

**AGREEMENT DEFINING
ROLES AND RESPONSIBILITIES
FOR METROPOLITAN TRANSPORTATION PLANNING
IN THE CAPITAL DISTRICT**

WHEREAS, it is the purpose of this agreement to describe the responsibilities and procedures of the Capital District Transportation Committee (CDTC) to demonstrate how it's metropolitan transportation planning process complies with the requirements of 23 CFR Part 450, Subpart C, and 49 CFR Part 613 Subpart A; and any other applicable Federal laws, regulations, orders, and guidance,

WHEREAS, the CDTC is the designated Metropolitan Planning Organization (MPO) for the geographic area contained within the "Metropolitan Area Boundary" for the Albany (NY) and Saratoga Springs (NY) urbanized areas.¹

WHEREAS, the CDTC is responsible, together with the New York State Department of Transportation (NYSDOT) and the Capital District Transportation Authority (CDTA), the transit operator, for carrying out the requirements of Title 23, Section 134 of United States Code and related requirements of federal law.

WHEREAS, the CDTC was formed through agreements between New York State and each municipality in Albany, Rensselaer, Saratoga and Schenectady counties in 1964 and was designated as MPO for the Albany urbanized by the governor in 1975. CDTC was affirmed as the MPO for the Saratoga Springs urbanized area after Saratoga Springs' designation as an urbanized area over 50,000 in 2000.

WHEREAS, the CDTC is composed of elected and appointed officials from each of the four counties; from each of the eight cities in the four counties; from the NYSDOT; the CDTA; and the Capital District Regional Planning Commission (CDRPC); the New York State Thruway Authority (NYSTA); the Albany County Airport Authority; the Albany Port District Commission; the town of Colonie; and at-large members representing the area's towns and villages.

WHEREAS, CDTC serves as the primary public forum for objectively and comprehensively examining surface transportation and transportation-related issues in the defined metropolitan area and adopting regional transportation plans, programs and policies. Under 23 CFR Part 450.413, this agreement will describe the roles of the "MPO" CDTC, "State" NYSDOT, and the "transit provider" CDTA in the metropolitan planning process.

¹ The Metropolitan Area Boundary is defined as the entireties of Albany, Rensselaer, Saratoga and Schenectady counties, with the exception of the town of Moreau, for which the Adirondack – Glens Falls Transportation Council serves as MPO.

I. THE ROLE OF THE CAPITAL DISTRICT TRANSPORTATION COMMITTEE

There is strong support among CDTC members, notably NYSDOT and CDTA, to encourage best-practice planning in the Capital District. There is full recognition that the success of the MPO, the success of the state DOT and the success of the public transportation operator are mutually-dependent. This requires careful nurture of credibility and relevance of CDTC as the public forum for integrated metropolitan planning.

Thus, with the full support of its individual members collectively, CDTC will seek to go far beyond the role of a traditional MPO – that of a technically-competent staff supporting a forum serving as an honest broker of federal transportation funds. While meeting all federal statutes and regulations, CDTC as an institution will strive for sufficient credibility in the regional community to serve as a strong catalyst for transforming the generally-held perspective on transportation to one that is holistic (viewing transportation within its context), equitable (dispensing with jurisdictional or modal distinctions in identifying wise actions), sober (confronting the conflict between vision and budget constraints) and value-driven (acknowledging that decisions are made based on public policy and community priorities, not just upon quantified traveler benefit). In the Capital District, this perspective, in turn, will enable CDTC to pursue innovative practices and a broader agenda than most MPOs.

The benefits of an integrated planning process conducted through CDTC are recognized and appreciated by the NYSDOT and the CDTA; early, objective, integrated, cooperative exploration of issues results in policies, priorities, programs and projects that best serve the needs of the region.

CDTC will also take efforts to enhance the credibility of its decisions through major, successful efforts to engage "stakeholders" and other interested parties in the planning process. The New Visions effort was initiated in 1993 with the creative use of multiple task forces to address fundamental and potentially-controversial subjects. While that original effort received continued national attention for the depth and breadth of issues addressed in a technically-sound, participatory process, the open, exploratory New Visions process continues, extending, expanding and refining CDTC's plans and policies. In each effort, representatives from NYSDOT and CDTA play key roles.

