

METROPOLITAN PLANNING ORGANIZATION DESIGNATION AGREEMENT

STATE OF TEXAS \*\*

STATE OF ARKANSAS \*\*

COUNTY OF TRAVIS \*\*

COUNTY OF PULASKI \*\*

THIS AGREEMENT, made this 14th day of September, 1999, by and between the Office of the Governor, State of Texas, acting by and through the Texas Department of Transportation, hereinafter called "TxDOT," and the Office of the Governor, State of Arkansas, acting by and through the Arkansas State Highway and Transportation Department, hereinafter called "AHTD," and the Cities of Texarkana, Texas, Texarkana, Arkansas, Wake Village and Nash, and the Counties of Bowie, Texas and Miller, Arkansas; comprising the units of general purpose local government representing 75 percent of the affected population in the Texarkana metropolitan planning area, hereinafter called the "Texarkana Urban Transportation Study Policy Committee."

WITNESSETH

WHEREAS, Title 23 U.S.C. Section 134 and 49 U.S.C. Section 5301, et seq. require that Metropolitan Planning Organizations, in cooperation with AHTD, TxDOT, and transit agencies, develop transportation plans and programs for the urbanized areas of the State; and

WHEREAS, Title 23 U.S.C. and 49 U.S.C. Section 5301, et seq. authorize transportation planning funds, including 23 U.S.C. Section 104(f) Metropolitan Planning (PL) funds, to be made available to Metropolitan Planning Organizations designated by the Governor to support the urban transportation planning process; and

WHEREAS, Metropolitan Planning (PL) funds, and other federal transportation funds that may be used for planning, are to be used in conjunction with work conducted under the terms of the Metropolitan Transportation Planning Contract; and

WHEREAS, the Governor of Texas has delegated to the Texas Transportation Commission (the "commission") or its designees, those transportation planning powers and responsibilities granted to the Governor under Transportation Equity Act for the 21<sup>st</sup> Century (TEA 21), including those powers and responsibilities relating to the designation of Metropolitan Planning Organizations; and

WHEREAS, under Title 43, Texas Administrative Code, Section 15.3(b), the commission has delegated those powers and responsibilities relating to the designation or redesignation of Metropolitan Planning Organizations to TxDOT; and

WHEREAS, 23 C.F.R. Section 450.306(a) requires the designation of Metropolitan Planning Organizations made after December 18, 1991 to be by agreement among the Governor(s) and units of general purpose local government representing 75 percent of the affected metropolitan population; and

WHEREAS, 23 C.F.R. Section 450.306(b) requires the designation to clearly identify the policy body that is the forum for cooperative decisionmaking that will be taking the required approval actions as the Metropolitan Planning Organization; and

WHEREAS, an area equal to or larger than the Texarkana urbanized area has been delineated and approved in accordance with federal and state guidelines where required metropolitan transportation planning activities may take place.

NOW THEREFORE, it is hereby agreed that the use of funds made available under Title 23 U.S.C. Section 134 and 49 U.S.C. Section 5301, et seq. shall be governed by the organization and responsibilities as set out in the following paragraphs:

- I. The Texarkana Urban Transportation Study Policy Committee shall be the Metropolitan Planning Organization for transportation planning in the Texarkana urbanized area.

The Metropolitan Planning Organization shall:

- A. Ensure that requirements of Title 23 U.S.C. Section 134 and 49 U.S.C. Section 5301, et seq. are carried out.
  - B. Adopt a Metropolitan Transportation Plan for the metropolitan planning area that will complement the Statewide Transportation Plan required by federal and state laws, and adopt a Transportation Improvement Program, a Unified Planning Work Program, and such other planning documents and reports that may be required by federal and state laws or regulations.
  - C. Use the committee structure established pursuant to Section 134 of Chapter 1 of Title 23, U.S.C. as the group that is responsible for establishing overall transportation policy for the Metropolitan Planning Organization. The Texarkana Urban Transportation Study Policy Committee must be comprised of those governmental agencies that are signatories to this designation agreement and those agencies or organizations subsequently added to the membership of the board.
- II. AHTD and TxDOT, pursuant to a planning contract with the Metropolitan Planning Organization, will make available the appropriate federal transportation planning funds. Federal transportation planning funds will be distributed to the Metropolitan Planning Organization based on a formula mutually agreed to by AHTD, TxDOT, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), pursuant to Title 23 U.S.C. Section 134, 49 U.S.C. Section 5301, et seq., and federal implementing regulations.
- III. This agreement shall in no way establish any activity or process that would infringe upon or interfere with the statutory obligation of the Texas Department of Transportation.
- IV. The Texarkana Urban Transportation Study Policy Committee will establish fiscal and personnel management agreements between the Metropolitan Planning Organization

and a fiscal agent. The fiscal agent will maintain required accounting records for state and federal funds consistent with current federal and state requirements.

