

BINGHAMTON METROPOLITAN
TRANSPORTATION STUDY

UNIFIED
OPERATIONS
PLAN

Approved by the
Binghamton Metropolitan Transportation Study
Policy Committee

February 11, 2009

BMTS UNIFIED OPERATIONS PLAN
I
DEFINITION AND PURPOSE OF THE
METROPOLITAN PLANNING ORGANIZATION

"The purposes of this subpart are to implement the provisions of 23 U.S.C. 134 and 49 U.S.C. 5303, as amended, which:

(a) Sets forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP), that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution;

23 Code of Federal Regulations Part 450
Subpart C, §450.300

Metropolitan planning agreements.

"(a) The MPO, the State(s), and the public transportation operator(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 MPA. To the extent possible, a single agreement between responsible parties should be developed.

23 Code of Federal Regulations Part 450
Subpart C, §450.314

In order to comply with the intent and action of Congress regarding metropolitan transportation planning, representatives of the Governor of the State of New York and the local governments comprising the Binghamton metropolitan area have signed a Memorandum of Understanding which designates the Binghamton Metropolitan Transportation Study Policy Committee as the Metropolitan Planning Organization for the Binghamton area. These signatories, which include the public transit operators, have further established in the MOU how the continuing, cooperative, comprehensive planning process will be carried out to ensure that development of plans and programs will involve those who are affected by transportation actions, as well as those who have implementing, funding, and operating responsibilities, that transportation investments will be selected from the best alternative available, and that plans are kept up to date and responsive to community changes. Further, this document includes agreements spelling out the roles of BMTS, New York State, and the public transit operators with regard to financial planning and project programming.

II ORGANIZATION

Compliance with Federal regulations, as well as State and local goals, requires the MPO to perform a broad range of tasks. In order to fulfill these mandates and achieve these goals, the BMTS Policy Committee, as the MPO, oversees a structure that ensures the accomplishment of both policy and technical missions. That structure includes a Policy Committee which represents New York State and most units of local government within the metropolitan area, a Planning Committee that is also broadly representative, and which has the expertise to offer technical oversight of plans and programs, and a Composite Staff to perform the transportation planning tasks. An extensive public participation plan ensures that both the general public and those involved in the provision of transportation services as operators and representatives of employees have numerous opportunities to have their views considered and incorporated into the plans and programs of the BMTS.

The structure and operating procedures for each element of the organization are detailed in this section.

A. POLICY COMMITTEE

1. Membership

It is the policy of the BMTS that the Policy Committee be broadly inclusive of the units of local government that comprise the Binghamton metropolitan planning area, as well as the State and Federal agencies that are vital partners in the transportation planning process.

Inclusion of local governments ensures that community development goals are always recognized in establishing plans and priorities for investing in the metropolitan transportation system. Local governments have exclusive responsibility for land use decisions, which are directly linked to transportation demand. Their presence also promotes coordination in the investment of Federal transportation funds and local funds on the facilities under local jurisdiction. The two county governments play numerous roles, having jurisdiction over county highway systems, as operators of public transportation systems, and as key players in economic development efforts.

Membership of the New York State Department of Transportation also fulfills several purposes. It is the implementing agency for most highway related projects, as well as the operating agency for the State highway system. NYSDOT coordinates and facilitates federal, state, and local administration of multi-level programs, and ensures that all statutory and regulatory requirements are met for the utilization of Federal transportation funds.

Because of the close relationship between the quality of the transportation system and opportunities for economic development, it is important that the New York State Department of Economic Development/Empire State Development Corporation be represented.

Participation by the Southern Tier East Regional Planning Development Board provides for coordination of transportation plans with broader regional development plans. Because it is the only large urbanized area in the region, and because of its location as a transportation hub, Binghamton

and its metropolitan transportation system are vital to the region's economy.

As the principal source of transportation planning and implementation funds, as well as being the instrument of national transportation policy, the United States Department of Transportation is represented through the Federal Highway and Federal Transit Administrations, which serve as advisory members.

