

MEMORANDUM OF UNDERSTANDING  
AMONG  
THE PERMIAN BASIN METROPOLITAN PLANNING ORGANIZATION (“MPO”),  
THE TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”) AND  
THE MIDLAND ODESSA URBAN TRANSIT DISTRICT, (“MOUTD”)

WHEREAS, the Fixing America's Surface Transportation Act (FAST Act) promulgated regulations 23 CFR 450.314, and

WHEREAS, the MPO, TxDOT, and the MOUTD are required by 23 CFR 450.314 to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process, and

WHEREAS, these responsibilities shall be clearly identified in written agreements among the MPO, TxDOT, and the MOUTD serving the Metropolitan Planning Area (MPA), and

WHEREAS, to the extent possible, a single agreement between all responsible parties should be developed, and

WHEREAS, the federal regulations require the written agreement to include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the Metropolitan Transportation Plan (“MTP”), the metropolitan Transportation Improvement Program (“TIP”), and development of the annual listing of obligated projects.

WHEREAS, the federal regulations require that the MPO, TxDOT, and the MOUTD shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

NOW THEREFORE, the parties agree as follows:

1. **Purpose.** It is the purpose of this Memorandum of Understanding (MOU) to make provision for cooperative mutual responsibilities in carrying out the Metropolitan Planning Process and Performance Based Planning and Programming in the Permian Basin MPA and to provide a single agreement between the State of Texas acting through the Texas Department of Transportation (TxDOT), Permian Basin MPO, and the Midland Odessa Urban Transit District in accordance with current Federal Legislation and as required by 23 CFR 450.314.

## 2. Responsibilities of all parties.

All parties will:

- a. Cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process in a performance-based planning format and final form. Decide upon and adopt performance targets for this planning process in accordance with Federal and State requirements and guidance.
- b. Make provisions for cooperatively developing and sharing information related to the development of financial plans that support the MTP and TIP.
- c. Ensure TxDOT, the MOU/D, and the MPO cooperatively develop a listing of projects that comprehensively address the transportation system within the MPO boundaries. Identified projects shall include both roadway and transit initiatives, including but not limited to investments in pedestrian walkways and bicycle transportation facilities for which federal funds were obligated in the preceding fiscal year.
- d. Ensure that the UPWP will detail and document these responsibilities, deliverables and associated costs.

## 3. Performance Based Planning & Programming

- a. Developing transportation performance data
  - i. TxDOT will provide the MPO with a subset for their MPA of the state performance data used in developing statewide targets.
  - ii. If an MPO chooses to develop its own target for any measure, it will provide TxDOT with any supplemental data utilized in association with the target-setting process.
- b. Selection of transportation performance targets
  - i. TxDOT will develop draft statewide federal performance targets in coordination with the applicable MPOs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. MPOs shall be given an opportunity to provide comments on statewide targets one month prior to final statewide targets adoption.

- ii. If the MPO chooses to adopt its own target for any measure, it will develop draft MPO performance targets in coordination with TxDOT. Coordination methods will be at the discretion of the MPO, but TxDOT shall be provided an opportunity to provide comments on draft MPO performance targets prior to final approval.

c. Reporting of performance targets

- i. TxDOT performance targets will be reported to FHWA and FTA, as applicable. The MPO will be notified when TxDOT has reported final statewide targets.
- ii. MPO performance targets will be reported to TxDOT.
  - 1. For each target, the MPO will provide the following information no later than 180 days after the date TxDOT or the MOUTD establishes performance targets, or the date specified by federal code:
    - a. Written agreement to plan and program projects so that they contribute toward the accomplishment of TxDOT or MOUTD performance targets, or;
    - b. Written notification that the MPO will set a quantifiable target for that performance measure for the MPO's planning area.
      - i. If a quantifiable target is set for the MPO planning area, the MPO will provide any supplemental data used in determining any such target.
    - c. Documentation of the MPO's target or support of the statewide or relevant public transportation provider target will be provided in the form of a resolution or meeting minutes.
- iii. TxDOT will include information outlined in 23 CFR 450.216 (f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.218 (q) in any statewide transportation improvement program amended or adopted after May 27, 2018.

- iv. The MPO will include information outlined in 23 CFR 450.324 (f) (3-4) in any MTP amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.326 (d) in any TIP amended or adopted after May 27, 2018.
  - v. Reporting of targets and performance by TxDOT and the MPO shall conform to 23 CFR 490, 49 CFR 625, and 49 CFR 673 upon enactment.
- d. Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO
- i. TxDOT will provide the MPO with an update of the subset for their MPA of the state performance data used in developing statewide targets including prior performance data.
- e. The collection of data for the State asset management plans for the NHS
- i. TxDOT will be responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS.

