

**MEMORANDUM OF UNDERSTANDING
ON METROPOLITAN TRANSPORTATION PLANNING RESPONSIBILITIES FOR
BERKS COUNTY, PA**

This agreement is made and entered into as of July 18, 2024 by and between the Reading Area Transportation Study (RATS) Coordinating Committee, hereinafter referred to as the Metropolitan Planning Organization (MPO); the Pennsylvania Department of Transportation (PennDOT), and the South Central Transit Authority hereinafter referred to as SCTA.

WHEREAS, joint responsibilities must be met for establishing and maintaining a cooperative, comprehensive and continuing (3-C) metropolitan transportation planning and programming process as defined and 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 direct that the metropolitan planning organization (MPO), the States and public transportation operators shall cooperatively determine their mutual responsibilities for carrying out the 3-C process and clearly identify them in a written agreement.

WHEREAS, the regulations at 23 CFR 450.104 define Public transportation operator to mean the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 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, charter, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak.

WHEREAS, nothing in this MOU shall be construed as limiting or affecting the legal authorities of the parties, or as requiring the parties to perform beyond their respective authorities.

NOW, THEREFORE, the MPO, PennDOT and SCTA recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for Berks County, PA and that their mutual responsibilities for carrying out this process are described in the following eleven articles.

The metropolitan planning activities undertaken by the MPO are described in Articles 1 to 11. The planning activities undertaken by PennDOT are described in Articles 3 and 5 through 11, and are coordinated with the state transportation planning processes that are required in regulations at 23 CFR 450 Subpart B--Statewide Transportation Planning and Programming.

The planning activities undertaken by SCTA are described in Articles 3 and 5 through 10. By participating on the MPO Coordinating and Technical Committees, SCTA has an opportunity to coordinate bus and other transit planning in the region and to incorporate their plans into the Long-Range Transportation Plan and the Transportation Improvement Program (TIP). SCTA provides funding inputs for the TIP based on their system's annual operating and capital improvement budgets. SCTA also provides projections of their system revenues, operating and maintenance costs and major improvement costs for the update of the financially constrained plan based upon their system's operating and capital improvement plan.

Article 1

Scope of the Metropolitan Transportation Planning Process

The Reading Area Transportation Study Coordinating Committee, as the Metropolitan Planning Organization (MPO), PennDOT and SCTA will conduct a metropolitan transportation planning process that is continuous, cooperative, and comprehensive and provide for the consideration of projects, strategies, and services that will address the eight planning factors as specified in 23 CFR 450.306 : Scope of the Metropolitan Transportation Planning Process. This metropolitan planning process will be carried out in coordination with the state transportation planning process that is required in regulations at 23 CFR 450 Subpart B--Statewide Transportation Planning and Programming.

Article 2

MPO Structure and Planning Boundaries

The Reading Area Transportation Study Coordinating Committee has been designated the MPO for Berks County by the Governor of Pennsylvania. The MPO is composed of ten (10) representatives from the following organizations: PennDOT (2), Berks County Board of Commissioners, Berks County Planning Commission, the City of Reading, Boroughs, 1st Class Townships, 2nd Class Townships, SCTA and the Reading Regional Airport Authority. The MPO also has ex officio representatives from the Federal Highway Administration and the Federal Transit Administration.

The MPO has Bylaws that establish its membership, officers, voting procedures, committees, staffing and relationship to the Berks County Planning Commission in supporting the MPO transportation planning process as described in the annual or multi-year federally approved Unified Planning Work Program (UPWP).

The MPO has established a Technical Committee to advise and assist it in all aspects of the metropolitan planning process. The Technical Committee is comprised of eight (8) representatives from the following organizations: PennDOT (2), Berks County Planning Commission (2), City of Reading (2), SCTA and the Reading Regional Airport Authority. The Technical Committee provides opportunities for all Berks County governments and

interested transportation agencies in the region to participate regularly in the metropolitan planning process.

The established planning region for the MPO, as well as the service area for SCTA, encompasses all of Berks County, Pennsylvania. After each Census, the MPO will review demographic data in cooperation with PennDOT and SCTA to determine if it meets the minimum statutory requirements for new and/or updated urbanized areas, and will adjust the boundary as necessary.

Article 3 Unified Planning Work Program

Between October and January of each year or the final year of a multi-year UPWP, the MPO, PennDOT, and SCTA, in cooperation with the local jurisdictions and other MPO members will prepare the Unified Planning Work Program (UPWP) as required under 23 CFR 450.308: Funding for Transportation Planning and Unified Planning Work Programs, including documenting the metropolitan transportation planning activities anticipated within the region during the next program period. By February the MPO will approve the UPWP and submit it to PennDOT. In March, PennDOT will submit the UPWP to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for approval and funding. When necessary, the MPO can approve amendments to the UPWP subject to approval by the FHWA and FTA and PennDOT.

