

COOPERATIVE AGREEMENT  
between the  
CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT  
and the  
CITY OF JACKSON, MISSISSIPPI

WHEREAS, the Parties wish to maintain a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process as defined and required by: the United States Department of Transportation (USDOT) regulations 23 CFR Parts 450 and 500 and 49 CFR Part; 23 USC §§ 134 and 135; and 49 USC §§ 5303 and 5304; and

WHEREAS, Congress enacted a new transportation law, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. No. 112-141, which was signed by the President on July 7, 2012; and

WHEREAS, MAP-21 significantly modifies and/or extends the previous transportation law, Safe Accountable Flexible Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU); and

WHEREAS, MAP-21 authorizes spending on federal highway and public transportation programs, surface transportation safety and research, and some rail programs and activities through September 30, 2014, a 27-month authorization; and

WHEREAS, MAP-21 continues the practices of authorizing federal transportation funds that are flexible, meaning funds that states can use for a variety of qualifying purposes, such funding shall now flow through an altered programmatic structure from the Federal Transit Administration (FTA) to the Federal Highway Administration (FHWA), to the Mississippi Department of Transportation (MDOT); and

WHEREAS, to increase program efficiency through performance-based planning and the streamlining of project development, MAP-21 requires the adoption of performance-based management practices by each recipient of federal-aid transportation funding to support national goals set by USDOT and evaluation of the Metropolitan Planning Organization's (MPO's) progress toward achieving its performance targets; and

WHEREAS, the provisions contained in **MAP-21** are implemented through the **Statewide Transportation Planning and Programming/ Metropolitan Transportation Planning and Programming Final Rule** (Title 23, **Code of Federal Regulations**, Parts 450 and 500, and Title 49, **Code of Federal Regulations**, Part 613); and

WHEREAS, Section 450.310 (a) of the aforementioned regulations, as amended, states: "To carry out the metropolitan transportation planning process—, a metropolitan planning organization (MPO) shall be designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the Census)"; and

WHEREAS, the Central Mississippi Planning and Development District (CMPDD) has been designated by the Governor of Mississippi as the “Metropolitan Planning Organization” for the Jackson, Mississippi Metropolitan Planning Area, hereinafter referred to as “the MPO”; and

WHEREAS, Section 450.314 (a) of the **Final Rule** states: “The MPO, the State(s) and the public transportation operators(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the public transportation operator(s) serving the Metropolitan Planning Area.—The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan and the metropolitan Transportation Improvement Program and development of the annual listing of obligated projects;” and

WHEREAS, the City of Jackson, hereinafter referred to as “the City”, is the only general public transportation operator in the Jackson Urbanized Area; and

WHEREAS, 23 USC §§ 134 states, “ Not later than 2 years after the date of enactment of MAP-21, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

WHEREAS, the City, as an existing member of the MPO Planning Policy Committee board shall continue to serve in a dual capacity as municipality and public transportation representative, being the only general public transportation operator in the Jackson Urbanized Area; and

WHEREAS, Section 450.308 (c)states: “—each MPO, in cooperation with the State(s) and public transportation operator(s), shall develop a Unified Planning Work Program (UPWP) that includes a discussion of the planning priorities facing the Metropolitan Planning Area (MPA); and the UPWP shall identify work proposed for the next one- or two-year period by major activity and task;” and

WHEREAS, Section 450.322 (a) of the Final Rule states: “The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon as of the effective date; (b) the transportation plan shall include both long-range and short-range strategies/ actions that lead to the development of an integrated multimodal transportation system—;” and

WHEREAS, Section 450.322 (c) of the Final Rule also states: “The MPO shall review and update the transportation plan—at least every five years in (air quality) attainment areas to confirm the transportation plan’s validity and consistency with current and forecasted transportation and land use conditions and trends—;” and

WHEREAS, Section 450.322 (e) states: “The MPO, the State(s) and the public transportation operator(s) shall validate data utilized in preparing other existing modal plans for providing input

to the transportation plan. In updating the transportation plan, the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion and economic activity;" and

WHEREAS, the Parties wish the Metropolitan Planning Agreement under 23 CFR § 450.314, to more clearly state the primary roles and responsibility of the MPO in coordination with the City in the administration of the planning program and development of the planning documents: Long-Range Transportation Plan, Unified Planning Work Program, Transportation Improvement Program and the Public Participation Plan.

