

# MEMORANDUM OF UNDERSTANDING

## METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES FOR THE WEST MICHIGAN METROPOLITAN TRANSPORTATION PLANNING PROGRAM

This agreement is made and entered into as of \_\_\_\_\_ 2024 by and between the Michigan Department of Transportation (MDOT) hereafter referred to as the **DEPARTMENT**; the West Michigan Metropolitan Transportation Planning Program (WestPlan) hereafter referred to as the **AGENCY**; and the Muskegon Area Transit System, and Harbor Transit hereafter referred to as the **TRANSIT OPERATOR(S)**.

**WHEREAS**, joint responsibilities must be met for establishing and maintaining a continuing, cooperative, and comprehensive performance-based multi-modal metropolitan transportation planning and programming process as required by the United States Department of Transportation (USDOT) in regulations at 23 CFR 450 Subpart A – Transportation Planning and Programming Definitions and 23 CFR 450 Subpart C – Metropolitan Transportation Planning and Programming, and

**WHEREAS**, the regulations at 23 CFR 450.314 Metropolitan Planning Agreements require the DEPARTMENT, the AGENCY and TRANSIT OPERATOR(S) to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning and programming process. The responsibilities shall be clearly identified in written agreements among the Metropolitan Planning Organization (MPO) the State and the public transportation operator(s) serving the Metropolitan Planning Area (MPA). 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 and the metropolitan Transportation Improvement Program (TIP) and the development of the annual listing of obligated projects.

**WHEREAS**, the regulations at 23 CFR 450.104 define public transportation operator to mean the public entity which participates in the continuing, cooperative comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 409 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under Title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus or intercity bus transportation or intercity passenger rail transportation provided by Amtrak.

**WHEREAS**, nothing in this Memorandum of Understanding (MOU) shall limit the legal authorities of the parties.

**NOW, THEREFORE**, the DEPARTMENT, the AGENCY and the TRANSIT OPERATOR(S) recognize and agree that they will conduct a continuing, cooperative, and comprehensive performance-based multi-modal transportation planning and programming process for the Muskegon, Michigan, metropolitan urbanized area and that their mutual responsibilities for carrying out this process are described in the following articles:

## **Article 1**

### **Scope of the Metropolitan Planning Process**

The AGENCY, the DEPARTMENT and the TRANSIT OPERATOR(S) will conduct a performance-based metropolitan transportation planning process that is continuous, cooperative, and comprehensive, as required under 23 CFR 450, and provide for the consideration of projects, strategies and services that will address the current planning factors as specified in 23 CFR 450.306: Scope of the Metropolitan Transportation Planning Process. The metropolitan transportation planning process will provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. 150(b) and the general purpose described in 49 U.S.C. 5301 (c).

## **Article 2**

### **MPO Organization Structure and Planning Boundaries**

The AGENCY will be designated the MPO for the Muskegon, Michigan, metropolitan urbanized area by the Governor of Michigan. The AGENCY'S membership includes local elected officials, DEPARTMENT representatives and officials of agencies that administer or operate major modes of systems of transportation.

The AGENCY will have bylaws that establish its membership, officers, voting procedures, public participation and procedures for amendments and administrative modifications.

The AGENCY will establish transportation policy, oversee the planning process for the metropolitan area, provide a forum for cooperative decision making and ensure that there is technical support from transportation providers to oversee the technical aspects of the transportation planning process.

The AGENCY will establish a Technical Committee to advise and assist in all aspects of the metropolitan transportation planning process.

The AGENCY will take action to approve the metropolitan planning area (MPA) boundary that encompasses the existing urbanized area plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan plan. The MPA was determined by agreement with the AGENCY and the Governor.

After each Census, the AGENCY will review this planning boundary with the DEPARTMENT and the TRANSIT OPERATOR(S) to determine if it meets the minimum statutory requirements for new and updated urbanized areas and will adjust the boundary as necessary.

