

MEMORANDUM OF UNDERSTANDING
FOR THE PLANNING, COORDINATION, AND FUNDING PROCEDURES AMONG KYOVA
INTERSTATE PLANNING COMMISSION; WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
(WVDOT)/WEST VIRGINIA DIVISION OF HIGHWAYS (WVDOH); KENTUCKY TRANSPORTATION
CABINET (KYTC); OHIO DEPARTMENT OF TRANSPORTATION (ODOT); WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION (WVDEP); KENTUCKY DEPARTMENT FOR
ENVIRONMENTAL PROTECTION (KYDEP)/KENTUCKY DIVISION FOR AIR QUALITY (KYDAQ);
OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA); REGIONAL INTERGOVERNMENTAL
COUNCIL (RIC); TRI-STATE TRANSIT AUTHORITY (TTA); CITY OF ASHLAND/ASHLAND BUS
SYSTEM (ABS); AND LAWRENCE COUNTY PORT AUTHORITY (LCPA)
IN CONSULTATION WITH
FHWA OFFICES OF WEST VIRGINIA, KENTUCKY, AND OHIO; FTA REGIONS III, IV, AND V;
EPA REGIONS III, IV, AND V FOR THE HUNTINGTON, WV-KY-OH TRANSPORTATION
MANAGEMENT AREA (TMA)

This Memorandum of Understanding (MOU) is a three state, multi-agency agreement addressing the interagency coordination affecting the transportation planning process for the Huntington, WV-KY-OH Transportation Management Area (TMA) between the following parties (hereinafter referred to as the AGENCIES), pursuant to 23 USC 134, 49 USC 5303, and 40 CFR 93. The parties to this MOU agree to cooperatively participate in the metropolitan transportation planning and air quality transportation conformity processes for the Huntington, WV-KY-OH Urbanized Area. The parties further agree that the KYOVA Policy Committee, serving as the designated MPO for the Huntington, WV-KY-OH Urbanized Area, will direct the metropolitan transportation planning and transportation air quality conformity processes and will facilitate the federal, state, and local agencies' active participation in the processes. KYOVA's metropolitan transportation planning program will result in the development and approval of three principal products: 1) a quadrennially updated 20-year Multimodal Transportation Plan with a US DOT conformity determination; 2) a biennially updated four-year Transportation Improvement Program with a US DOT conformity determination; and 3) an annually updated Unified Planning Work Program (UPWP) and budget.

Recognizing the geographic and organization complexities of this three-state urbanized area, as documented below, this MOU confirms the parties' participation within the Huntington, WV-KY-OH Urbanized Area planning process and serves as an umbrella agreement recognizing a series of supplementary agreements between KYOVA and the respective state and regional agencies recording their individual planning process coordination procedures.

On July 18, 2012 the Huntington, WV-KY-OH Urbanized Area was designated as a Transportation Management Area (TMA). KYOVA is one of two MPOs that share joint planning responsibilities for the TMA, which includes the West Virginia counties of Cabell and Wayne, Kentucky counties of Boyd and Greenup, and the urbanized area of Lawrence County, Ohio. The other MPO, the Regional Intergovernmental Council (RIC), is responsible for the transportation planning activities

for the West Virginia counties of Kanawha and Putnam Counties, of which only a portion of Putnam County falls within the TMA boundary. Furthermore, KYOVA is served by three separate DOTs (West Virginia, Kentucky, and Ohio), three state air quality agencies (WVDEP, KYDEP/KYDAQ and OEPA), three Federal Highway Administration Division Offices (West Virginia, Kentucky, and Ohio), three regions of the Federal Transit Agency (Region III, IV and V), three regions of the Environmental Protection Agency (Regions III, IV, and V), and three local transit agencies (Tri-State Transit Authority, City of Ashland (Ashland Bus System), and the Lawrence County Port Authority operating as Lawrence County Transit (LCT). As this Umbrella Agreement is specifically for KYOVA it will only include agreements among KYOVA and the agencies listed below.

KYOVA's first TMA Certification occurred in the Spring of 2016. At that time, it was recommended for the agency to complete agreement(s) as required by 23 CFR 450.314. Therefore, this Umbrella Agreement documents the understandings between all AGENCIES and outlines how each will coordinate to the best of their ability, use their own agreements within their state for planning purposes, and provide for a dispute resolution process.

A list of the state and regional agencies coordinating with the agreement(s) is as follows (a listing of each agreement/MOU as it relates to AGENCIES will be provided later in this MOU):

- West Virginia Department of Transportation (WVDOT)/West Virginia Division of Highways (WVDOT)
- Kentucky Transportation Cabinet (KYTC)
- Ohio Department of Transportation (ODOT)
- West Virginia Department of Environmental Protection (WVDEP)
- Kentucky Department for Environmental Protection (KYDEP)/Kentucky Division for Air Quality (KYDAQ)
- Ohio Environmental Protection Agency (OEPA)
- KYOVA Interstate Planning Commission (KYOVA)
- Regional Intergovernmental Council (RIC)
- Tri-State Transit Authority (TTA)
- City of Ashland/Ashland Bus System (ABS)
- Lawrence County Port Authority (LCPA)

These agreements are not in place of, or in conflict with, any existing MOUs, agreements, or laws of the United States, and are to provide the basis for coordinated efforts to cooperatively determine each party's mutual responsibilities in carrying out the metropolitan transportation planning process within the Huntington, WV-KY-OH Transportation Management Area (TMA) Urbanized Area as designated on July 18, 2012.

