

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH THE
LENOWISCO PLANNING DISTRICT COMMISSION AND
AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO
EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, each year, the Metropolitan Transportation Planning Organization (MTPO) receives Federal and State Planning Funds from the Virginia Department of Transportation (VDOT) to carry out transportation planning activities in the MTPO planning area in Scott County Virginia; and

WHEREAS, the amount of Planning Funds is determined by a base amount and then a formula based on the Kingsport Urban Area population as defined by the US Census Bureau, and then the Kingsport MTPO splits these funds with the LENOWISCO Planning District Commission (PDC); and

WHEREAS, this agreement defines the division of Planning Funds as well as the terms and responsibilities of the MTPO and PDC, the parties interlocal cooperation in these matters being authorized by Tenn. Code Ann. § 19-9-104 and Va. Code Ann. §§ 15.2-4205 & 15.2-4214..

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the agreement with the LENOWISCO Planning District Commission, is approved as being authorized by the laws of the State of Tennessee and the Commonwealth of Virginia.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, the Agreement with the LENOWISCO Planning District Commission to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution as set out below:

**Agreement between the City of Kingsport / Kingsport Metropolitan Transportation Planning
Organization (MTPO)
and the LENOWISCO Planning District Commission (PDC)**

WITNESSETH

THIS AGREEMENT, is made by and between the City of Kingsport, acting as the cognizant agency for the Kingsport Metropolitan Transportation Planning Organization, hereinafter referred to as the MTPO, and the LENOWISCO Planning District Commission, hereinafter referred to as the PDC.

WHEREAS, the MTPO is the designated Metropolitan Planning Organization (MPO) for the Kingsport urban area in Tennessee and Virginia and is responsible for carrying out a comprehensive, cooperative, and continuing transportation planning process; and

WHEREAS, a portion of the MTPO Urban Area (UA) and Metropolitan Planning Area (MPA) extends from Tennessee into Virginia within the PDC coverage area and the MTPO and PDC receive Federal Highway Administration (FHWA) metropolitan planning (PL) funds through the Virginia Department of Transportation (VDOT) to conduct planning activities in that area; and

WHEREAS, the MTPO is empowered to serve as the lead planning and programming agency for its UA and MPA, and to this end the MTPO and the PDC agree to jointly carry out an ongoing continuing,

cooperative, and comprehensive multimodal transportation planning process that fully considers the planning factors required by applicable laws and regulations; and
WHEREAS, that MTPO and PDC are permitted to enter into this agreement which establishes interlocal cooperation as such is explicitly authorized by Tenn. Code Ann. § 12-9-104 and Va. Code Ann. §§ 15.2-4205, 15.2-4214, both parties being political subdivisions of their respective jurisdictions and the powers exercised hereunder MTPO and PDC each possess individually; and
WHEREAS, 23 CFR § 420.117(a) requires that VDOT shall monitor all activities performed by its staff or by sub- recipients with FHWA planning and research funds, as dispersed by VDOT, to ensure that the work is being managed and performed satisfactorily and that time schedules are being met.
NOW THEREFORE, it is agreed as follows:

A G R E E M E N T

Article 1. Agreement Period

- A.** This agreement is effective beginning July 1, 2024. The MTPO and PDC shall not continue their obligations under this agreement if the Governors' designation of the MPO is withdrawn, if federal funds cease to become available, or if the agreement is terminated.
- B.** This agreement shall be reviewed every five (5) years or as needed, such as when a new transportation funding bill is passed by the United States Congress, and/or when new federal regulations are published by FHWA, by the respective agencies' signatories, or their applicable designees or proxies. If all terms and conditions of this agreement remain viable and no amendment to the existing agreement or a new agreement is required, the agreement will auto renew annually.
- C.** All parties to this agreement shall comply with applicable local, state, and federal requirements necessary to carry out the provisions of this agreement.
- D.** Either party may terminate this agreement for convenience by providing a 180-day written notice. The written notice must be sent to the other party with copies issued to VDOT and the Tennessee Department of Transportation (TDOT). If a party terminates this agreement, the terminating party forfeits their portion of Virginia FHWA PL funds and any carryover funds. At the end of the fiscal year in which this agreement is terminated, this agreement will become null and void and 100% of the Virginia FHWA PL funds for the Kingsport MTPO/LENOWISCO PDC area will go to the remaining party.

Article 2. Responsibilities of the MTPO and PDC

- A.** Virginia FHWA PL funds will be shared at a split of 70% to the PDC and 30% to the MTPO. Any unused funds will remain with the MTPO/PDC as programmed and will carryover according to VDOT's process. If the base amount or available funding changes, regardless of increase or decrease, the split will remain the same (70% PDC / 30% MTPO).
- B.** Virginia FHWA PL funds will be used to carry out tasks as defined in the prevailing approved and active Unified Planning Work Program (UPWP).
- C.** Continue to provide separate quarterly invoices and progress reports to VDOT according to VDOT's process.
- D.** Document annual planning activities in a UPWP to indicate who will perform the work, the schedule for completing the work, and all products or deliverables that will be produced, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds.
- E.** Use funds to develop and maintain a comprehensive regional transportation planning program in conformity with the requirements of 23 U.S.C. § 134, and 49 U.S.C. § 5303.
- F.** Develop, adopt, and periodically review a Long-Range Transportation Plan (LRTP), a Transportation Improvement Program (TIP), and a Unified Planning Work Program (UPWP) for the MPA, consistent with applicable federal laws.
- G.** Develop, adopt, and periodically review other transportation planning documents as deemed appropriate (plans, programs, studies, etc.).
- H.** Assemble and maintain an adequate, competent staff with the knowledge and experience necessary to perform all appropriate MTPO/PDC activities as required by law.
- I.** Acquire, forecast, and maintain appropriate socio-economic, roadway, and travel data on a timely basis, in cooperation with VDOT.
- J.** Prepare all required plans, programs, reports, and data, and obtain all required certifications in a timely manner.

THIS AGREEMENT IS EXECUTED by the City of Kingsport, acting as the cognizant agency for the Kingsport MTPO, and the LENOWISCO PDC.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement set out herein that do not substantially alter the

material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 18th day of June, 2024.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY