

**AN AGREEMENT
CONCERNING THE TRANSPORTATION PLANNING PROCESS
FOR THE PENSACOLA FL-AL URBANIZED AREA
AMONG
THE FLORIDA-ALABAMA TRANSPORTATION PLANNING ORGANIZATION,
THE BALDWIN COUNTY, ALABAMA, BOARD OF COUNTY COMMISSIONERS,
AND
THE ALABAMA DEPARTMENT OF TRANSPORTATION**

This agreement, concerning the Metropolitan Transportation Planning Process for the Pensacola FL-AL Urbanized Area, is made among the Florida-Alabama Transportation Planning Organization, hereinafter referred to as the TPO; the Baldwin County Alabama, Board of County Commissioners, hereinafter referred to as the COUNTY; and the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to as the STATE.

WHEREAS, Section 134 of Title 23 of the United States Code and Section 5303 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 process that results in plans and programs that considers all transportation modes in support of metropolitan community development and growth and social goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the safe, efficient, and economical movement of people and goods; and

WHEREAS, the US Bureau of the Census, with concurrence of the Governors of Alabama and Florida, has designated a portion of Baldwin County Alabama, including the Community of Lillian, as a portion of the Pensacola FL-AL Urbanized Area; and

WHEREAS, the Transportation Planning Division of the West Florida Regional Planning Council is the designated planning agency for the newly redesignated TPO; and

WHEREAS, 23 U.S.C. 104(f) and 49 U.S.C. Section 5303 authorize certain federal funds, commonly referred to as Federal Highway Administration (FHWA) Planning (PL) funds and Federal Transit Administration (FTA) Section 5303 transit planning funds respectively, to be made available to designated transportation planning agencies to support the metropolitan transportation planning process and the TPO shall be the recipient of these transportation planning funds; and

WHEREAS, the STATE receives funds from FHWA and FTA and has executed an agreement with the COUNTY to pass PL and, in the future, Section 5303 funds to the COUNTY;

NOW, THEREFORE, the parties hereto, for, and in consideration of the mutual benefits and premises stated herein, do hereby mutually promise, stipulate, and agree as follows:

**ARTICLE 1
RECITALS**

The parties to this agreement resolve to support a continuing transportation planning process for the Pensacola FL - AL Urbanized Area, hereinafter referred to as the "3C PROCESS".

Furthermore, it is understood by the parties to this agreement that an unwillingness to participate in the "3C PROCESS" may result in the U.S. Secretary of Transportation refusing to approve federal-aid funds for surface transportation projects within the Pensacola FL - AL Urbanized Area. It is agreed and understood by the parties of this agreement that execution of this agreement upon and on behalf of the states of Florida and Alabama, the Governors designate the Florida-Alabama Transportation Planning Organization as the metropolitan planning organization for the Pensacola FL-AL Urbanized Area.

ARTICLE 2 MEMBERSHIP

The TPO, as reorganized, includes the following voting and non-voting members on its Policy Board. It is agreed that any change in the membership of the TPO, either Alabama or Florida members, shall be at the request of the TPO and submitted and approved according to procedures on Membership Reapportionment. This procedure requires written approval of the Director of the Alabama Department of Transportation and Governor of the State of Florida. Written approval of the Director of the Alabama Department of Transportation constitutes designation of TPO membership by the Governor of Alabama, as required under federal regulations. The TPO may add non-voting members to the TPO as it deems appropriate.

- (a) Voting Members – Seventeen (17) members apportioned as follows:
 - 5 members Escambia County, Florida, Board of County Commissioners,
 - 5 members Santa Rosa County, Florida, Board of County Commissioners,
 - 5 members Pensacola City Council,
 - 1 member Gulf Breeze City Council, and
 - 1 member Milton City Council.

- (b) Non-Voting Members – Three (3) non-voting members are:
 - One (1) Baldwin County Alabama County Commissioner whose Commission District, or portion thereof, is within the TPO Metropolitan Planning Area Boundary,
 - the Florida Department of Transportation District Secretary, and
 - the Alabama Department of Transportation Division Engineer.

