transportation Plan and 2021 Congestion Management Status Report, NYMTC has developed the attached 2022 Title VI Program to reflect new information from the Plan and Status Report.

NOW, THEREFORE, BE IT RESOLVED, that PFAC adopts the attached 2022 Title VI Program for NYMTC, which supersedes the earlier 2018 Title VI Program, and instructs NYMTC staff to implement its provisions.

This resolution shall take effect on the seventeenth day of November two thousand and twenty-two.

ADOPTED: November 17, 2022

"I hereby certify that the above is a true copy of Resolution #552, NYMTC 2022 Title VI Non-Discrimination Program, and was motioned by Jack Schmidt, representing New York City Transportation Coordinating Committee, and seconded by Kelly Sheehan, representing the Mid-Hudson South Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."


Lynn Weiskopf, PFAC Chair

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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, 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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the ***Federal Highway Administration and Federal Transit Administration of the U.S. Department of Transportation***, as appropriate, and will set forth what efforts it has made to obtain the information.
- 5) **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non- discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration and Federal Transit Administration of the U.S. Department of Transportation may determine to be appropriate, including, but not limited to:
 - withholding payments to the contractor under the contract until the contractor complies; and/or
 - cancelling, terminating, or suspending a contract, in whole or in part.
- 6) **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration and Federal Transit Administration of the U.S. Department of Transportation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved

in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX 6
– ACRONYMS & GLOSSARY

ACRONYMS

ACS – American Community Survey

ADA – Americans with Disabilities Act of 1990

ASL – American Sign Language

CFR – Code of Federal Regulations

CMP – Congestion Management Process

CofC - Communities of Concern

DBE – Disadvantaged Business Enterprise

EEO – Equal Employment Opportunity

EJ – Environmental Justice

FAST Act – Fixing America’s Surface Transportation Act

FHWA – Federal Highway Administration

FTA – Federal Transit Administration

GIS – Geographic Information Systems

LEP – Limited English Proficiency

MPO – Metropolitan Planning Organization

NYMTC - New York Metropolitan Transportation Council

NYSDOT – New York State Department of Transportation

PIP – Public Involvement Plan

PFAC – Program, Finance and Administration Committee

RTP – Regional Transportation Plan (the Plan)

TAC – Technical Advisory Committee

TCC – Transportation Coordinating Committee

TIP – Transportation Improvement Program

UPWP – Unified Planning Work Program

USDOT – United States Department of Transportation

VMT – Vehicle Miles Traveled

GLOSSARY

Adverse effects - the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities. (DOT 5610.2C)

Compliance – means that a recipient has correctly implemented the requirements of this part.

Contract - means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Disproportionately high or adverse effect - Whether an adverse effect is “disproportionately high” on minority and low-income populations depends on whether that effect is (1) predominantly borne by an EJ population, or (2) will be suffered by the EJ population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-EJ population. It is important to note that determinations of disproportionately high and adverse effects take into consideration the mitigation and enhancement measures that are planned for the proposed action. (U.S.DOT)

Disadvantaged Business Enterprise (DBE): *Disadvantaged business enterprise* or *DBE* means a for-profit small business concern –

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Discrimination - any action or inaction, whether intentional or unintentional, in any program or activity of a federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin. (FTA C. 4702.1b)

Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient's policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin. (FTA C. 4702.1b)

Equality: Distributing costs and benefits in a manner that benefits all people to the same extent. This can refer to equality of opportunity, whereby all people have the same chances, or equality of outcome, whereby all people end up with the same opportunities.

Equal Employment Opportunity (EEO): prohibits discrimination toward an employee or job applicant based on race, color, religion, national origin, sex, age or disability. FTA investigates systemic charges of discrimination involving a transit agency's employment policies and practices.

Equitable: Meeting a normative standard of fairness.

Equity: A measure of "fairness" in terms of the distribution of costs and benefits among members of society. Such benefits and costs—whether monetary or nonmonetary—can be distributed in ways that people may see as reasonable or unreasonable.