DISPUTES

KYOVA hereby agrees to adhere to the *Dispute Policies* as outlined in the annual and/or biennial agreements with WVDOH/WVDOT, KYTC, and ODOT. AGENCY(IES) that do not fall under the contracted activities with WVDOH/WVDOT, KYTC, or ODOT hereby agrees to, attempt in good faith to, resolve any dispute or claim arising out of or in relation to the Agreement through informal negotiations between authorized AGENCY representatives from each of the AGENCIES involved. AGENCIES shall notify KYOVA of the dispute in writing and request a review, within sixty (60) days after the dispute occurred. In such, the AGENCY(IES) notification shall present evidentiary matters to support the AGENCY(IES) position. Within thirty (30) days, KYOVA will respond to AGENCY(IES) dispute and attempt resolution through informal negotiations between the disputed AGENCIES. If the dispute cannot be settled amicably within sixty (60) days from the first date on which the KYOVA has contacted each AGENCY within the dispute, then a mediation will occur by a mutual third-party mediator before resorting to termination or the Agreement or further dispute resolution.

TERMINATION AND MODIFICATION

This MOU may be reviewed every four (4) years, or as needed as rules, regulations, laws, or designations change. It may be amended, whenever deemed appropriate, by written agreement of all AGENCIES. However, it is the intent of the AGENCIES to carry out the metropolitan planning process on a continuous, cooperative, and comprehensive basis with minimal modifications or terminations. Therefore, this MOU will remain in effect until terminated or replaced by a new MOU. Any AGENCY subject to this MOU may withdraw from the MOU by giving sixty (60) days written notice to KYOVA, at which time KYOVA will notify all other agencies subject to the MOU. If this occurs, the AGENCIES agree to consult further to determine whether the issue(s) can be resolved and the MOU re-implemented in an amended form. In the event that an AGENCY withdraws from this MOU, the rights and responsibilities of the remaining AGENCIES will remain unchanged with respect to each other until this MOU is amended or replaced.

In the event that this MOU requires modification, addition of new MOUs, or for any other reason, the required modifications may be accomplished through the execution of a letter modification or supplemental agreement addressed to KYOVA who will distribute to all AGENCIES subject to this MOU. This MOU may be replaced with a new MOU at any time upon the written consent of all remaining signatory agencies. Once this MOU is replaced, it will become null and void.

All participating AGENCIES agree to the following clause edits:

1. Perform the roles and responsibilities outlined in their agreement(s), contract(s), or understanding(s) located in the attachment;
2. Conduct necessary updates, or revisions to their agreement(s), contract(s), or understanding(s) located in the attachment as needed that will not affect the terms of this agreement; and
3. Comply with the terms of this MOU.

Therefore, this cooperative MOU is entered among the AGENCIES listed above and any subsequent amended parties.

In witness thereof, the undersigned executive staff members of KYOVA Interstate Planning Commission; West Virginia Department of Transportation (WVDOT)/West Virginia Division of Highways (WVDOH); Kentucky Transportation Cabinet (KYTC); Ohio Department of Transportation (ODOT); Ohio Environmental Protection Agency (OEPA); Kentucky Department for Environmental Protection (KYDEP)/Kentucky Division for Air Quality (KYDAQ); West Virginia Department of Environmental Protection (WVDEP); Regional Intergovernmental Council (RIC); Tri-State Transit Authority (TTA); City of Ashland/Ashland Bus System (ABS); and Lawrence County Port Authority (LCPA) have executed this MOU on the dates indicated below. The effective date of this MOU will be the date of the final signature.

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INTERSTATE PLANNING COMMISSION; WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
(WVDOT)/WEST VIRGINIA DIVISION OF HIGHWAYS (WVDOH); KENTUCKY TRANSPORTATION
CABINET (KYTC); OHIO DEPARTMENT OF TRANSPORTATION (ODOT); WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION (WVDEP); KENTUCKY DEPARTMENT FOR
ENVIRONMENTAL PROTECTION (KYDEP)/KENTUCKY DIVISION FOR AIR QUALITY (KYDAQ);
OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA); REGIONAL INTERGOVERNMENTAL
COUNCIL (RIC); TRI-STATE TRANSIT AUTHORITY (TTA); CITY OF ASHLAND/ASHLAND BUS
SYSTEM (ABS); AND LAWRENCE COUNTY PORT AUTHORITY (LCPA)
IN CONSULTATION WITH
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MANAGEMENT AREA (TMA)

The list below specifies each of the agreement(s) between each agency(ies). Each agreement(s) will be included in this document within the ATTACHMENTS Section.