Article 4 Public Participation Plan

The MPO will adopt and use a Public 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: Interested Parties, Participation and Consultation. This plan will be coordinated with PennDOTs' public involvement and consultation transportation planning processes.

Article 5 Transportation Planning Studies and Project Development Process Under the National Environmental Policy Act (NEPA)

The MPO, PennDOT, or SCTA may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process. The development of these studies will involve consultation with, or joint efforts among, the MPO, PennDOT, and SCTA. The results or decision of these planning studies may be used as part of the overall project development process consistent with NEPA as specified in 23 CFR 450.318: Transportation Planning Studies and Project Development.

Article 6 Congestion Management Process

The MPO, in cooperation with PennDOT, SCTA 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 450.320: Congestion Management Process in Transportation Management Areas.

Article 7 Air Quality Transportation Planning

The air quality transportation planning activities for Berks County will be described in the UPWP. These activities will be designed to ensure that the MPO can make a conformity determination on its TIP and Long Range Transportation Plan (LRTP) in accordance with the Clean Air Act and the Environmental Protection Agency (EPA) transportation conformity regulations in 40 CFR part 93. The MPO has adopted interagency and public consultation procedures regarding its air quality planning activities which address the preparation of the UPWP and the development and amendments to the LRTP and TIP.

Article 8 Update of the Long-Range Transportation Plan (LRTP) and Development of the Transportation Improvement Program (TIP)

The metropolitan transportation planning process is on-going. The MPO will adopt and issue a document to solicit projects and programs to be included in the next update of the LRTP and the next TIP. This document will describe the policy framework and planning priorities that guide project submissions and explain the project submission process and schedule. PennDOT and SCTA will provide their plan and TIP project submission information as requested in this document. In updating the plan, the MPO, with the cooperation of PennDOT and SCTA, will ensure that the plan development process and plan content meet all requirements as specified in 23 CFR 450.322: Development and Content of the Metropolitan Transportation Plan. The MPO will approve the updated plan and submit it for information purposes to PennDOT, FHWA and FTA.

In preparing the new TIP, the MPO, with the cooperation of PennDOT and SCTA, will ensure that the TIP development process and TIP content meet all requirements as specified in 23 CFR 450.324: Development and Content of the Transportation Improvement Program (TIP). The MPO will approve the TIP and forward the TIP to PennDOT for their approval and inclusion in the State Transportation Improvement Program (STIP). TIP amendments and administrative modifications will follow the

procedures for TIP modifications as adopted by the MPO and as specified in 23 CFR 450.326: TIP Revisions and Relationship to the State Transportation Improvement Program (STIP). The selection of projects from the TIP by the MPO, PennDOT, or SCTA will be done as specified in 23 CFR 450.330: Project Selection from the TIP.

Article 9

Fiscally Constrained Financial Plans for the Long-Range Transportation Plan and TIP

Financial plans are required to be included with the Long-Range Transportation Plan and TIP that demonstrate the consistency between reasonably available and projected sources of federal, state, local, and private of revenues and the costs of implementing the proposed transportation system improvements. As described in Article 8, the metropolitan transportation planning process is on-going. The MPO will adopt and issue a document to solicit projects and programs to be included in the next update of the LRTP and the next TIP. When the plan is amended or updated, the MPO, PennDOT and SCTA will cooperatively develop, share, review and adopt estimates of revenues and costs required for the financial plan that demonstrate fiscal constraint for the transportation plan as specified in 23 CFR 450.322(f)(10)). When the TIP is amended, the MPO, PennDOT and SCTA will cooperatively develop, share, review and adopt estimates of costs and estimates of funds that are available or committed or reasonably expected to be available that are required for the financial plan that demonstrate fiscal constraint for the TIP as specified in 23 CFR 450.324(h) & (i) .

Article 10

Annual Listing of Projects with Federal Funding Obligations

Each year within 90 days after the close of the federal fiscal year, the MPO, PennDOT and SCTA 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 23 CFR 450.332 Annual Listing of Obligated Projects. This report will be made available to the public on the MPO web page.

Article 11

Certification of the Metropolitan Transportation Planning Process

As described in Article 8, the metropolitan transportation planning process is on-going. Each year, the MPO and PennDOT will certify that the metropolitan planning process for Berks County is being carried out in accordance with all applicable requirements as specified in 23 CFR 450.334 Self-Certification and Federal Certifications and 23 CFR 450.328 TIP Action by the FHWA and the FTA.

This Memorandum of Understanding is approved by the respective parties hereto as of the date shown above.

Reading Area Transportation Study Coordinating Committee

Chris Kufro, PE, Chairman

South Central Transit Authority

Greg Downing, Executive Director

Pennsylvania Department of Transportation

Kristin Mulkerin, Deputy Secretary for Planning