#### 4. Responsibilities of the MPO

The MPO will:

- a. Work in consultation with the MOUTD and TxDOT in developing the financial plan for the MTP.
- b. Work in consultation with the MOUTD and TxDOT in developing the financial plan for the TIP.
- c. Conduct Technical Committee and Policy Board meetings as required and necessary.
- d. In consultation with the MOUTD and TxDOT, update the MTP and TIP in accordance with State and Federal laws.
- e. Invite Transit Districts to participate in all public participation processes.
- f. Conduct comprehensive, cooperative and continuous transportation planning for the Permian Basin MPA.

- g. Establish necessary transportation performance targets, share information related to the performance data, and document the reporting of performance to be used in tracking progress toward attainment of critical outcomes within the MPO MPA, if the MPO elects to develop quantifiable targets for performance measures for the MPO's planning area.

## 5. Responsibilities of the MOU/D

The MOU/D will:

- a. Work in consultation with the MPO in developing short-range and long-range plans for transit for inclusion in the MTP.
- b. Assist in validation of data used as input into the MTP.
- c. Work in consultation with the MPO and TxDOT in developing the financial plan for the MTP.
- d. Work in consultation with the MPO and TxDOT in developing the financial plan for the TIP.
- e. Provide the MPO with the annual list of transit obligated projects.
- f. Serve on the MPO Technical Committee and Policy Board as applicable.
- g. Notify the MPO of changes to projects that would affect the MTP or TIP.
- h. Invite the MPO to participate in all public participation processes.
- i. Establish transit asset management performance targets and share with the MPO and other interested parties.

## 6. Responsibilities of TxDOT.

- a. Work in consultation with the MOU/D and the MPO in developing the financial plan for the TIP and MTP.
- b. Assist in the validation of data used as input into the MTP.

- c. Provide the MPO with the annual list of obligated projects.
  - d. Serve on the MPO Technical Committee and Policy Board.
  - e. Notify the MPO of changes to projects that would affect the MTP or TIP.
  - f. In consultation with the MPO and the MOU/D, update the MTP and TIP in accordance with State and Federal laws.
  - g. Work in consultation with the MPO and the MOU/D in developing short-range and long-range plans for transit for inclusion in the MTP and TIP.
7. **Term.** This Memorandum shall become effective as to each Party when fully executed by all parties. It shall remain in full force and effect until such time it is terminated in writing by one or all of the parties.
8. **Validity and Enforceability.** If any current or future legal limitations affect the validity or enforceability of a provision of this MOU, then the legal limitations are made a part of this MOU and shall operate to amend this MOU to the minimum extent necessary to bring this MOU into conformity with the requirements of the limitations, and so modified, this MOU shall continue in full force and effect.
9. **Governing Law and Venue.** This MOU shall be governed by the laws of the State of Texas. Venue for an action arising under this MOU shall lie exclusively in Travis County, Texas.
10. **Severability.** If a provision contained in this MOU is held invalid for any reason, the invalidity does not affect other provisions of the MOU and can be given effect without the invalid provision, and to this end the provisions of this MOU are severable.


EXECUTED by the parties hereto, each respective entity acting by and through its duly authorized official as required by law.

  
Chairperson of the MPO Policy Board

Date: 21 May 2018

  
MOUSD  
General Manager

Date: 5.21.18

  
Texas Department of Transportation  
District Engineer

Date: 5-21-18

## Appendices

The executed Memorandum of Understanding (MOU) between the MPO, the MOUTD, and TxDOT is intended to be a living document with potential for amendment(s) as federal and state law may require. As such, the Appendices attached to this MOU will reflect the most current version of how the affected parties have adopted specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

**Where applicable, adopted Resolutions approved by the MOUTD Board and/or the MPO Policy Board will be added into this Appendices Section in the order shown below. Any TxDOT direction addressing the matters listed below will also be added to the Appendices.**

- A. Safety Performance Measures
- B. Highway Safety Improvement Program
- C. FHWA Pavement and Bridge Performance Measures
- D. FHWA System Performance Measures
  - a. NHS
  - b. Freight
  - c. CMAQ
- E. FTA Transit Asset Management
- F. FTA Agency Safety Plan

*Resolution No. 16-1-2018-1*



# APPENDIX A



**Permian Basin**  
**MPO** Metropolitan  
Planning  
Organization

## RESOLUTION NO. 16-1-2018-1

### **A RESOLUTION ADOPTING THE SAFETY PERFORMANCE TARGETS ESTABLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, Moving Ahead for Progress in the 21st Century Act and subsequent Fixing America's Surface Transportation Act require the implementation of Performance Measures to assist in the transportation planning process; and

**WHEREAS**, the Texas Department of Transportation has adopted its Strategic Highway Safety Plan, a data-driven statewide-coordinated safety plan to help reduce fatalities and serious injuries on all public roads; and