A unique and critical aspect of the metropolitan planning process in the Capital District are the "Planning and Investment Principles" initially established to describe the core of CDTC's Congestion Management Process and then expanded to cover a wide range of metropolitan planning issues and adopted as regional policy by CDTC as part of the metropolitan transportation plan with full buy-in from all members, including NYSDOT and CDTA. CDTC will maintain a set of current principles and continue to seek consistency with all these principles in each and every action.²

The Community and Transportation Linkage Planning Program established in 2000 to help implement the New Visions plan is also intended to integrate multi-jurisdictional, multi-modal,

² See <http://www.cdtempo.org/rtp2030/principles.pdf> for the adopted principles that serve as regional transportation policy.

multi-objective consideration. CDTC will strive to enhance its structured treatment of both land use and transportation planning and local and regional perspectives, its goal of achievable recommendations and its extensive coverage (54 study areas in 30 separate municipalities in the first eight years of the program) that have no parallel in the nation.

CDTC will maintain a dynamic membership structure and a flexible agenda. In recent years, CDTC expanded its policy board to afford permanent status to any municipality with a population exceeding 50,000 (effectively providing membership to the region's second-largest municipality, the town of Colonie). Upon notification that the Saratoga Springs Urbanized Area exceeded the threshold for MPO requirements based on 2000 Census data, CDTC received confirmation that CDTC will fulfill that mission for the newly qualified urbanized area. That confirmation was relatively straightforward; CDTC has included the city of Saratoga Springs as a full voting member since 1965 and covered the entirety of the new urbanized area within the defined CDTC "metropolitan area boundary" for planning and programming since passage of ISTEPA.

The dynamic structure also allows CDTC to extend participation at the Planning Committee table to nine towns in addition to the eight cities and four counties traditionally serving on the committee.³ Voting policy board membership now includes transit, thruway, port, airport and regional planning bodies in addition to the state department of transportation – an inclusiveness with few parallels.

As global events unfold in unanticipated ways, CDTC's responsive planning agenda will be vital to maintaining relevance of the MPO process to critical, real-world issues. Recent examples include CDTC's multiple joint efforts with the CDTA (resulting in, among other things, the NY 5 land use and transportation plan and Bus Rapid Transit implementation); assuming a unique role as a partner with the US Department of Energy, staffing and supporting the Capital District's Clean Communities Coalition; integrating alternative futures into mainstream regional planning; collaborating with the Center for Economic Growth, the Capital District Regional Planning Commission and the State University of New York at Albany on a comprehensive analysis of the fiscal impacts of alternative scenarios; and establishing both a diesel hybrid electric program for CDTA and a diesel fleet retrofit program for other fleets.

The continued refinement and extension of the New Visions metropolitan transportation plan⁴ will reaffirm the principled and aspirational foundation on which CDTC's collaborative efforts are built. It will also raise the bar for the planning and implementation process by exploring additional principles and pursuing a raft of recommendations ranging from continuing an innovative approach to "big ticket" initiatives to implementing more ambitious public participation techniques. The continuing long-range metropolitan plan development effort will also continue to demonstrate the benefits of exploring the full cost of alternative land use and growth scenarios.

³ A quarterly regional planning roundtable currently provides a unique opportunity for local planners to share Linkage and other planning experiences, raising the quality of land use and transportation across the region. Participation is mandatory for Linkage study partners.

⁴ The current New Visions plan has a horizon of 2030 and was adopted in October 2007; the metropolitan transportation plan is formally updated at a maximum of a four-year cycle.

II. THE ROLE OF NYSDOT IN THE MPO PROCESS

NYSDOT is a full member of the CDTC Policy Board and Planning Committee and, to the extent practical, every CDTC working group and subcommittee. CDTC's decision-making process requires unanimity of all affected parties before MPO action can be taken. NYSDOT will actively contribute to and is co-responsible for the products of CDTC, namely UPWP, TIP, Metropolitan Transportation Plan and any other CDTC product that attains policy status.⁵

NYSDOT will contribute important information and perspective to the collective decisions of the CDTC, embracing the responsibilities of being both the owner/operator of the majority of the region's arterial and expressway system and the state agency responsible for overall transportation in New York. It works diligently to encourage the wisest actions at the CDTC table.