### **Article 3**

#### **Unified Planning Work Program**

The AGENCY, the DEPARTMENT and the TRANSIT OPERATOR(S) in cooperation with the local jurisdictions shall prepare the Unified Planning Work Program (UPWP) as required under 23 CFR 450.308: Unified Planning Work Program. The UPWP shall document the metropolitan transportation planning activities anticipated during the upcoming year. The UPWP shall identify the cost and the proposed funding for accomplishing the documented work activities. The AGENCY will approve the UPWP and submit it to the DEPARTMENT for its review and formal submittal to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for approval and funding.

### **Article 4**

#### **Participation Plan**

The AGENCY will adopt and use a Participation Plan to provide citizens, affected public agencies and all interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process and to review and comment at key decision points as specified in 23 CFR 450.316 (a): Interested Parties, Participation and Consultation. The plan will be developed in consultation with interested parties and will describe the procedures, strategies, and desired outcomes of the plan. The plan will provide timely notice, reasonable access to information including but not limited to a reasonable opportunity to comment on the proposed Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) and amendments to the MTP and TIP.

### **Article 5**

#### **Consultation**

The AGENCY will develop a documented consultation process for developing the MTP and TIP as specified in 23 CFR 450.316 (b-e), and 23 CFR 450.324 (h) (1-2), specifically in connection with the MTP and 23 CFR 450.324 (g) (10), related to environmental mitigation. The documented consultation process will outline the roles, responsibilities, and key decision points for consulting with other governments, agencies, and officials responsible for other planning activities in the MPA.

### **Article 6**

#### **Transportation Planning Studies and Project Development**

The AGENCY, the DEPARTMENT or the TRANSIT OPERATOR(S) may undertake a multimodal, systems level corridor or sub-area planning study as part of the metropolitan transportation planning process. The development of these studies will involve consultation with, or joint efforts among, the AGENCY, the DEPARTMENT and the TRANSIT OPERATOR(s). The results or decision of these planning studies may be used as part of

the overall project development process consistent with the National Environmental Policy Act (NEPA) as specified in 23 CFR450.318 Transportation Planning Studies and Project Development.

### **Article 7**

#### **Congestion Management Process for Transportation Management Areas (Only for SEMCOG, Ann Arbor, Lansing, Grand Rapids, Kalamazoo, and Flint TMAs)**

The AGENCY, in cooperation with the DEPARTMENT, the TRANSIT OPERATOR(s) and local officials will develop congestion management objectives and 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 goods and people. The transportation planning process will develop and maintain an ongoing congestion management process for monitoring, operating, and maintaining the regional transportation system required by 23 CFR 450.322: Congestion Management Process in Transportation Management Areas.

### **Article 8**

#### **Air Quality Transportation Planning**

Air Quality Transportation Planning applies to MPOs in areas classified as nonattainment, maintenance, or areas required to do conformity by the U.S. Environmental Protection Agency. The AGENCY and MDOT'S air quality transportation planning activities are described in the 2016 Memorandum of Agreement Regarding Determination of Conformity of Transportation Plans, Programs, and Projects to State Implementation Plans (here after called the Conformity State Implementation Plan (SIP)). The Conformity SIP lists, members, roles, responsibilities, rules, and dispute resolution process for the Michigan Transportation Conformity Interagency Workgroup (MITC-IAWG) assigned to ensure conformity occurs. The Agency, if in an area required to do conformity, agrees to adhere to the most current Conformity SIP until such time as the conformity SIP is updated. Additional activities for air quality transportation planning can be included in the AGENCY'S Unified Planning Work Program (UPWP).

### **Article 9**

#### **Travel Demand Forecasting Model**

##### **OPTION 1**

The Department will maintain and operate the area's travel demand forecasting model used in the development of MTP, TIP, air quality conformity analysis, project identification and prioritization, and various planning studies. An existing, but separate, Memorandum of Understanding between the DEPARTMENT and AGENCY regarding travel demand forecasting shall govern that activity.

