

**AN AGREEMENT FOR COOPERATIVELY CONDUCTING THE METROPOLITAN
TRANSPORTATION PLANNING AND PROGRAMMING PROCESS IN THE
PORTION OF THE METROPOLITAN WASHINGTON URBANIZED AREA WITHIN
THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION'S
BOUNDARIES**

THIS AGREEMENT, made and entered into as of this _____ day of May 2020 by and between the FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION, hereinafter referred to as FAMPO and the NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD, which is the metropolitan planning organization for Northern Virginia (the jurisdictions contained in Virginia Planning District 8), Washington, D.C. and the suburban Maryland jurisdictions, and hereinafter referred to as the TPB, for the purpose of identifying the roles and responsibilities for cooperatively conducting the metropolitan transportation planning and programming process in the FAMPO portion of the metropolitan Washington, DC–VA–MD Urbanized Area (Washington D.C. UZA).

WHEREAS, since 1965 the TPB has been the designated MPO for the Washington D.C. UZA Washington, DC–VA–MD Urbanized Area, and FAMPO the designated MPO for the Fredericksburg urbanized area, each with its own and distinct metropolitan planning area (MPA) including the respective urbanized areas and its vicinity, as depicted in figure 1, and have, pursuant with 23 CFR 450, independently executed a federal planning agreement (herein referred to as the 3-C agreement) among the MPO, the State(s), and the providers of public transportation serving the planning area identifying their mutual responsibilities in carrying out the metropolitan transportation planning process; and

WHEREAS, based on US Census since the Washington D.C. UZA Washington, DC-VA-MD-urbanized population exceeded 200,000 it was classified as a Transportation Management Area (TMA) with additional metropolitan planning requirements placed on the TPB, while the Fredericksburg urbanized population, thru the 2010 US Census, was below 200,000 and hence was not designed a TMA and FAMPO had no additional metropolitan planning requirements beyond that of a MPO; and

WHEREAS, the additional responsibilities for a TMA specifically includes -responsibilities to have a Congestion Management Process pursuant to 23 U.S.C. 134 and 49 U.S.C. 5303 and Chapter 53, programming Surface Transportation Program (STP) funds sub-allocated to the TMAs pursuant to 23 U.S.C. section 133, as amended, and a process for selecting projects for receipt of STP- funds sub-allocated to a TMA as per 23 U.S.C. 134, as amended; and

WHEREAS, ~~the US Bureau of Census~~ based on the 2000 the US Bureau of Census, the northern portion of Stafford County has become part Census determined that the boundary of the Washington D.C. UZA, Washington, DC–VA–MD had expanded, among other areas, into the northern portion of Stafford County which is part of FAMPO's metropolitan planning area (not urbanized area) as depicted in Figure 2; and

WHEREAS, pursuant to provisions of 23 U.S.C. 134, 23 U.S.C. 150, and 49 U.S.C. 5303 and applicable federal regulations, ~~and guidance it was determined in 2004 that at this time the TPB's metropolitan planning area would not be expanded in include the new and expanded portion of the~~

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~~Washington D.C.-VA MD urbanized area instead~~ FAMPO ~~agreed would continue~~ to conduct the metropolitan planning process for all of Stafford County, ~~and has undertaken the while undertaking~~ additional responsibilities applicable to the northern portion of Stafford County that is part the ~~Washington D.C. UZA~~ ~~Washington D.C.-VA MD urbanized area by virtue of this area being part of a~~ ~~TMA while the FAMPO urbanized area was not a TMA~~; and

WHEREAS, the ~~above arrangement was formalized with the execution of parties executed~~ an agreement for cooperatively conducting the metropolitan planning and programming process in the portion of the metropolitan Washington Urbanized area within the FAMPO planning boundary on November 17, 2004 (Attachment A), herein referred to as 2004 TPB-FAMPO agreement; and

WHEREAS, the FHWA and FTA MPO certification review process of 2014 and 2018 recommended that the 2004 TPB-FAMPO agreement be updated to reflect, among other things, a description of the additional responsibility ~~of~~ for programming Surface Transportation Program (STP) funds sub-allocated to the TMAs pursuant to 23 U.S.C. section 133, as amended, and a process for selecting projects for receipt of STP funds sub-allocated to a TMA as per 23 U.S.C. 134, as amended as applicable to the northern Stafford County TMA area; and

