



**OPEN MEETING NOTICE**  
**TOTAL TRANSPORTATION POLICY COMMITTEE**

Chuck Adams, Kansas Co-Chair

Carson Ross, Missouri Co-Chair

There will be a meeting of MARC's Total Transportation Policy Committee on **Tuesday, May 17, 2016 at 9:30 a.m. in the Board Room on the second floor** of the Rivergate Center, 600 Broadway, Kansas City, Missouri.

**A G E N D A**

1. Welcome/Introductions -9:30 a.m.
2. *VOTE: Minutes* \*- 9:35 a.m.
3. *VOTE: Transportation Outlook 2040 Amendment #1\** - 9:40 a.m.
4. *VOTE: 2016 Special Amendment #1 to the 2016-2020 TIP \** - 9:45 a.m.
5. *VOTE: 2016 Special Amendment #2 to the 2016-2020 TIP for Public Review & Comment* - 9:50 a.m.
6. *VOTE: 2017 Title VI Program Assurance* - 9:55 a.m.
7. REPORT: Kansas City Scout Annual Report - 10:05 a.m.
8. REPORT: I-35 Integrated Corridor Management Planning - 10:20 a.m.
9. REPORT: RideKC Regional Transit Plan Update - 10:30 a.m.
10. REPORT: 2016 Green Commute Challenge - 10:40 a.m.
11. REPORT: USDOT Transportation Performance Management Rulemaking - 10:45 a.m.
12. Other Business - 10:55 a.m.
13. Adjournment - 11:00 a.m.

**\*Action Items**

**Getting to MARC:** Information on transportation options to the MARC offices, including directions, parking, transit, carpooling, and bicycling, can be found [online](#). If driving, visitors and guests should enter the Rivergate Center parking lot from Broadway and park on the upper level of the garage. An entrance directly into the conference area is available from this level.

**Parking:** Free parking is available when visiting MARC. Visitors and guests should park on the upper level of the garage. To enter this level from Broadway, turn west into the Rivergate Center parking lot. Please use any of the available spaces on the upper level at the top of the ramp.

**Special Accommodations:** Please notify MARC at (816) 474-4240 at least 48 hours in advance if you require special accommodations to attend this meeting (i.e., qualified interpreter, large print, reader, hearing assistance). MARC programs are non-discriminatory as stated by Title VI of the Civil Rights Act of 1964. For more information or to obtain a Title VI Complaint Form, call 816-474-4240 or visit our [webpage](#).

## **Total Transportation Policy Committee**

**April 19, 2016**

### ***Meeting Summary - DRAFT***

#### **Members, Alternates Present-Representing**

Mayor Carson Ross, Jackson County Municipalities,  
Missouri Co-Chair

Councilman Chuck Adams, Wyandotte County  
Municipalities, Kansas Co-Chair

Michael Ashcraft, Johnson County

Commissioner Dennis Bixby, Leavenworth County

Marcie Gragg, City of Independence

Richard Grenville, PortKC

Patty Hilderbrand, City of Kansas City

Duane Jackson, Clay County

Dick Jarrold, KCATA

Kent Lage, Johnson County

Nathan Law, Miami County Municipalities

Robbie Makinen, KCATA

Michael McDonald, Leavenworth County Mun.

Sherri McIntyre, City of Kansas City

Janet McRae, Miami County

Davonna Moore, KDOT

Burt Morey, City of Overland Park

Mark Randall, Cass County

Eric Rogers, BikeWalk KC

James Ryan, Jackson County

Fred Sherman, Johnson County Municipalities

Mayor David Slater, Clay County Municipalities

Mayor John Smedley, Platte County Municipalities

Duane Soper, Platte County

Tim Vandall, Leavenworth County Municipalities

Geoffrey Vohs, Johnson County

Commissioner Jim Walters, Unified Gov't of WyCo.

Doug Whitacre, Johnson County Municipalities

Bruce Wilke, Jackson County

Beccy Yocham, Johnson County Municipalities

Kristen Leathers, Affinis

Kevin Manning, City of Shawnee

John Mayfield, City of Independence

Nathan McCommon, City of Tonganoxie

Jeff McKerrow, Olsson Associates

Ken Miller, City of Lansing

Mike Novak, Wilson & Co.

Agnes Otto, WSP/Parsons Brinckerhoff

Rob Richardson, Unified Government of Wyandotte Co.

Kurt Roterig, Walter P Moore

Randy Rowson, CDM Smith

Jeff Rupp, City of Lansing

Jeremiah Shuler, FTA

Allison Smith, KDOT

Mark Swope, Transitvity, LLC

Brent Thompson, Unified Government of Wyandotte  
Co.