Because the Binghamton urbanized area extends into a small area of Pennsylvania, coordination of plans and programs is accomplished by including the Pennsylvania Department of Transportation as an advisory member.

The Binghamton Metropolitan Transportation Study Policy Committee consists of the following members, each of whom serves on the basis of their office:

PRIMARY:

Broome County: County Executive
Tioga County, Chair of the Legislature
City of Binghamton: Mayor
Village of Endicott: Mayor
Village of Johnson City: Mayor
Village of Owego: Mayor
Town of Chenango: Supervisor
Town of Dickinson: Supervisor
Town of Owego: Supervisor
Town of Union: Supervisor
Town of Vestal: Supervisor
New York State: Commissioner of Transportation
New York State: Empire State Development Chair
Southern Tier East Regional Planning Development Board: Representative

ADVISORY:

New York State Dept of Transportation: Regional Director, Region 9
Pennsylvania Department of Transportation: Deputy Secretary for Planning
Federal Transit Administration: Region 2 Administrator
Federal Highway Administration: New York Division Administrator
Federal Aviation Administration: Area Manager

Members may designate alternates to represent them in their absence. Such designation must be made in writing, and may be for a specific meeting, or for a longer period of time as specified.

Policy Committee membership must adapt to reflect changes in organizational or governmental structure within the region, as well as changes in population distribution. New organizations or entities may be nominated for membership by current members; acceptance will be based upon the established decision making policies. New primary members must become signatories to the Memorandum of Understanding to Establish Responsibilities and Cooperative Procedures of the Binghamton Metropolitan Transportation Study.

2. Meetings

Meetings of the Policy Committee are to be held no less than twice annually, subject to needs and priorities as they develop. Special meetings may be called by the Chairperson at the request of any member or the Executive Director of Central Staff. Written notice of each meeting, with its agenda, will be sent to each Committee member no less than two weeks prior to the meeting. Briefing of the Policy Committee members will be the responsibility of their Planning Committee counterparts and Central Staff. Meetings will be held and conducted in accordance with the BMTS public participation plan.

3. Decision Making

In recognition of the cooperative nature of the transportation planning process, actions taken by the Policy Committee require that the members reach consensus. Consensus is achieved when no more than one primary member objects to a proposed action. In cases where two or more primary members object to a proposed action, the action may not be advanced; in such cases, issues may be returned to the Planning Committee for further deliberation.

Actions by the Committee do not bind the agencies represented. If a Committee action becomes unacceptable to the parent body of the representative, it may be brought back for further deliberation by the membership.

There are occasions when action may be sought without convening a meeting. These are limited to routine actions that will not, in the judgment of the Chairperson, benefit from face to face debate. The Chairperson shall make the determination in this regard and consult the primary members either by mail, e-mail, or by telephone. In the event of a telephone consultation, a notice will be sent to the members at least one week before the consultation is conducted. In making such determinations, the Chairperson shall make all reasonable efforts to contact and consult all primary members or their authorized representatives. Upon completion of the consultation, the Chairperson will notify members of the result.

4. Officers

The officers of the Policy Committee shall be the Chairperson, Vice-Chairperson, and Secretary. The Chairperson and Vice-Chairperson shall be elected by the Committee from among the primary members. The term of these offices shall be two years, commencing on January 1 of even numbered years. There shall be no limit on the number of terms a member may hold either of these offices. If the office of Chairperson becomes vacant, the Vice-Chairperson will assume the office.

The Chairperson is responsible for the conduct of meetings, and other duties as specified in this document. The Chairperson shall delegate these functions to the Vice-Chairperson in the event of absence.

An advisory representative of the New York State Department of Transportation shall fill the office of Secretary. The Secretary is responsible for recording and disseminating minutes of the meetings, and otherwise documenting actions of the committee. Central Staff shall assist with other secretarial

functions.

