

**MEMORANDUM OF AGREEMENT**  
By and Between  
**LEXINGTON AREA METROPOLITAN PLANNING ORGANIZATION**  
the  
**TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (LEXTRAN)**  
and the  
**KENTUCKY TRANSPORTATION CABINET**

This Memorandum of Agreement (MOA) is made by and between the Lexington Area Metropolitan Planning Organization (hereinafter referred to as MPO), the Transit Authority of Lexington-Fayette Urban County Government (hereinafter referred to as Lextran), and the Kentucky Transportation Cabinet (hereinafter referred to as KYTC).

**Lexington Area MPO Structure**

The MPO organizational structure consists of the Transportation Policy Committee (TPC), the Transportation Technical Coordinating Committee (TTCC), and two advisory subcommittees - Congestion Management/Air Quality Committee (CMAQC) and Bicycle Pedestrian Advisory Committee (BPAC).

The TPC serves as the decision-making body of the MPO, and has responsibilities including approval of plans, implementation of programs, transportation projects prioritization, provision of transportation planning and guidance, and other similar related actions.

The TTCC serves as an advisory body to the TPC and provides transportation related technical review, guidance and assistance.

The MPO also utilizes specialized advisory committees and working groups which may include members such as transit operators and consumers, bicycle groups, various technical staff, members of MPO committees and other interested parties to help inform and advise the TTCC and TPC.

**THE AGENCIES AGREE AS FOLLOWS:**

The Lexington Fayette Urban County Government (LFUCG) Transportation Planning Section of Fayette County Kentucky is the designated staff agency for the MPO, serving the planning area of Fayette, Jessamine Counties and a small portion of Scott County at the Northern Fayette County border, the Lexington urbanized area and the two Jessamine County cities: Nicholasville and Wilmore.

Fayette and Jessamine County governments and the cities within actively participate and have regular representation on the various MPO committees. In consultation with Scott County on June 4, 2014 (following the 2010 Census that added a small portion of Scott County to the MPO Urbanized Area) Scott County Officials decided not to actively participate or be represented within the MPO process at this time. There was an interest to revisit participation in the future. The MPO pledged to continue conscientious coordination with Scott County in the on-going transportation planning process.

Lextran is the designated recipient of Federal Transit Administration funds designated for the urbanized area. Lextran constitutes an agency and instrumentality of the LFUCG and a political subdivision and public body corporate of the Commonwealth of Kentucky created pursuant to KRS 96A.020(1) for the purpose of promoting and developing mass transportation in its transit area and adjoining areas. The Board of Directors of Lextran manages, controls, and conducts the business, activities, and affairs of Lextran pursuant to KRS 96A.040(1) and may employ an Executive Director or General Manager pursuant to KRS 96A.070 (1).

In addition, Bluegrass Community Action, Bluegrass Ultra Transit (BUS) provides regional public transit between the city of Nicholasville and Lexington (hereinafter referred to as Jesslex). Federated Transportation Service of the Bluegrass (FTSB) also provides para-transit Medicare transportation services within the MPO planning area.

### **Performance-Based Transportation Planning & Programming**

The MPO will develop and carry out a performance-based metropolitan transportation planning process in cooperation and consultation with KYTC and Lextran for Fayette and Jessamine Counties.

- KYTC and the MPO mutually agree to share available data related to performance measurement and target setting with each other, subject to the policies and procedures of each agency. Examples of such data include, but are not limited to traffic counts, travel times/speeds, socioeconomic data, travel demand modeling information, transit ridership data and infrastructure condition measures.
- The MPO will plan and program projects that contribute to the achievement of KYTC's statewide performance targets and/or commit to quantifiable performance targets for the metropolitan planning area or any portion thereof.
- KYTC will notify the MPO as soon as practicable upon the establishment and/or modification of its performance targets.
- Quantifiable performance targets must be approved by the MPO Policy Committee and reported to KYTC within 180 days of the establishment of statewide performance targets by KYTC.
- The MPO will consider integration of relevant goals, objectives, and performance measures and targets developed by KYTC and Lextran into the transportation plans, programs and processes of the MPO. KYTC and Lextran will consider integration of relevant goals, objectives, and performance measures and targets developed by the MPO in decisions regarding their plans and planning activities within the MPO planning area.
- The MPO, in collaboration with the KYTC and other agency partners, will develop, implement, and maintain a Congestion Management Process to assist in the identification and selection of projects for the Transportation Improvement Program (TIP) and Metropolitan Transportation Plan (MTP). The Congestion Management Process will be consistent with the KYTC's statewide performance targets or the MPO's performance targets as applicable.

## **Metropolitan Transportation Plan (MTP)**

In cooperation and coordination with KYTC, Lextran and other agency partners, the MPO will develop and maintain a Metropolitan Transportation Plan (MTP) in compliance with all relevant laws and regulations. The MPO shall review and update the transportation plan at least every five years to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends, and to extend the forecast period to at least a 20-year planning horizon.