Environmental justice - the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level, with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Fair Treatment - for the purpose of DOT's Environmental Justice Strategy, means that no population, due to policy or economic disempowerment, is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decisions, programs and policies made, implemented and enforced at the Federal, State, local or tribal level. (DOT 5610.2C)

Limited English Proficient (LEP) persons - refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English.

Low-Income Person- a person whose median household income is at or below the U.S. Department of Health and Human Service poverty guidelines. (per FTA C. 4702.1b and DOT 5610.2C)

Low-Income Population: a low-income population as 1) any readily identifiable group of low-income persons who live in geographic proximity, or 2) geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

Minority Population - means any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

National origin - means the particular nation in which a person was born, or where the person's parents or ancestors were born.

Transportation improvement program (TIP) - means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53. ii.

Transportation Management Area (TMA) - means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by.

- III (i) -

Native Nations Consultation Procedures

Native Nations Consultation Procedures

Overview

These consultation procedures will:

- Address access to NYMTC's metropolitan transportation planning process for Native Nations whose tribal lands and administrative headquarters are located within NYMTC's planning area.
- Guide NYMTC's interactions with these Native Nations to facilitate their participation in the planning process, including the development and management of the Regional Transportation Plan (the Plan), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP).

Relevant Federal Regulations

Per 23 CFR450.316 -- Interested parties, participation, and consultation.

- When the metropolitan planning area (MPA) includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

Engagement and Consultation

NYMTC's seeks to align its relationship with Native Nations with the goal of its Public Involvement Plan (PIP). The PIP sets out three main public engagement goals:

- Provide a robust, creative, and inclusive outreach process for all populations within the region, with opportunities to engage in meaningful discussions between NYMTC and the public about transportation planning issues.
- Educate the public so they can purposefully participate and develop a greater understanding of how NYMTC functions as an organization and the roles and responsibilities of NYMTC members and staff; and
- Evaluate current and ongoing public involvement activities on a periodic basis to identify successes and areas for improvement.

To do this, NYMTC will make the following organizational arrangements to facilitate engagement and consultation with Native Nations:

1. NYMTC will maintain Native Nations' contacts on its main distribution list for public information related to the metropolitan transportation planning process and public meetings and events undertaken as part of that process.
2. NYMTC will provide overview information on the planning process to Native Nations' contacts and support capacity building for the Native Nations to participate in the planning process.
3. NYMTC will assign a staff member to serve as Native Nations Coordinator to facilitate consultation with Native Nations during the metropolitan transportation planning process. NYMTC will maintain direct communication with Native Nations via the Coordinator, including distribution of relevant information such as, but not limited to, federal funding programs, technical assistance opportunities and public meetings and events.

The Native Nations Coordinator will also provide procedural assistance as needed in adding Native Nations' federally funded projects into the TIP, UPWP, and the Plan, as appropriate.

4. NYMTC will share information with Native Nations' contacts on opportunities to participate in meetings of its principals and standing committees; of its Advisory Working Groups which advise NYMTC's members on select topics important to the planning process; and of its technical advisory committees for studies which are relevant to Native Nations' interests. Participation in such groups will allow Native Nations to become involved with the planning process in specific areas of interest.

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

William B. Levine, Executive Director
25 Beaver Street

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #566

ADOPTION OF NATIVE NATIONS CONSULTATION PROCEDURES

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, per 23 CFR 450.316(a), the boundaries of NYMTC's metropolitan planning area (MPA) have been determined by agreement between the MPO and the Governor; and

WHEREAS, per 23 CFR 450.316(c), when the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP; and

WHEREAS, NYMTC's MPA currently includes the tribal lands of the Shinnecock Indian Nation, which is a federally recognized tribe, and the Unkechaug Indian Nation, which is a New York State-recognized tribe; and

WHEREAS, in response to this requirement, NYMTC has over time enhanced its outreach to Native Nations in its MPA through several means, including the designation of a Native Nations coordinator on NYMTC's staff; and

WHEREAS, the most recent Federal Certification Review of NYMTC issued in March 2023 recommended the development of a Native Nations Consultation Plan, separate from NYMTC's Public Involvement Plan, to enhance coordination with the Native Nations; and

WHEREAS, in response, NYMTC has developed the attached consultation procedures.