Allan Zaft, CDM Smith

#### **MARC Staff Present**

Ron Achelpohl, Director of Transp. and Environment

Aaron Bartlett, Senior Transportation Planner

Amanda Graor, Air Quality Program Manager

Marc Hansen, Principal Planner

Jim Hubbell, Principle Transportation Planner

Tom Jacobs, Environmental Program Director

Whitney Morgan, Transportation Planner I

Martin Rivarola, Assistant Director of Transportation &  
Land Use Planning

Jermain Whitmore, Program Assistant

#### **Others Present**

Mac Andrew, SKW

Linda Clark, TranSystems

Dick Davis, Olsson Associates

Matt Davis, Jackson County

Tom Evans, TREKK Design Group, LLC

Chuck Ferguson, KCATA

Bob Goodwillie, Hg Consult, Inc.

Adam Hahs, Vance Brothers

Angie Hoecker, MoDOT

Kati Horner-Gonzalez, City of Raytown

Nan Johnston, City of Parkville

**1) Welcome/ Introductions**

Mayor Carson Ross, Missouri Co-Chair, called the meeting to order and self-introductions followed.

**2) Approval of March 15, 2016 Meeting Summary \***

There were no changes to the March 15, 2016 meeting summary. Mayor Carson Ross moved to approve the meeting summary, Janet McRae seconded and the motion carried unanimously.

**3) 2016 2<sup>nd</sup> Quarter Amendment to the 2016-20 Transportation Improvement Program\***

The *Transportation Improvement Program (TIP)* is the region's short-range program, identifying projects to receive federal funds and projects of regional significance to be implemented over the next three to five year period. MARC amends the *TIP* on a quarterly cycle to accommodate changes to projects in the *TIP*.

The proposed 2016 2<sup>nd</sup> Quarter Amendment to the 2016-20 *TIP* includes 83 projects:

- 68 new projects to be added, including, but not limited to:
  - #380146 – Toll Feasibility Study for the South Lawrence Trafficway and K-10 Corridors
  - #490152 – Pavement Improvements on M-152 from I-29 to US-169
  - #590225 – Pavement Improvements on US-169 from Barry Rd. to I-29
  - #690473 – ITS Message Board Installation on I-470 & I-49
  - #790094 – Bridge Improvements on Rt. A over Black Creek in Cass County
  - #867003 – Bridge Replacement on 347<sup>th</sup> St. in Miami County, KS
- 15 modified projects
  - Scope
  - Schedule
  - Budget

Details of these projects are available for review on the Internet at:

<http://www.marc.org/Transportation/Plans-Studies/Transportation-Plans-and-Studies/TIP/TIP-Amendment-Archive/Archive-assets/16Q2amend.aspx>

MARC's Public Involvement Plan requires that proposed amendments to the *TIP* be released for public review and comment prior to adoption. Two comments from the public were received. The comments and responses from MARC are provided in the meeting packet.

All of the projects in the proposed 2<sup>nd</sup> quarter amendment are financially constrained.

Becky Yocham moved to approve the 2016 2<sup>nd</sup> Quarter Amendment to the FFY 2016-2020 *TIP*, John Smedley seconded and the motion carried unanimously.

**4) Release Transportation Outlook 2040 Amendment #1 for Public Review and Comment\***

In June of 2015, the MARC Board of Directors approved an update to *Transportation Outlook 2040*, the Kansas City regions long-range, Metropolitan Transportation Plan (MTP). It is a blueprint that describes how the region will manage, operate, and invest in its multimodal transportation system over the next 25 years. The plan describes goals and objectives for the region, policies to help the region make progress toward the goals, and actions to support the policies. It stresses the interrelationships between modes and promotes the integration of individual facilities and services into a system that efficiently and cost-effectively meets the access and mobility needs of the region.

*Transportation Outlook 2040* describes the current and evolving surface transportation needs of the metropolitan area and identifies \$33.1 billion in transportation investments ranging from road and transit improvements to projects that enhance bike, pedestrian and freight movement. Amendments are made to *Transportation Outlook 2040* as new projects, funding, or programs arise and MARC's Public Involvement Plan requires that proposed amendments to the MTP be released for public review and comment. MARC has received a request to amend *Transportation Outlook 2040*. The proposed amendment involves 3 projects, as described below. The amended projects as proposed are financially constrained.