ATTACHMENTS

I. METROPOLITAN PLANNING AGREEMENTS AND UNDERSTANDINGS

ATTACHMENT #	TITLE	AGENCY(IES)	AGREEMENT DATE AND/OR #
1	SFY 2018/2019 AGREEMENT FOR URBAN TRANSPORTATION PLANNING AND TRANSPORTATION PROGRAMS (BI-ENNIAL AGREEMENT)	KYOVA/ODOT	AGREEMENT # 30094
2	MEMORANDUM OF UNDERSTANDING FOR THE TRANSPORTATION CONFORMITY CONSULTATION PROCEDURES	KYOVA/OH EPA/ ODOT/WBDEP/FHWA/FTA/ US EPA.	CIRCULATING
3	MOA FOR TRANSPORTATION PLANNING PROCESS	KYTC/KYOVA/ABS-TRANSIT	CIRCULATING
4	KYOVA TRI-STATE MOU – FUNDING & COORDINATION	KYOVA/ODOT/KYTC/ WVDOH-WVDOT	JULY 1, 2013
5	MOU FOR THE METROPOLITAN PLANNING PROCESS	WVDOH/RIC/KVRTA	IN PROGRESS
6	MOU FOR THE METROPOLITAN PLANNING PROCESS	WVDOH/KYOVA/TTA	IN PROGRESS
7	MOU RIC & WVDEP	WVDEP/RIC	IN PROGRESS

II. TRANSIT AGREEMENTS AND UNDERSTANDINGS

ATTACHMENT #	TITLE	AGENCY(IES)	AGREEMENT DATE AND/OR #
8	MOU AMONG KYOVA, LCT & ODOT (PROCEDURES & COORDINATION	ODOT/KYOVA/LCPA	CIRCULATING
5	MOU FOR THE METROPOLITAN PLANNING PROCESS	WVDOH/RIC/KVRTA	IN PROGRESS
6	MOU FOR THE METROPOLITAN PLANNING PROCESS	WVDOH/KYOVA/TTA	IN PROGRESS
9	MOU TRANSIT- CHARELSTON, WV	RIC/KVRTA	MAY 23, 2001

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PLANNING, COORDINATION, AND FUNDING PROCEDURES WITH
KYOVA INTERSTATE PLANNING COMMISSION FOR THE HUNTINGTON, WV-KY-OH
TRANSPORTATION MANAGEMENT AREA (TMA) URBANIZED AREA**

Note: Signatures appear on separate, multiple pages.

KYOVA INTERSTATE PLANNING COMMISSION

Robert Pasley, Policy Committee Chairman

Date

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KYOVA INTERSTATE PLANNING COMMISSION FOR THE HUNTINGTON, WV-KY-OH
TRANSPORTATION MANAGEMENT AREA (TMA) URBANIZED AREA**

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**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOT)/WEST VIRGINIA DIVISION OF
HIGHWAYS (WVDOH)**

Thomas J. Smith, P.E., Cabinet Secretary

Date

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**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET**

Secretary, Transportation Cabinet

Date

APPROVED AS TO FORM AND LEGALITY

Office of Legal Services, Transportation Cabinet

Date

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TRANSPORTATION MANAGEMENT AREA (TMA) URBANIZED AREA**

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OHIO DEPARTMENT OF TRANSPORTATION (ODOT)

Jerry Wray, Director

Date

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WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (WVDEP)

Austin Caperton, Cabinet Secretary

Date

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KYOVA INTERSTATE PLANNING COMMISSION FOR THE HUNTINGTON, WV-KY-OH
TRANSPORTATION MANAGEMENT AREA (TMA) URBANIZED AREA**

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**KENTUCKY DEPARTMENT FOR ENVIRONMENTAL PROTECTION (KYDEP)/KENTUCKY DIVISION
FOR AIR QUALITY (KYDAQ)**

Sean Alteri, Director

Date

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OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA)

Craig W. Butler, Director

Date

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TRANSPORTATION MANAGEMENT AREA (TMA) URBANIZED AREA**

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REGIONAL INTERGOVERNMENTAL COUNCIL (RIC)

Glen Chestnut, Chairman

Date

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TRANSPORTATION MANAGEMENT AREA (TMA) URBANIZED AREA**

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TRI-STATE TRANSIT AUTHORITY (TTA)

Paul Davis, General Manager/CEO

Date

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TRANSPORTATION MANAGEMENT AREA (TMA) URBANIZED AREA**

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CITY OF ASHLAND (ASHLAND BUS SYSTEM)

Stephen E. Gilmore, Mayor

Date

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LAWRENCE COUNTY PORT AUTHORITY (LCPA)

Ralph Kline, Fiscal Secretary

Date

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ENVIRONMENTAL PROTECTION AGENCY MULTIPARTY AGREEMENT – REGIONS III, IV, AND V

EPA REGION III

_____ Cosmo Servidio, Regional Administrator	_____ Date
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EPA REGION IV

_____ Trey Glenn, Regional Administrator	_____ Date
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EPA REGION V

_____ Cathy Stepp, Regional Administrator	_____ Date
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