In the UPWP process, NYSDOT will (a) work with MPOs across the state to coordinate statewide planning with MPO activity; (b) consult with the MPOs in allocating federal planning funds; (c) suggest, when appropriate, planning emphasis areas for the MPOs; (d) coordinate UPWP development and grant management with federal partners; (e) participate at the CDTC table in the development of the CDTC two-year work program; and (f) commit Statewide Planning & Research funds and state funds and in-kind service, as appropriate, to advance the CDTC UPWP. Task-specific responsibilities among agency staffs (NYSDOT, CDTC, CDTA or other parties) may vary from task to task or year to year.

In the development of the metropolitan transportation plan (New Visions), NYSDOT will honor the role of CDTC as the forum for the adoption of and modification to the long-range plan. It will provide guidance in the development of CDTC resource estimates. CDTC will use any baseline forecasts that NYSDOT provides in its New Visions development work. Because long-range financial forecasts are far more speculative than short-range (TIP) values, CDTC may also consider alternative forecasts and possibilities. The definition of "reasonably anticipated revenues" for the fiscally-constrained plan will be defined in a way that is acceptable to NYSDOT. NYSDOT will also contribute in each and every subject area considered by CDTC and ensure consistency of the CDTC plan and the statewide plan.

In the TIP process, NYSDOT will honor the role of CDTC as the forum for adoption of and modification to the multi-year program of projects. As part of this, NYSDOT will initiate efforts to estimate federal highway funding levels for CDTC programming purposes by: (1) consulting with NY's MPO staffs on statewide funding assumptions and allocation formulas; (2) allocating these funds to NYSDOT regions; and (3) engaging at the regional level with CDTC and the Adirondack – Glens Falls Transportation Council to agree at the CDTC table on target fund levels by fund source (and by year, as appropriate) for the CDTC TIP. Because of the integrated, non-jurisdictional nature of the CDTC process, NYSDOT will submit its candidate TIP projects for consideration against other candidates at the CDTC table. Project selection for inclusion in the TIP is based upon the principles and budgetary emphasis of the (New Visions)

⁵ NYSDOT is a key party to any action adopted or endorsed by CDTC. Some CDTC products such as planning assessments may contain options or recommendations which are to be used as reference materials without formal adoption or endorsement.

metropolitan transportation plan, using the adopted screening, evaluation, public participation⁶ and programming processes.⁷ NYSDOT will maintain the Statewide Transportation Improvement Program and help identify appropriate funding offsets within the CDTC programming area and in other parts of the state to maintain fiscal constraint. NYSDOT will also exercise authority for “project selection from an approved TIP” per CDTC’s adopted TIP procedures and administering federal highway contracts on behalf of itself and other project sponsors in the metropolitan area. As part of its contract administration function, NYSDOT will work with CDTC to maintain current project status information on both its and local sponsors’ TIP projects.

NYSDOT will supply information on a regular basis to the CDTC staff to allow CDTC to meet its obligation to publish information on project obligations. Shortly after the close of the federal fiscal year, CDTC staff will contact NYSDOT Region 1 for prior year obligation information. CDTC staff will post this information on its web site.

NYSDOT will provide a critical function to the development of the TIP and metropolitan transportation plan by serving as the lead agency statewide for fulfilling transportation planning and programming requirements of the Clean Air Act. NYSDOT will work with the CDTC staff to ensure that the technical aspects of the Air Quality Conformity Determination submitted by CDTC are sound and that the plan and program are consistent with the State Implementation Plan for Air Quality.

