

# MVP for Transportation Pre-MPO Policy Board Meeting

## **Representatives:**

Wolfgang Junge - ADOT&PF  
John Moosey, City of Palmer  
Glenda Ledford, Mayor – City of Wasilla  
Kaylan Wade Chickaloon Native Village  
Bob Charles – Knik Tribe  
Edna DeVries, Mayor - MSB  
Mike Brown - MSB  
Rob Yundt, Assembly Member - MSB  
Jennifer Busch – Valley Transit  
Wes Hoskins – Mat-Su Trails & Parks Foundation



## **Microsoft Teams meeting**

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Meeting ID: 210 631 949 028

Passcode: GTf2ZY

Or call in (audio only)

+1 605-937-6140

Phone Conference ID: 408 560 611#

## **Agenda**

**Tuesday, February 21, 2023**

**2:00-3:30pm**

1. Call to Order
2. Introduction of Pre-MPO Policy Board Members and other Attendees
3. Approval of the February 21, 2023, Agenda – **(Action Item)**
4. Approval of the January 25, 2023, Minutes – **(Action Item)**
5. Committee/Working Group Reports (Including the Staff Report)
  - a. Staff Report
6. Voices of the Visitors (Non-Action Items)
7. Old Business
  - a. Draft Operating Agreement
  - b. Draft Bylaws
    - Transit representation on the Policy Board summary
8. New Business
  - a. MVP Urbanized Boundary Discussion
  - b. MPO development and non-profit formation presentation by Jackson Fox
9. Other Issues
10. Informational Items
11. Pre-MPO Policy Board Comments
12. Adjournment

Next Scheduled Pre-MPO Policy Board Meeting – **Tuesday, March 21, 2023, from 2:00pm-3:30pm**, to be held via Microsoft TEAMS

# MVP for Transportation Pre-MPO Policy Board Meeting

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## **Meeting Minutes**

**Wednesday, January 25, 2023**

**1:00-2:30pm**

### **1. Call to Order**

Meeting called to order at 1:06pm

#### **Members Present:**

Edna DeVries – Mayor, MSB  
Kaylan Wade – Chickaloon Native Village  
Wes Hoskins – Mat-Su Trails and Parks Foundation  
Bob Charles – Knik Tribe  
Jennifer Busch – Valley Transit  
Mike Brown - MSB  
Rob Yundt – Assembly Member, MSB  
Wolfgang Junge – ADOT&PF

#### **Members Absent:**

John Moosey – City of Palmer  
Glenda Ledford – Mayor, City of Wasilla

#### **Visitors Present:**

Kim Sollien - MSB  
Donna Gardino – Gardino Consulting  
Elise Blocker - RESPEC  
Aaron Jongenelen - AMATS  
Maija DiSalvo - MSB  
Julie Jenkins - FHWA  
Clint Adler – ADOT&PF  
Erich Schaal – City of Wasilla  
Luke Bowland – ADOT&PF  
Galen Heffern - FHWA  
Jackson Fox – FAST Planning  
Adeyemi Alimi - ADEC  
Patrick Cotter - RESPEC  
Tom Adams - MSB  
Todd Vanhove – ADOT&PF  
Emily Haynes - FHWA  
Adam Bradway - MSB  
Brian Winnestaffer - Chickaloon Native Village  
David Post – ADOT\*PF  
Todd Smolden – Governor’s Office  
Natalie Lyon - RESPEC

# MVP for Transportation Pre-MPO Policy Board Meeting

## 2. Introduction of Pre-MPO Steering Committee Members and other Attendees

FHWA visitors introduced themselves.

## 3. Approval of the January 25, 2023, Agenda – (Action Item)

*Motion to approve the January 25, 2023 agenda, (DeVries). Passed unanimously.*

## 4. Approval of the October 19, 2022, Minutes – (Action Item)

*Motion to approve the October 19, 2022 minutes, (Wade). Passed unanimously.*

## 5. Committee/Working Group Reports (Including the Staff Report)

### a. Staff Report

Adam Bradway shared the urbanized designation map for the MPO. The map included “hops” (.5 mile) and “jumps” (1.5 mile) which are defined by the census and those distances changed from 2010. They identify denser populated spaces surrounded by low density areas.

Kim Sollien shared that a meeting still needs to be scheduled with DOT&PF regarding the timing of reimbursements and reporting and how large procurements will be handled. . The budget request for MVP for Transportation did not make it into the governor’s draft budget. The legislature is in session now and MVP for Transportation would appreciate any support from the Pre-MPO Policy Board members in contacting their legislators to request seed money for the MPO.

Now that the area has been designated as urbanized and over 50,000 persons, the MPO has one year to stand itself up. The deadline to get everything done is December 28<sup>th</sup>, 2023.

## 6. Voices of the Visitors (Non-Action Items)

None

## 7. Old Business

### a. 2023-2024 Unified Planning Work Program (UPWP) Comments to-date and approval (Action Item)

*Motion to approve the 2023 – 2024 Unified Planning Work Program, as presented, (Charles). Passed unanimously.*

### b. Draft Operating Agreement

### c. Draft Bylaws

- Technical Committee membership
- Officer election procedure examples for small MPOs
  - Role of the Chair

### d. Policy Board Representatives

Representation for transit on the Policy Board was discussed. This discussion will be continued at the next meeting so that representatives from the cities will be present.

## 8. New Business

# MVP for Transportation Pre-MPO Policy Board Meeting

## 9. Other Issues

### a. Discuss Pre-MPO Policy Board meeting date and time for 2023

Kim introduced this item and wondered if there was a better date and time for the Pre-MPO Policy Board meetings. A potential conflict at the lunch hour may exist with the Wasilla and Palmer Chamber of Commerce meetings on Tuesdays and Wednesdays. These meetings are from 11:30 am – 1 pm. The team will take this into consideration as they determine the Pre-MPO Policy Board meeting times for 2023.

A meeting invitation will be sent out within the week.

## 10. Informational Items

### a. MVP Development Timeline

## 11. Steering Committee Comments

Jennifer Busch was excited to mention transit has received new coaches.

## 12. Adjournment

Meeting adjourned at 2:28pm

Next Scheduled Pre-MPO Steering Committee Meeting – **TBD**, to be held via Microsoft TEAMS Meeting

**Matanuska-Susitna Borough,  
City of Palmer,  
City of Wasilla,  
Knik Tribe,  
Chickaloon  
Village  
Traditional  
Council, and the  
State of Alaska**

**MATSU Valley Planning for Transportation (MVP for  
Transportation)**

**INTER-GOVERNMENTAL OPERATING AGREEMENT  
and  
MEMORANDUM OF UNDERSTANDING  
for  
TRANSPORTATION PLANNING**

**In the Metropolitan  
Area of the  
Mat-Su Metropolitan Planning Organization**



Matanuska-Susitna Borough,  
City of Palmer,  
City of Wasilla,  
Knik Tribe,  
Chickaloon Village  
Traditional Council, and  
the  
State of Alaska

MATSU VALLEY PLANNING FOR TRANSPORTATION  
INTERGOVERNMENTAL OPERATING AGREEMENT  
AND  
MEMORANDUM OF UNDERSTANDING FOR TRANSPORTATION  
PLANNING

In the Metropolitan Area of the Matsu Valley Metropolitan Planning  
Organization

This Matsu Valley Planning for Transportation Intergovernmental Operating Agreement and Memorandum of Understanding is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the State of Alaska, the Matanuska Susitna Borough, the City of Wasilla, the City of Palmer, the Knik Tribe and the Chickaloon Village Traditional Council.