5. Public Relations

The Chairperson shall be the official spokesperson of the Policy Committee in reporting actions taken by the committee to the general public and to public and private agencies. The Chairperson may also designate the Executive Director of Central Staff to speak on behalf of the BMTS. Individual members may speak for their respective agencies.

6. Other Procedures

Other procedures necessary to conduct the business of the Policy Committee or its subcommittees shall be determined by Robert's Rules of Order.

B. PLANNING COMMITTEE

1. Membership

The Planning Committee provides professional expertise in the development of regional transportation plans and programs, and in making policy recommendations to the Policy Committee.

Membership by representatives of Policy Committee members who have expertise in planning, public works, engineering, or public transit ensures both a high quality technical review of the planning process and a direct communication liaison with the Policy Committee.

Representation of local governments that are at the edge of or divided by the BMTS metropolitan area boundary provides a means of input by those communities that have needs directly related to the metropolitan transportation system.

Inclusion of the Broome County Environmental Management Council and the New York State Department of Environmental Conservation recognizes the close linkages between transportation decisions and environmental quality, and provides for professional expertise in the environmental area.

Representation by the Broome and Tioga County Chambers of Commerce provides for input from private sector businesses.

Planning Committee members are nominated either by Policy Committee members, or in the case where the represented entity is not on the Policy Committee, by that entity. Appointments to the Planning Committee will be confirmed by the Chairperson of the Policy Committee upon receipt of nominations.

While the parent agencies may change their Planning Committee representatives, the Planning Committee membership is typically as follows:

PRIMARY:

Broome County: Commissioner of Planning and Economic Development
Broome County: Commissioner of Public Transportation
Broome County: Commissioner of Public Works
Tioga County: Commissioner of Public Works
Tioga County: Planning Director
City of Binghamton: Commissioner of Public Works
City of Binghamton: City Engineer
Village of Endicott: Commissioner of Public Works
Village of Johnson City: Director of Planning
Town of Chenango: Town Engineer
Town of Conklin: Supervisor
Town of Dickinson: Town Engineer
Town of Fenton: Supervisor
Town of Kirkwood: Supervisor
Town of Owego: Planning and Zoning Administrator
Town of Union: Commissioner of Public Works
Town of Vestal: Town Engineer
New York State Department of Transportation Region 9: Regional Planning & Program Manager
Northern Tier Regional Planning & Development Commission: Executive Director

ADVISORY:

Broome County: Commissioner of Aviation
Broome County: Representative, Environmental Management Council
Broome County Legislature: Transportation Committee Chair
Southern Tier East Regional Planning Development Board: Executive Director
Greater Binghamton Chamber of Commerce: President
Tioga County Chamber of Commerce: Executive Director
New York State Department of Transportation: Representative, MPO Liaison Bureau
Pennsylvania Department of Transportation: Deputy Secretary for Planning
New York State Department of Economic Development: Regional Director
New York State Department of Environmental Conservation: Binghamton Office
Federal Highway Administration Division Office: Planning Liaison
Federal Transit Administration Regional Office: Community Planner
Federal Aviation Administration: Area Manager

Planning Committee members are responsible for informing their Policy Committee counterparts and/or parent agencies of actions taken by the Planning Committee, and of recommendations for Policy Committee actions.

Members may designate alternates to represent them in their absence. Such designation must be made in writing, and may be for a specific meeting, or for a longer period of time as specified.

The Planning Committee membership must be flexible enough to reflect changing conditions within the metropolitan area. New entities may be granted membership, or have their voting status

changed, by action of the Policy Committee.

2. Meetings

The Planning Committee will meet quarterly, on the first Thursday of the last month of each quarter. Additional meetings may be called by the Chairperson, or at the request of any member or the Executive Director of Central Staff, as the need arises. Notice will be sent to each member no less than two weeks in advance of the meeting. Meetings will be held and conducted in accordance with the BMTS public participation plan.

Central Staff will prepare meeting agendas, provide documentation to all members, and provide briefings to members as requested. Individuals or agencies placing items on the agenda will be responsible for making information and briefings available on those items.

