

**MEMORANDUM OF AGREEMENT ESTABLISHING THE GALLATIN
VALLEY METROPOLITAN TRANSPORTATION PLANNING PROCESS
AND CREATING THE GALLATIN VALLEY TRANSPORTATION
POLICY COORDINATING COMMITTEE**

This Agreement is made by and between the City of Bozeman, hereinafter referred to as “Bozeman,” the City of Belgrade, hereinafter referred to as “Belgrade”, the Gallatin County, hereinafter referred to as "County", Montana Department of Transportation hereinafter referred to as “MDT,” and the Gallatin Valley Urban Transportation District, hereinafter referred to as “Gallatin Valley UTD.” The above entities are collectively referred to as the “Parties.”

WHEREAS, 23 U.S.C. § 134, 23 U.S.C. § 150, and 49 U.S.C. § 5303 require a Metropolitan Planning Organization(MPO) be designated for each metropolitan area with a population of 50,000 or greater, as a condition of the receipt of Federal highway and transit funds, and that the metropolitan area has a continuing, cooperative, and comprehensive performance-based multimodal transportation planning process that provides for: consideration and implementation of projects, strategies, and services, that consider supporting economic vitality by enabling global competitiveness, productivity, and efficiency; increase and emphasize the safety, preservation, and security of the transportation system for motorized and non-motorized users; increase accessibility, mobility, integration, and connectivity of the transportation system for people and freight; protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns; promote efficient system management and operation; emphasize the preservation of the existing transportation system; improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and enhance travel and tourism; and

WHEREAS, Bozeman, Belgrade, and the County entered into an Interlocal Agreement on _____, 2023, that establishes each entity’s responsibilities and commitments in creating, administering, and financing the Gallatin Valley Metropolitan Planning Organization (“Gallatin Valley MPO”); and

WHEREAS, the Parties desire to continue to cooperate in the transportation planning process now in progress and further desire to ensure transportation planning is an integral part of continuing, cooperative, and comprehensive transportation planning; and,

WHEREAS, the Parties desire to take a performance-driven, outcome-based approach to

transportation planning and programming linking investment decision making to the achievement of performance targets; and,

WHEREAS, upon execution of this Agreement, the Parties hereby establish the Gallatin Valley Transportation Policy Coordinating Committee (TPCC) as the official planning agency for purposes of the Parties' responsibility to establish a MPO and request the Governor of the State of Montana designate the same as the Gallatin Valley MPO; and,

WHEREAS, upon execution of this Agreement and designation by the Governor of Montana, the TPCC shall be the official governing body of the Gallatin Valley MPO Metropolitan Transportation Planning Process, thus having final local approval of all Federal Surface Transportation Program-Urban Funded transportation projects in the Gallatin Valley Metropolitan Planning Area (MPA), as well as approval of the Metropolitan Transportation Plan, the Transportation Improvement Plan, and the Unified Planning Work Program, and any other required MPO documents; and,

WHEREAS, the Gallatin Valley UTD operates a transit system and maintains responsibility for providing district residents with safe and reliable transit service, as well as implementing improvements to meet changing travel needs and as such is a member of the Gallatin Valley MPO and the TPCC; and,

WHEREAS, MDT is responsible for assuring that the planning, design, approvals and environmental clearances, construction, and maintenance of state and federally-designated highway system facilities provide for the benefit of the traveling public in a safe and efficient manner in accordance with Title 23 United States Code (U.S.C.) and related federal regulation and guidance and Title 60, Montana Code Annotated (MCA); and,

WHEREAS, 23 U.S.C. § 104 (d) and 49 U.S.C. § 5303 provide planning funds (PL and Section 5303) for the purpose of carrying out metropolitan transportation planning requirements of Section 134 of Title 23, USC; and,

WHEREAS, Bozeman, on behalf of the Gallatin Valley MPO and as host agency for the Gallatin Valley MPO, shall execute or cause to be executed separate agreements with MDT for the distribution of PL and Section 5303 funds; and,

WHEREAS, Bozeman, on behalf of the Gallatin Valley MPO and as host agency for the Gallatin Valley MPO, shall execute or cause to be executed separate agreements with MDT for the roles and responsibilities for the development of financial plans that support the transportation plan, transportation improvement program, and annual listing of obligated projects; and,

WHEREAS, Bozeman, on behalf of the Gallatin Valley MPO and as host agency for the Gallatin Valley MPO shall execute or cause to be executed separate agreements with MDT for the roles and responsibilities for air quality conformity; and developing and sharing performance data, setting performance targets, reporting targets, and tracking progress towards meeting targets.