WITNESSED, THAT:

Whereas, the above referenced Parties have been working on developing the new Metropolitan Planning Organization since July 2020; and

Whereas, the Pre-MPO Policy Board was formed and met for the first time on September 15, 2021 and is made up of representatives of transportation stakeholders from the Matsu Valley including the Matanuska-Susitna Borough, the City of Palmer, the City of Wasilla, the State of Alaska, the Knik Tribe, Chickaloon Village Traditional Council, Valley Transit and ; and

Whereas, the Pre-MPO Policy Board the agreed to name the Metropolitan Planning Organization for the Matanuska Susitna Valley, the *Matsu Valley Planning for Transportation (MVP for Transportation)* on October 20, 2021; and

Whereas, on October 20, 2021, the Pre-MPO Policy Board agreed to oversee the development of all federally required documents necessary to be designated by the Governor as the MPO of the Matsu Valley urbanized area and act as the interim leadership of the MPO in making decisions that will bind the new MPO; and

Whereas, on October 20, 2021, the Pre-MPO Policy Board approved a Metropolitan Planning Area (MPA) Boundary Development Strategy that was subsequently implemented to determine the MPA Boundary which is attached to this document; and

Whereas, the Infrastructure Investment and Jobs Act (IIJA) was passed into law on November 15, 2021 and requires, in designating MPO officials or representatives for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the MPO shall consider the equitable and proportional representation of the population of the MPA; and

Whereas, the Pre-MPO Policy Board unanimously passed the MVP for Transportation Public Participation Plan and the 2022 Addendum for Pre-MPO Formation and used it as a guide to define the public participation efforts in forming the MPO; and

Whereas, the MVP for Transportation Pre-MPO Policy Board passed a motion to form a 501(c)3 nonprofit corporation on March 16, 2022; and

Whereas, the MVP for Transportation Pre-MPO Policy Board approved the membership of the Policy and Technical Committee on September 13, 2022; and

Whereas, the Matanuska-Susitna Borough, City of Palmer, City of Wasilla, Knik Tribe and Chickaloon Village Traditional Council all passed resolutions of support for MVP for Transportation as the future MPO and a request to the Governor for state funds for the startup of the MPO in September 2022; and

Whereas, the U.S. Department of Commerce, U.S. Census Bureau, announced the list of 2020 urbanized areas on December 29, 2023, and a portion of the Matanuska-Susitna Borough is now considered urbanized; and

Whereas, the MVP Transportation Pre-MPO Policy Board passed a motion to adopt Articles of Incorporation, and adopted their Bylaws on xxxxxx; and

Whereas, the Pre-MPO Policy Board passed a resolution to initiate operation of MVP Transportation as an independent organization on xxxxxx; and

Whereas, the Pre-MPO Policy Board filed the Articles of Incorporation with the State of Alaska's Department of Commerce, Community, and Economic Development Division of Corporations, Business, & Professional Licensing to become a nonprofit corporation on xxxxxx.

**Commented [dg1]:** Add additional whereas sections addressing when each entity approved a resolution of support for the Operating Agreement.

Now, therefore, the above referenced Parties agree to the Inter-Governmental Operating Agreement and Memorandum of Understanding for Transportation Planning, as follows:



Matanuska-Susitna Borough,  
City of Palmer,  
City of Wasilla,  
Knik Tribe,  
Chickaloon  
Village  
Traditional  
Council  
and  
State of Alaska

Matsu Valley Planning for Transportation  
INTER-GOVERNMENTAL OPERATING AGREEMENT  
AND  
MEMORANDUM OF UNDERSTANDING  
FOR  
TRANSPORTATION PLANNING

In the Metropolitan Area of the Mat-Su Metropolitan Planning Organization

**SECTION 1 – PARTIES TO THIS AGREEMENT**

The Parties to this Agreement are the State of Alaska (State), Matanuska-Susitna Borough (MSB), Knik Tribe, Chickaloon Village Traditional Council, City of Palmer, and City of Wasilla.

**SECTION 2 – PURPOSE**

This Agreement is entered into in accordance with 23 USC § 134 – 135, 49 USC § 5303 – 5306, and 23 CFR 450.300 to provide the structure and process for the continuing, cooperative and comprehensive consideration, consultation, development and implementation of transportation plans and programs for intermodal transportation in the metropolitan planning area (MPA).

Metropolitan Planning Organizations (MPOs) are required to develop long-range transportation plans and Transportation Improvement Programs through a performance-driven, outcome-based approach to planning. The MPO will conduct the transportation planning process and provide for consideration and implementation of projects, strategies, and services that will address the planning factors outlined in 23 CFR 450.306 (b) and (c).

## SECTION 3 – LEGAL AUTHORITY

### 3.1 Federal Transportation Planning Statutes

23 USC § 104(f), 23 USC § 134 and 49 USC § 5303 – 5306 provide funding and require designation of a metropolitan planning organization (MPO) for urbanized areas of at least 50,000 population to carry out a transportation planning process and receive federal funding. Those Statutes require the State and the local governments to coordinate the planning and construction of all urban transportation facilities with a continuing, cooperative, and comprehensive transportation planning process.

### 4.2 MPO Designation

**On <insert month and day>, 2023, the Governor of the State of Alaska designated the MPO and identified the Matsu Valley Planning for Transportation (MVP) Policy Board as the body providing the direction of transportation planning in the MPA in accordance with Federal law.**

## SECTION 4 – DEFINED TERMS

"ADEC" means the State of Alaska Department of Environmental Conservation.

"ADOT&PF" means the State of Alaska Department of Transportation and Public Facilities.

"ARRC" means the Alaska Railroad Corporation

"AOR" means the Annual Obligation Report which includes all projects and strategies listed in the Transportation Improvement Program (TIP) for which Federal funds were obligated during the immediately preceding program year.

"ASSEMBLY" means the MSB Assembly, the legislative governing body of the MSB.

"CHICKALOON VILLAGE TRADITIONAL COUNCILS" means the Athabascan native village with members and land located within the MPA.

"CITY OF PALMER" means the home rule city, a political subdivision of the State of Alaska within the MPA.

"CITY OF WASILLA" means a first-class city, a political subdivision of the State of Alaska, and the most populated city located within the MPA.

"CONSULTATION" means that one or more parties confer with other identified parties in

accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken. This definition does not apply to the “consultation” performed by the States and the MPOs in comparing the long-range statewide transportation plan and the MTP, respectively, to State and tribal conservation plans or maps or inventories of natural or historic resources.

“COOPERATION” means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.

“COORDINATION” means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate.

“DBE” or “Disadvantaged Business Enterprise” means a for-profit small business concern (1) that is at least 51-percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

“DESIGNATED RECIPIENT” means : (i) an entity designated, in accordance with the planning process under Sections 5303 and 5304, by the governor of a state, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under Section 5336 to urbanized areas of 200,000 or more in population; or (ii) a state or regional authority, if the authority is responsible under the laws of a state for a capital project and for financing and directly providing public transportation.

“DIRECT RECIPIENT” means an eligible entity authorized by a designated recipient or state to receive Urbanized Area Formula Program funds directly from FTA. A state or designated recipient may authorize another public entity to be a “direct recipient” for Section 5307 funds. A direct recipient is a public entity that is legally eligible under federal transit law to apply for and receive grants directly from FTA. The designated recipient may make this authorization one time or at the time of each application submission, at the option of the designated recipient.

“FHWA” means the Federal Highway Administration, an operating agency of the United States Department of Transportation (USDOT).

“FINANCIAL PLAN” means documentation required to be included with a metropolitan transportation plan and TIP that demonstrates the consistency between reasonably available and projected sources of Federal, State, local and private revenues and the costs of implementing proposed transportation system improvements.