**a) Add Project #3014: I-435/State Avenue Interchange**

**Project Details:**

- **Sponsor:** KDOT
- **Description:** Construction of a diverging diamond interchange at I-435 and State Avenue in Wyandotte County, KS; this will replace an existing interchange of a different design.
- **Category:** Roadway
- **Cost:** \$25,072,000
- **Period:** 2015 to 2020
- **Financial Constraint:** The project sponsor has indicated additional funding will come attached with the project; the Kansas statewide transportation program is the source of additional financial capacity.

**b) Add Project #3015: I-70/I-435 Interchange**

**Project Details:**

- **Sponsor:** KDOT
- **Description:** Construction of a flyover ramp from I-435 NB to I-70 WB in Wyandotte County; this will replace an existing interchange ramp of a different design.
- **Category:** Roadway
- **Cost:** \$77,000,000
- **Period:** 2021 to 2030
- **Financial Constraint:** The project sponsor has indicated additional funding will come attached with the project; the Kansas statewide transportation program is the source of additional financial capacity.

**c) Modify Project #3009: I-435/MO-210 Interchange**

**Project Details:**

- **Sponsor:** MoDOT
- **Description:** In Clay County, Add auxiliary lane to I-435 from Parvin Road to Missouri River; Construction of diverging diamond interchange at I-435/MO-210; this will replace an existing interchange of a different design.
- **Category:** Roadway
- **Cost:** \$18,000,000
- **Period:** 2015 to 2020
- **Financial Constraint:** To account for an increase in the amount of federal funding made available by the FAST Act, revenue estimates were adjusted for MoDOT. Financial capacity in the first period (2015-2020) increased by \$41,318,000. This project is financially constrained.

Commissioner Jim Walters moved to approve the *release of the proposed amendments to Transportation Outlook 2040 for public review and comment*, Sherri McIntyre seconded and the motion carried unanimously.

**5) 2016 Special Amendment #1 to the 2016-2020 Transportation Improvement Program\***

The *Transportation Improvement Program (TIP)* is the region's short-range program, identifying projects to receive federal funds and projects of regional significance to be implemented over the next three to five year period. MARC amends the *TIP* on a quarterly cycle to accommodate changes to projects in the *TIP*.

The proposed 2016 Special Amendment #1 to the *2016-2020 TIP* includes 5 projects:

- 2 new projects to be added:
  - #280133 – KDOT -- I-435/State Avenue interchange
  - #380151 – KDOT -- K-7/K-10 interchange; High friction surface treatment
- 3 modified projects
  - #349224 – KDOT--Johnson County Gateway Interchange Project
  - #350222 – Overland Park – Prairie Trace - Hilltop Campus Trail
  - #380127 – KDOT-- I-435 from 87th St. East to Pflumm Road

Details of these projects are available for review on the Internet at:

<http://www.marc.org/Transportation/Plans-Studies/Transportation-Plans-and-Studies/TIP/TIP-Amendment-Archive/Archive-assets/16SpecAmend1.aspx>

MARC's Public Involvement Plan requires that proposed amendments to the *TIP* be released for public review and comment prior to adoption.

All of the projects in the proposed 2016 Special Amendment #1 are financially constrained.

Michael McDonald asked if this committee has seen the KDOT projects before in any other report, and Mr. Hansen explained that the proposed amendment to TO 2040 was presented to the Highway Committee, and included these projects; which could be the reason of the additional oversight.

Mayor Carson Ross moved to approve the *release of the 2016 Special Amendment #1 to the FFY 2016-2020 TIP for public review and comment*, Janet McRae seconded and the motion carried unanimously.

#### **6) Mercury Alliance**

Julie Lorenz introduced the Mercury Alliance to the committee. This is a broad coalition of individuals and organizations supporting the continued prosperity of the people of Missouri through the general advancement and improvement of the state's transportation system. MARC supports increase funding for multi-modal transportation needs in Missouri in our 2016 state legislative agenda.

Their mission is to:

- Increase awareness of the importance of Missouri's transportation system to the citizens of the state through strategic outreach that is issue driven, educational, demographically and geographically inclusive;
- Engage the Missouri General Assembly and the Governor to pass legislation to preserve and improve the state's transportation system and create opportunities for alliance members to access state leadership including the Missouri Highways and Transportation Commission related to transportation issues; and
- Create a grassroots organization of geographically inclusive voters who are well-informed on transportation issues.

Ron Achelpohl asked Julie if she could comment on the comparisons with the Economic Lifelines Organization in Kansas. She remarked that the differences lie in the community of interest approach, with this mostly focusing on looking at policy issues and the connection of the economy to those policy issues, and support other issues like workforce development.