WHEREAS, there being, at this time, no change to the metropolitan planning areas of the TPB or the FAMPO and to the arrangement of FAMPO taking additional responsibilities for conducting the metropolitan planning process for the northern Stafford area that is part of the Washington, D.C.-VA-MD urbanized area TMA, ~~and~~

NOW, THEREFORE, FAMPO and TPB do hereby agree to the following updated responsibilities:

ARTICLE I

FAMPO AREA TRANSPORTATION PLANNING AND PROGRAMMING PROCESS

- A. Transportation Management Area responsibilities and process: Under federal regulations where an urbanized area has a population greater than 200,000 and is therefore designated a Transportation Management Area (TMA) by the U.S. Secretary of Transportation, the designated TMA is responsible for meeting additional transportation planning requirements beyond those of Metropolitan Planning Organizations (MPO's) having an urbanized area under 200,000 in population. The ~~Washington D.C. UZA Metropolitan Washington Urbanized Area~~ exceeds 200,000 in population and the ~~Washington D.C. UZA Washington, DC MD VA area~~ has been designated a TMA. Because of the action of the U.S. Bureau of the Census in its determinations for the 2010 Census of Population, the ~~Washington D.C. UZA Washington, D.C.-VA MD Urbanized Area~~ extends into the northern portion of Stafford County - a member of FAMPO. The FAMPO Policy Committee has agreed to conduct additional metropolitan planning activities required of a TMA, pursuant to 23 C.F.R § 450 as amended, including those described in sections B, C and D below, for the TMA portion of Stafford County (northern parts of Stafford County as ~~specified~~ ~~dated~~ in Figure 1) while continuing to provide the general metropolitan transportation planning and programming functions for all of Stafford County pursuant to pursuant to 23 C.F.R § 450 as amended.

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- B. Congestion Management Process: FAMPO ~~shall has developed and will~~ maintain a Congestion Management Process (CMP) for the northern portion of Stafford County that is included in the Washington DC UZA, and will coordinate with the TPB in accordance with applicable federal law and regulation, including 23 C.F.R. § 450.322, as amended, ~~which provides a systematic process for identifying transportation system performance, usage, and efficiency, and proposed strategies to alleviate congestion, and for the effective management of new and existing transportation facilities through the use of travel demand reduction and operational management as well as other strategies. Such a CMP will be maintained for the portion of Stafford County that is included in the Washington DC UZA, and will be coordinated with the TPB, including applicable coordination with the TPB's federally required Performance Based Planning and Programming (PBPP) process.~~
- C. Programming Surface Transportation Block Grant (STBG) Funds: ~~FAMPO shall develop and adopt a process for programming decisions for the STBG funds attributable to the northern portion of Stafford County that is included in the Washington D.C. UZA, pursuant to federal law and regulations including 23 U.S.C. 134 (K)(4), as amended. FAMPO shall allocate the TMA attributed STBG funds to areas consistent with 23 U.S.C. § 133.d.(2), as amended. 23 U.S.C. § 133 as amended establishes a federal surface transportation block grant program to provide flexible funding to address State and local transportation needs. Under this program FAMPO is eligible to receive funding population-based funding appropriations consistent with 23 U.S.C. § 133.d.1.A.(ii) as amended. By virtue of FAMPO accepting additional responsibilities for the northern portion of Stafford County that is determined to be within the Metropolitan Washington D.C-VA MD Urbanized Area, FAMPO is also eligible to receive additional surface transportation block grant appropriations pursuant to 23 U.S.C. § 133.d.1.A.(i) as amended. FAMPO commits to developing and adopting a process for programming decisions as related to the STBG funds attributable to the northern portion of Stafford County that is determined to be within the Metropolitan Washington D.C-VA MD Urbanized Area pursuant to federal law and regulations including 23 U.S.C. 134 (K)(4) as amended. FAMPO also commits to programming the TMA attributed STBG funds to areas consistent with 23 U.S.C. § 133.d.(2) as amended.~~
- D. Selection of Projects: FAMPO ~~is required to and commits to adhering~~shall comply with ~~to~~ all applicable federal laws and regulations related to its process for selecting projects to receive federal funds. ~~including, FAMPO in particular commits to adhering to the its. FAMPO shall adhere to a project selection process for the STBG funds attributable which prioritizes projects that are within or directly impact to the northern portion of Stafford County that is that is included in the Washington D.C. UZA, determined to be within the Metropolitan Washington D.C-VA MD Urbanized Area pursuant to 23 U.S.C §134.j.(5), k.(4), as amended.~~
- E. Implementation of the functions, responsibilities, and duties identified in this agreement: Implementation shall be as described specifically in the annual unified planning work program for FAMPO and the TPB.