“FRA” means the Federal Railroad Administration, created by the Department of Transportation Act of 1966.

“FTA” means the Federal Transit Administration, an operating agency of the USDOT.

“Knik Tribe” means a federally recognized tribe with members and land located in the MPA.

“MATSU VALLEY PLANNING FOR TRANSPORTATION (MVP)” means the Matanuska-Susitna area Metropolitan Planning Organization, also known as MVP for Transportation

“METROPOLITAN PLANNING AGREEMENT” means a written agreement between the MPO, the State(s), and the providers of public transportation serving the metropolitan planning area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan transportation planning process.

“MPA” or “METROPOLITAN PLANNING AREA” means the geographic area in which the MPO carries on metropolitan transportation planning process as described in Section 5.4 of this Agreement.

“MPO” or “METROPOLITAN PLANNING ORGANIZATION” means the policy board created by Section 5.2 of this Agreement to carry out the metropolitan transportation planning process.

“MSB” means the Matanuska-Susitna Borough, a second-class borough, a political subdivision of the State of Alaska that includes the City of Palmer, City of Wasilla, and MPA within its boundaries.

“MTP” or “METROPOLITAN TRANSPORTATION PLAN” means the official multimodal transportation plan addressing no less than a 20-year planning horizon that the MPO develops, adopts, and updates through the MTP process.

“PALMER CITY COUNCIL” means the legislative governing body of the City of Palmer.

“PERFORMANCE-BASED APPROACH” means the application of performance management within the planning and programming process to achieve desired performance outcomes for the multimodal transportation system.

“PERFORMANCE MEASURE” means an expression on a metric that is used to establish targets and to assess progress toward achieving the established targets.

“PERFORMANCE METRIC” refers to “Metric” as defined in 23 CFR 490.101 and means a quantifiable indicator of performance or condition.

“PERFORMANCE TARGET” refers to “Target” as defined in 23 CFR 490.101 and means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period.

“PL FUNDS” means the Federal Highway Administration Metropolitan Transportation Planning funds authorized under 23 USC 104 to carry out the requirements of 23 USC 134.

“POLICY BOARD” means the board established under Section 5.2 of the Agreement for cooperative decision-making in accordance with this Agreement.

“PUBLIC PARTICIPATION PLAN” means a documented process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representative of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

“SECTION 5303 FUNDS” means the FTA funds made available under 49 USC 5305(g) to carry out the requirements of 49 USC 5303.

“SSOW” OR “SIMPLIFIED STATEMENT OF WORK” means a statement of work documenting metropolitan transportation planning activities performed with funds provided under title 23 U.S.C. and title 49 U.S.C. Chapter 53 in accordance with the provisions of 23 CFR 450.308 and 23 CFR part 420.

“STATE” means the State of Alaska.

“TECHNICAL COMMITTEE” means the Mat-Su MPO committee established in Section 5.3 of this Agreement for the cooperative decision-making in accordance with this Agreement.

“TIP” or the “TRANSPORTATION IMPROVEMENT PROGRAM” means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the MTP process, consistent with the MTP, and required for projects to be eligible for funding under title 23 USC and title 49 USC chapter 53.

“TRANSIT” means public transportation systems, including buses, vans, rail, trolleys and ferries and other rubber-tired public transportation vehicles.

“UPWP” or “UNIFIED PLANNING WORK PROGRAM” means a statement of work identifying the planning priorities and activities to be carried out within an MPA. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of funds.

“URBANIZED AREA” means a geographic area with a population of 50,000 or more, as

determined by the Bureau of the Census also known as an UZA.

“USDOT” means the United States Department of Transportation.

“WASILLA CITY COUNCIL” means the legislative governing body of the City of Wasilla.

## **SECTION 5 – ORGANIZATION AND RESPONSIBILITIES**

### **5.1 MVP for Transportation**

MVP for Transportation is the MPO’s staffed organization, which in cooperation with the State, units of local government and public transportation operators.

5.1.1 In order to receive and expend federal funding for transportation in urbanized areas with a population of more than 50,000 individuals, there must be coordination between the State and the MPO as required by federal regulation. Therefore, the purpose of the MVP for Transportation is to provide the framework and mechanism for the MPO and the State to jointly develop and implement transportation plans and programs, which will assure compliance with State and Federal transportation planning.

### **5.2 Policy Board**

The MVP for Transportation Policy Board (Policy Board) shall have as members, the Central Region Director of the ADOT&PF, MSB Mayor or member of the Assembly, MSB Manager, City of Palmer Manager, City of Wasilla Mayor, Knik Tribe Representative, Chickaloon Village Traditional Council Representative. Each member of the Policy Board shall have one vote. MVP for Transportation’s Executive Director will serve as Secretary to the Policy Board.

#### **5.2.1 Powers and Duties of the Policy Board**

The Policy Board shall have overall responsibility for the implementation of this Agreement, coordination of MVP for Transportation’s efforts and responsibilities of MVP for Transportation’s Technical Committee, and the ultimate development and adoption of the UPWP, TIP, and MTP.

### **5.3 Technical Committee**

MVP for Transportation shall have a Technical Committee, which consists of representatives, such as planners, engineers, and other specialists from the City of Palmer, City of Wasilla, MSB Planning and Public Works, ADOT&PF Planning and Pre-construction, ADEC Air Quality division, Alaska Railroad Corporation, trucking

industry advocate, Mat-Su Road Service Area Advisory Board Chair, MSB Transportation Advisory Board Chair, Public Transit Provider, Mat-Su School District Operations, Knik Tribe, Chickaloon Native Village, and a non-motorized advocate. Each member of the MVP for Transportation's Technical Committee (Technical Committee) shall have one vote and all actions of the Technical Committee, including recommendations to the Policy Board, shall be by a majority vote of the members present, once a quorum is established.

#### 5.4 Metropolitan Planning Area (MPA)

The MPA specified by 23 USC § 134(e) shall be the geographical area shown on Attachment #1 to the Agreement incorporated herein by reference. Provided such boundaries conform to the requirements of 23 USC § 134(e), the MPO and the Governor may mutually agree to change the boundaries of the MPA.

#### 5.5 MPO Self-certification

Every four years the MPO will, in coordination with the ADOT&PF, self-certify to the FHWA and the FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements of 23 CFR 450.336(a).

### **SECTION 6 – KEY PLANS and PROGRAMS**

6.1 There are three primary planning or programming activities that the MPO is responsible for developing. This section summarizes these key plans and programs, which include the MTP, TIP, and UPWP.

#### 6.1.1 Metropolitan Transportation Plan (MTP)

The MPO, in cooperation with the State, is responsible for developing or updating an MTP. The MPO shall follow the latest federal planning requirements, as prescribed in 23 CFR 450.324. The MPO shall update the MTP every five (5) years as prescribed by 23 USC § 134(i)(1).

#### 6.1.2 Transportation Improvement Program (TIP)

The MPO, with full assistance from the State and all other cooperating agencies, is responsible for developing or updating the TIP. The MPO shall follow the latest federal planning requirements, as prescribed in 23 CFR 450.326 and 23 USC § 134(j).