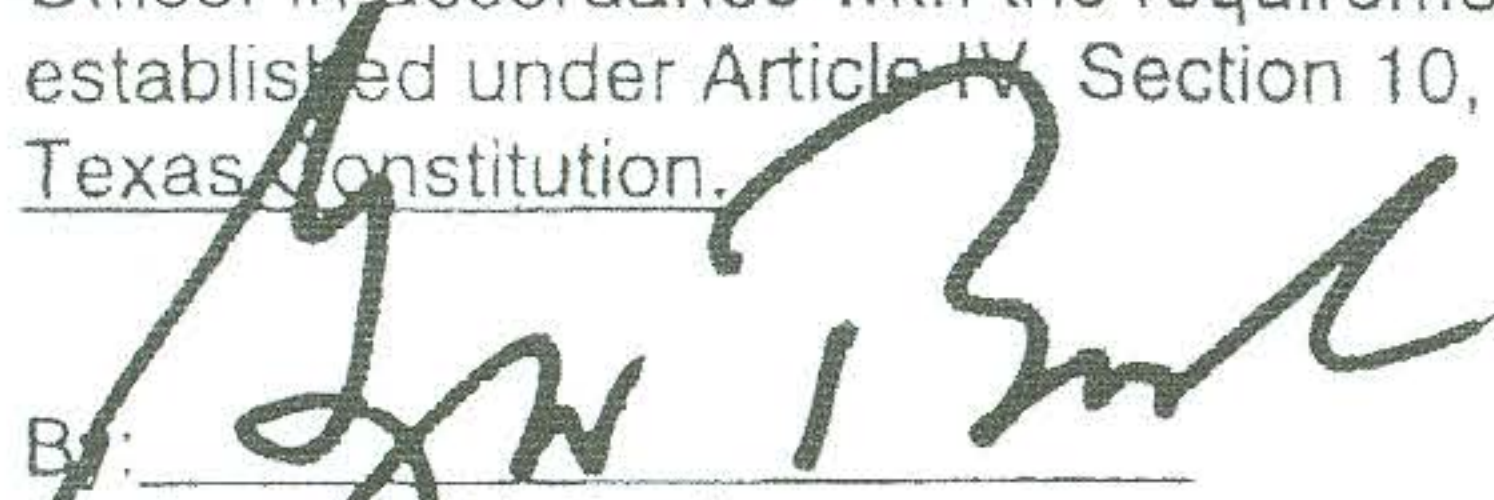
- V. The expense involved in urban transportation planning will be assumed by the Metropolitan Planning Organization or agencies with which the Metropolitan Planning Organization has subcontracted to accomplish work identified in the approved Unified Planning Work Program for the use of metropolitan transportation planning funds. Vouchers for completed work under the annual Unified Planning Work Program utilizing metropolitan transportation planning funds will be audited and approved by the Texas Department of Transportation according to federal and state requirements. Reimbursement will be made on a periodic basis.
- VI. This agreement may be renegotiated as necessary to meet changing conditions or terminated by either party upon 30 days notice.
- VII. This agreement will remain in full force and effect until such time as the Texarkana Urban Transportation Study Policy Committee is no longer the designated Metropolitan Planning Organization or unless terminated as provided in Item VI above.

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IN WITNESS WHEREOF, the Parties have hereunto affixed their signatures on the dates indicated.

