

K-15-1228

**AN AGREEMENT CONCERNING A  
TRANSPORTATION PLANNING PROCESS  
FOR THE  
BIRMINGHAM URBANIZED AREA**

15 NOV 12 PM 1:54

**BETWEEN  
THE ALABAMA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT  
AND  
THE REGIONAL PLANNING COMMISSION OF GREATER  
BIRMINGHAM  
THE BIRMINGHAM-JEFFERSON COUNTY TRANSIT  
AUTHORITY  
THE JEFFERSON COUNTY DEPARTMENT OF HEALTH  
THE BIRMINGHAM METROPOLITAN PLANNING ORGANIZATION  
AND  
THE STATE OF ALABAMA**

Sec. 1-1

An Agreement concerning a Metropolitan Transportation Planning Process for the Birmingham Urbanized Area amongst the Alabama Department of Environmental Management,

hereinafter referred to as ADEM;

the Regional Planning Commission of Greater Birmingham,

hereinafter referred to as RPCGB;

the Birmingham-Jefferson County Transit Authority,

hereinafter referred to as BJCTA;

the Jefferson County Department of Health,

hereinafter referred to as JCDH;

the Birmingham Metropolitan Planning Organization,

hereinafter referred to as MPO; and

the State of Alabama (acting by and through the Alabama Department of Transportation),

hereinafter referred to as ALDOT.

Sec. 1-2

- (a) WHEREAS, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition of the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning "3C PROCESS" that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods; and
- (b) WHEREAS, the Federal Transit Administration and Federal Highway Administration issued on July 6, 2012 new regulations concerning metropolitan transportation

planning. New regulations govern the development of metropolitan transportation plans and programs for urbanized areas resulting from the passage of Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Sec. 1-3

NOW, THEREFORE, it is hereby agreed as follows:

- (a) The parties to this Agreement resolve to support a continuing, cooperative, and comprehensive multimodal transportation planning process for the Birmingham Urbanized Area, hereinafter referred to as the "3C PROCESS;" and
- (b) FURTHERMORE, it is understood by the parties to this Agreement that an unwillingness to participate in the "3C PROCESS" may result in the Secretary of Transportation refusing to approve Federal Aid funds for surface transportation within the Birmingham Urbanized Area.
- (c) IT IS agreed and further understood by the parties of this Agreement that by execution of this Agreement upon and on behalf of ALDOT, the Governor designates the following as the MPO for the Birmingham Urbanized Area:

There will be no more than forty (40) voting members of the MPO Policy Committee from Districts 1-7.

- (1) District 1 is composed of the City of Birmingham, based upon the final decennial census, with nine (9) voting members of which at least four (4) representatives shall be elected officials with representatives to be selected by the Mayor.
- (2) District 2 is composed of Unincorporated Jefferson County, based upon the final decennial census, with five (5) voting members of which at least two (2) shall be elected officials and one shall be the Director of Roads and Transportation with representatives to be selected by the Jefferson County

Commissioner of Roads and Transportation.

- (3) District 3 is composed of all other municipalities within Jefferson County, based upon the final decennial census, with thirteen (13) voting members of which at least nine (9) shall be elected officials, with representatives to be selected by the Jefferson County Mayor's Association.
- (4) District 4 is composed of the City of Hoover within Jefferson County, based upon the final decennial census, with two (2) voting members to be selected by the Mayor.
- (5) District 5 is composed of incorporated and unincorporated areas in Shelby County, based upon the final decennial census, with eight (8) voting members. Six (6) representatives to be selected by the Shelby County Commission, one of which must be the county engineer, and one (1) each from the two most populous municipalities selected by their respective Mayors.
- (6) District 6 is composed of two (2) representatives from St. Clair County, based upon the final decennial census, to be selected by the St. Clair County Commission.
- (7) District 7 is composed of one (1) representative from Blount County, based upon the final decennial census, to be selected by the Blount County Commission.
- (8) One representative from the East Central Region, State of Alabama, Department of Transportation to be selected by the Region Engineer.
- (9) One representative from the Birmingham-Jefferson County Transit Authority to be selected by the Board Chairman.
- (10) One representative from Blount County Public Transportation to be selected by the Blount County Commission.