**NOW THEREFORE**, in consideration of the inducements, terms and conditions herein contained, the Parties hereby agree as follows:

This document is a written expression of the Parties intent to continue a Metropolitan Planning Agreement and to clarify the roles and responsibilities of the Parties and revise other provisions to reflect changes in the federal transportation laws and regulations.

#### **METROPOLITAN TRANSPORTATION PLAN (MTP)**

1. The MPO shall be responsible for initiating and developing, a MTP for the metropolitan planning area that meets the requirements of 23 CFR § 450.322 for the development of an integrated multimodal transportation system, this will be in cooperation with the MDOT and the City.
2. The City, in accordance with the aforementioned Section 450.322 (e) and using Title 49, United States Code, Section 5307 funds apportioned to the City, shall be responsible for developing estimates and projections of population, number of dwelling units, employment and other data for each transportation plan update for the area encompassed by corporate limits of the City of Jackson; and the MPO, using Title 23, United States Code, Section 104 (f) transportation planning funds and Title 49, United States Code, Section 5305d and 5305e transportation planning funds, shall be responsible for developing such estimates and projections for all sections of the projected urbanized area outside of the corporate limits of the City of Jackson.
3. The City, as the federally recognized transit provider in the Jackson Urbanized Area and in cooperation with the MPO, shall be responsible for developing the Regional Transit Plan component of the MTP.
4. The MPO will, in the development of the Public Participation Plan (PPP), develop specific strategies and activities which allow full public access and early reasonable opportunity participation in the MTP development process, as well as reasonable opportunity to comment on drafts or amendments to the TIP.
5. The MPO's final MTP will provide a summary, analysis, and report on the disposition of significant written and oral comments that are received on the drafts from the public

participation process and interagency consultation required under EPA transportation conformity regulations (40 CFR Part 93).

6. The MTP will reflect the active participation of all agencies responsible for transportation planning and public/private operators in the metropolitan planning area as well as public participation and comment, at key decision points in the MTP development process, including the development of financial plans in support of the MTP.
7. The City shall cooperate with the MPO by developing and sharing information related to the development of a *financial plan* that supports all updates of MTP's, including both the street improvement portions and the transit components, and the development of the annual listings of obligated projects; this shall *include estimates of projected costs and revenues for street improvements and the transit system*.
8. The financial information and financial plans that support the MTP will reflect public and private sources of funding and cash management techniques. The fiscal constraint demonstration for projects supported by transfers of Federal flexible funds should be based on the original funding source. The fiscal constraint demonstration for projects supported by the pre-flex funding programs take the flexible fund transfer into account.
9. This agreement will incorporate by reference any subsequent federal or state regulations implementing Title 23 U.S.C. or MAP-21, or guidance on this provision regarding responsibilities, content, criteria and procedures for the MTP.

#### **UNIFIED PLANNING WORK PROGRAM (UPWP)**

1. As the designated recipient for Title 23, United States Code, Section 104 (f) FHWA planning funds and Title 49, United States Code, Section 5305 (d) and 5305 (e) funds, the MPO shall be responsible for developing goals, objectives, task descriptions and budgets for those tasks in the UPWP to be financed through these funds that meets the requirements of 23 CFR § 450.308(c) required of the metropolitan transportation planning process. In addition, the MPO shall be responsible for submitting invoices and progress reports to the MDOT on a regularly scheduled quarterly basis. These invoices and reports will reflect progress achieved and costs incurred for each task receiving the aforementioned funds. These quarterly reports shall be due to the MDOT no later than the 20<sup>th</sup> of January, April, July and October of each fiscal year.
2. As the designated recipient for Title 49, United States Code, Section 5307 funds, which are now flexed over to the FHWA from the FTA via the Consolidated Planning Grant program, the City shall be responsible for developing goals, objectives, task descriptions and budgets for those tasks in the UPWP to be financed through these funds that meets the requirements of 23 CFR § 450.308(c) required of the metropolitan transportation planning process. In addition, the City shall be responsible for submitting invoices and progress reports to the MDOT on a regularly scheduled quarterly basis. These invoices and reports will reflect progress achieved and costs incurred for each task receiving the