III. THE ROLE OF CDTA IN THE MPO PROCESS

The CDTA is a full member of the CDTC Policy Board and Planning Committee and, to the extent practical, every CDTC working group and subcommittee. CDTC’s decision-making process requires unanimous consent from all affected parties before MPO action can be taken. CDTA will contribute to and is co-responsible for the products of CDTC, namely its UPWP, TIP, Metropolitan Transportation Plan and any other CDTC product that attains policy status.⁸ Task-specific responsibilities among agency staffs (NYSDOT, CDTC, CDTA or other parties) may vary from task to task or year to year.

Given CDTC’s decision-making process, CDTA will participate as a full member and contribute important information and perspective to the collective decisions of the CDTC, embracing the responsibilities of being both the owner/operator of the majority of the region’s public transportation system and the designated recipient for federal transit assistance in the region. It will work diligently to encourage the wisest actions at the CDTC table.

⁶ See <http://www.cdtempo.org/rtp2030/draftppp.pdf>

⁷ See <http://www.cdtempo.org/tipdoc07/tip07.pdf>. In practice, CDTC looks to NYSDOT to propose a program of projects for the use of “non-competitive” funds such as Interstate Maintenance, and to propose its candidates to evaluate for prioritization for “competitive” fund sources such as (under current law) National Highway System, Surface Transportation Program, and Congestion Mitigation / Air Quality funds. Because of its unique role regarding bridge inspection, NYSDOT is also asked to propose a balance program of projects for Highway Bridge Rehabilitation and Reconstruction (HBRR) funds

⁸ CDTA is a key party to any action adopted or endorsed by CDTC. Some CDTC products such as planning assessments may contain options or recommendations which are to be used as reference materials without formal adoption or endorsement.

In the UPWP process, CDTA will (a) participate at the CDTC table in the development of the CDTC two-year work program; (b) commit FTA formula funds and in-kind service, as appropriate, to advance the CDTC UPWP; and (c) serve as the CDTC staff's "host agency" for first-instance financing, staffing support and contractual requirements of the UPWP. Task-specific responsibilities among agency staffs (CDTA, CDTC, CDTA or other parties) may vary from task to task or year to year.

In the development of the metropolitan transportation plan (New Visions), CDTA will honor the role of CDTC as the forum for the adoption of and modification to the long-range plan. CDTA will contribute to the development of CDTC transit resource estimates. The definition of "reasonably anticipated revenues" for the fiscally-constrained plan will be defined in a way that is acceptable to CDTA. CDTA will also contribute in each and every subject area considered by CDTC.

In the development of the TIP, CDTA will honor the role of CDTC as the forum for adoption of and modification to the multi-year program of projects. As part of this, CDTA will initiate efforts to estimate federal transit funding levels for CDTC programming purposes by: (1) consulting with NYSDOT and FTA on funding assumptions and allocation formulas; (2) working with CDTC staff to prepare estimates to agree at the CDTC table on target fund levels by fund source (and by year, as appropriate) for the CDTC TIP. Because of the integrated, non-jurisdictional nature of the CDTC process, CDTA will submit its candidate TIP projects for consideration against other candidates at the CDTC table. Project selection for inclusion in the TIP is based upon the principles and budgetary emphasis of the (New Visions) metropolitan transportation plan, using the adopted screening, evaluation, public participation⁹ and programming processes.¹⁰ CDTA will also provide a critical role by exercising authority for "project selection from an approved TIP" per CDTC's adopted TIP procedures and executing FTA grants on behalf of itself and other recipients in the metropolitan area.

CDTA will also supply information on a regular basis to the CDTC staff to allow CDTC to meet its obligation to publish information on project obligations. Shortly after the close of the federal fiscal year, CDTC staff will contact CDTA for prior year obligation information. CDTC staff will post this information on its web site.

IN WITNESS WHEREOF, the [closing sentence for signatures]:

⁹ See <http://www.cdtempo.org/rtp2030/draftppp.pdf> for CDTC's adopted public participation policy and practices.

¹⁰ See <http://www.cdtempo.org/tipdoc07/tip07.pdf>. In practice, CDTC looks to CDTA to propose a program of projects for the use of federal formula transit funds, and to propose candidates to evaluate for prioritization for "competitive" fund sources such as (under current law) National Highway System, Surface Transportation Program, and Congestion Mitigation / Air Quality funds.