- (11) One representative from St. Clair County Public Transportation to be selected by the St. Clair County Commission.
- (d) IT IS agreed that any change in the voting membership of the MPO will be at the request of the MPO and with written approval of the Director of the Alabama Department of Transportation. Written approval of the Director of the Alabama Department of Transportation constitutes designation of MPO membership by the Governor of Alabama as required under Federal regulations when this Agreement is signed by the Governor. The MPO may add non-voting members to the MPO, as it deems appropriate.
- (e) IT IS agreed that overall direction of the "3C PROCESS" will be a function of the MPO as identified herein.

Sec. 1-4

- (a) The responsibilities of the MPO Policy Committee will be as follows:
  - (1) Organize and elect a Chairman and a Vice-Chairman and establish its rules of procedure and by-laws.
  - (2) Annually review and concur with the geographic composition of the Transportation Technical Committee and Transportation Citizens Committee, independent standing committees established under written agreement between the MPO, the Alabama Department of Transportation, and other major groups involved in transportation planning.
  - (3) Duly consider the recommendations of the Transportation Technical Committee and Transportation Citizens Committee on issues relative to the Long Range Transportation Plan (LRTP) [or Regional Transportation Plan (RTP)], the Transportation Improvement Program (TIP), and other matters pertaining to furthering the transportation planning process.

- (4) Set the transportation study area and Federal Aid planning area boundaries.
  - (5) Adopt transportation goals and objectives to guide the Birmingham Urbanized Area metropolitan planning process.
  - (6) Annually endorse the Unified Planning Work Program (UPWP) which documents the transportation-related planning activities to be performed with planning assistance provided under FTA and FHWA planning funds for Moving Ahead for Progress in 21<sup>st</sup> Century Act (MAP-21) and other funding sources.
  - (7) Review and endorse the Long Range Transportation Plan (LRTP) [or Regional Transportation Plan (RTP)] to confirm its validity and its consistency with current transportation and land use conditions as required by the State and Federal regulations.
  - (8) Adopt a TIP that is updated as required by the State and Federal regulations.
  - (9) Adopt and submit plans and recommendations to participating agencies and local governments.
  - (10) Outline and recommend specific responsibilities and services of each participating city, county commission, and department, and further, to develop procedures to be used in carrying out the transportation control measures of the State Implementation Plan.
  - (11) Review annually the transportation control measures of the State Implementation Plan to determine progress toward attainment of or continued compliance with the National Ambient Air Quality Standards (NAAQS).
- (b) IT IS further agreed that the MPO Advisory Committee, whose membership is defined through the MPO bylaws, will have the following responsibilities:
- (1) Make recommendations to the MPO Policy Committee related to the MPO responsibilities identified in Section 1-4.

- (2) Conduct activities that result in an action by the MPO Policy Committee concerning any of its legal responsibilities.
  - (3) Confer with the RPCGB Board of Directors.
- (c) IT IS further agreed that the Transportation Technical Committee, whose composition shall be reviewed and concurred with annually by the MPO Policy Committee, will have the following responsibilities:
- (1) Make recommendations to the MPO Policy Committee regarding the documents and materials necessary for the MPO endorsements.
  - (2) Make recommendations to the MPO Policy Committee regarding the elements of the metropolitan planning process necessary to meet the requirement for certification.
  - (3) Assist the RPCGB where possible in the development of specific program solutions to area-wide needs as identified through community research and public meetings.
- (d) IT IS further agreed that the Transportation Citizens Committee, whose composition shall be reviewed and concurred with annually by the MPO Policy Committee, will have the following responsibilities:
- (1) Make recommendations to the MPO Policy Committee regarding the documents and materials necessary for the MPO endorsements.
  - (2) Make recommendations to the MPO Policy Committee regarding the elements of the metropolitan planning process necessary to meet the requirements for certification.
  - (3) Assist the RPCGB where possible in the development of specific program solutions to area-wide needs as identified through community research and public meetings.