aforementioned funds. These quarterly reports shall be due to the MDOT no later than the 20<sup>th</sup> of January, April, July and October of each fiscal year.

3. The UPWP will reflect the active participation of all agencies responsible for transportation planning and public/private transportation operators in the metropolitan planning area.
4. The MPO and the City will cooperatively develop and share information related to the development of the financial plans to develop the annual listing of obligated projects.
5. The MPO and the City will cooperatively prepare and submit an Annual Performance and Expenditure Report to MDOT which will include new performance-based measures mandated by USDOT, FHWA, FTA, MDOT and MAP-21.
6. The MPO and the City will coordinate the selection of performance targets with MDOT and adopt performance measures within 180 days of MDOT's adoption of performance targets.
7. This agreement will incorporate by reference any subsequent federal or state regulations implementing Title 23 U.S.C. or MAP-21, or guidance on this provision regarding responsibilities, content, criteria and procedures for the UPWP.

#### **TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

1. At least every four-years, the MPO, in coordination with the City of Jackson, is responsible for developing a four-year multimodal TIP for the metropolitan planning area (23 CFR § 450.324) that establishes a clear set of short-term transportation priorities that formally implements the MTP.
2. The TIP will reflect the active participation of all agencies responsible for transportation planning and public/private operators in the metropolitan planning area as well as public participation and comment at key decision points in the TIP development process, including the development of financial plans in support of the TIP.
3. The City, as the federally recognized transit provider in the Jackson Urbanized Area, shall cooperate with the MPO in the development and maintenance of the TIP. The City shall provide to the MPO all documentation necessary for the development and maintenance of the TIP as required by the FTA, including any information necessary for administrative modifications, amendments, and development of the annual listing of obligated projects per 23 CFR § 450.332.
4. The City shall cooperate with the MPO by developing and sharing information related to the development of a *financial plan* that supports all updates of the TIP and the development of the annual listings of obligated projects. This shall include the City ensuring all projects in the TIP receiving FTA funds are financially constrained.

5. The MPO will, in the development of the Public Participation Plan (PPP), develop specific strategies and activities which allow full public access and early reasonable opportunity participation in the TIP development process, as well as reasonable opportunity to comment on drafts or amendments to the TIP.
6. The MPO's final TIP will provide a summary, analysis, and report on the disposition of significant written and oral comments that are received on the drafts from the public participation process and interagency consultation required under EPA transportation conformity regulations (40 CFR Part 93).
7. This agreement will incorporate by reference any subsequent federal or state regulations implementing Title 23 U.S.C. or MAP-21, or guidance on this provision regarding responsibilities, content, criteria and procedures for the TIP.

#### **PUBLIC PARTICIPATION PLAN (PPP)**

1. The MPO is responsible for developing a PPP that meets the requirement of 23 CFR §§ 450.316, 450.322 and 450.324, and includes effective strategies for engaging public access, participation and comment.
2. The MPO will develop specific strategies and activities which allow full public access and early reasonable opportunity participation in the MTP and TIP development process, as well as reasonable opportunity to comment on drafts or amendments to the MTP and TIP.
3. The MPO's final MTP and TIP will provide a summary, analysis, and report on the disposition of significant written and oral comments that are received on the drafts from the public participation process and interagency consultation required under EPA transportation conformity regulations (40 CFR Part 93).
4. This amendment will incorporate by reference any subsequent federal or state regulation implementing Title 23 U.S.C. or MAP-21, or guidance on this provision regarding responsibilities, content, criteria and procedures for the PPP.