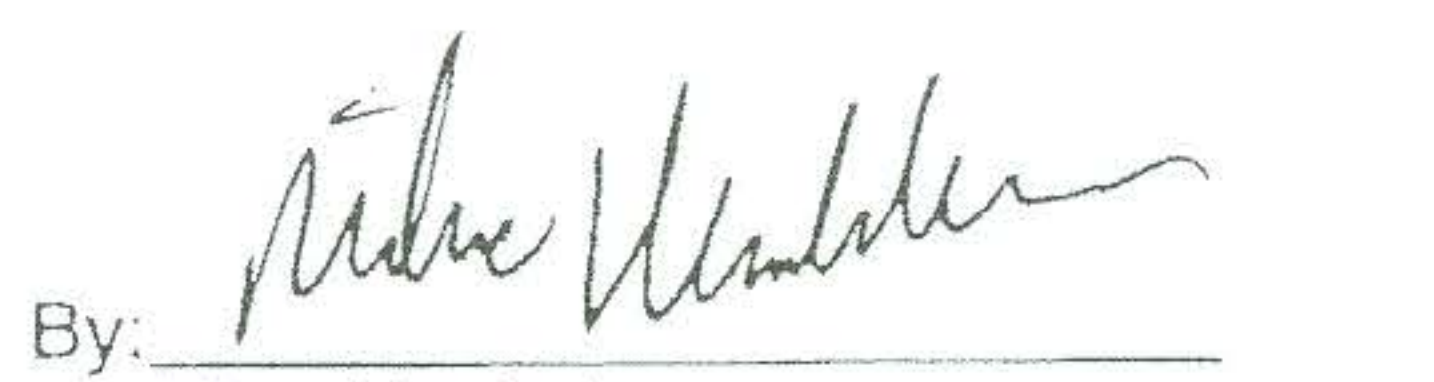
**THE STATE OF TEXAS**

Executed by the State's Chief Executive Officer in accordance with the requirements established under Article IV, Section 10, Texas Constitution.

By:   
George W. Bush  
Governor of the State of Texas

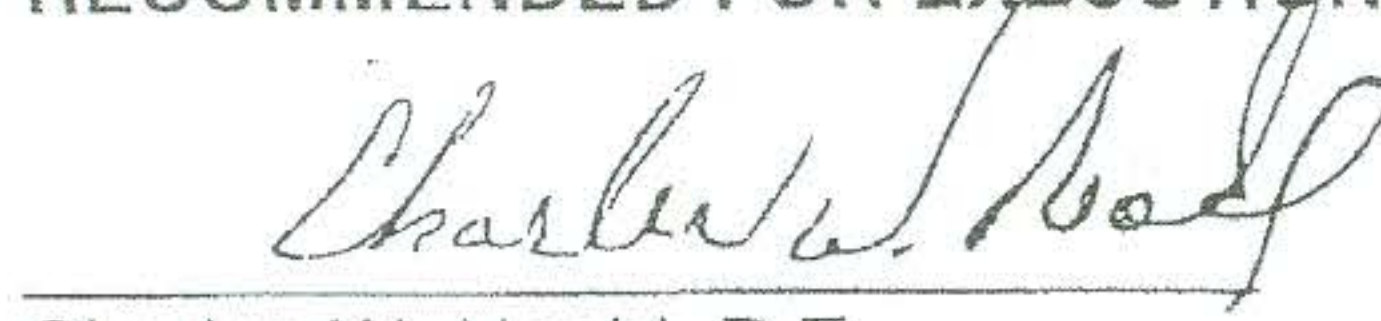
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**THE STATE OF ARKANSAS**

By:   
Mike Huckabee  
Governor of the State of Arkansas

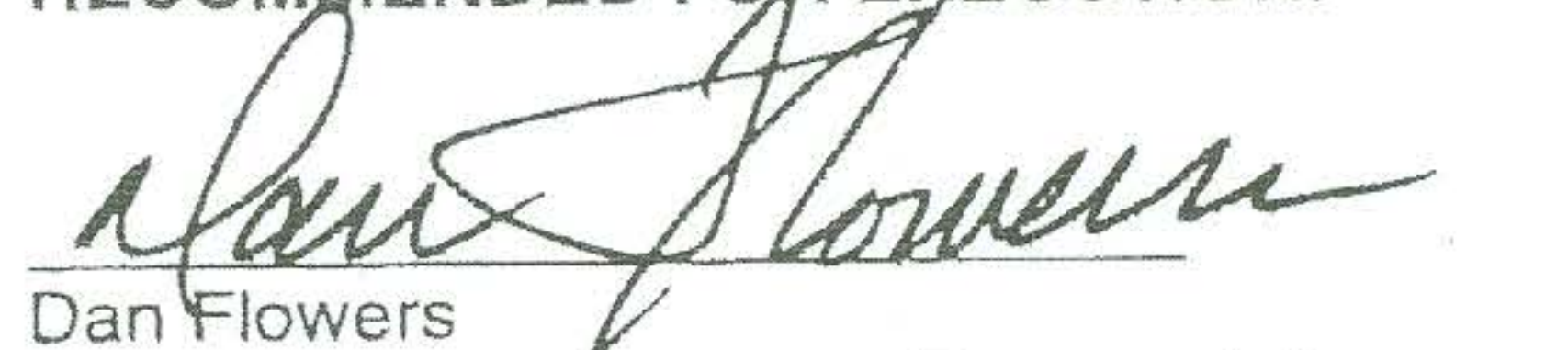
Date: 8-10-99

**RECOMMENDED FOR EXECUTION:**

  
Charles W. Heald, P.E.  
Executive Director  
Texas Department of Transportation

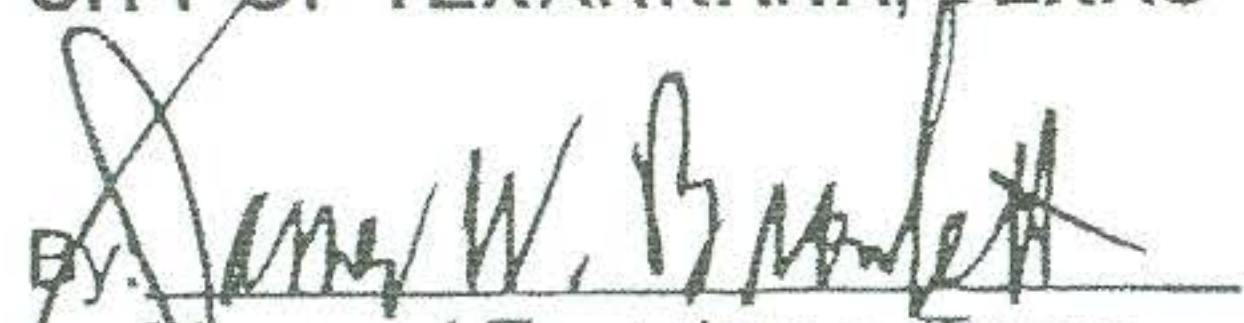
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**RECOMMENDED FOR EXECUTION:**

  
Dan Flowers  
Director of Highways and Transportation  
Arkansas State Highway and Transportation  
Department

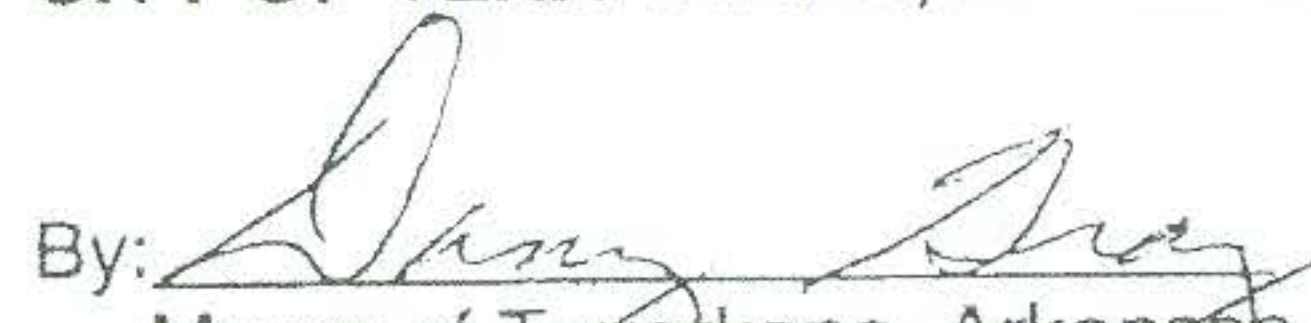
Date: 8-6-99

**CITY OF TEXARKANA, TEXAS**

By:   
Mayor of Texarkana, Texas

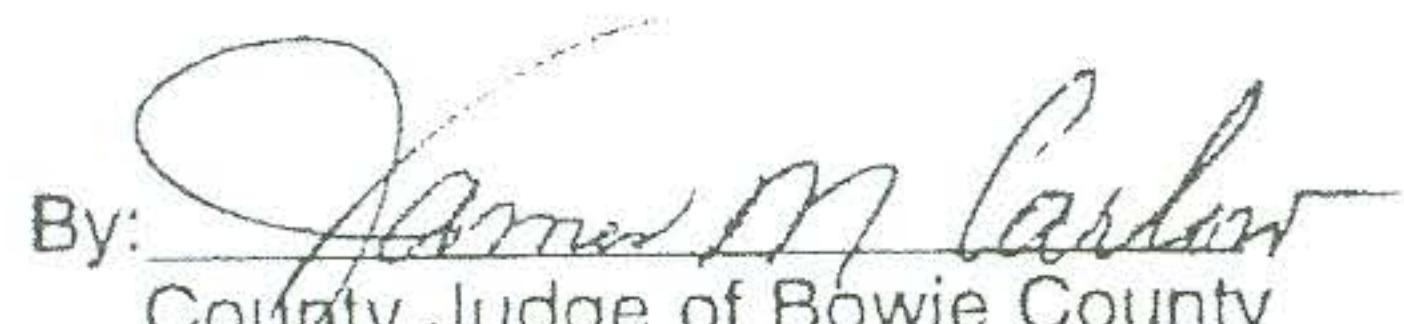
Date: 7-30-99

**CITY OF TEXARKANA, ARKANSAS**

By:   
Mayor of Texarkana, Arkansas

Date: 7-30-99

**BOWIE COUNTY, TEXAS**

By:   
County Judge of Bowie County

Date: 7/30/99

**MILLER COUNTY, ARKANSAS**

By:   
County Judge of Miller County

Date: 7-30-99