3. Decision Making

Actions taken by the Planning Committee require that transportation issues are addressed in their regional context, and that local concerns do not outweigh regional priorities. It is also deemed important that issues that have been reviewed by the Planning Committee be able to move forward for Policy Committee consideration. Therefore all actions taken by the Planning Committee will be reported to the Policy Committee with a notation that the action either was supported by a consensus of primary members; or that a consensus was not achieved, and which primary members supported the action. Consensus is achieved when no more than one primary member objects to a proposed action.

Actions by the Committee do not bind the agencies represented. If a Committee action becomes unacceptable to the parent body of the representative, it may be brought back for further deliberation by the membership.

There are occasions when action may be sought without convening a meeting. These are limited to routine actions that will not, in the judgment of the Chairperson, benefit from face to face debate. The Chairperson shall make the determination in this regard and shall consult the primary members with respect to a proposed action either by mail, e-mail, or by telephone. In the event of a telephone consultation, a notice will be sent to the members at least one week before the consultation is conducted. In making such determinations, the Chairperson shall make all reasonable efforts to contact and consult all primary members or their authorized representatives. Upon completion of the consultation, the Chairperson shall notify all members of the result.

4. Officers

The officers of the Planning Committee shall be the Chairperson, Vice-Chairperson, and Secretary. The Chairperson and Vice-Chairperson shall be elected by the Committee from among the voting members. The term of these offices shall be two years, commencing on January 1 of odd numbered years. There shall be no limit on the number of terms a member may hold either of these offices. If the office of Chairperson becomes vacant, the Vice-Chairperson will assume the office for the remainder of the term.

The Chairperson is responsible for the conduct of meetings, and other duties as specified in this document. The Chairperson shall delegate these functions to the Vice-Chairperson in the event of an absence.

A representative of the New York State Department of Transportation shall fill the office of Secretary. The Secretary is responsible for recording and disseminating minutes of the meetings, and otherwise documenting actions of the committee. Central Staff shall assist with other secretarial functions.

5. Public Relations

The Chairperson shall be the official spokesperson of the Planning Committee, but in general shall defer to the Chairperson of the Policy Committee in reporting actions taken by the committee to the general public and to public and private agencies. The Chairperson may also designate the Executive Director of Central Staff to speak on behalf of the BMTS Planning Committee. Individual members may speak for their respective agencies.

6. Other Procedures

Other procedures necessary to conduct the business of the Policy Committee or its subcommittees shall be determined by Robert's Rules of Order.

7. Subcommittees

The Planning Committee shall have two standing subcommittees, the Program & Finance (P&F) Subcommittee, and the Transportation Improvement Program (TIP) Subcommittee. In addition, the Chairperson, with the approval of the members, may create and appoint an ad hoc subcommittee to address a specific issue or act as technical advisors for a project.

a. Program & Finance Subcommittee

(1) Function

The primary responsibility of the P&F Subcommittee will be the oversight of the Central Staff program and finances.

The subcommittee shall, with the Director of the Central Staff, prepare an initial draft of the annual Unified Planning Work Program. In so doing, they shall determine the priority of work to be accomplished, and allocate it among the participants of the BMTS Composite Staff. They shall develop a budget of Federal and other available planning funds to support the UPWP. They shall develop a Central Staff staffing plan to ensure that there are adequate technical resources for the completion of the UPWP.

Once the UPWP has been adopted by the Policy Committee and approved for funding by New York State and the Federal Highway Administration and Federal Transit Administration, the subcommittee may approve budget revisions that transfer amounts no greater than 10% of the total budget among line items within a grant. The Planning Committee shall be

notified of such budget revisions within a week; their approval is not required, but they may act to reverse the subcommittee's action.

The subcommittee shall review the operating budget of Central Staff before it is submitted for approval by the host agency.

The subcommittee shall receive from the Director of Central Staff periodic reports on the financial status of the program and its grants. They shall review grant reconciliations and closeouts and final audit statements. They shall receive any information from the host agency's Federal single audit that applies to the program

The subcommittee shall act as liaison between the host agency and the BMTS.