#### 6.1.3 Unified Planning Work Program (UPWP) or Simplified Scope of Work (SSOW)

- (1) The MPO, with full assistance from the State and all other cooperating agencies, is responsible for developing or adjusting the UPWP or SSOW, as prescribed by 23 CFR 450.308. The MPO shall:
  - (a) Describe all the transportation activities to be completed in a fiscal year.
  - (b) Ensure early coordination with FHWA and FTA.
- (2) No later than July 1 of each year, the ADOT&PF, in consultation with the MPO, will provide to the Policy Board in writing the amount of estimated Federal PL and Section 5303 funds, and required match ratios, to be made available to MVP for Transportation for the next fiscal year of October 1 through September 30. MVP for Transportation staff, working with member organizations, shall recommend work tasks with budgets for tasks in which it participates. MVP for Transportation staff shall develop and implement a UPWP or SSOW public involvement program, within a Public Participation Plan, and prepare a UPWP or SSOW with the full cooperation of all members and the MPO. Discussions between ADOT&PF and the MPO shall take place to determine how the proposed tasks can be accomplished in the most efficient and effective manner. The UPWP or SSOW shall be reviewed by the Technical Committee, approved by the Policy Board, and forwarded to ADOT&PF for concurrent approval by FHWA and FTA prior to any work being performed.

## 6.2 Changes/Amendments to Key Plans and Programs

### 6.2.1 Amendments to the MTP and TIP

The MPO, with its responsibility to maintain existing plans and programs, shall approve amendments, in accordance with its Public Participation Plan. An Amendment is triggered by the addition or deletion of a project or a major change in the project cost, project/project phase initiation dates, or a major change in design concept or design scope. An amendment is a revision that requires public review and comment periods consistent with the MPO public involvement policy and re-demonstration of fiscal constraint. Amendments require the concurrence of the MPO, ADOT&PF, FHWA, and FTA before becoming effective.

### 6.2.2 Administrative Modifications to the MTP and TIP

The MPO, with its responsibility to maintain existing plans and



programs, shall approve Administrative Modifications in accordance with the Public Participation Plan. An Administrative Modification is triggered by a minor revision to a metropolitan transportation plan or TIP that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. It is a revision that does not require public review and comment, or re-demonstration of fiscal constraint. Administrative Modifications require the concurrence of the MPO and the ADOT&PF before becoming effective. The FHWA and FTA will be notified as soon as possible of these changes.

### 6.2.3 Amendments/Changes to the UPWP or SSOW

Changes in work assignments and studies to be performed to meet transportation planning requirements may be made by the MPO at such times and to such extent as deemed necessary. Total funds to be made available for the performance of said work and services shall not exceed the amount specified in the UPWP or SSOW. Reimbursement will be made by ADOT&PF in accordance with procedures stated herein and shall be expended only on the UPWP or SSOW approved by the MPO, ADOT&PF, FHWA, and FTA.

- (1) Changes in funding levels for tasks, or changes in tasks, shall be requested as soon as possible after the need for such change is recognized.
  - (a) Amendment to the UPWP or SSOW  
(No additional funding required)  
An Amendment to the UPWP or SSOW is triggered when task budget amounts exceed 20 percent of the original approved program budget, when there are individual changes of \$35,000 or more to task budgets, or when there are significant scope changes. Amendments require the concurrence of the MPO, ADOT&PF, FHWA, and FTA before becoming effective. Amendments to the UPWP or SSOW require public review.
  - (b) Administrative Modifications to the UPWP or SSOW  
(No additional funding required or no significant change to scope)  
An Administrative Modification is triggered when task budget amounts do not exceed 20 percent of the approved program budget or when individual changes are for \$35,000 or less of a task budget. Administrative Modifications require the concurrence of the MPO and the ADOT&PF

before becoming effective. The FHWA and FTA will be notified as soon as possible of these changes.

## **SECTION 7 – CONSULTANT CONTRACTS**

- 7.1 FHWA and FTA Approval: For all federally funded work to be done under a consultant contract, prior FHWA and/or FTA approval of a Project Development Authorization including the scope of work is required before a Request for Proposal (RFP) is issued. Early coordination is essential. The contracting agency will be the ADOT&PF which will coordinate review and approvals directly with FHWA and FTA.
- 7.2 ADOT&PF Approval: For federally-funded MPO solicitations over \$50,000, the contracting agency will be the ADOT&PF for review of the final RFP, scope of services, and project budget. The MPO will perform the project management duties. ADOT&PF shall also reserve the right to select members for the Selection Committees for all consultant contracts. ADOT&PF may provide opportunity to the MPO, as appropriate, to serve on the Selection Committees. The MPO will be the contracting agency for all solicitations under \$50,000 and will follow the MPO approved procurement policies
- 7.3 Work Products: ADOT&PF and the MPO will have an opportunity to review draft work products prior to review by the Technical Committee and Policy Board.
- 7.4 Inspection of Work: ADOT&PF and/or the owner of the facility shall always be accorded review and inspection of the work performed by consultants and shall at all reasonable times have access to the premises, to all data, notes, records, correspondence, and instruction memoranda or description which pertain to the work involved.

## **SECTION 8 – ADDITIONAL AND SEPARATE WORK PROJECTS**

From time to time, ADOT&PF or the MPO may desire one of the other parties to perform additional work projects for services separate and apart from those set forth in the UPWP. At such times, the requesting party will notify the other party of the intention, including a request for the specific work and/or services desired. If the other party is willing and able to do the work or perform the services requested, written acceptance by the requesting party of the terms accepted shall constitute authority to proceed with the work and/or services requested. The requesting party shall pay for such work or services within a reasonable time after billing. Such billing shall be made pursuant to the terms agreed upon for each particular work project.

## **SECTION 9 – PROGRAM REPORTING REQUIREMENTS**

## 9.1 Reporting: UPWP or SSOW

In accordance with 23 CFR 420.117, the ADOT&PF is responsible for monitoring the UPWP or SSOW supported activities to assure compliance with applicable Federal requirements and assure performance goals are being achieved. Monitoring must cover each program, function or activity. The reporting procedures shall include, but are not limited to, the following:

### 9.1.1 Monthly Reports

All parties receiving federal planning funds pursuant to this Agreement shall prepare a monthly financial statement and a narrative progress report, in a format provided by the ADOT&PF, for all tasks identified in the UPWP or SSOW for which they are responsible and submit to the ADOT&PF office no later than 15 days following the last day of each UPWP or SSOW month. The monthly reports shall serve as the basis for monthly reimbursements.

Within 15 days of receipt of monthly report, ADOT&PF will compile all reports and shall either, review and approve the reports, or request modifications. Upon approval, the ADOT&PF staff will forward the reports to the MPO and submit the invoices for reimbursement.

If ADOT&PF requests modifications, the report will be forwarded to the MPO as a draft report. Within 15 days following the request for modifications, , all requested report modifications shall be submitted to ADOT&PF. Upon approval, the ADOT&PF will re-submit the report to the MPO no later than 60 days following the last day of each UPWP month.

The final UPWP or SSOW Monthly Report shall consist of the following:

- (1) A financial statement which shall include task and program summary of the following data:
  - (a) Current monthly expenditures
  - (b) UPWP fiscal year to date expenditures
  - (c) PL, Sec. 5303, and local funds / in-kind expended to date
  - (d) PL, Sec. 5303, and local funds / in-kind remaining
  
- (2) A narrative progress report which shall include:
  - (a) A description of work accomplished during the quarter
  - (b) Significant events (i.e. travel, training, conferences)
  - (c) Milestones reached in sufficient detail to justify the monthly expenditures

For tasks consisting of a scheduled completion date, the progress report shall include each task's percentage complete, explanatory information on the progress, and any issues relating to the task such as schedule delays.

#### 9.1.2 Annual Report

Upon receipt of the final twelfth month) UPWP or SSOW Monthly Report, the ADOT&PF will draft the UPWP or SSOW Annual Report. The ADOT&PF will forward the UPWP or SSOW Annual Report to the MPO no later than 60 days following the last day of the UPWP or SSOW fiscal year. The ADOT&PF will submit the UPWP or SSOW Annual Report to FHWA and FTA to meet the reporting requirements of 23 CFR 420.117, as currently adopted or hereafter amended. DOT&PF may combine the UPWP or SSOW Annual Report with similar reports from other subrecipients of federal planning funds into a single report.

