

**FINAL**

**MEMORANDUM OF AGREEMENT**

**FOR THE SELECTION AND FUNDING OF PROJECTS**

**FUNDED BY CMAQ WITHIN THE**

**FAIRBANKS NONATTAINMENT AREA FOR PM 2.5**

*Among the Alaska Department of Transportation and Public Facilities (ADOT&PF), the Fairbanks Metropolitan Area Transportation System (FMATS), the Fairbanks North Star Borough (FNSB) and the Alaska Department of Environmental Conservation (ADEC)*

## **I. PURPOSE**

A. This Memorandum of Agreement (MOA) is a written agreement among the Fairbanks area MPO (FMATS), state agencies (ADEC, ADOT&PF), and the designated air quality planning agency (Fairbanks North Star Borough, FNSB) describing their respective roles and responsibilities including project selection and CMAQ fund management necessary for air quality related transportation planning.

## **II. BACKGROUND**

A. The U.S. Environmental Protection Agency (EPA) has designated the following townships and ranges of the Fairbanks North Star Borough as a non-attainment area for PM 2.5: -MTRS F001N001 – All sections; -MTRS F001N001E – Sections 2 – 11, 14 – 23, 26 – 34; -MTRS F001N002 – Sections 1 – 5, 8 – 17, 20 – 29, 32 – 36; -MTRS F001S001E – Sections 1, 3 – 30, 32 – 36; -MTRS F001S001W – Sections 1 – 30; -MTRS F001S002E – Sections 6 – 8, 17 – 20, 29 – 36; -MTRS F001S002W – Sections 1 – 5, 8 – 17, 20 – 29, 32 – 33; -MTRS F001S003E-Sections 31 - 32; -MTRS F002N001E- Sections 31 – 35; -MTRS F002N001-Sections 28, 31 – 36; -MTRS F002N002-Sections 32 - 33, 36; -MTRS F002S001E - Sections 1 - 2; -MTRS F002S002E - Sections 1 - 17, 21 – 24; -MTRS F002S003E - Sections 5 - 8, 18. A map of the non-attainment area is attached as Appendix A.

B. This PM 2.5 nonattainment designation became effective on December 14, 2009.

C. The above non-attainment area is larger than the FMATS Metropolitan Planning Area (MPA) illustrated in Appendix A as the MPO boundary.

D. 23 CFR 450.314(b) states that if the metropolitan planning area does not include the entire nonattainment or maintenance area, there shall be an agreement among the state department of transportation, state air quality agency, affected local agencies and the metropolitan planning organizations describing the process for cooperative planning and analysis of all projects outside the metropolitan planning area but within the nonattainment or maintenance area.

E. Further, 23 CFR 450.314(c) states that in the nonattainment area or maintenance areas, if the MPO is not the designated agency for air quality planning under section 174 of the Clean Air Act (42 USC 7504), there shall be a written agreement between the MPO and the designated air quality planning agency describing their respective roles and responsibilities for air quality related transportation planning.

## **III. AGENCY ROLES & RESPONSIBILITIES**

A. ADEC

1. ADEC and the FNSB have joint responsibility for air pollution control in the FNSB.
2. ADEC will provide technical assistance in the development of the Fairbanks PM2.5 nonattainment area CMAQ transportation project listing.

3. ADEC will participate and be a member on the Fairbanks CMAQ Project Evaluation Board.
- B. ADOT&PF Northern Region (NR)
1. NR will provide technical assistance in the development of the Fairbanks CMAQ transportation project listing.
  2. NR will prepare and submit the PDAs to fund the selected projects, administer project funds to the appropriate implementing agency, and will assist in the development of the environmental documentation, design, right-of-way, utility and construction of selected projects as required.
  3. NR will participate and be a member on the Fairbanks CMAQ Project Evaluation Board.
  4. NR will issue an annual thirty-day Call for Nominations prior to January 31.
- C. ADOT&PF Division of Program Development (HQ)
1. HQ will make Federal CMAQ funding available for eligible air quality projects in Fairbanks.
  2. HQ will provide CMAQ funding for the purposes of travel demand modeling and conformity determination for the updates of the plans and programs and to include projects outside of the MPA in the nonattainment area. No local match is currently required. Should local match be required in the future, agreements will be developed through interagency consultation.
  3. HQ will participate and be a member on the Fairbanks CMAQ Project Evaluation Board.
  4. HQ will (subject to available CMAQ funding) include in the STIP all projects agreed to by the Fairbanks CMAQ Project Evaluation Board and submitted by the FNSB.
- D. FMATS
1. FMATS will work with local agencies in developing and submitting projects to the Fairbanks CMAQ Project Evaluation Board.
  2. FMATS will include all projects approved by the Fairbanks CMAQ Project Evaluation Board and submitted by the FNSB in the informational section of the TIP.
  3. FMATS will participate and be a member on the Fairbanks CMAQ Project Evaluation Board.
- E. FNSB
1. FNSB and the ADEC have joint responsibility for air pollution control in the FNSB.
  2. FNSB is the lead air quality agency for the Fairbanks area and will determine the priorities for the CMAQ funding provided to the PM2.5 nonattainment area.