NOW, THEREFORE, the Parties mutually agree:

I. The TPCC is established as the policy and governing board of the Gallatin Valley MPO to cooperatively carry out transportation planning and programming in the Gallatin Valley Metropolitan Planning Area through the following established forum and process.

II. The TPCC must carry out the metropolitan transportation planning process and work cooperatively to develop the Long-Range Transportation Plan, the Transportation Improvement Program, the Unified Planning Work Program, and any amendments or updates to these plans. The TPCC shall have the ultimate authority and responsibility to approve all plans and programs related to Public Participation, Transportation Planning, the Scope of Services, and the Work Program. The TPCC shall have the ultimate authority and responsibility to approve the allocation of federal PL and section 5303 funding to the transportation planning projects established pursuant to the transportation planning process as outlined in this Agreement. The TPCC shall coordinate transportation planning with providers of transportation services and transportation infrastructure.

III. The Transportation Policy Coordinating Committee (TPCC) shall consist of the following:

A. Voting Members:

1. Bozeman Mayor or designee;
2. Bozeman Commissioner appointed by the Bozeman Commission or designee;
3. Belgrade City Manager or designee;
4. Gallatin County Commission Chair or designee;
5. Montana Department of Transportation (MDT) District Administrator or designee;
6. Gallatin Valley UTD Chair or designee; and
7. At-large member elected by all other TPCC members. The at-large member shall have education and/or experience in transportation engineering or planning. The at-large member may only be selected following an application process determined by the TPCC. A tie vote for the at-large member is a failed vote.

- B. Non-Voting Members:
 - 1. Division Administrator, Federal Highway Administration, or designee; and
 - 2. Region 8 Administrator, Federal Transit Administration, or designee
- C. Proxy voting is prohibited.
- D. Additional non-voting members of the TPCC may be established and appointed by a majority of the membership of the TPCC if such an appointment is determined to be necessary or useful by the committee.

IV. The Parties hereby also establish the Transportation Technical Advisory Committee (TTAC). The TTAC shall provide the TPCC with technical advice necessary to carry out the continuing, comprehensive, and cooperative (3-C) transportation planning process in the Gallatin Valley MPA. The TTAC shall, at a minimum, consist of the following members:

- A. Voting Members:
 - 1. Bozeman Director of Community Development or designee;
 - 2. Bozeman Director of Transportation and Engineering or designee;
 - 3. Belgrade Director of Community Development or designee
 - 4. Belgrade City Engineer or designee;
 - 5. County Chief Planning Officer or designee;
 - 6. County Engineering Director or designee;
 - 7. MDT Statewide and Urban Planning Supervisor or designee;
 - 8. MDT District Preconstruction Engineer or designee;
 - 9. Gallatin Valley UTD Director or designee;
 - 10. Gallatin Valley UTD Operations Coordinator or designee; and
 - 11. Montana State University Associate Vice President, Facilities Management or designee.
- B. Non-Voting Members:
 - 1. Bozeman/Yellowstone International Airport Manager of Operations or designee
 - 2. Gallatin City-County Health Officer or designee
 - 3. Representative of Bozeman School District 7 or designee
 - 4. Representative of Belgrade School District 44 or designee
 - 5. Representatives from Bozeman's, Belgrade's, and the County's planning or transportation related boards or commissions, as determined by each governing body.

Additional non-voting members of the TTAC may be established by the TPCC and if such positions are created, such members shall be appointed by nomination and approval by a majority of the voting members of TTAC, with final approval by TPCC.

- C. Members of the TTAC must represent specific technical skills and various jurisdictional multimodal viewpoints such as, schools, public health, etc.
- D. Each member of the TTAC may designate an alternate to serve in the member's absence via written notice to the TTAC Chairperson.
- E. Designees may serve on a meeting-by-meeting basis or on a permanent basis.

V. Public Participation.

Procedures for encouraging public participation for the TPCC and the TTAC must be adopted by the TPCC. These procedures will describe methods to obtain additional local input in the planning process consistent with 23 C.F.R. §450 and Montana law.

VI. Transportation Planning.

The TPCC must conduct continuing, cooperative and comprehensive transportation planning in that portion of the Gallatin Valley that is expected to become urbanized during the forecast period as determined by federal law. This area shall be referred to as the Gallatin Valley MPA. The MPA must be approved by the TPCC and designated by the Montana Governor after the effective date of this Agreement.

VII. Scope of Services. The transportation planning process the Gallatin Valley MPO must follow must be:

- A. Cooperative, Comprehensive, and Continuing:
 - 1. Cooperative in that the County, Bozeman, Belgrade, MDT, and the Gallatin Valley UTD shall cooperatively accomplish the transportation planning process in response to the needs and changes occurring in the Gallatin Valley MPA. The Gallatin Valley MPO and MDT must coordinate their respective targets for performance measurement to ensure consistency to the maximum extent practicable. This includes, but is not limited to, identifying how performance-based planning provisions will be cooperatively implemented.