Sec. 1-5

- (a) IT IS further agreed that the RPCGB accepts and has the responsibility for the coordination of the "3C PROCESS" and further has the responsibility to provide the local coordination for all of the member governmental units and agencies as needed to achieve a comprehensive metropolitan planning program.
- (b) IT IS further agreed that the RPCGB accepts the designation as the recipient of metropolitan planning funds as provided in 23 U.S.C. 104(f) and 49 U.S.C. Chapter 53.
- (c) IT IS further agreed that the RPCGB will have the following duties and responsibilities:
  - (1) Administration of the study process by the execution of necessary contracts and the provision of financial support necessary for the implementation of the UPWP.
  - (2) Arrange meetings, set agenda, and serve as staff for the MPO Policy Committee, MPO Advisory Committee, Transportation Technical Committee, and Transportation Citizens Committee.
  - (3) Coordinate the development of the documents and material necessary for the MPO Policy Committee endorsements.
  - (4) Conduct the elements of the metropolitan planning process necessary to meet the requirements for certification.
  - (5) Coordinate the implementation of the planning tasks outlined in the UPWP.

Sec. 1-6

- (a) IT IS further agreed that ALDOT will have the following responsibilities:
  - (1) Dissemination of information and provision of planning assistance regarding metropolitan planning guidelines.
  - (2) Modeling assistance and necessary technical assistance related to the metropolitan planning guidelines.



- (b) IT IS further agreed that the ADEM will have the following responsibilities:
  - (1) Provide necessary technical information and calculations of reduction of emissions from stationary sources.
  - (2) Assist in calculating overall changes in emissions for mobile and stationary sources.
  - (3) Assist in the required updates of the Transportation Control Measures.
  - (4) Submit the updated Transportation Control Measures as a revision to the State Implementation Plan.
  
- (c) IT IS further agreed that the JCDH will have the following responsibilities:
  - (1) Provide necessary technical information and calculation of reduction of emissions from stationary sources.
  - (2) Assist in calculating overall changes in emissions for mobile and stationary sources.
  - (3) Assist in the required updates of the Transportation Control Measures.
  
- (d) IT IS further agreed that the BJCTA will have the following responsibilities:
  - (1) Support and conduct as necessary the transportation planning activities as identified in the UPWP.
  - (2) Provide the MPO with the information necessary for annual endorsement of Federal Transit Administration programs.

Sec. 1-7

- (a) IT IS recognized by the parties to this Agreement that the RPCGB performs the functions required by the Office of Management and Budget 2 CFR Chapter I, Chapter II, Part 200 et al. (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Award).

- (b) IT IS envisioned that the membership of the MPO, as set by this Agreement, and the Board of Directors of the RPCGB, will continually overlap to insure coordination of the “3C PROCESS” and regional plans.
- (c) IT IS further envisioned that the Executive Director of the RPCGB will review proposed programs and projects of the “3C PROCESS” and comment on their relationship to regional planning.
- (d) IT IS agreed that the base data, statistics, and projections developed by the RPCGB for regional comprehensive planning will be available to the MPO planning staff for determining socio-economic and land use data within the Birmingham metropolitan study area.

Sec. 1-8

- (a) IT IS agreed that the following agreements are hereby terminated and made null and void:
  - (1) February 1982, agreement concerning a Transportation Planning Process for the Birmingham area between the MPO, the BRPC, the JCDH, the AHD, and the AAPCC.
  - (2) May 1992, supplemental agreement concerning a Transportation Planning Process for the Birmingham area between the MPO, the BRPC, the JCDH, the AHD, and the ADEM.
  - (3) May 1995, agreement concerning a transportation planning process for the Birmingham Urbanized Area between the ADEM, the BRPC, the BJCTA, the JCDH, the MPO, and the State.
  - (4) July 30, 2008, agreement concerning a transportation planning process for the Birmingham Urbanized Area between the ADEM, the RPCGB, the BJCTA, the JCDH, the MPO, and the State.