ARTICLE 3 ADVISORY COMMITTEES

The TPO maintains three (3) advisory committees; a Technical Coordinating Committee (TCC); a Citizens Advisory Committee (CAC); and a Bicycle/Pedestrian Advisory Committee. The COUNTY will appoint members to each of these advisory committees according to qualifications of members and purposes of each committee.

(a) The TCC is comprised of persons having expertise in planning, engineering, local government management, transportation operations, or utilities. A representative TCC, to be appointed by the TPO, will have the following responsibilities: (1) make recommendations to the TPO regarding the documents and materials necessary for the TPO endorsements, and (2) make recommendations to the TPO regarding the elements of the metropolitan planning process necessary to meet the requirements for certification.

(b) The CAC is comprised of persons who have an interest in transportation and transportation planning; and who are not qualified as TCC members. A representative CAC, to be appointed by the TPO, will have the following responsibilities: (1) make recommendations to the TPO regarding the documents and materials necessary for the TPO endorsements, (2) make recommendations to the TPO regarding the elements of the metropolitan planning process necessary to meet the requirements for certification, and (3) bring issues of importance to the citizens of the urbanized area to the attention of the TPO for action.

(c) The BPAC is comprised of persons who are active advocates for safety in cycling and walking, educators, planners, engineers, and other citizens who have an interest in promoting non-motorized transportation options. A representative BPAC, to be appointed by the TPO, will have responsibilities similar to those of the TCC and CAC, with focus on issues affecting safe and efficient use of non-motorized modes of travel.

ARTICLE 4 RESPONSIBILITIES OF THE TPO

The primary responsibilities of the TPO will be as follows:

(a) Organize and elect a Chairman, Vice-Chairman, and establish its rules of procedure and by-laws;

(b) Approve local government appointments to the TCC, CAC, and BPAC;

(c) Take official action on transportation matters affecting the designated Metropolitan Planning Area, establish transportation policies, and act on recommendations from the TCC, CAC, and BPAC;

(d) Establish the Metropolitan Planning Area (MPA) and Federal-Aid Urban Boundaries, according to established procedures;

(e) Annually endorse the Unified Planning Work Program (UPWP), which documents transportation planning tasks and task budgets to be completed during the planning year; budgets shall identify Federal (PL and Section 5303), state, and local funds to be used to support the planning activities; a separate planning task and budget, describing work for the Lillian community, will be included and the accomplishments of this task will be the basis for the progress reports and invoices sent to Baldwin County for reimbursement of expenses;

(f) Develop and maintain a 20-year Long Range Transportation Plan (LRTP) for the MPA. The LRTP is updated every 5 years and includes: establishment of goals and objectives to be met by approved projects, a citizen involvement plan, a projection of Federal, state, local, and private funds that may be available to construct transportation projects through the life of the LRTP, analysis of land use and transportation alternatives included in a Needs Assessment, and an adopted Cost-Feasible Plan, which is constrained by the financial resources forecast;

(g) Develop and maintain a Transportation Improvement Program (TIP). The TIP includes the TPO Project Priorities, submitted in September, and a final document approved in June. The TIP must be consistent with the State Transportation Improvement Programs (STIPs) of the Alabama and

Florida Departments of Transportation. The TIP is also amended, as needed, to maintain consistency. Locally or privately funded projects may be included in the TIP for information purposes;

(h) Provide review and comment to the Departments of Transportation with regard to the Work Programs' advancement of projects in the TPO's adopted LRTP and TIP;

(i) Develop, adopt, and submit special plans and transportation recommendations to participating agencies, local governments, and the STATE;

(j) Administrative duties of the TPO will include:

- (1) Administration of the study process by the execution of necessary contracts and the provision of financial support necessary for the implementation of the Unified Planning Work Program.
- (2) Arrange meetings, set agenda, and serve as Secretary for the TPO, TCC, CAC, and BPAC.
- (3) Coordinate the development of the documents and material necessary for the MPO 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 Unified Planning Work Program.