2. Comprehensive in that all elements affecting the Gallatin Valley MPA transportation planning must be considered. These elements and requirements are described in various documents published by the U. S. Department of Transportation.

3. Continuing in that the transportation planning process must continue indefinitely and shall be maintained as long as this Agreement is in force.

B. The transportation planning process the Gallatin Valley MPO must follow will involve conducting the following general activities:

1. Establish a coordinated process for the collection and sharing of performance data, the selection of performance targets, reporting targets, and tracking progress towards meeting targets for the Gallatin Valley MPA;

2. Collect, maintain, analyze, and disseminate basic planning information, financial information and plans, and engineering data to support the development of the metropolitan transportation plan, annual listing of projects and transportation improvement program;

3. Serve the public and private sectors, by providing current information concerning plans, programs, projects, recommendations, and implementation schedules;

4. Prepare, update, and revise long and short-range transportation plans to consider all transportation modes in the transportation planning area; develop transportation improvement programs for implementation of transportation plans; prepare, update, and revise a public involvement plan; and, conduct air quality conformity determinations, to the extent required, for new or revised transportation plans and improvement programs;

5. Prepare and distribute transportation related materials, including but not limited to studies, reports, maps, plans, and annual listing of obligated projects, for documentation and information purposes; participate in transportation related meetings and seminars, at all levels of government; coordinate planning and plan implementation activities; and, conduct public information and involvement programs; and

6. Research, investigate, and develop estimating, forecasting, and related planning procedures.

VIII. Work Program – The TPCC must approve an annual Unified Planning Work Program (UPWP), which defines the urban transportation and transportation related planning activities to be conducted by the Gallatin Valley MPO, regardless of funding sources. The UPWP must include:

- A. A brief discussion of program objectives and accomplishments, including performance targets, during the previous 12-month period; and
- B. A description of major activities to be performed during the next year, the entity responsible for performing the work, the resulting work expected to be completed and a summary of the total amounts and sources of federal and other funds.

IX. General provisions governing this Agreement are as follows:

- A. **Effective Date.** This Agreement shall be effective upon the date of execution by all parties to the Agreement. This Agreement is contingent upon designation by the Governor of Montana of the TPCC as the MPO for the Gallatin Valley.
- B. **Amendments.** Any amendments to the terms of this Agreement, as detailed herein, must be agreed to, in writing, by the parties.
- C. **Bylaws.** Both the TPCC and the TTAC must comply with bylaws to give effect to the purposes of this Agreement. TPCC bylaws must be approved by the TPCC. TTAC bylaws must be approved by the TPCC.
- D. **Term of Agreement.** This Agreement shall be perpetual, unless amended as provided in paragraph 2.B., above or terminated. Any party may terminate its interests and obligations under this Agreement by giving at least six months' written notice to the other Parties.
- E. **Non-Waiver.** Waiver by any party of strict performance of any provision of this Agreement shall not be a waiver of or prejudice to any of the party's rights to require strict performance of the same provision in the future or of any other provisions.
- F. **Headings.** The section headings contained herein are for convenience and reference and are not intended to define or limit the scope of any provision of this Agreement.
- G. **No Non-Party Beneficiary.** This Agreement is for the exclusive benefit of the Parties, does not constitute a third-party beneficiary agreement, and may not be relied upon or enforced by a third party.

H. Applicable Law. This Agreement shall be governed by the laws of the State of Montana and any action to enforce any right or obligation shall be brought in the Eighteenth Judicial District Court of Montana.

I. Electronic Signatures. The Parties have consented to execute this Agreement electronically in conformance with the Montana Uniform Electronic Transactions Act, Title 30, Chapter 18, Part 1, MCA.

End of Agreement except for signatures

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals the day and year firstabove written.

APPROVED FOR CITY OF BOZEMAN

Bozeman City Manager

ATTEST:

Bozeman City Clerk

APPROVED FOR GALLATIN COUNTY

Chair, Board of County Commissioners

ATTEST:

Gallatin County Clerk and Recorder

APPROVED FOR CITY OF BELGRADE

Belgrade City Manager

ATTEST:

Belgrade City Clerk

APPROVED FOR GALLATIN VALLEY URBAN TRANSPORTATION DISTRICT

Chair, Gallatin Valley Urban Transportation District

APPROVED FOR STATE OF MONTANA DEPARTMENT OF TRANSPORTATION

Rail, Transit, and Planning Division Administrator, Montana Department of Transportation

Legal Counsel, Montana Department of Transportation