The Annual Performance and Expenditure Report for the UPWP or SSOW fiscal year will contain all information required by 23 C.F.R. 420.117.

#### 9.1.3 Significant Events

Events that have significant impact on UPWP or SSOW work elements must be reported by the Parties to this Agreement to ADOT&PF as soon as they become known. The types of events or conditions that require reporting include: problems, delays, or adverse conditions that will materially affect the ability to attain program objectives. This disclosure must be accompanied by a statement of action taken, or contemplated, and any Federal assistance required resolving the situation.

#### 9.1.4 Other Reports

Copies of formal reports, informal reports, and material emerging out of a task specified in the UPWP or SSOW shall be governed by Section 10 of this Agreement.

### **SECTION 10 – PLANNING REPORTS**

#### 10.1 Planning Reports

From time to time, ADOT&PF and the MPO may publish reports, documents, etc., upon completion of a portion and/or a phase of a particular planning element in the continuing transportation planning process. In order for the preparation and

publishing of such reports to be eligible for participation of Federal funds, the Technical Committee shall review the reports with final approval by the MPO Policy Board, as appropriate.

## 10.2 Publication

Publication, whether in hard copy or through the use of digital technologies such as via the World Wide Web, by any party to the Agreement shall give credit to other parties, FTA, and FHWA. However, if any party, FTA, or FHWA does not wish to subscribe to the findings or conclusions in the reports, the following statement shall be added:

“This report was funded in part through grant(s) from the Federal Highway Administration and/or the Federal Transit Administration, U.S. Department of Transportation. The views and opinions of MVP for Transportation expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation.”

Furthermore, consultant logos are prohibited from the cover of all reports, documents, etc. that are approved by FTA and FHWA.

## 10.3 Copies

Copies of draft and final reports, documents, etc., will be provided as required to Federal and State Agencies. Parties to this Agreement will be provided copies as requested.

The FHWA reserves a royalty-free, non-exclusive, and irrevocable right to reproduce, publish, or otherwise use, and authorize others to use, the work for Government purposes.

## **SECTION 11 – DIVISION OF COST AND PAYMENT**

### 11.1 Reimbursement

The maximum amount of Metropolitan Planning Funds available each year for reimbursement to the Parties shall not exceed the budget approved in the UPWP or as amended. ADOT&PF will make reimbursement in accordance with the following procedures:

- (1) The Parties shall submit to ADOT&PF quarterly narrative progress reports and financial statements, as defined in Section 10 of this Agreement.

- (2) Reimbursement will be made within 30 days after ADOT&PF receives and approves the monthly narrative progress reports and financial statements, subject to Federal planning funds being made available and received for the allowable cost.
- (3) Within 60 days of ADOT&PF's approval of the last monthly narrative progress report and financial statement for the fiscal year, ADOT&PF will close the UPWP or SSOW account and request that an audit be performed.
- (4) The audit will be completed, and final payment adjustments made within 120 days of the last quarter or as soon thereafter as reasonably possible.

#### 11.2 ADOT&PF Tasks

The Parties may agree that ADOT&PF can most efficiently and effectively perform a task or a portion of a task to be funded with PL funds in the approved UPWP. In such cases, ADOT&PF shall:

- (1) Provide the MPO with all necessary documentation in order to permit the preparation of the reports required in Section 10 of this Agreement.
- (2) Upon ADOT&PF approval of the quarterly, ADOT&PF shall submit a billing to FHWA for direct payment to ADOT&PF for approved UPWP or SSOW costs.
- (3) ADOT&PF shall be reimbursed at the rate contained in the applicable UPWP or SSOW.
- (4) ADOT&PF shall promptly provide the MPO with copies of its billings and statements.

#### 11.3 Overruns

When expenditures are anticipated to overrun in any UPWP or SSOW work element, the procedures for budget changes as outlined in Section 6.2 must be followed.

#### 11.4 Cost Limitations

Reimbursement of administrative and operational costs will be made without profit or markup. These costs shall be limited to:

- (1) Direct salaries and wages, with payroll taxes and fringe benefits at actual costs, or if prorated to be allocated on an equitable basis;
- (2) Telephone charges and necessary travel limited to program specific charges;
- (3) Overhead or indirect costs as approved annually in the respective UPWP or SSOW line item budget and verified by audit. Eligibility shall conform to the provisions of 23 CFR 420.113;
- (4) Training as approved specifically in the UPWP or SSOW or otherwise specifically approved by ADOT&PF, FHWA or FTA.

#### 11.5 Rate of Reimbursement

Reimbursement shall be at the rate specified and contained in the applicable UPWP.

#### 11.6 Financial Accounting Level

The expended funds will be accounted for at the task level (100, 200, 300 etc.).

#### 11.7 Fiscal Year

The UPWP or SSOW fiscal year will be October 1 to September 30.

### **SECTION 12 – PROCUREMENT, MANAGEMENT, AND DISPOSITION OF PROPERTY**

Procurement and management of property acquired for the program, including disposition of property if the program is discontinued, will be in accordance with 23 C.F.R. 420.121(f) and any other regulatory requirements applicable to the expenditure of federal funds made available for the implementation of this Agreement.

### **SECTION 13 – AUDIT PROCEDURES**

13.1 In addition to the requirements stated in this section, requirements for audit as defined in 23 CFR 420 will be used as guidelines.

13.2 Each participating party will maintain complete records of all manpower, materials and out-of-pocket expenses, and will accomplish all record keeping in accordance with the following procedures:

13.2.1 Each participating party will furnish ADOT&PF copies of all certified

payrolls which shall include the hourly rate for each employee working on the project during the reporting period. In addition, a loaded rate factor will be shown in a manner compatible with existing approved local procedures. The load rate factor is subject to adjustment based upon audits occurring during the life of this Agreement.

#### 13.2.2 Time Sheets

Individual time sheets will be maintained reflecting the daily total amount of hours worked and amount of time spent on each task within the program. It is imperative that the hours be traceable to the task.

#### 13.2.3 Materials

Copies of invoices shall support costs of any purchased materials utilized on this project.

#### 13.2.4 Out-of-Pocket Expenses

Copies of receipts shall support all expenses.

#### 13.2.5 Record System

The record system will be such that all costs can be easily traceable from all billings through the ledgers to the source document. Each expenditure must be identified with the task within the current approved UPWP or SSOW.

13.3 Each consultant contract or professional services agreement, in which any party engages, may require a specific audit for that project or agreement. The award of any such construction related engineering design services contract must be made in conformity with applicable Federal and ADOT&PF contracting procedures including ADOT&PF Procedure 10.02.010, and related Professional Services Agreement Handbook, or based on acceptable alternative contracting procedures approved by ADOT&PF and FHWA. This requirement is in addition to any agency-wide audit conducted pursuant to OMB Circular A-133 (Single Audit Requirements).

13.4 MVP for Transportation may be audited every year by ADOT&PF Internal Review auditors for compliance and to insure adequate coverage. MVP for Transportation will additionally hire an independent Certified Public Accountant (CPA) to conduct an annual audit of all revenues and expenditures, as well as participate in a state and/or federal single audit as requested. All Parties and/or their subcontractors under this Agreement shall maintain all records and accounts relating to their costs and expenditures for the work during any fiscal



year for a minimum of three (3) years following receipt of the final payment and shall make them available for audit by representatives of ADOT&PF, FHWA, and FTA at reasonable times. All Parties shall maintain records in a form approved by ADOT&PF. Final payment is defined as the final voucher paid by FHWA to ADOT&PF based on an audit. A request to close out a fiscal year or project account does not constitute final payment.