- (b) IT IS agreed that this Agreement may be terminated by any party which provides the remaining parties written notice sixty (60) days in advance of the termination date. Such notice will be provided by registered mail and the termination date will be determined as that date sixty (60) days from date of delivery.
- (c) IT IS further agreed that this Agreement will remain in full force and effect upon succeeding State Administrations providing a succeeding State Administration does not advise the ADEM, the RPCGB, the BJCTA, the JCDH, and the MPO by letter within thirty (30) days after assuming office that this Agreement has been discontinued.
- (d) The RPCGB, the BJCTA, the JCDH, and the MPO will be responsible at all times for the maintenance of all of the planning work performed under this Agreement and especially, the RPCGB will protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, employees and agents of each from and against any and all actions, damages, claims loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the performed work under this Agreement and from and against those at anytime arising out of or connected with performed work.
- (e) By entering into this Agreement, the ADEM, the RPCGB, the BJCTA, the JCDH, and the MPO are not agents of ALDOT, its officers, employees, agents or assigns. The ADEM, the RPCGB, the BJCTA, the JCDH, and the MPO are independent entities from ALDOT and nothing in this Agreement creates an agency relationship between the parties.
- (f) By signing this contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision

shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.

- (g) Nothing shall be construed under the terms of this Agreement by the ADEM, the RPCGB, the BJCTA, the JCDH, and the MPO, or ALDOT that will cause any conflict with Title 23, Section 15 (1) of the Laws of the State of Alabama (7/24<sup>th</sup> Law).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by those persons duly authorized to execute same, to be effective upon its execution by the Governor of Alabama.


ATTEST:

  
\_\_\_\_\_

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

  
\_\_\_\_\_  
Director

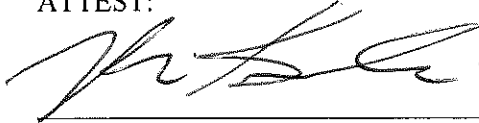
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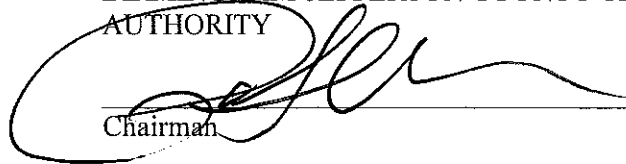
REGIONAL PLANNING COMMISSION OF GREATER/BIRMINGHAM

  
\_\_\_\_\_  
Chairman

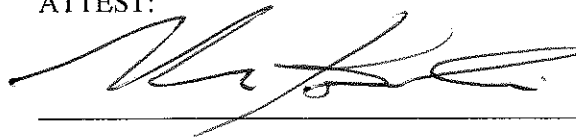
ATTEST:

  
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BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY

  
\_\_\_\_\_  
Chairman

ATTEST:

  
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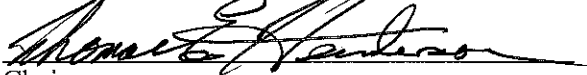
JEFFERSON COUNTY DEPARTMENT OF HEALTH

  
\_\_\_\_\_  
Health Officer

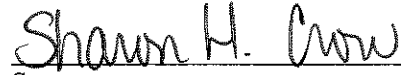
ATTEST:

  
\_\_\_\_\_

METROPOLITAN PLANNING ORGANIZATION

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary

EAST CENTRAL REGION

  
\_\_\_\_\_  
Region Engineer

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED  
AND APPROVED AS TO FORM AND CONTENT:

BY: Jim Appolito by J-7.  
Chief Counsel, Jim Appolito, Jr.

RECOMMENDED FOR APPROVAL:

Robert J. Jilla  
Multimodal Transportation Engineer,  
Robert J. Jilla

Ronald L. Baldwin  
Chief Engineer, Ronald L. Baldwin, P. E.