#### **TRANSPORTATION MANAGEMENT AREA (TMA) CERTIFICATION REVIEW**

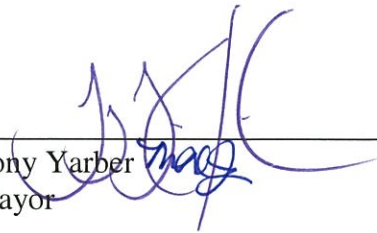
1. The City and the MPO shall cooperatively respond to all requests from the FHWA and FTA as it relates to the federally mandated TMA Certification Review, this may include, but not be limited to: providing all requested documentation as it relates to the transportation planning process, completing and responding to all questions included in the Certification Review questionnaire and any other requests made by the FHWA and FTA as it relates to the Certification Review process.

**IN WITNESS WHEREOF**, the undersigned, duly authorized representatives of the Metropolitan Planning Organization and the City of Jackson have executed this Agreement for and on behalf of the aforesaid agency or organization and that in so executing this instrument the undersigned was duly authorized to do so in their named capacity this the 16<sup>th</sup> day of July, 2014.

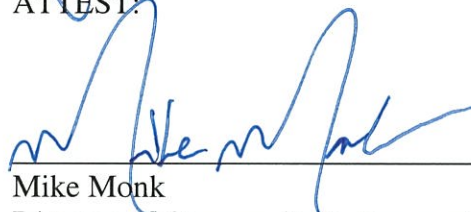
CENTRAL MISSISSIPPI PLANNING  
AND DEVELOPMENT DISTRICT

  
\_\_\_\_\_  
F. Clarke Holmes  
Chief Executive Officer

CITY OF JACKSON, MISSISSIPPI

  
\_\_\_\_\_  
Tony Yarber  
Mayor

ATTEST:

  
\_\_\_\_\_  
Mike Monk  
Director of Community & Economic  
Development

  
\_\_\_\_\_  
Brenda Pree  
City Clerk

**FIRST AMENDMENT TO  
METROPOLITAN PLANNING AGREEMENT  
BETWEEN  
THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
AND  
CENTRAL MISSISSIPPI PLANNING & DEVELOPMENT DISTRICT**

**THIS AMENDMENT** is made between the Mississippi Transportation Commission, by and through the Executive Director of the Mississippi Department of Transportation (MDOT) and the Central Mississippi Planning & Development District, acting as the designated Metropolitan Planning Organization (MPO), to the Metropolitan Planning Agreement entered into between the Parties. This Amendment and the subject Metropolitan Planning Agreement shall terminate ten (10) years from this effective date.

**WHEREAS**, the Parties wish to maintain a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process as defined and required by: the United States Department of Transportation (USDOT) regulations 23 CFR Parts 450 and 500 and 49 CFR Part; 23 USC §§ 134 and 135; and 49 USC §§ 5303 and 5304.

**WHEREAS**, Congress enacted a new transportation law, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. No. 112-141, which was signed by the President on July 6, 2012;

**WHEREAS**, MAP-21 significantly modifies and/or extends the previous transportation law, Safe Accountable Flexible Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU);

**WHEREAS**, MAP-21 authorizes spending on federal highway and public transportation programs, surface transportation safety and research, and some rail programs and activities through September 30, 2014, a 27-month authorization;

**WHEREAS**, MAP-21 Act, 23 USC § 134 and 49 USC § 5303 require Metropolitan Planning Organizations to develop and approve a Transportation Improvement Program;

**WHEREAS**, MAP-21, 23 USC § 134 and 49 USC § 5303 require projects contained in the Transportation Improvement Program to be financially constrained;

**WHEREAS**, MAP-21, 23 USC § 134 and 49 USC § 5303 require Transportation Improvement Programs be developed and amended with planned public participation;

**WHEREAS**, MAP-21 combines the Recreational Trails, Safe Routes to Schools, Transportation Enhancements, and certain other eligibilities into a new core program, Transportation Alternatives;