Councilman Chuck Adams requested that the Mercury Alliance contact information be sent out after the meeting. Contact Jeff Glenn at [jglenn@glennpr.com](mailto:jglenn@glennpr.com) or call 573-270-4053 for more information.

## **7) Unified Government Planning & Redevelopment Activities**

Rob Richardson, Director of Planning with the City of Unified Government of Wyandotte County/Kansas City, Kansas, presented a report on some of the projects the Unified Government is undertaking. Many of MARC's partners and member communities frequently engage in innovative transportation initiatives within their individual jurisdictions. Although these may be confined to individual city limits, at times they can have a broader impact. In addition, private development project(s) of regional significance tend to occur that both have an impact on the region's transportation system, or directly benefit from regional investments in the area. For this reason, MARC provides the opportunity for our members to provide occasional local reports to the TTPC, so that Committee members can be informed on issues of regional significance.

Mr. Richardson's presentation included information on the following projects/initiatives/development projects:

- University of Kansas Medical Campus Development and Rosedale Master Plan
- Fairfax Industrial District
- Development activity update

## **8) 2015 Annual Safety Report**

This report compares 2014 data and five-year averages (2009–2013) against the reduction goals established in the "Toward Zero Deaths 2013–2017: Kansas City Regional Transportation Safety Blueprint". Using the latest finalized data from 2014, the report provides a snapshot of fatality and serious injury crash data. Reduction goals were met in 2013 and 2014 however, the goal of 180 or fewer fatalities was not met in 2015.

Since the creation of the Destination Safe Coalition in 2004 five-year rolling averages have fallen every year. Nationally the number of crashes resulting fatalities and serious injuries has been on the rise through 2015. A likely factor has been the increase vehicle miles traveled. Low gas prices and an economy that is on the rebound are possible factors contributing to this trend.

Human factors contribute to 94% of crashes according to the National Highway Traffic Safety Administration studies. For this reason, the Destination Safe Coalition continues to focus their efforts to address behavior related safety issues. Occupant protection, and unsafe driving behaviors such as aggressive driving, driving under the influence, and distracted driving remain focus areas that are addressed through education, enforcement and public policy. The 2015 Annual Safety Report also highlights programs funded in 2015 through the 2016 fiscal years ending in June and September.

There are both short-term and long-term factors that will affect the degree to which reduce transportation-related fatalities and serious injuries. In the short term the education and enforcement efforts can help.

Long term there is hope that emerging technologies that will prevent crashes through avoidance and advanced warning systems. Autonomous or self-driving vehicles may with combined vehicle to vehicle and vehicle to infrastructure communications significantly reduce crashes. A second long term strategies is to reduce the number of vehicle miles traveled by changing land use patterns that allow for mixed use development and shorter trip distances. This incorporated safer travel modes like public transportation, walking and bicycling could reduce VMT and lower speeds to reduce the severity of crashes.

The annual safety report is produced with the support of staff from MARC, MoDOT, KDOT and members of the Transportation Safety Data Task Team.

Details of the 2015 Annual Report is available for review on the Internet at:

[http://marc.org/Transportation/Safety/reports\\_pdfs/DS\\_AnnualReport\\_2015.aspx](http://marc.org/Transportation/Safety/reports_pdfs/DS_AnnualReport_2015.aspx)

Mayor John Smedley inquired if there is a desired target/distance for what is trying to be achieved with the building sustainable communities initiatives. Aaron Bartlett replied that its is preferred that it would be a walking distance of around 10-20 minutes. The shorter, the better.

Councilman Adams questioned if the automated vehicle technology has shown any signs of reduction in fatalities or property damage, and Mr. Bartlett answered that there have been some reported crashes, but there have been very few.

#### **9) Climate Resilience Strategy Focus Group**

Tom Jacobs gave a recap on the Climate Resilience Focus Group they had recently, and their on-going work. The Department of Energy and the White House designated a MARC-led consortium as a Climate Action Champion in November 2014. As part of our work, MARC is working to develop a high-level climate resilience strategy. This strategy will identify key opportunities for the region to begin to mitigate, adapt to, and bounce forward from potential future impacts associated with extreme weather.

The process to develop the regional strategy is being informed by two large community and stakeholder workshops, two focus groups, input from multiple committees, and technical assistance from national thought leaders. A focus group on sustainable infrastructure and hazard mitigation was held on April 11, 2016. Participants included emergency managers, public works directors, water resource engineers and city managers. Insights gleaned from that conversation will be shared.