- 13.5 Any review, which does not meet Federal requirements, will be resolved between ADOT&PF and the other party. The financial records relating to a UPWP or SSOW year may be closed out once FHWA accepts the audit and final payment adjustments have been made.

#### **SECTION 14 – COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964**

All Parties hereby agree as a condition to receiving any Federal financial assistance from USDOT, to comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to Title 49 CFR, Part 21, Nondiscrimination in Federally Assisted Programs of the USDOT, Effectuation of Title VI of the Civil Rights Act of 1964.

#### **SECTION 15 – DBE PROGRAM REQUIREMENTS**

##### **15.1 Compliance**

The Parties, their agents and employees shall comply with the provisions of 49 CFR 26 and Title VI of the Civil Rights Act of 1964. 49 CFR 26 requires that all parties shall agree to abide by the statements in paragraphs 15.2 and 15.3 and shall include these statements in all Parties' USDOT financial assistance agreements and in all subsequent agreements between any party and any sub-grantees and any contractor.

##### **15.2 Policy**

It is the policy of the USDOT that DBEs, as defined in 49 CFR 26.5, shall have an equal opportunity to participate in the performance of contracts financed in whole or part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR 26 apply to this Agreement.

##### **15.3 DBE Obligation**

The Parties to this Agreement agree to ensure that DBEs, as defined in 49 CFR 26.5, have an equal opportunity to participate in the performance of contracts and sub-contracts financed in whole or part with Federal funds provided under this Agreement. In this regard the Parties to this Agreement and/or

their contractors shall not discriminate on the basis of race, color, national origin, or in the award and performance of USDOT assisted contracts.

#### **SECTION 16 - AMENDMENTS**

This Agreement may be amended only in writing and must be done prior to undertaking changes or work resulting therefrom or incurring additional costs or any extension of time. Said amendments are subject to approval by the MPO and the State.

#### **SECTION 17 – LIMITATION OF LIABILITY**

No liability shall be attached to any party to this Agreement by reason of entering into this Agreement, except as expressly provided herein.

#### **SECTION 18 – COMPLIANCE WITH LAWS**

In addition to the laws, statutes, regulations and requirements stated herein, all Parties to this Agreement shall be knowledgeable of and comply with all Federal, State and local laws and ordinances applicable to the work to be done under this Agreement.

#### **SECTION 19 – TERMINATION OF AGREEMENT**

This Agreement will continue in force until or unless the Parties terminate the Agreement in writing.

#### **SECTION 20 – NON-APPROPRIATION CLAUSE**

Nothing in this agreement shall obligate any party to expend monies if there are insufficient or other lack of funds lawfully appropriated by their respective legislative bodies for performance under this Agreement.

**SIGNATURES**

\_\_\_\_\_  
**Mayor – Matanuska-Susitna Borough**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mayor – City of Palmer**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mayor – City of Wasilla**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Chickaloon Village Traditional Council**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Knik Tribe**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Governor – State of Alaska**

\_\_\_\_\_  
**Date**



**Matsu Valley for Transportation (MVP for Transportation)  
POLICY BOARD  
BYLAWS**

**ARTICLE I**

Metropolitan Planning Organization

- SECTION 1      The Matsu Valley for Transportation (MVP for Transportation) Policy Board is designated to be the Metropolitan Planning Organization (MPO) for the Matanuska-Susitna Metropolitan Planning Area (MPA) by the Governor of the State of Alaska. As the MPO, the Policy Board is responsible for carrying out the transportation planning process in the metropolitan planning area and to serve as the Board of Directors for the MVP for Transportation MPO. The MPO Coordinator shall serve as the Executive Director of the MPO.
- SECTION 2      The MVP for Transportation Policy Board and committee meetings are subject to AS 44.62.310, Government Meetings Public.

**ARTICLE II**

Members and Officers

- SECTION 1      In accordance with Section 5 of the MVP for Transportation Inter-Governmental Operating Agreement and Memorandum of Understanding for Transportation, the MPO Policy Board, hereafter referred to as the "Policy Board", shall have as voting members the Central Region Director of the State of Alaska Department of Transportation and Public Facilities (DOT&PF), the Matanuska-Susitna Borough (MSB) Mayor or Assembly Representative, the MSB Manager, the City Manager of the City of Palmer, the Mayor of the City of Wasilla, Tribal Council President of the Knik Tribe and, a representative of the Chickaloon Village Traditional Council. Each member is authorized one vote.
- SECTION 2      The Policy Board shall elect a board Chair and Vice-Chair from its members annually at its regularly scheduled meeting no later than the end of December.
- SECTION 3      The Policy Board shall appoint an Executive Director, who shall serve as Secretary of the Policy Board and perform other duties as described by these Bylaws or directed by the Policy Board. The Secretary shall provide all administrative support for the Policy Board. The Transportation Planner/Assistant of the MPO shall be designated as Assistant Secretary to serve in the absence of the Executive Director and to provide additional support to the Policy Board and Technical Committee.
- SECTION 4      The Chair, or in their absence or disability, the Vice-Chair, shall preside at all meetings and hearings of the Policy Board. In the absence or disability of both the board Chair and Vice-Chair, an acting Chair shall be selected by the members present for the meeting.

- SECTION 5 The Chair shall decide on all points of order and procedure in accordance with Robert's Rules of Order, Newly Revised, unless changed and adopted by the rules agreed upon by the Policy Board.
- SECTION 6 The Chair shall nominate, except for the Technical Committee, which is established by the Bylaws, all committee members and their respective chairs found necessary for the purpose of expediting the work of the Policy Board. All members nominated shall be confirmed by a majority vote of the Policy Board.
- SECTION 7 The Chair shall report on activities taking place that have not come to the attention of the Policy Board at the next regularly scheduled or special meetings of the Policy Board.
- SECTION 8 When required, the Chair shall execute on behalf of the Policy Board all documents it authorizes or approves.

### **ARTICLE III**

#### **Policy Board Meetings**

- SECTION 1 All Meetings must be noticed according to A.S. 44.62.310 Government Meetings Public, which shall be strictly adhered to in conduct of the meeting and agenda schedule.
- SECTION 2 Regular meetings of the Policy Board shall be held monthly at a time to be determined by the Policy Board.
- SECTION 3 All regular or special meetings shall be open to the public. An agenda schedule for each meeting of the Policy Board shall be prepared by the Secretary to ensure Policy Board business is conducted in an efficient manner.
- SECTION 4 Special meetings shall be held at the call of the Chair issued upon his/her own initiative or at the request of one (1) or more members of the Policy Board, when necessary, to act upon matters before the Policy Board, providing notice is given in accordance with all applicable open meeting laws.
- SECTION 5 A quorum shall consist of four (4) members of the Policy Board. Four supporting votes are required to approve any action. Proxy voting is not allowed.
- SECTION 6 In the absence of a quorum no meeting shall be held.
- SECTION 7 A roll-call vote will be called for on all matters being voted on by the Policy Board unless it passes without objection.

### **ARTICLE IV**

#### **Agenda**

- SECTION 1 The Secretary shall prepare for each meeting of the Policy Board or its Committees, when appointed, an agenda of the items to be considered.
- SECTION 2 Any member of the Policy Board may instruct the Secretary to add any matter to the agenda for discussion or action by the Policy Board.
- SECTION 3 All agenda items to be considered by the Policy Board must be submitted no later than the close of business one week before the meeting.
- SECTION 4 Informational items not on the agenda may be presented to the board, so long as no action is taken until the next meeting of the Policy Board.