**WHEREAS**, MAP-21 continues the practices of authorizing federal transportation funds that are flexible, meaning funds that states can use for a variety of qualifying purposes, such funding shall now flow through an altered programmatic structure from the Federal Transit Administration (FTA) to the Federal Highway Administration (FHWA) to the MDOT;



**WHEREAS**, to increase program efficiency through performance-based planning and the streamlining of project development, MAP-21 requires the adoption of performance-based management practices by each recipient of federal-aid transportation funding to support national goals set by USDOT and evaluation of the MPO's progress toward achieving its performance targets;

**WHEREAS**, MAP-21's use of "initial calculation" across all core formula programs to set the State's apportionment share with minimum guaranteed share has eliminated the equity bonus program;

**WHEREAS**, U.S. Census Bureau has published new urbanized areas and urban clusters based on the 2010 decennial Federal census, prompting the FTA and FHWA to designate new Transportation Management Areas and a review and update of metropolitan planning area metrics is now necessary;

**WHEREAS**, the Parties have originally entered into an Agreement dated June 8, 2008, and wish to make certain amendments to the same and,

**WHEREAS** the Parties wish the Metropolitan Planning Agreement under 23 CFR § 450.314, to more clearly state the primary roles and responsibility of the MPO in coordination with MDOT in the administration of the planning program and development of the planning documents: Unified Planning Work Program, Transportation Improvement Program, the Long-Range Transportation Plan, and Public Participation Plan.

**NOW THEREFORE**, in consideration of the inducements, terms and conditions herein contained, the Parties hereby agree to amend the Agreement as follows:

This Amendment is a written expression of the Parties intent to continue Metropolitan Planning Agreement and amend certain provisions of that Agreement to clarify the roles and responsibilities of the Parties and revise other provision to reflect changes in the federal transportation laws and regulations.

#### **LONG-RANGE TRANSPORTATION PLAN (LRTP)**

1. The MPO is responsible for developing a LRTP for the metropolitan planning area that meets the requirements of 23 CFR § 450.322 for the development of an integrated multimodal transportation system.
2. The LRTP will reflect the active participation of all agencies responsible for transportation planning and public/private operators in the metropolitan planning area as well as public participation and comment, at key decision points in the LRTP development process, including the development of financial plans in support of the LRTP.
3. MDOT and the MPO will cooperatively develop and share information related to the development of the financial plans to support the LRTP.
4. The financial information and financial plans that support the LRTP will reflect public and private sources of funding and cash management techniques. The fiscal constraint demonstration for projects supported by transfers of Federal flexible funds should be

based on the original funding source. The fiscal constraint demonstration for projects supported by the pre-flex funding programs take the flexible fund transfer into account.

5. Following MPO's adoption and submission of a final LRTP, the MPO will transmit copies of the LRTP to MDOT.
6. This amendment will incorporate by reference any subsequent federal or state regulation implementing Title 23 U.S.C. or MAP-21, and guidance on this provision regarding responsibilities, content, criteria and procedures for the LRTP.