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ARTICLE 2
COORDINATION OF PLANNING ACTIVITIES

TPB and FAMPO will maintain coordinated, cooperative and continuing planning processes. TPB and FAMPO shall coordinate their planning processes and produce and share required planning documents on the same cycle.

ARTICLE 3
TIME FRAME OF THE PROCESS

The metropolitan transportation planning and programming process shall be established as a continuing procedure effective the date of the execution of this AGREEMENT by all participants.

ARTICLE 4
TERMINATION

This AGREEMENT shall be terminated upon the occurrence of any of the following:

There ceases to exist a federal or state requirement for this agreement, such as when the responsibilities to conduct the federal metropolitan planning process for the Washington D.C-VA-MD urbanized area is not shared by the TPB and FAMPO, and/or,

The Commonwealth of Virginia or its designee, the FHWA and FTA, the TPB and FAMPO mutually agree to conclude and thereby terminate this agreement.

In the event of termination of this agreement, by the mutual agreement of the FAMPO and the TPB, a written notice of not less than ninety (90) days shall be provided to the other party and to the FHWA and FTA.

ARTICLE 5
AMENDMENTS

Amendments to this AGREEMENT, as mutually agreed to, may only be made by written agreement between the parties of this AGREEMENT and subject to ~~a formal~~ review and approval by FHWA and FTA.

IN WITNESS WHEREOF, all concerned parties have executed this AGREEMENT on the day and year first written above.