(2) Membership

The P&F Subcommittee shall be composed of five members, each of whom are members, either primary or advisory, of the Planning Committee. Three members serve by virtue of their position: the Chairperson of the Planning Committee, the Regional Planning and Program Manager of NYSDOT Region 9, and a representative of the host agency. The remaining members are selected by the Chairperson of the Planning Committee for a two year term beginning April 1 of odd numbered years. There is no limit on the number of consecutive terms a member may serve.

The NYSDOT representative assists in the coordination of Composite Staff activities, as well as providing liaison to the grant administrator. The host agency representative provides liaison with the host agency, and can bring to the subcommittee concerns regarding the housing or financing of Central Staff.

(3) Meetings

The P&F Subcommittee shall meet as necessary to carry out its duties in a timely manner. This includes approval of a Draft Unified Planning Work Program on the schedule determined by NYSDOT, and review of grant reconciliation and closeouts promptly after their preparation.

(4) Decision Making

Actions of the P&F Subcommittee require a consensus of the members. Consensus is achieved when no more than one primary member objects to a proposed action. In cases where two or more primary members object to a proposed action, the action shall be reported to the Planning Committee with a notation that consensus was not achieved.

(5) Officers

The P&F Subcommittee shall have a Chairperson selected by the Chairperson of the Planning Committee. The Chairperson shall call meetings, in consultation with the Executive

Director of Central Staff, shall preside at meetings, and shall speak for the subcommittee in regard to actions taken, as they may affect the Planning Committee or the host agency. In the event the Chairperson cannot attend a meeting, he/she shall designate an alternate to conduct the meeting.

Central Staff shall act as Secretary to the subcommittee, responsible for preparation and dissemination of meeting announcements, agendas, documents, and minutes.

(6) Other Activities

The P&F Subcommittee shall undertake other activities only as assigned by the Planning Committee through its Chairperson.

b. Transportation Improvement Program Subcommittee

(1) Functions

The TIP Subcommittee has two primary areas of responsibility: participating in and overseeing the development of the multi-year Transportation Improvement Program, and managing the TIP through oversight of project implementation.

The Transportation Improvement Program will be developed in close cooperation with the New York State Department of Transportation (for highway and bridge projects) and Broome and Tioga Counties (for transit projects), and under the general oversight of the Federal Highway Administration and Federal Transit Administration. All BMTS member municipalities will be given an opportunity to submit potential projects for consideration by the TIP Subcommittee. Decisions on placing projects on the TIP shall be constrained by available funding, as well as BMTS Policy Committee policies on project programming. Input from stakeholders and the general public is addressed in the BMTS Participation Plan, and will be managed by BMTS staff. The TIP Subcommittee will provide to the Planning Committee an initial approved Draft TIP; and will then respond to any concerns raised by Planning Committee members.

Program management has become an increasingly important part of the work of BMTS and the TIP Subcommittee. It is important that projects proceed as scheduled, that the scope of projects conform to the initial project proposal unless there is an unanticipated change in base conditions, and that growth in project cost be restrained. Project information will be collected by BMTS staff from project sponsors and submitted to the Subcommittee for their quarterly review.

(2) Revising the TIP

Sec. 450.326 TIP revisions and relationship to the STIP.

- “(a) An MPO may revise the TIP at any time under procedures agreed to by the cooperating parties consistent with the procedures established in this part for its development and approval... In all areas, changes that affect fiscal constraint must take place by amendment of the TIP. Public participation procedures consistent with

Sec. 450.316(a) shall be utilized in revising the TIP, except that these procedures are not required for administrative modifications."

Sec. 450.104 Definitions

"Revision means a change to a long-range statewide or metropolitan transportation plan, TIP, or STIP that occurs between scheduled periodic updates. A major revision is an "amendment," while a minor revision is an "administrative modification."