STATE OF ALABAMA  
ACTING BY AND THROUGH THE  
ALABAMA DEPARTMENT OF TRANSPORTATION

John R. Cooper  
Transportation Director, John R. Cooper

The foregoing agreement is hereby executed in the name of the State of Alabama and signed by  
the Governor on this 3rd day of December, 20 15.

Robert Bentley  
GOVERNOR OF ALABAMA, ROBERT BENTLEY

**RESOLUTION**  
**REGIONAL PLANNING COMMISSION OF GREATER BIRMINGHAM**  
**TRANSPORTATION PLANNING PROCESS AGREEMENT**

**WHEREAS**, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition of the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning "3C PROCESS" that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods, and

**WHEREAS**, an agreement concerning a transportation planning process for the Birmingham Urbanized Area was executed in May 1995 between the Alabama Department of Environmental Management, the Birmingham-Jefferson County Transit Authority, the Birmingham Regional Planning Commission, the Metropolitan Planning Organization, the Jefferson County Health Department, and the State of Alabama acting by and through the Alabama Department of Transportation, and

**WHEREAS**, the Federal Transit Administration and Federal Highway Administration issued on July 6, 2012 new regulations concerning metropolitan transportation planning. New regulations govern the development of metropolitan transportation plans and programs for urbanized areas resulting from the passage of Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), and

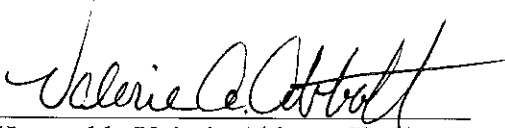
**WHEREAS**, an updated agreement referencing MAP-21 provisions has been prepared, and

**WHEREAS**, an unwillingness to participate in the "3C PROCESS" may result in the Secretary of Transportation refusing to approve federal-aid funds for surface transportation within the Birmingham urbanized area,

**NOW, THEREFORE, BE IT RESOLVED** by the Regional Planning Commission of Greater Birmingham that it be a party to and execute the updated agreement concerning a transportation planning process.

**CERTIFICATION**

I hereby certify that this is a true and correct copy of a resolution adopted by the Regional Planning Commission of Greater Birmingham at a meeting held on August 19, 2015.

  
\_\_\_\_\_  
Honorable Valerie Abbott, Chairman

8/19/15  
Date

**RESOLUTION**  
**BIRMINGHAM METROPOLITAN PLANNING ORGANIZATION**  
**TRANSPORTATION PLANNING PROCESS AGREEMENT**

**WHEREAS**, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition of the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning "3C PROCESS" that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods, and

**WHEREAS**, an agreement concerning a transportation planning process for the Birmingham Urbanized Area was executed in May 1995 between the Alabama Department of Environmental Management, the Birmingham-Jefferson County Transit Authority, the Birmingham Regional Planning Commission, the Metropolitan Planning Organization, the Jefferson County Health Department, and the State of Alabama acting by and through the Alabama Department of Transportation, and

**WHEREAS**, the Federal Transit Administration and Federal Highway Administration issued on July 6, 2012 new regulations concerning metropolitan transportation planning. New regulations govern the development of metropolitan transportation plans and programs for urbanized areas resulting from the passage of Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), and

**WHEREAS**, an updated agreement referencing MAP-21 provisions has been prepared, and

**WHEREAS**, an unwillingness to participate in the "3C PROCESS" may result in the Secretary of Transportation refusing to approve federal-aid funds for surface transportation within the Birmingham urbanized area,

**NOW, THEREFORE, BE IT RESOLVED** by the Birmingham Metropolitan Planning Organization that it be a party to and execute the updated agreement concerning a transportation planning process.

**CERTIFICATION**

I hereby certify that this is a true and correct copy of a resolution adopted by the Birmingham Metropolitan Planning Organization at a meeting held on September 9, 2015.