ARTICLE 5 FUNDING, PROGRESS REPORTS, INVOICING, AUDIT

The TPO agrees to accept the designation as the recipient of metropolitan planning funds as provided in 23 U.S.C. 104F and 49 U.S.C. 5303. The TPO shall prepare a progress report describing accomplishments to comply with transportation planning requirements for Baldwin County. A progress report shall be sent to the COUNTY no less than once per quarter. Each invoice shall be accomplished by a progress report. The TPO will invoice the COUNTY for charges incurred for planning in the Alabama portion of the Pensacola FL-AL Urbanized Area.

The TPO shall have an annual audit completed and shall submit a copy of the audit to the COUNTY and the STATE.

ARTICLE 6 RESPONSIBILITIES OF THE STATE

It is agreed that the STATE will have the following responsibilities:

- (a) Dissemination of information and provision of planning assistance regarding metropolitan planning guidelines, including information about STATE policies, projects, planning activities, and Work Program, as they affect the Alabama portion of the MPA.
- (b) Modeling assistance and necessary technical assistance related to the metropolitan planning guidelines.

ARTICLE 7
DURATION, TERMINATION, AND EFFECTIVE DATE

(a) This Agreement shall have a term of 5 years and shall automatically renew at the end of 5 years for another term of 5 years, and every 5 years thereafter. At the end of each 5 year term, and at least every 5 years thereafter, the parties hereto shall examine the terms of this agreement and amend or reaffirm as needed. However, failure to amend or reaffirm the terms of this Agreement shall not invalidate or otherwise terminate this Agreement. Further, this agreement will remain in full force and effect upon succeeding State Administrations, providing a succeeding State Administration does not advise the COUNTY and the TPO, by letter within 30 days after assuming office, that this agreement has been discontinued.

(b) This agreement may be terminated by any party which provides the remaining parties written notice 90 days in advance of the termination date. Such notice shall be provided by registered mail and the termination date shall be determined as that date 90 days from date of delivery. All notices, demands, and correspondence required or provided under this Agreement shall be in writing and addressed as follows:

Florida-Alabama Transportation Planning Organization
P.O. Box 9759
Pensacola, FL 32513-9759
ATTN: TPO Chairman

Baldwin County Board of County Commissioners
Baldwin County Administration Building
312 Courthouse Square, Suite 12
Bay Minnette, AL 36507
ATTN: BCC Chairman

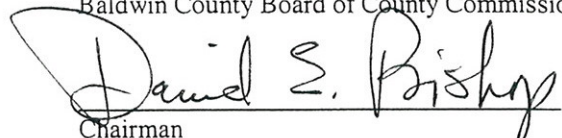
Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, AL 36130-3050
ATTN: Transportation Director

(c) This Agreement shall become effective immediately upon its approval and signature by all three parties to the Agreement.

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 and countersigned by the Secretary of State.

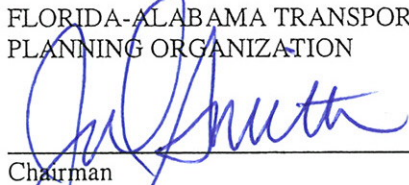
ATTEST:


Clerk

Baldwin County Board of County Commissioners

Chairman

ATTEST:

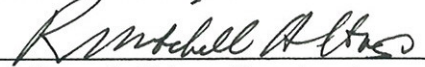

Director of Transportation Planning

FLORIDA-ALABAMA TRANSPORTATION
PLANNING ORGANIZATION

Chairman

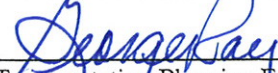
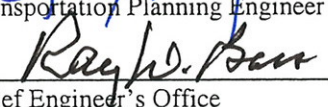
APPROVED AS TO FORM

Legal Counsel, Florida Department
of Transportation

APPROVED AS TO FORM


Legal Counsel, Alabama Department
of Transportation

RECOMMENDED FOR APPROVAL:


Transportation Planning Engineer

Chief Engineer's Office

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


Transportation Director

The foregoing agreement is hereby executed in the name of the State of Alabama and signed by the Governor on this 6th day of April, 2005.


Governor, State of Alabama

COUNTERSIGNED:

Secretary of State