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Chairman, FAMPO

WITNESSED BY: _____
Administrator, FAMPO
Date: _____

Chairman, NCR-TPB

WITNESSED BY: _____
Director, NCR-TPB
Date: _____

Figure 1. Current Washington D.C.-VA-MD and Fredericksburg Urbanized Areas

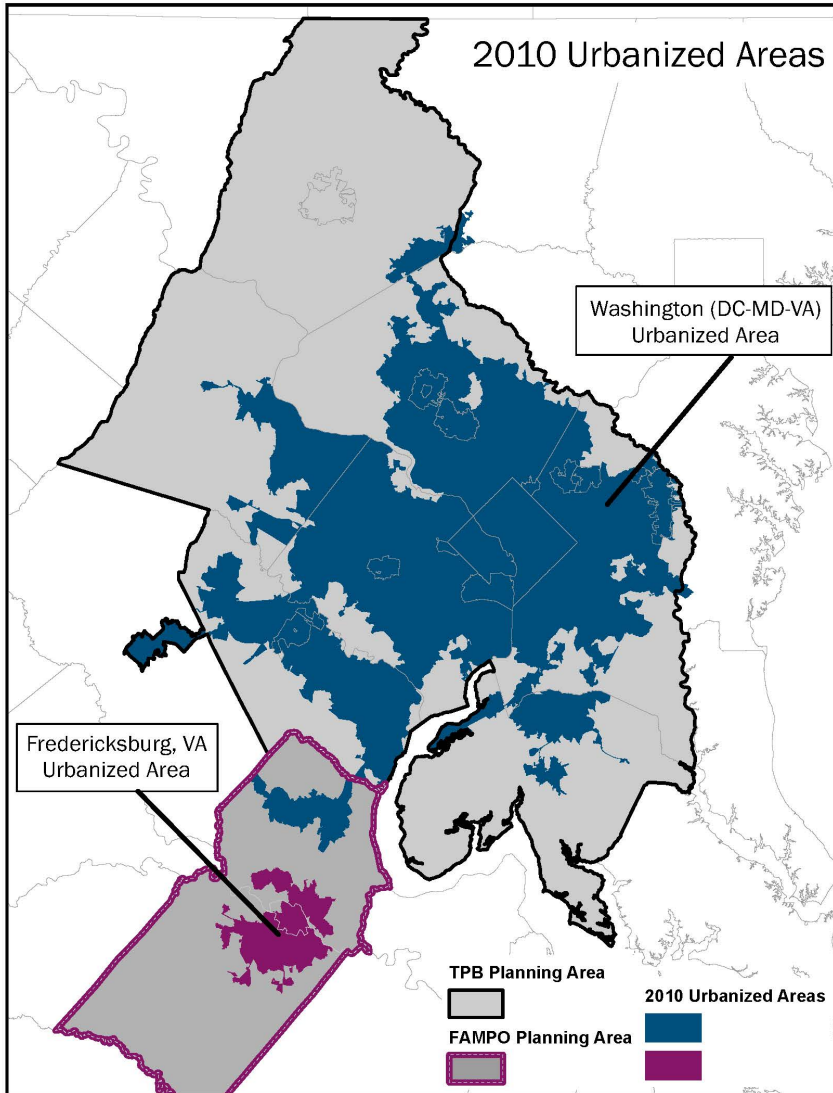
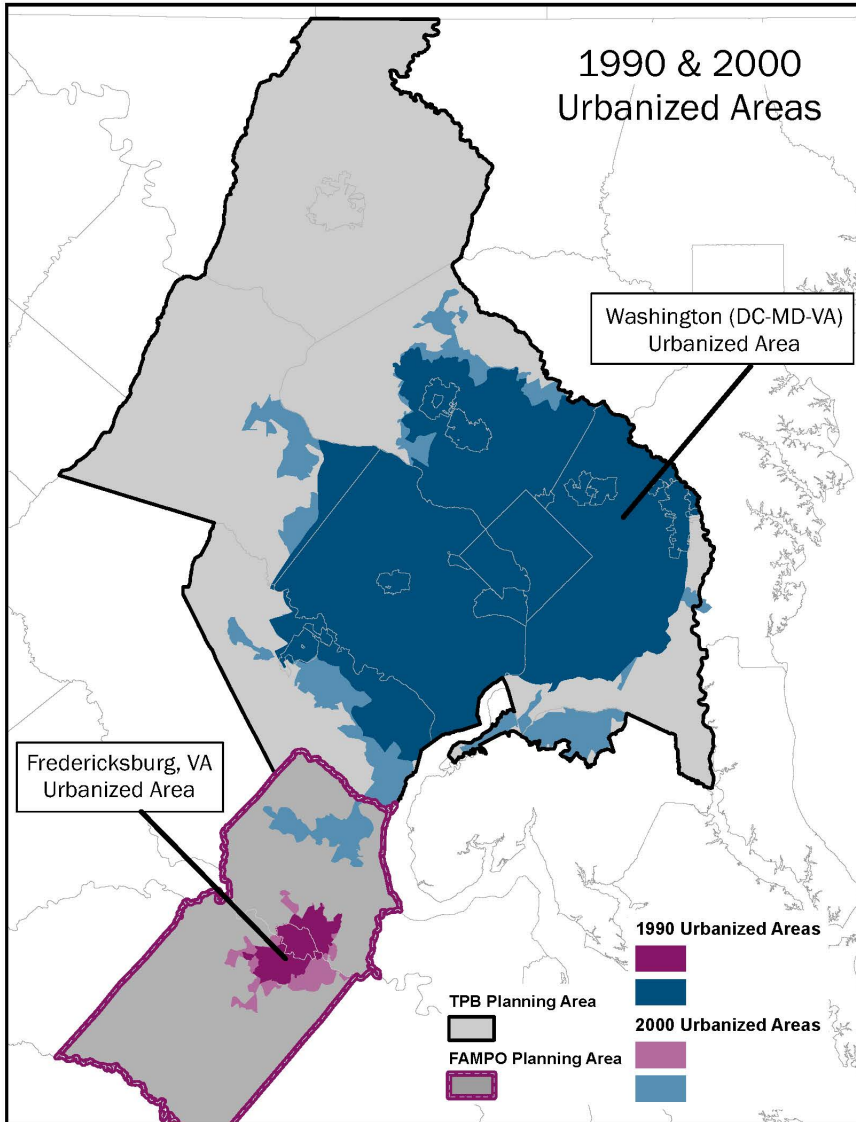


Figure 2 Washington D.C.-VA-MD and Fredericksburg Urbanized Areas – 1990 Vs 2000



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ATTACHMENT A

November 17, 2004 TPB-FAMPO PLANNING AGREEMENT