**OPTION 2 (Only for SEMCOG, Ann Arbor, Lansing, Grand Rapids, Kalamazoo, and Flint TMAs)**

The AGENCY will maintain and operate the area's travel demand forecasting model used in the development of MTP, TIP, air quality conformity analysis, project identification and prioritization, and various studies. An existing, but separate, Memorandum of Understanding between the DEPARTMENT and AGENCY regarding travel demand forecasting shall govern that activity.

## **Article 10 The Metropolitan Transportation Plan**

The AGENCY will develop the Metropolitan Transportation Plan (MTP) with assistance and guidance from the DEPARTMENT to ensure the plan content meets all requirements specified in 23 CFR 450.324: Development and Content of the Metropolitan Transportation Plan. The AGENCY, DEPARTMENT and TRANSIT OPERATOR(S) will jointly conduct financial analyses and planning to determine the availability of revenue to demonstrate fiscal constraint of the MTP. The DEPARTMENT will take the lead in providing estimates of available Federal and State funds that can be used in developing the MTP. The AGENCY will provide estimates of local revenues. The AGENCY will adopt and maintain the MTP. The AGENCY will submit the MTP to the DEPARTMENT and the Federal Highway Administration and Federal Transit Administration for informational purposes. The AGENCY shall review and update the MTP at least every four or five years to confirm the plans 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 horizon, at time of adoption. ***(Please Note: This is four years for Agencies that are included as part of a transportation national ambient air quality standard (NAAQS) nonattainment or maintenance area)***. When the MTP is amended or updated the AGENCY, the DEPARTMENT and the TRANSIT OPERATOR(S) will cooperatively develop, share, review and adopt estimates of revenues and cost required for demonstrating financial constraint for the transportation plan as specified in 23 CFR 450.324(f) (11).

## **Article 11 Transportation Improvement Program**

The AGENCY will cooperatively develop a Transportation Improvement Program (TIP) that is consistent with the AGENCY'S MTP and will be financially constrained. The AGENCY, the DEPARTMENT and the TRANSIT OPERATOR(S) will ensure that the Transportation Improvement Program development process and Transportation Improvement Program (TIP) content meet all requirements as specified in 23 CFR 450.326: Development and Content of the Transportation Improvement Program. The TIP will contain all Title 23 and Title 49 federally funded state trunkline and local projects and all regionally significant state and local projects, regardless of funding source. When developing, updating, and amending the TIP, the AGENCY, the DEPARTMENT and the TRANSIT OPERATOR(S) will cooperatively develop, share, review and adopt estimates of revenues and cost required for the financial plan that demonstrates fiscal constraint for the TIP as specified in 23 CFR 450.326 (j) & (k). The TIP will list all projects in sufficient detail in accordance with regulations and reflect public involvement and criteria used to prioritize projects. The AGENCY will approve the TIP and submit it to the DEPARTMENT for its approval and

inclusion in the State Transportation Improvement Program (STIP). The AGENCY'S TIP will be incorporated by reference in the STIP and formally submitted to the FHWA and FTA. TIP amendments and modifications will follow procedures for TIP modifications as adopted by the AGENCY and as specified in 23CFR 450.328. The AGENCY and the DEPARTMENT will jointly manage the TIP including project tracking and monitoring of obligation authority.

## **Article 12**

### **Annual Listing of Projects with Federal Funding Obligations**

Each year within 90 days after the close of the federal fiscal year the AGENCY, the DEPARTMENT and TRANSIT OPERATOR(S) will cooperatively develop a listing of projects from the TIP for which federal transportation funds were obligated in the preceding fiscal year. This report will contain the projects and financial information as required in 23CFR 450.334 Annual Listing of Obligated Projects. This report will be made available to the public on the AGENCY web site.