**WHEREAS**, the Texas Department of Transportation has established targets for five Safety Performance Measures based on five-year rolling averages for:

1. Number of Fatalities,
2. Rate of Fatalities per 100 million Vehicle Miles Traveled (VMT),
3. Number of Serious Injuries,
4. Rate of Serious Injuries per 100 million VMT, and
5. Number of Non- Motorized Fatalities and Non-Motorized Serious Injuries

**WHEREAS**, the Texas Department of Transportation has officially established safety targets in the Highway Safety Improvement Program annual report dated August 31, 2017, and has adopted identical safety targets for number of fatalities, rate of fatalities, and number of serious injuries as set forth in the Strategic Highway Safety Plan, and as shown in APPENDIX A, attached hereto.


**NOW, THEREFORE, BE IT RESOLVED, BY THE PERMIAN BASIN MPO THAT:**

**The Policy Board hereby adopts the Texas Department of Transportation's Safety Performance Targets within the Metropolitan Area Boundary, this the 16<sup>th</sup> day of January 2018.**

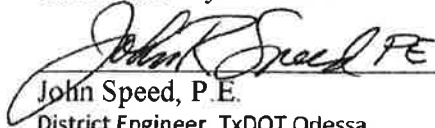
**BE IT FURTHER RESOLVED, that the Policy Board will plan and program projects that contribute to the accomplishments of said targets.**



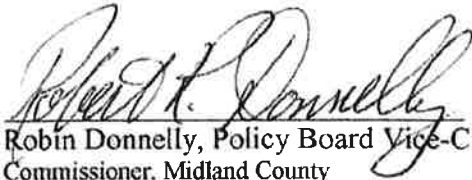
David Turner, Policy Board Chair  
Mayor, City of Odessa



John B. Love III  
Councilman, City of Midland



John Speed, P.E.  
District Engineer, TxDOT Odessa



Robin Donnelly, Policy Board Vice-Chair  
Commissioner, Midland County

Ron Eckert  
County Judge, Ector County

(Vacant)  
EZ-Rider General Manager

Bryan Cox  
County Judge, Martin County

## TxDOT FY 2018 Safety Performance Targets

<b>2018 Safety Performance Targets</b>	<b>Number of Fatalities (FARS/CRIS/ARF DATA)</b>	<b>Rate of Fatalities per 100M VMT (FARS/CRIS/ARF DATA)</b>	<b>Number of Serious Injuries (FARS/CRIS DATA)</b>	<b>Serious Injury Rate per 100M VMT (CRIS DATA)</b>	<b>Total Number of Non-Motorized Fatalities and Serious Injuries (FARS/CRIS DATA)</b>
2014	3,536	1.45	17,133	7.05	1,893
2015	3,516	1.36	17,096	6.62	2,203
2016	3,775	1.44	17,578	6.71	2,304
2017	3,801	1.45	17,890	6.68	2,224
2018 Target	3,891	1.46	18,130	6.64	2,309
2018 Target as a 5-year Average:	3,704	1.43	17,565	6.74	2,151

FARS: Fatality Analysis Reporting System  
 CRIS: Crash Records Information System  
 ARF: Annual Report File



**RESOLUTION NO. 2018-05-21-02**

**A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE PERMIAN BASIN METROPOLITAN PLANNING ORGANIZATION (MPO), THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT), AND THE MIDLAND ODESSA URBAN TRANSIT DISTRICT (MOUTD)**

**WHEREAS**, the Fixing America's Surface Transportation Act (FAST Act) promulgated regulations 23 CFR 450.314, and

**WHEREAS**, the MPO, TxDOT and MOUTD are required by 23 CFR 450.314 to cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process within the Midland Odessa metropolitan area, and

**WHEREAS**, the mutual responsibilities are identified in the Memorandum of Understanding and were prepared in coordination and cooperation between the MPO, TxDOT and MOUTD; and

**NOW, THEREFORE, BE IT RESOLVED, BY THE PERMIAN BASIN METROPOLITAN PLANNING ORGANIZATION THAT:**

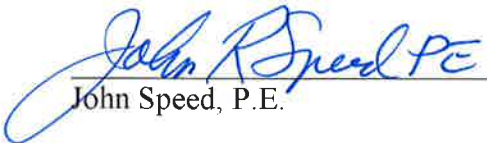
**The Permian Basin Metropolitan Planning Organization Policy Board approved the Memorandum of Understanding between the Permian Basin MPO, TxDOT, and MOUTD on this the 21<sup>st</sup> day of May, 2018.**

  
Robin Donnelly, Chair

  
John B. Love III, Vice-Chair

\_\_\_\_\_  
David Turner

  
Ron Eckert

  
John Speed, P.E.

\_\_\_\_\_  
Bryan Cox

  
Gennie Garcia