## **ARTICLE V**

### **Order of Business**

- SECTION 1 The order of business of meetings shall be as follows:
- A. Meeting called to order
  - B. Introduction of Members and Attendees
  - C. Approval of the Agenda
  - D. Approval of the Minutes of the previous meeting
  - E. Staff/Committee/Workgroup Reports (including the Chair's report)
  - F. Voices of the Visitors (items not on the agenda)
  - G. Old Business
  - H. New Business
  - I. Other Issues
  - J. Informational Items
  - K. Committee Comments
  - L. Adjournment
- SECTION 2 Public Comment shall be accepted for all old business and new business items.
- SECTION 3 The length of the public comment period, per speaker, may be determined at the discretion of the Chair at the beginning of any public meeting. The public comment period will be closed when all speakers have had an opportunity to comment on the item before the Policy Board.

## **ARTICLE VI**

### **Records**

- SECTION 1 The minutes of all Board and Committee meetings shall be recorded by the MPO staff and maintained as a public record in the MPO office and shall be accessible to the public during regular office hours.

## **ARTICLE VII**

### **Committees**

- SECTION 1 All Committees shall consist of at least three (3) members each.
- SECTION 2 Members of the Policy Board shall be a non-voting member of each Committee.
- SECTION 3 Committee meetings may be called at the request of the Committee Chair or at the request of two (2) members. A written or verbal report of Committee business shall be made at the next meeting of the Policy Board by any Committee member or the Executive Director.
- SECTION 4 All Committee meetings must be noticed according to AS 44.62.310, which shall be strictly adhered to in conduct of the meeting.

## **ARTICLE VIII**

### **Technical Committee Purpose and Duties**

- SECTION 1 The MPO shall have a standing Technical Committee to review items of a technical nature and act as an advisory body to assist the Policy Board.
- SECTION 2 The purpose of the Technical Committee shall be to evaluate the technical feasibility of proposed plans and projects, provide technical data and information, and make recommendations to the Policy Board.
- SECTION 3 The Technical Committee shall have approval authority during construction of projects as outlined in the Policies and Procedures.
- SECTION 4 Membership of the Technical Committee shall consist of representatives, such as engineer, planner, or other specialist, from the following agencies or transportation organizations and groups:
- Mat-Su Borough Transportation Advisory Board Chair
  - Mat-Su Borough School District Operations
  - Public Transportation provider
  - City of Palmer
  - City of Wasilla
  - Mat-Su Borough Planning
  - Mat-Su Borough Public Works
  - Nonmotorized Advocate
  - State of Alaska Department of Transportation & Public Facilities Planning Chief
  - State of Alaska Department of Transportation & Public Facilities Preconstruction Engineer



- Road Service Area Advisory Board Chair
- Alaska Railroad Corporation
- Knik Tribe
- Chickaloon Village Traditional Council
- Trucking Industry Advocate
- State of Alaska Department of Environmental Conservation Air Quality

SECTION 5 The Technical Committee shall elect a Chair and Vice-Chair from its regular members or Staff, including the Executive Director, annually at its regularly scheduled meeting no later than the end of November.

SECTION 6 The Chair shall decide on all points of order and procedure in accordance with Robert’s Rules of Order, Newly Revised, unless changed and adopted by the rules agreed upon by the Committee.

SECTION 7 The Chair, or in their absence or disability the Vice-Chair, shall preside at all meetings and hearings of the Policy Board. In the absence or disability of both the Chair and Vice-Chair, an acting Chair shall be selected by the members present for the meeting.

SECTION 8 The Executive Director shall serve as Secretary of the Technical Committee. The Secretary shall provide all administrative support for the Technical Committee. The Transportation Planner of MVP for Transportation is designated as Assistant Secretary to serve in the absence of the Executive Director and to provide additional support to the Technical Committee.

SECTION 9 All committee members shall be entitled to one vote each. The Executive Director and Transportation Planner will not be considered as members and will not get a vote. Proxy voting is allowed if written notification identifying the proxy is received from the Technical Committee member by the Executive Director prior to the meeting.

SECTION 10 A quorum of voting members must be present for a vote to take place. A quorum will consist of nine (9) or more voting members of the Technical Committee. A majority of the voting members present at a meeting are required for an affirmative vote.

SECTION 11 Voting members of the Technical Committee will comply with Article IX and X of the Policy Board Bylaws regarding conflict of interest and ethics decisions.

SECTION 12 The Technical Committee may adopt the use of appointed workgroups, if deemed necessary for the continuing transportation planning process. The workgroups will be appointed by the Technical Committee Chair and ratified by the Technical Committee. Workgroup appointments will usually be temporary in nature and will be terminated at the conclusion of the specific project concerned.

SECTION 13 Regular meetings of the Technical Committee shall be held monthly. The Committee Chair may call special meetings provided public notice is given as provided by AS 44.62.310. Roberts Rules of Order, Newly Revised shall govern the conduct of all

meetings of the Committee, except for rules set forth or adopted by the Technical Committee.

SECTION 14 The Technical Committee shall have the following duties and all additional duties assigned by the Policy Board:

- A. Develop the Draft Unified Planning Work Program (UPWP) for the Policy Board. This includes recommendation of tasks and task priority.
- B. Develop and prioritize transportation projects for inclusion in the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP).
- C. Monitor the development of projects included in the TIP. This includes reporting on the status of projects and recommendations if a project is delayed.
- D. Approve changes during construction in accordance with the Matsu for Transportation Policies and Procedures.

## **ARTICLE IX**

### **Conflict of Interest**

Section 1 Declaration of policy. The Policy Board declares that members operate as a State and Federally mandated Policy Board; and any effort to realize personal gain through official conduct is a violation of that trust. Policy Board and committee members shall not only be impartial and devoted to the best interests of the Policy Board's jurisdiction but also shall act and conduct themselves both inside and outside the Policy Board and committee's service as not to give occasion for distrust of their impartiality or of their devotion to the best interests of the citizens they represent.

Section 2 Definitions. As used in this article:

**Conflict of Interest** shall mean every member shall vote on all questions unless he has a direct or substantial indirect financial or personal interest in the matter being discussed.

**Financial Interest** shall mean any interest that shall yield, directly or indirectly, a monetary or other material benefit for services to the Policy Board and committee's jurisdiction to the member or other person retaining the services of the member.

**Personal Interest** shall mean any direct or substantial indirect interest arising from blood or marriage relationships or from close business or political associations, whether any financial interest is involved.

**Confidential Information** shall mean all information pertaining to City, Borough or State interests that is not available to the public in general including but not limited to information pertaining to any claims or lawsuits pending against the Board and personnel matters.

Section 3      Disclosure of interest. No member who has a direct or indirect financial or personal interest in any matter before the Policy Board or assigned Committees shall use his/her office or position to exert influence on such matter.

If known by the member, a member who participates in the discussion or expresses an opinion to the Policy Board on any matter before it shall disclose the nature and extent of any direct or indirect financial or other personal interest, he/she has in such matter to the Policy Board. The Chair will determine whether the member has a conflict of interest and whether the member must recuse him/herself from the discussion and vote on the matter.

If a member has reasonable cause to believe another member has failed to disclose actual or possible conflicts of interest, the member shall inform the Policy Board of the basis for such belief and afford the other member an opportunity to explain the alleged failure to disclose. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Policy Board determines the member has failed to disclose an actual or possible conflict of interest, the Policy Board shall take appropriate disciplinary and corrective action.

Section 4      Disclosure of information. No member shall disclose any confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her or others' financial, personal, or political interests. This section shall not prohibit any such member from acquiring and utilizing any information which is available to the public in general so long as such information is obtained in the same manner as it would be obtained by an ordinary citizen.