The TIP Subcommittee is authorized to approve certain minor revisions to the TIP as may be authorized by the BMTS Policy on Project Selection, within the following parameters:

- o changes in project fund source among Federal aid fund sources;
- o changes in project schedule within the first two years;
- o changes in project cost for preliminary phases (scoping, preliminary engineering, design, right-of-way incidentals and acquisition) that do not exceed 10% of total project funding;
- o changes in project cost for construction phases or transit capital acquisition that do not exceed 15% of total project funding, but with a maximum value of \$600,000.

In all such cases, the New York State Department of Transportation is responsible for demonstrating to the TIP Subcommittee that fiscal constraint has been maintained, and for incorporating approved revisions into the Statewide Transportation Improvement Program (STIP).

The BMTS Planning Committee shall be notified of action on such minor revisions within one week.

The TIP Subcommittee will review all requests for amendments, and make a recommendation to the BMTS Planning Committee. Amendments must ultimately be approved by the BMTS Policy Committee. Actions requiring amendment include:

- Changes in project cost that exceed those defined above as minor revision
- Changes in project schedule beyond those defined above as minor revision
- Addition or deletion of a project or project phase

(2) Membership

The TIP Subcommittee shall be composed of five members, each of whom are members, either voting or non-voting, of the Planning Committee. Two members serve by virtue of their position: the Chairperson of the Planning Committee, and the Regional Planning and Program Manager of NYSDOT Region 9. The remaining members are selected by the Chairperson of the Planning Committee for a two year term beginning April 1 of odd numbered years. There is no limit on the number of consecutive terms a member may serve.

(3) Meetings

The TIP Subcommittee shall meet quarterly, prior to meetings of the Planning Committee, and at other times as necessary to carry out its duties in a timely manner. This includes approval of a Draft Transportation Improvement Program on the schedule determined by the BMTS public participation plan and NYSDOT.

(4) Decision Making

Actions of the TIP Subcommittee require a consensus of the members. Consensus is achieved when no more than one primary member objects to a proposed action. In cases where two or more primary members object to a proposed action, the action shall be reported to the Planning Committee with a notation that consensus was not achieved.

(5) Officers

The TIP Subcommittee shall have a Chairperson selected by the Chairperson of the Planning Committee. The Chairperson shall call meetings, in consultation with the Director of Central Staff, shall preside at meetings, and shall speak for the subcommittee in regard to actions taken, as they may affect the Planning Committee or the host agency. In the event the Chairperson cannot attend a meeting, he shall designate an alternate to conduct the meeting.

Central Staff shall act as Secretary to the subcommittee, responsible for preparation and dissemination of meeting announcements, agendas, documents, and minutes.

(6) Other Activities

The TIP Subcommittee shall undertake other activities only as assigned by the Planning Committee through its Chairperson.

C. ADDITIONAL AGREEMENTS

"23CFR§450.314 Metropolitan planning agreements.

(a) The MPO, the State(s), and the public transportation operator(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 MPA...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 (see § 450.322) and the metropolitan TIP (see §450.324) and development of the annual listing of obligated projects (see §450.332)."

Federal regulations require that the BMTS Policy Committee, New York State DOT, and Broome and Tioga Counties in their role as transit operators, enter into an agreement that addresses various aspects of financial planning. Congress established in ISTEA that both the MPO transportation plan and TIP be fiscally constrained to reasonable estimates of available revenues. This forces decisions about plan elements and projects to be realistic. Developing such plans requires the explicit participation of those agencies through which Federal funding flows: NYSDOT for FHWA programs and transit operators for FTA programs. SAFETEA-LU requires the above referenced written agreement to ensure the financial plans are properly developed. The MPO is also required to produce an annual report that details all project obligations of federal funds under Title 23.

"(ii) For the purpose of developing the metropolitan transportation plan, the MPO, public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under §450.314(a). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified."

"(iv) In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53 or with other Federal funds; State assistance; local sources; and private participation. Starting December 11, 2007, revenue and cost estimates that support the metropolitan transportation plan must use an inflation rate(s) to reflect ``year of expenditure dollars," based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s)."