#### **UNIFIED PLANNING WORK PROGRAM (UPWP)**

1. The MPO is responsible for developing a UPWP for the metropolitan planning area that meets the requirements of 23 CFR § 450.308(c) and includes the goals, objectives, and tasks required of the metropolitan transportation planning process.
2. The UPWP will reflect the active participation of all agencies responsible for transportation planning and public/private transportation operators in the metropolitan planning area.
3. MDOT and the MPO will cooperatively develop and share information related to the development of the financial plans to develop the annual listing of obligated projects.
4. MDOT is responsible for review, and comment on the MPO's draft UPWP and will transmit its suggestion to the MPO.
5. Following MPO's adoption and submission of a final UPWP, MDOT will coordinate the federal approval process with FHWA/FTA. Upon approval, the UPWP will be incorporated by reference into the existing planning contract and will constitute a new federal program, superseding the previous UPWP. UPWP will become a statement of work, the MPO's application for USDOT and state transportation planning funds, and a contract for that fiscal year's budget. Any significant change in the scope, complexity, funding, nature, or outcome of a task listed in the UPWP, the MDOT and the affected Federal partner, FHWA or FTA must approve the change.
6. The MPO will prepare and submit an Annual Performance and Expenditure Report to MDOT which will include new performance-based measures mandated by USDOT, FHWA, FTA, MDOT and MAP-21.
7. The MPO will coordinate the selection of performance targets with MDOT and adopt performance measures within 180 days of MDOT's adoption of performance targets.
8. MDOT is responsible for monitoring all activities performed by the MPO and other sub-recipients of FHWA and FTA planning funds to assure that the work is being managed and performed satisfactorily and that time schedules are being met. FHWA and FTA are the grantors, MDOT is the grantee, and the MPO is the sub-recipient.
9. This amendment will incorporate by reference any subsequent federal or state regulation implementing Title 23 U.S.C. or MAP-21, or guidance on this provision regarding responsibilities, content, criteria and procedures for the UPWP.

## **TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

1. At a minimum of every four years, the MPO is responsible for developing a four-year multimodal TIP for the metropolitan planning area (23 CFR § 450.324) that establishes a clear set of short-term transportation priorities that formally implements the MPO's LRTP.
2. The TIP will reflect the active participation of all agencies responsible for transportation planning and public/private operators in the metropolitan planning area as well as public participation and comment at key decision points in the TIP development process, including the development of financial plans in support of the TIP.
3. MDOT is responsible for assisting the MPO in the development of the TIP.
4. MDOT and the MPO will cooperatively develop and share information related to the development of the financial plans to support the TIP.
5. Following MPO's adoption and submission of a final TIP, MDOT will incorporate the TIP into the Statewide Transportation Improvement Program (STIP) for Mississippi. MDOT will forward the STIP to FHWA and FTA for their review and approval.
6. This amendment will incorporate by reference any subsequent federal or state regulation implementing Title 23 U.S.C. or MAP-21, or guidance on this provision regarding responsibilities, content, criteria and procedures for the TIP.

## **PUBLIC PARTICIPATION PLAN (PPP)**

1. The MPO is responsible for developing a PPP that meets the requirement of 23 CFR §§ 450.316, 450.322 and 450.324, and includes effective strategies for engaging public access, participation and comment.
2. The MPO will develop specific strategies and activities which allow full public access and early reasonable opportunity participation in the LRTP and TIP development process, as well as reasonable opportunity to comment on drafts or amendments to the LRTP and TIP.
3. MDOT and the MPO will cooperatively develop and share information related to the development of a coordinated PPP.
4. Following the MPO's adoption and submission of a final PPP, the MPO will transmit copies of the PPP to MDOT.
5. The MPO's final LRTP and TIP will provide a summary, analysis, and report on the disposition of significant written and oral comments that are received on the drafts from the public participation process and interagency consultation required under EPA transportation conformity regulations (40 CFR Part 93).
6. This amendment will incorporate by reference any subsequent federal or state regulation implementing Title 23 U.S.C. or MAP-21, or guidance on this provision regarding responsibilities, content, criteria and procedures for the PPP.

## **TRANSPORTATION ALTERNATIVES PROGRAM (TAP)**

1. The Transportation Alternatives Program (TAP) is authorized under Section 1122 of MAP-21 (23 U.S.C. 213(b) and 101(a)(29)) and provides funding for programs and projects defined as transportation alternatives by 23 U.S.C. § 213(b) and 23 U.S.C. § 101(a)(29) (MAP-21 § 1103):.
2. The definition of "transportation enhancement activities" in 23 U.S.C. § 104 is not the definition of transportation alternatives found in 23 U.S.C. §§ 101(a)(29) (MAP-21 § 1103) and 213(b) (MAP-21 § 1122)
3. Although MPO is ineligible for TAP funds, the MPO may partner with an eligible entity project sponsor to carry out a qualifying project.
4. The MPO and MDOT will cooperatively develop and share information related to the identification and development of eligible transportation alternatives for a selection process within the metropolitan planning area, such selection to be either competitive through the MPO or competitive under a state-run grant program.