3. FNSB will provide to the NR a list of PM 2.5 CMAQ transportation projects for the PM2.5 nonattainment area for inclusion in the STIP.
4. FNSB will participate and be a member on the Fairbanks CMAQ Project Evaluation Board.

#### **IV. CMAQ PROJECT EVALUATION BOARD**

##### **A. Board membership**

1. The Fairbanks CMAQ Project Evaluation Board (hereinafter Board) will have 7 members representing the following entities: ADEC, FMATS, City of Fairbanks, City of North Pole, FNSB, ADOT&PF (NR) and ADOT&PF (HQ). The Board may select a chair to facilitate evaluation discussions.

##### **B. Project Evaluation Criteria**

1. The Board will develop criteria to use in evaluating projects submitted to the Board.
2. The developed criteria will take into account eligible uses of CMAQ funding and consider the projects efficacy in addressing PM2.5 attainment.
3. Evaluation criteria will be provided to agencies for use in developing CMAQ project proposals for submittal to the Board.

##### **C. Project Submission**

1. Any member of the Board may submit a project for evaluation and possible inclusion in the STIP.
2. Board Members will notify their respective agencies of the time window for the Call for Nominations.

##### **D. Project Evaluation**

1. The Board will use the developed evaluation criteria to score the projects.
2. Projects evaluated will be ranked by their total score.
3. Based upon the project ranking and scheduling, projects will be submitted to the FNSB mayor for approval and then to NR for inclusion in the STIP subject to CMAQ funding available to the Fairbanks PM2.5 nonattainment area.
4. In compiling the proposed list for inclusion in the STIP, if the next ranked project is too costly to be included due to fiscal constraint, the next project below it may be included instead.
5. The Board will meet as necessary to allow FNSB to submit its slate of proposed projects in time for inclusion in a draft STIP or draft STIP amendment. It is anticipated that the Board will meet at a minimum once per year, preferably no later than March 31, to solicit, rank, and recommend projects.

E. Conflict Resolution Process

1. Conflicts regarding the submission of a project listing to NR, including the inclusion or absence of a project, will be resolved according to the following process:

- a) The conflict resolution process is initiated in writing, via email, from any signatory who has a conflict or grievance to all other signatories in the MOA who are affected by the conflict or grievance.
- b) Within fifteen (15) working days after receipt of such notice, each affected party, along with its director or designee, will meet and determine reasonable measures to resolve the conflict.
- c) If the conflict has not been resolved at the expiration of sixty (60) days after receipt of the initial notice, the conflict shall be referred to the Office of the Governor for final resolution.

2. All parties understand and agree that the timeline above, while ambitious, may not suffice in getting the matter resolved in time for inclusion in the draft STIP or draft STIP amendment.


V. AGREEMENT TERMS

A. This agreement shall be effective upon signature of all parties and binding until amended or revoked. The anticipated duration of the agreement is tied to the PM 2.5 non-attainment designation and is required until the area has achieved attainment status and maintained such status for a period of at least twenty years. The undersigned agencies may revise or replace this MOA via unanimous written agreement. The agreement may be terminated by a signing agency upon 90 days' written notice to all the signatory parties.

B. An interagency consultation process shall be used for revision of the MOA as necessary.

VI. SIGNATORIES


The undersigned hereby agree to comply with the provisions and terms of this MOA as described above.

  
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 Steve Titus, P.E., Chair, FMATS

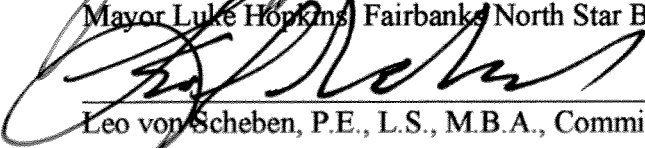
9/15/10  
 Date

  
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 Larry Hartig, Commissioner, ADEC

10/4/10  
 Date

  
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 Mayor Luke Hopkins, Fairbanks North Star Borough

9/15/10  
 Date

  
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 Leo von Scheben, P.E., L.S., M.B.A., Commissioner, ADOT&PF

9/29/10  
 Date

## **Abbreviations Guide**

ADOT & PF – Alaska Department of Transportation and Public Facilities  
ADEC – Alaska Department of Environmental Conservation  
CMAQ – Congestion Mitigation/Air Quality Program  
EPA – United States Environmental Protection Agency  
FHWA – Federal Highway Administration  
FMATS – Fairbanks Metropolitan Area Transportation System  
FNSB – Fairbanks North Star Borough  
FTA – Federal Transit Administration  
HQ - Alaska Department of Transportation and Public Facilities, Headquarters  
PDA – Project Development Authorization  
PM2.5 – Fine Particulate Matter Less Than 2.5 Micrometers  
MOA – Memorandum of Agreement  
MPA – Metropolitan Planning Area  
MPO – Metropolitan Planning Organization  
MTP – Metropolitan Transportation Plan  
NR - Alaska Department of Transportation and Public Facilities, Northern Region  
RLRTP – Regional Long Range Transportation Plan  
SIP – State Implementation Plan  
STIP – Statewide Transportation Improvement Program  
TIP – Transportation Improvement Program  
USDOT – United States Department of Transportation