- The MPO will initiate, in consultation with KYTC, Lextran and other agency partners, the selection of projects to include in the MTP. The initial list of MTP projects will be confirmed, supplemented by or revised by public input received during the public comment period of the MTP. The MPO will receive and address all comments and include documentation as part of the MTP.
- KYTC will provide the MPO with sufficient details, including location, description and cost for projects proposed or endorsed by KYTC for inclusion in the MTP.
- LFUCG (including the Division of Engineering, Traffic Engineering, and other agencies as appropriate) will provide the MPO with sufficient details, including location, description and cost for projects proposed or endorsed by the LFUCG for inclusion in the MTP.
- Lextran will provide the MPO with sufficient details, including location, description and cost for projects proposed or endorsed by Lextran and the MPO for inclusion in the MTP.
- At the request of the MPO, KYTC will provide preliminary system-level estimates of costs necessary to adequately operate and maintain the Federal-aid highway system within the planning area. The MPO may adjust these preliminary cost estimates with KYTC's concurrence.
- At the request of the MPO, Lextran, BUS, FTSB, Jessamine County Fiscal Court and the cities of Nicholasville and Wilmore, LFUCG agency partners including Engineering - Traffic Engineering - Streets and Roads and other agencies as necessary will provide preliminary system-level estimates of costs necessary to adequately operate and maintain the local highway system and transit systems within the planning area. The MPO may adjust these preliminary cost estimates with KYTC's concurrence.
- At the request of the MPO, KYTC will provide available information on historic levels of transportation expenditures for Fayette and Jessamine Counties and the state of Kentucky; an estimate of current typical annual transportation spending at the state level; an estimate of the annual construction cost inflation rate over the time horizon covered by the MTP; and an estimate of the annual rate of change of transportation spending over the life of the MTP. The MPO may adjust the annual construction cost inflation rate based on local conditions. Upon agreement with KYTC, the MPO may also adjust the annual rate of change of transportation spending.
- The MPO is responsible for developing a financially reasonable MTP in consultation with KYTC, Lextran and other agency partners, and will be in compliance with current federal planning regulations set forth by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). The MTP will follow public participation guidelines outlined in the MPO Participation Plan and in compliance with state and federal regulations.

- The MPO will prepare necessary amendments and/or administrative modifications to the MTP that will include a project description, location, cost estimates, and impact on financial constraint, if applicable. Amendments and administrative modifications will follow the procedures outlined in the latest approved MPO Participation Plan.
- The final MTP will be approved by the MPO Transportation Policy Committee and will include a financial plan that clearly states the methods and assumptions used to determine the financial reasonableness of the MTP.

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

In cooperation and coordination with KYTC, Lextran and other agency partners, the MPO will develop and maintain a Transportation Improvement Program (TIP) as the short-range program of projects for the MPO area. The TIP will be consistent with all federal requirements and will cover a period of no less than four years at the time of its adoption, and it will be updated at least every four years. The final TIP will be approved by the MPO Policy Committee.

- Projects included in the TIP will be consistent with the Kentucky Highway Plan, developed by KYTC in cooperation with the MPO and reviewed/approved biennially by the Kentucky General Assembly.
- The MPO is responsible for developing a fiscally constrained TIP. The cooperative process for completing the TIP Financial Plan shall be as follows:
  - a. For federal funding categories not sub-allocated to the MPO, the financial plan is based on the fiscal constraint maintained by the KYTC and demonstrated in the Kentucky STIP.
  - b. KYTC will provide an estimate of available federal funds for the funding categories that are sub-allocated to the MPO.
  - c. The MPO will ensure that fiscal constraint is maintained for funds that are sub-allocated to the MPO.
  - d. The MPO is responsible for ensuring that the estimated available funds and project costs in the TIP reflect year of expenditure (YOE) amounts. KYTC, Lextran, and other agency partners will assist the MPO in identifying YOE costs for TIP projects.
- At the request of the MPO, KYTC will provide cost estimates and project schedules for projects sponsored or endorsed by KYTC. LFUCG (including the Division of Engineering, Traffic Engineering, and other agencies as appropriate) will provide this information for projects proposed or endorsed by the LFUCG for inclusion in the TIP. KYTC may, at its discretion, provide cost estimates for projects sponsored by other agencies.
- The MPO will amend or modify the TIP as needed to reflect changes in project implementation schedules and costs; the development of new operations, maintenance or safety projects by KYTC; or successful grant applications for federal program funds.

## **Participation Plan**

In compliance with metropolitan planning regulations, the MPO has developed a Participation Plan which outlines a formal public involvement process, including public notice and comment periods, which is followed in the development of the TIP and MTP. The MPO agrees to follow its public involvement process as a part of all metropolitan-wide transportation planning initiatives. The MPO will review the Participation Plan annually and initiate a major update on a 5-year cycle or as determined by the annual review. Minor revisions to the Participation Plan will not require public review and notifications.