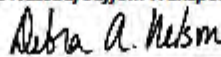
NOW, THEREFORE, BE IT RESOLVED that PFAC adopts the attached Native Nations Consultation Procedures for the Tribal governments included within its MPA; and

BE IT FURTHER RESOLVED that PFAC instructs NYMTC staff to revise the Compendium of Agreements and Operating Procedures to include these adopted procedures.

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

ADOPTED: September 21, 2023

"I hereby certify that the above is a true copy of Resolution #566, Adoption of Native Nations Consultation Procedures, and was moved by Patrick Gerdin, representing Mid-Hudson South Transportation Coordinating Committee, and seconded by Joseph Cuomo, representing the Nassau/Suffolk Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."



Debra Nelson, PFAC Chair

THE METROPOLITAN PLANNING ORGANIZATION

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- III (j) -

Fiscal Constraint Operating Procedures

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #569

FISCAL CONSTRAINT OPERATING PROCEDURES

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, per 23 CFR 450.326(a), NYMTC, in cooperation with New York State and affected public transportation operators, is responsible for developing a Transportation Improvement Program (TIP) for its metropolitan planning area that reflects the investment priorities established in the current metropolitan transportation plan and covers a period of no less than four years; and

WHEREAS, per 23 CFR 450.326(j), the TIP shall include a financial plan that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs; and

WHEREAS, per 23 CFR 450.326(k), for the TIP, fiscal constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained; and

WHEREAS, in response to these requirements, NYMTC's current Federal Fiscal Years 2023-2027 TIP contains the required financial plan and demonstrates fiscal constraint by year using the necessary financial information; and

WHEREAS, per existing NYMTC operating procedures, amendments and administrative modifications to the TIP include information on how fiscal constraint will be maintained; and

WHEREAS, NYMTC has developed the attached operating procedures to formalize the consideration of TIP amendments and administrative modifications made during a fiscal year in order to engender more efficient use of available federal funds and to increase the transparency of the fiscal status of the TIP.

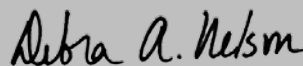
NOW, THEREFORE, BE IT RESOLVED, that PFAC adopts the attached Fiscal Constraint Operating Procedures and directs their use effective immediately; and

BE IT FURTHER RESOLVED, that PFAC instructs NYMTC staff to revise the Compendium of Agreements and Operating Procedures to include these adopted procedures.

This resolution shall take effect on the sixteenth day of November, two thousand and twenty-three.

ADOPTED: November 16, 2023

"I hereby certify that the above is a true copy of Resolution #569, Fiscal Constraint Operating Procedures, and was motioned by Patrick Gerdin, representing the Mid-Hudson South Transportation Coordinating Committee, and seconded by Yogesh Sanghvi, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."



Debra Nelson, PFAC Chair

Fiscal Constraint Operating Procedures

1. At the conclusion of each federal fiscal year, NYMTC will publish updated fiscal constraint tables for the current Transportation Improvement Program (TIP).
2. To prepare the update, the following steps will be undertaken:
 - a. The relevant regional offices of the New York State DOT -- Region 8, Region 10, and Region 11 -- will update the listing of project phases funded through statewide allocations.
 - b. NYMTC staff will use the revised statewide allocation funding list and the eSTIP Fiscal Constraint Report to update funding program balances for each federal fiscal year in the TIP.
 - c. Staff will review the revised funding program balances with the members at relevant monthly Transportation Coordinating Committee (TCC) technical staff meetings.
 - d. Staff will prepare resolutions for the Program, Finance, and Administration Committee (PFAC) to amend the fiscal constraint tables in the TIP document to reflect the updated program balances.
 - e. The TCCs' technical staffs will review the proposed amendment before the PFAC action is taken.
3. PFAC will amend the current TIP document to include the updated fiscal constraint tables.
4. NYMTC staff will post the amended fiscal constraint tables on the NYMTC website.
5. At the conclusion of each federal fiscal year, the New York State DOT will provide an update on projects and funds to be carried over into the next fiscal year.