23CFR§450.322(f)(10)

"(h) The TIP shall include a financial plan that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs. In developing the TIP, the MPO, State(s), and public transportation operator(s) shall cooperatively

develop estimates of funds that are reasonably expected to be available to support TIP implementation, in accordance with Sec. 450.314(a)."

23CFR§450.324(h)

"(a) In metropolitan planning areas, on an annual basis, no later than 90 calendar days following the end of the program year, the State, public transportation operator(s), and the MPO shall cooperatively develop a listing of projects (including investments in pedestrian walkways and bicycle transportation facilities) for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year."

23CFR§450.332(a)

Therefore, New York State DOT and Broome County (the designated recipient of FTA funds for the Binghamton UZA), agree to the following:

1. Transportation Plan. Under current Federal law and regulation, BMTS is required to update its regional transportation plan no less frequently than every five years. The financial plan must be agreed to early in the process, as resource availability is critical to making decisions about what projects and strategies can be included in the Plan. No less than twelve months prior to the expiration date of the then-current transportation plan, representatives of the New York State Department of Transportation, Broome County, and members(s) designated by the Chairperson of the BMTS Policy Committee shall cooperatively develop estimates of revenues that will form the basis of the financial plan. The financial plan shall be formally approved by the BMTS Policy Committee.
2. Transportation Improvement Program. Federal law requires the Transportation Improvement Program (TIP) to cover a period of four years. Current practice in New York State is to adopt a five year TIP on a biennial update cycle, on a schedule cooperatively determined by BMTS and NYSDOT. That schedule shall include a point early in the development process by which representatives of NYSDOT, Broome County, and the BMTS TIP Subcommittee shall cooperatively develop revenue estimates of applicable federal fund sources for the five year period of the TIP. Because BMTS, as a non-TMA MPO, receives no direct sub-allocation of FHWA funds, the decision by NYSDOT on allocating funds to support the BMTS TIP is critical to the development of a fiscally constrained program.
3. Annual Listing of Obligated Projects. Federal law requires that BMTS issue a report to the public enumerating obligation of federal funds for projects in the TIP. NYSDOT processes the obligation of FHWA funds, regardless of project sponsor. Broome County processes the obligation of FTA funds. In order to produce the federally mandated report, NYSDOT and Broome County shall report no later than 60 days after the close of the fiscal year the project, project phase, and amount of funds that have been obligated during the preceding fiscal year.

D. COMPOSITE STAFF

The professional services needed to execute the annual Unified Planning Work Program will be provided primarily by a Composite Staff composed of a Central Staff augmented by staff resources of the New York State Department of Transportation and other agencies represented on the Policy and Planning Committees. When the Draft UPWP is prepared, the Executive Director of Central Staff, in consultation with the Program & Finance Subcommittee, will make a determination of how best to accomplish the proposed work activities within the staff and financial resources available. A lead agency among Composite Staff will be assigned to each task. It is also recognized that professional consulting services may be required to complete some tasks. Budgetary resources in the form of Federal transportation planning funds, matching State and local in-kind contributions, and any other anticipated revenue, are matched to task and agency budgets.

It is the policy of the BMTS that necessary transportation planning and programming tasks be completed in the most professional and cost effective manner possible.

The following plan details Central Staff policies and operations.

1. Requirement for Host Agency

The New York State Department of Transportation is the direct recipient of and administrator of Federal Highway Administration PL funds, and Federal Transit Administration §5303 funds. These are the fund sources used to support MPO activities. Because BMTS is not a corporate entity, it cannot contract with NYSDOT to be a sub recipient of these funds to support Central Staff. BMTS must therefore rely on a host agency to do so. Broome County has fulfilled this role since April 1, 1981.

2. Role of the Host Agency

The role of the host agency is important, but strictly circumscribed. The relationship of Central Staff and the host agency shall be an administrative, rather than a reporting one. The primary responsibility of the host agency is to facilitate the accomplishment of that portion of the approved Unified Planning Work Program assigned to Central Staff. This is done through the implementation of the Staffing Plan, adopted by the Policy Committee with the UPWP; and through the provision of adequate office space and facilities for the Central Staff.