## **Article 13**

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

The MPO will establish performance targets that address the performance measures or standards established in 23 CFR Part 490, 23 CFR Part 450, 49 CFR Part 625, and 49 CFR Part 673. The AGENCY, the DEPARTMENT, and the TRANSIT OPERATOR(S) will coordinate in the establishment of state, AGENCY, and TRANSIT OPERATOR(S) performance targets. Coordination efforts will include, but are not limited to, sharing available data related to the federally required performance measures (subject to each agencies data sharing policies and procedures), discussing target setting methodology, establishing performance targets, and reporting on performance targets and progress in attaining targets. The AGENCY will plan and program projects that contribute to the achievement of state, AGENCY, and TRANSIT OPERATOR(S) targets as appropriate. The AGENCY will develop a Congestion Mitigation and Air Quality Performance Plan if required by 23 U.S.C. 149 (1).

This agreement is approved by the respective parties hereto as the date shown.

ATTEST:

\_\_\_\_\_  
Director  
Bureau of Transportation Planning

Date \_\_\_\_\_

\_\_\_\_\_  
AGENCY Chair

Date \_\_\_\_\_

\_\_\_\_\_  
AGENCY Director

Date \_\_\_\_\_

\_\_\_\_\_  
TRANSIT OPERATOR(S) Administrator

Date \_\_\_\_\_

Memorandum of Understanding

**The following exhibits are attached to the Memorandum of Understanding:**

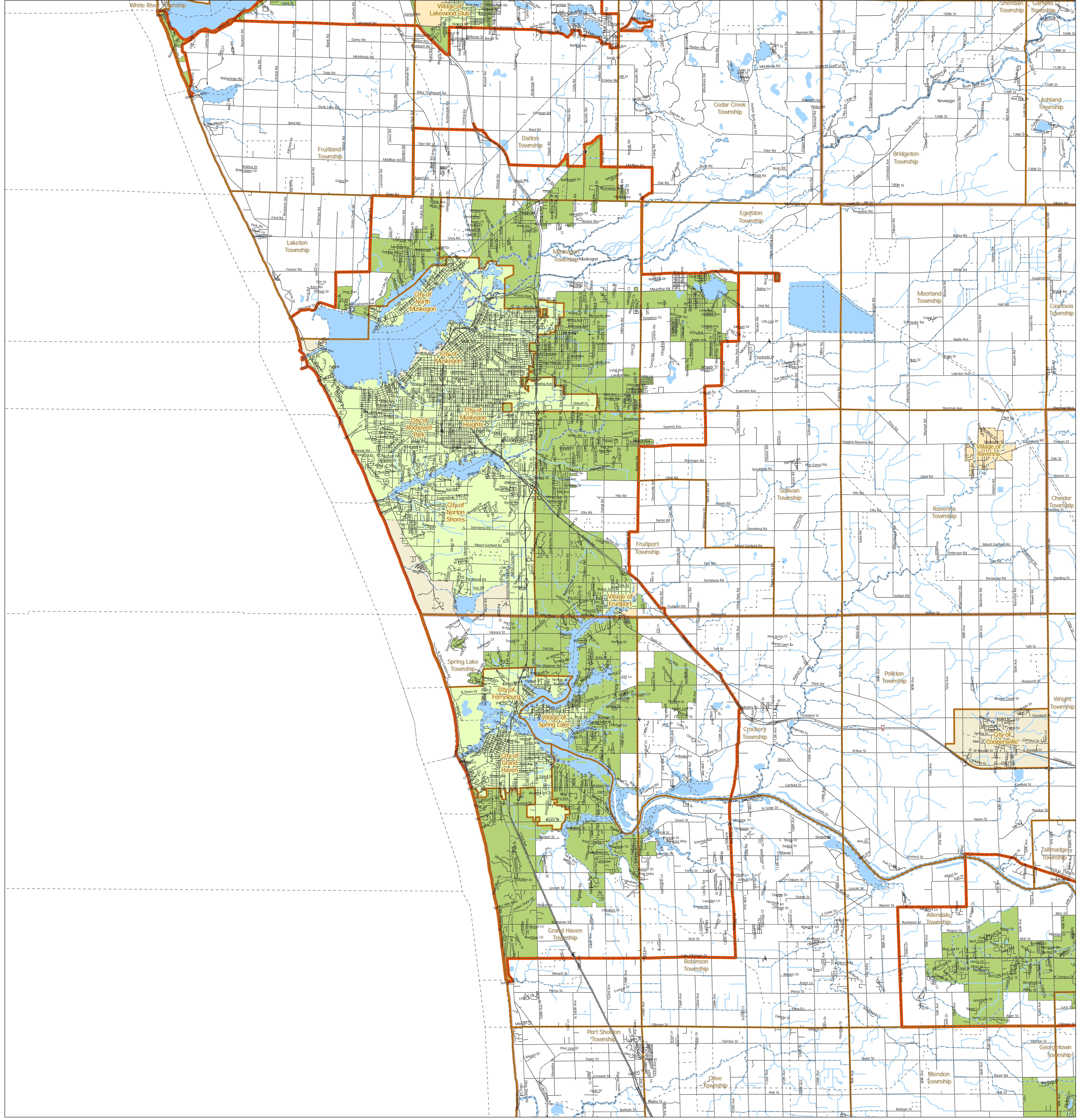
# Exhibit A: Muskegon--Norton Shores 2020 Proposed ACUB