  
Honorable Tom Henderson, Chairman

9/9/15  
Date





**It's time to ride!**

Birmingham-Jefferson County Transit Authority  
2121 Rev. Abraham Woods, Jr. Blvd; Ste. 500 Birmingham, Alabama 35203  
Phone (205) 521-0161 x117 Fax (205) 252-7633  
Website: [www.bjcta.org](http://www.bjcta.org)

**Resolution No. 2015-49**

**Birmingham Jefferson County Transit Authority**

**TRANSPORTATION PLANNING PROCESS AGREEMENT**

**WHEREAS**, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition of the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning "3C PROCESS" that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods, and

**WHEREAS**, an agreement concerning a transportation planning process for the Birmingham Urbanized Area was executed in May 1995 between the Alabama Department of Environmental Management, the Birmingham-Jefferson County Transit Authority, the Birmingham Regional Planning Commission, the Metropolitan Planning Organization, the Jefferson County Health Department, and the State of Alabama acting by and through the Alabama Department of Transportation, and

**WHEREAS**, the Federal Transit Administration and Federal Highway Administration issued on July 6, 2012 new regulations concerning metropolitan transportation planning. New regulations govern the development of metropolitan transportation plans and programs for urbanized areas resulting from the passage of Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), and

**WHEREAS**, an updated agreement referencing MAP-21 provisions has been prepared, and

**WHEREAS**, an unwillingness to participate in the "3C PROCESS" may result in the Secretary of Transportation refusing to approve federal-aid funds for surface transportation within the Birmingham urbanized area,

**NOW, THEREFORE, BE IT RESOLVED** by the Birmingham-Jefferson County Transit Authority, that it be a party to and execute the updated agreement concerning a transportation planning process.

CERTIFICATION

I hereby certify that this is a true and correct copy of a resolution adopted by the Birmingham-Jefferson County Transit Authority at a meeting held on September 30, 2015.

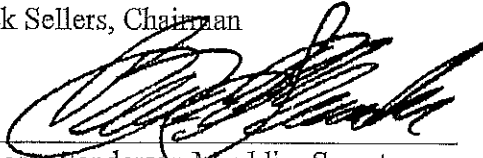
  
\_\_\_\_\_

Rev. Patrick Sellers, Chairman

9/30/15

Date

Attest:

  
\_\_\_\_\_

Bacarra Sanderson Mauldin, Secretary



**RESOLUTION**  
**JEFFERSON COUNTY DEPARTMENT OF HEALTH**  
**TRANSPORTATION PLANNING PROCESS AGREEMENT**

**WHEREAS**, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition of the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning "3C PROCESS" that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods, and

**WHEREAS**, an agreement concerning a transportation planning process for the Birmingham Urbanized Area was executed in May 1995 between the Alabama Department of Environmental Management, the Birmingham-Jefferson County Transit Authority, the Birmingham Regional Planning Commission, the Metropolitan Planning Organization, the Jefferson County Department of Health, and the State of Alabama acting by and through the Alabama Department of Transportation, and

**WHEREAS**, the Federal Transit Administration and Federal Highway Administration issued on July 6, 2012 new regulations concerning metropolitan transportation planning. New regulations govern the development of metropolitan transportation plans and programs for urbanized areas resulting from the passage of Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), and


**WHEREAS**, an updated agreement, attached hereto, referencing MAP-21 provisions has been prepared, and

**WHEREAS**, an unwillingness to participate in the "3C PROCESS" may result in the Secretary of Transportation refusing to approve federal-aid funds for surface transportation within the Birmingham urbanized area,

**NOW, THEREFORE, BE IT RESOLVED** by the Jefferson County Department of Health, that it be a party to and execute the updated agreement concerning a transportation planning process.

**CERTIFICATION**

I hereby certify that this is a true and correct copy of a resolution adopted by the Jefferson County Department of Health at a meeting held on September 9, 2015.

  
\_\_\_\_\_  
Mark E. Wilson, M.D., Health Officer  
Jefferson County, AL

9-9-2015  
Date