3. Financing of Central Staff

The host agency also plays an important role with respect to the financial management of Central Staff. The host agency, in cooperation with the Program & Finance Subcommittee, shall provide sufficient oversight with respect to the Federal grants to ensure that all rules and regulations are complied with, non-reimbursable expenses are not incurred, and that expenditures remain within budget.

The host agency is contractually obligated to pay the expenses of Central Staff in the first instance, and then submit bills to NYSDOT for reimbursement. In order to retain appropriate control, the

chief financial officer of the host agency shall review and approve all reimbursement requests, annual reconciliations, and grant close-outs.

In order to exercise control over expenditures, the host agency may require Central Staff to prepare an operating budget which is equivalent to the approved UPWP budget, and to monitor that budget through its own accounting systems. The host agency may not impose an operating budget that is less than the approved UPWP budget.

The host agency may charge the grants to recover its costs associated with fiscal oversight of Central Staff.

4. Staffing Plan

The number of Central Staff employees, their job descriptions, titles, and salary grades shall be determined by a Staffing Plan adopted by the Policy Committee in conjunction with the approval of the Unified Planning Work Program. The Staffing Plan shall ensure that there is adequate and appropriate technical expertise on Central Staff to carry out the required work of the transportation planning process, including administrative duties. The cost of the Staffing Plan must remain within the budgetary constraints of the Federal planning funds. While the Staffing Plan shall be reviewed each year, as the UPWP is being developed, it is recognized that continuity is important to managing the Central Staff operation. The Staffing Plan should in general change only to reflect changes in available funding, or in the work required of Central Staff by Federal mandate, and State and local objective.

For the Executive Director of Central Staff, hiring, annual performance review, annual salary, disciplinary action and firing shall be the purview of the Policy Committee, constrained by civil service regulation. The host agency shall implement the actions of the Policy Committee in this regard.

Central Staff employees shall be considered employees of the host agency. Personnel practices and fringe benefits shall be determined by the host agency.

5. Central Staff Technical Activities

Day to day supervision of the activities of Central Staff shall be the responsibility of the Director. Except through its representatives on the Policy and Planning Committees, the host agency shall not have a direct role in oversight of the technical work of Central Staff. Progress on technical activities, and products of those activities shall be reported to the Program & Finance Subcommittee, and through that body to the Planning Committee. Where appropriate or required, the Policy Committee will review and approve reports, programs, and plans.

6. Central Staff Housing

The host agency shall provide for adequate office space for Central Staff. If it is in their own building, they may charge a reasonable rental for such space. They may also charge for support services they provide, including for example telephone, data processing, purchasing, and printing. The host agency shall not be expected to purchase equipment for Central Staff that is not budgeted

in the approved UPWP, but shall facilitate purchase of equipment that is so approved. The host agency shall not impose restrictions on travel or other items for which budgetary resources are provided in the approved UPWP.

7. Cooperative Relation with Composite Staff Agencies

It is in the best interest of accomplishing the completion of approved UPWP tasks, and thereby achieving a high quality metropolitan transportation planning process, for the Central Staff to work cooperatively with the other agencies of the Composite Staff. It is expected that there will be a close working relationship with the NYSDOT Regional Offices, especially the offices of Planning & Program Management, and Traffic Engineering & Safety. In the development of the annual UPWP, the Director of Central Staff and the NYSDOT Regional Planning & Program Manager should confer and determine how the Composite Staff resources can be best applied to the tasks at hand.

E. PUBLIC INVOLVEMENT

The BMTS Policy Committee adopted a new Participation Plan in February, 2007 in response to a requirement in SAFETEA-LU. This plan conforms to the current FHWA/FTA regulations on metropolitan and statewide planning, as started in 23 CFR 450.316.

The BMTS Participation Plan is included by reference in this Unified Operations Plan.