2020 Census Urban Area (CUA)	City or Village	Road
2020 Census Blocks	City or Village with CUA Overlap	Railroad
County	Lakes and Streams	
Township	ACUB (Proposed)	

0 0.5 1 Miles

All data used in this map can be obtained from the State of Michigan GIS Open Data website or at Census.gov





## Exhibit B List of members of the AGENCY

### WESTPLAN POLICY COMMITTEE

Kim Arter, Chairperson	Supervisor, Laketon Township
Roger Belknap	Ottawa County Commissioner
Steven Salter	Mayor, City of Whitehall
Roger Morgenstern	Councilperson, City of Norton Shores
Field Reichardt	Ottawa County Road Commission
Arnie Erb	Supervisor, Whitehall Township
Michelle Hazekamp	Muskegon County Commissioner
Jack Kennedy	Muskegon County Road Commissioner
Diane Goodman	Councilperson, City of Roosevelt Park
Heather Bowden	Michigan Department of Transportation
Bonnie McGlothlin	Councilperson, City of Muskegon Heights
Robert Monetza	Mayor, City of Grand Haven
Wally Delamater	DPW Director, Village of Spring Lake
Richard Carlson	Mayor, City of Ferrysburg
Ryan Kelly	Councilperson, Crockery Township, Ottawa County Townships
Andrew Sibold	Federal Highway Administration
Rachel Gorman	Councilperson, City of Muskegon
Marcia Hovey-Wright	Muskegon County Commissioner – MATS
Roger Vanderstelt	Village of Fruitport
Bob Hires	City of Montague
Bill Mogren	City of North Muskegon
Kevin McLaughlin	Board Member, Harbor Transit

### WESTPLAN TECHNICAL COMMITTEE

Todd Meyers,	City of Muskegon
Brian Armstrong	City of Whitehall
Scott Beishuizen	City of Montague
Craig Bessinger	City of Ferrysburg
Paul Bouman	Muskegon County Road Commission
Luke Walters	Michigan Department of Transportation
Steve Biesiada	Fruitport Charter Township, Muskegon County Urban Townships
Ben VanHoeven	City of Roosevelt Park
Derek Gajdos	City of Grand Haven
Khi Guy	City of Muskegon Heights
James Koens	Muskegon Area Transit System
Brett Laughlin	Ottawa County Road Commission
Wade VandenBosch	Muskegon County DPW
Dana Appel	Harbor Transit Multi-Modal Transportation System
Jim Murphy	City of Norton Shores
Mark Disselkoen	City of North Muskegon
Tyler Kent	MDOT Grand Region
Andrew Sibold	Federal Highway Administration
Wally Delamater	Village of Spring Lake
Amy Haack	Village of Fruitport
Marc Fredrickson	MDOT- Muskegon TSC
Jeff Marcinkowski	Fruitland Township- Muskegon County Rural Townships