## **METROPOLITAN PLANNING AREA REVIEW AND UPDATE (TRANSPORTATION MANAGEMENT AREAS)**

1. Before the next regularly-scheduled LRTP update, after October 1st, 2012, or within 4 years of the designation of the new urbanized boundary, whichever occurs first, the MPO will adjust their Metropolitan Planning Areas boundaries to include all territory in 2010 decennial Federal census urbanized areas.
2. The deadline for gubernatorial and FHWA Mississippi Division approval of MPO adjustments is June 1, 2014.
3. The LRTP and TIP will include these new areas and boundaries no later than March 27, 2016.

## **FLEXIBLE FUNDING ELECTION**

1. MPO acknowledges that under the uniform transferability provisions of 23 U.S.C. § 126, funds transferred to or from FHWA or FTA can be used only for purposes eligible under the original program that the funds are transferred from.
2. Funds that are transferred from FHWA to FTA shall be administered under the requirements of 49 U.S.C. Chapter 53 and funds transferred from FTA to FHWA shall be administered under the requirements of Title 23 U.S.C., except that the non-Federal share for the original source of the funding applies to the transferred funds (see 23 U.S.C. §104(f) and 49 U.S.C. §5334(h)).
3. To transfer funds from FTA to FHWA, MDOT must request that the funds be transferred, with the concurrence of the Metropolitan Planning Organization (MPO) if the project is within a metropolitan planning area, in a letter to the FTA Region Office. If the MPO desires such a transfer, such request shall be made on or before October 1, 2013 and September 30, 2014 under the current MAP-21 authorization. Such transfers must take place before contract can be issued.

4. In a Transportation Management Area (TMA), the MPO may elect to transfer portions of its FTA §§ 5305(d) and 5305(e) funds that cannot be used for operating assistance to FHWA for highway projects subject to the requirements of 49 U.S.C. §5307(b)(2). Such election shall be made on or before October 1, 2013 and September 30, 2014 under the current MAP-21 authorization. Such transfers must take place before contract can be issued.
5. Where funds transferred from FTA to FHWA require 20 percent non-federal local matching funds, MDOT will waive the required match for eligible transit planning activities funded with transferred funds.

**OTHER PROVISIONS:**

1. Paragraph 4 of the Metropolitan Planning Agreement which read:

*The MDOT, as the agency's primary participation in continuing the Metropolitan Transportation Planning Process, shall provide the twenty-percent (20%) matching funds for Section 104(f) funds.*

This Paragraph is hereby deleted.

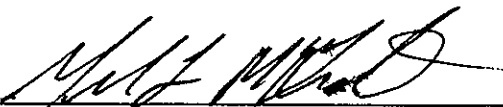
2. This Amendment and the Agreement are to be read *in pari materia* giving full force and effect to each. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect. To the extent of any inconsistency or conflict between the terms or language of the Agreement and this Amendment, the inconsistent or conflicting provision of the Agreement shall not apply.
3. Execution of this amendment shall be deemed and taken as concurrence of the MPO with all terms and conditions expressed herein without further letter or resolution.

**IN WITNESS WHEREOF**, the undersigned, duly authorized representatives of the Mississippi Department of Transportation and the Metropolitan Planning Organization have executed this Amendment for and on behalf of the aforesaid agency or organization and that in so executing this instrument the undersigned was duly authorized to do so in their named capacity this the 13<sup>th</sup> day of February, 2014.

**CENTRAL MISSISSIPPI PLANNING & DEVELOPMENT DISTRICT**

  
 F. Clarke Holmes  
 Chief Executive Officer

**MISSISSIPPI TRANSPORTATION COMMISSION**

  
 Melinda L. McGrath, P.E.  
 Executive Director  
 Mississippi Department of Transportation

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