Section 5      Compensation. No member of the Policy Board or assigned Committees whose jurisdiction includes compensation matters and who personally receives compensation, directly or indirectly, receives compensation, individually or collectively, from <insert name> MPO for services may provide information or vote on matters pertaining to that member's compensation.

Section 6      Securing special privileges. No member shall use or attempt to use the member's position to secure privileges, financial gain or exemption for him/herself or others.

No member shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Section 7      Post-Membership Activities. No member, after the termination of service with the Policy Board, shall appear before the Policy Board in relation to any case, proceeding or application in which he personally participated during the period of his service, or which was under his active consideration.

Section 8      Annual statements. Each active member of the Policy Board shall annually sign a statement which affirms he/she has read and understands the conflicts of interest policy within this Article, agrees to comply with the policy, and understands that the Matsus Valley for Transportation MPO is a charitable organization and in order to maintain its

federal non-profit tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

## **ARTICLE X**

### **Policy Board Code of Ethics**

- Section 1 The Policy Board shall adopt the “American Planning Association (APA) Ethical Principles in Planning” dated May 1992 as broad, general guidelines for the ethical conduct of its members. The guidelines, while directed to AICP and APA members, reflect the ethics of MVP for Transportation and its members will use to guide their efforts. This statement is attached and hereby made a part of these bylaws (Attachment #1).

## **ARTICLE XI**

### **Miscellaneous**

- Section 1 Minor Changes to Documents. In instances when documents are approved by the Policy Board and signed by the Chair which are subsequently discovered to contain unintended or incorrect information or language, and when, in the opinion of the Chair, the document submitted to accomplish their correction will not alter the intent of the Policy Board in its original approval, the Chair is authorized to sign such a document, provided that the Secretary provides written concurrence with this action. The Secretary documents, which have been approved by a legislative body (i.e. City Council or the Borough Assembly), must be corrected by amended documents or in accordance with applicable State statutes regarding scrivener's errors.
- Section 2 Standards of Conduct. The Policy Board shall adopt and maintain a written policy prescribing a standard of conduct for its involvement in litigation or potential litigation.
- Section 3 Attendance. Attendance shall be in person or telephonically. If any member, except ex-officio members, has three consecutive unexcused absences, it shall be cause for an alternative representative to be designated from their organization. If for any reason an alternative representative is not designated, the Policy Board shall instruct the Chair of the Policy Board to inform the proper legislative body of the requirements of this section of the by-laws.

The only exception to the above procedures and requirements shall be in cases of illness or conditions beyond the control of the individual member, as judged by the majority of the Policy Board members. Any member seeking an exception should request an item be placed on the agenda. Said judgment or ruling on the condition beyond the control of a member shall be voted on at a regular meeting or special called meeting for this particular purpose.

Section 5 Legislative Policy Board Member Appointment. Upon appointment to the Policy Board and confirmation by the respective Council or Assembly, the members so confirmed will be seated at the next regular or special meeting.

**ARTICLE XII**

Amendments

Section 1 In accordance with Article II, Section 5, these rules may be amended, rescinded or supplemented by the Policy Board provided such amendments are presented in writing at a regular meeting or special meeting called for this particular purpose and action taken thereon at a subsequent regular meeting.

These Bylaws were passed and approved by a duly constituted quorum of the <insert name> MPO Policy Board on \_\_\_\_\_.

\_\_\_\_\_  
, Chair

ATTEST:

\_\_\_\_\_  
, Secretary

PASSED  
Yes:  
No:  
Absent:

# Transit Representation on the Policy Board

01.31.2023

- Transit representation on the Policy Board for Transportation Management Areas, MPOs with a population of over 200,000 became a requirement under MAP-21:
  - As part of its performance management framework, MAP-21 assigns MPOs the new transit-related responsibilities described above, i.e., to establish performance targets with respect to transit state of good repair and transit safety and to address these targets in their transportation plans and TIPs. Representation by providers of public transportation in each MPO that serves a TMA will better enable each MPO to define performance targets and to develop plans and TIPs that support an intermodal transportation system for the metropolitan area. Including representation by providers of public transportation in each MPO that serves an area designated as a TMA is an essential element of MAP-21's performance management framework and will support the successful implementation of a performance-based approach to transportation decision-making.
  - To satisfy [23 U.S.C. 134\(d\)\(2\)\(B\)](#) and [49 U.S.C. 5303\(d\)\(2\)\(B\)](#), a representative of a provider of public transportation that operates in a TMA should be eligible to be a designated recipient, a direct recipient, or a sub-recipient of the Urbanized Area Formula funding program.
  - The FTA and FHWA encourage MPOs that serve an area designated as a TMA to amend their metropolitan planning agreements in cooperation with providers of public transportation and the State to include the cooperative process they have developed to select representatives of providers of public transportation for inclusion on the MPO board.
  - Transit does not directly vote on the MPO policy board in 36% of large metro regions. (Transport Policy Volume 114, December 2021, Pages 165-173)
  - The requirement to include representation by providers of public transportation on the Policy Board does not apply to small MPOs.
- The specific structure of MPO boards and decision-making processes are left to the discretion of the states and local governments. In the case of MVP for Transportation, the minimum Policy Board membership is three: the Mat-Su Borough, the City of Wasilla and the State DOT&PF.
- [23 CFR 450.316](#) The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation services (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit programs, parking cash-out program, shuttle program, or telework program), representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
- [23 CFR 450.324](#) (Development and content of the MTP shall include, in part: Transportation and transit enhancement activities, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and

# Transit Representation on the Policy Board

01.31.2023

strategies that preserve and enhance intercity bus systems, including systems that are privately owned and operated, and including transportation alternatives...

- U.S. DOT FHWA MPO Staffing and Organizational Structures (October 2017): the most commonly reported non-voting member is a representative of the state department of transportation with 44% of MPOS reporting having this type of non-voting seat. Public transit authorities are 15%.
- Transit Advisory committees are found at 20% of MPOs and are reported more often by large MPOs.
- Staffing and Administrative Capacity of MPOs (2010): relatively few MPO boards allocate voting seats to representation of independent modal authorities (pre MAP-21).
- Staffing and Administrative Capacity of MPOs (2010): MPO Governing Board Seat Allocation and Frequency: Public transit agency 45.1% have this type of seat; average number of seats is 0.6. Public transportation agencies are the most common modal agency.
- Staffing and Organizational Structures CUTR 2017 AMPO Conference: Board Composition percent of all seats: 3.6% for Public Transit Authorities
- Transit improvements will be included in the TIP in accordance with [23 CFR 450.326 \(e\)](#)
- Statewide and metropolitan transportation planning should be the foundation of highway and transit project decisions. ([Appendix A to Part 450](#))
- Preparation of the coordinated public transit-human services transportation plan shall be coordinated and consistent with the MTP process.
- FAST Planning Funds (5303); 9.03% non-federal share through Coordinated Planning Agreement. Will update the Coordinated Public Transit-Human Services Transportation Plan. Will provide planning support to the FNSB for FTA grant applications (5307, 5309, 5337, 5339 funds), transit technologies upgrades, Triennial review with FTA, MACS transit website modernization, fixed route maps, and social media messaging. FAST Planning will be developing these plans on behalf of the FNSB.

FFY2023 Apportionment: \$140,318

FFY2024 Apportionment: \$143,182

## References:

Kramer, J., Carroll, A., Karimi, B., Bond, A., & Lee, C. (2017). MPO Staffing and Organizational Structures. *Federal Highway Administration*.

Bond, A., Kramer, J., & Seggerman, K. (2010). Staffing and administrative capacity of Metropolitan Planning Organizations.



# Urbanized Area Boundary