## **Annual Listing of Obligated Projects**

The MPO will develop an Annual Listing of Obligated Projects outlining all projects within the metropolitan planning area for which funding has been obligated over the past fiscal year.

- Following the end of each fiscal year, KYTC will provide information to the MPO on funds obligated under 23 U.S.C.
- Lextran and BUS will prepare an annual listing of obligated projects that meet all applicable Federal requirements and will share the information with the MPO on funds obligated under 49 U.S.C. Chapter 53 or other funding sources.
- The MPO will provide the annual listing of obligated projects to KYTC in time for KYTC to submit the listing to FHWA by the Federal deadline.

## **Unified Planning Work Program**

The MPO will annually prepare a Unified Planning Work Program (UPWP) for the following fiscal year based on anticipated funding levels. The MPO will submit a copy to all applicable parties for review and determination of eligibility, in accordance with established schedules and document routing requirements.

- The MPO will coordinate with KYTC, Lextran and other agency partners to determine appropriate work tasks to be included in the UPWP.
- Funding parameters for the UPWP will be determined by the amount of Kentucky Metropolitan Planning (PL) funds distributed to the MPO by the Kentucky MPO Council. This is determined each year in consultation with KYTC. Additionally, the inclusion of FTA funds shall be considered during the development of the UPWP.
- The MPO will coordinate with Lextran on the development and submittal of the FTA 5303 application. The LFUCG contracts with Lextran for all transit services, with Lextran as the recipient of FTA funds. The MPO will not be responsible for providing the local match to FTA 5303 funds, unless otherwise negotiated.

## **Committee Membership**

- KYTC will be permitted to appoint at least one voting member to the MPO Policy Committee and at least two voting members to the MPO Technical Committee.
- Lextran will be represented by the General Manager on the MPO Policy Committee, with voting membership.
- Lextran transit staff will be permitted one voting member on the MPO Transportation Technical Coordinating Committee (TTCC).

### **Transit Coordination**

The MPO will coordinate with Lextran and other regional transit providers on matters related to public transportation as they pertain to the MPO transportation planning process.

- The MPO will provide input to Lextran on MPO related planning projects and can represent the MPO on Lextran committees or meetings on an as needed or ad-hoc basis.
- The MPO will coordinate with Lextran to ensure that all identified transit-related projects are included in the TIP.
- The MPO, Lextran and KYTC agree that the public and agency outreach procedures for TIP Amendment and Administrative Modification processes included in the Participation Plan are adequate to meet the public input required for Lextran's Program of Projects (POP) and meet the intent of the federal planning regulations.
- The MPO will coordinate and assist Lextran and other public transit providers in the development of the Coordinated Public – Human Services Transportation Plan

### **Termination and Modification**


- It is the intent of the MPO, KYTC, and Lextran to carry forward the planning process on a continuing basis. It is the intention of the parties that this agreement will be in effect for a period beginning on the execution of this agreement.
- This agreement will remain in effect until terminated or superseded by a new agreement. Any agency subject to this agreement may withdraw from the agreement by giving thirty (30) days written notice to all other agencies subject to the agreement. In the event that an agency withdraws from this agreement, the rights and responsibilities of the remaining agencies will remain unchanged with respect to each other until this agreement is amended or replaced.
- In the event that this agreement requires modification for any reason, the required modifications may be accomplished through the execution of a letter modification or supplementary agreement between all agencies subject to this agreement.
- This agreement may be amended or replaced with a new agreement at any time upon the written consent of all remaining signatory agencies. In the event that this agreement is replaced with a new agreement, this agreement will become null and void when the new agreement goes into effect.

### **Dispute Resolution**

- Should a dispute arise which cannot be resolved between agency staffs and/or MPO committee members, the matter will be elevated to agency executives and, if necessary, the governor. The Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and any other relevant agencies will be consulted throughout the dispute resolution process, as needed, and their input will be taken into consideration in attempting to resolve disputes. In the event that a dispute cannot be resolved, any signatory agency to this agreement may withdraw from the agreement as described above under Termination and Modification.


The signatures below signify the acceptance and approval of this agreement.

**LEXINGTON AREA METROPOLITAN PLANNING ORGANIZATION**

  
\_\_\_\_\_  
DAVID WEST  
JESSAMINE COUNTY JUDGE EXECUTIVE  
LEXINGTON AREA MPO POLICY COMMITTEE CHAIRMAN


7/12/17  
\_\_\_\_\_  
DATE

**COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET**

  
\_\_\_\_\_  
GREG THOMAS  
KYTC SECRETARY of TRANSPORTATION

8/8/17  
\_\_\_\_\_  
DATE

**TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (LEXTRAN)**

  
\_\_\_\_\_  
CARRIE BUTLER  
LEXTRAN GENERAL MANAGER

7/12/17  
\_\_\_\_\_  
DATE

**APPROVED AS TO FORM & LEGALITY  
TRANSPORTATION CABINET**

  
\_\_\_\_\_  
OFFICE OF LEGAL SERVICES

7/31/17  
\_\_\_\_\_  
DATE