Transportation Outlook 2040 includes a goal for climate change and energy use to “decrease the use of fossil fuels through reduced travel demand, technology advancements and a transition to renewable energy sources”.

#### **10) 2016 Call For Projects Update**

Marc Hansen provided an update of the projects for the CMAQ, STP, and TAP programs, as well the selection process. One of MARC’s fundamental roles as Metropolitan Planning Organization is to provide a forum and facilitate processes for cooperative decision-making about the use of federal transportation dollars for projects and programs in the Kansas City area.

Consistent with this role, MARC issued a call for projects on January 22, 2016 for federal Congestion Mitigation/Air Quality (CMAQ), Surface Transportation Block Grant (STP) and Surface Transportation Block Grant Program – Set Aside (TAP) funding programs estimated to total \$77 million through FFY 2020. MARC received 124 applications for projects by the March 25, 2016, application deadline. Surprisingly, we received more applications than could selected. All of the selected projects are reimbursement programs.

TTPC authorized a call for projects for 2019-2020 federal suballocated funding on December 15, 2015. MARC will collect a 0.5% project fee for all federal funds awarded through this call for projects.

#### **11) FFY 2016 Federal FASTLANE and TIGER Funding Programs**

On December 4, 2015 Congress passed, and the President signed, the “Fixing America’s Surface Transportation Act” (FAST), a five-year, \$305 billion reauthorization of federal surface transportation programs. This law established a new competitive grant program for freight and highway projects that demonstrate support of national and regional freight significance.

USDOT has recently announced that they are accepting applications for the new “FASTLANE” grant program, and for another round of TIGER program.

Both programs are competitive, discretionary programs with projects to be selected by the US Secretary of Transportation.

The FASTLANE program is funded at \$800 million for FFY 2016 and is focused on highway and freight system improvements that facilitate national and regional freight movement. Applications are due April 14, 2016. Additional details are available at <https://www.transportation.gov/FASTLANEgrants>

The TIGER program is funded at \$500 million for FFY 2016, and is focused on projects that will have a significant impact on the Nation, a metropolitan area, or a region. Applications are due April 29, 2016. See more at: <https://www.transportation.gov/tiger/nofa>.

Several project sponsors have requested letters of support from MARC for applications in the Kansas City metropolitan area.

#### **12) Other Business**

- Mr. Achelpohl reminded everyone that of the next Kinetic event coming up April 22<sup>nd</sup> starting at 8 a.m. in at the Plaza Public Library.
- Mr. Achelpohl also mentioned that MARC is soliciting applications for Section 5310, and those applications are due May 17<sup>th</sup>.
- Next, he remarked that there will be another round of PSP Call For Projects on May 2<sup>nd</sup>; with a workshop taking place on May 17<sup>th</sup>, and the applications will be due June 24<sup>th</sup>.
- Lastly, he announced the four community seats for TTPC. BikeWalk KC, KCRTA, and PortKC will return, with the Northland Regional Chamber of Commerce filling the remaining seat.

#### **13) Adjournment**

With no further business the meeting was adjourned. The next meeting of TTPC will be held May 17, 2016.



**ISSUE**

*VOTE: Approve Transportation Outlook 2040 Amendment #1*

**BACKGROUND:**

In June of 2015, the MARC Board of Directors approved an update to *Transportation Outlook 2040*, the Kansas City region's long-range, Metropolitan Transportation Plan (MTP). It is a blueprint that describes how the region will manage, operate, and invest in its multimodal transportation system over the next 25 years.

*Transportation Outlook 2040* describes the current and evolving surface transportation needs of the metropolitan area and identifies \$33.1 billion in transportation investments ranging from road and transit improvements to projects that enhance bike, pedestrian and freight movement. Amendments are made to *Transportation Outlook 2040* as new projects, funding, or programs arise and MARC's Public Involvement Plan requires that proposed amendments to the MTP be released for public review and comment.

MARC has received a request to amend *Transportation Outlook 2040*. The proposed amendment involves 3 projects, as described below.

**a) Add Project #3014: I-435/State Avenue Interchange**

**Project Details:**

- **Sponsor:** KDOT
- **Description:** Construction of a diverging diamond interchange at I-435 and State Avenue in Wyandotte County, KS; this will replace an existing interchange of a different design.
- **Category:** Roadway
- **Cost:** \$25,072,000
- **Period:** 2015 to 2020
- **Financial Constraint:** The project sponsor has indicated additional funding will come attached with the project; the Kansas statewide transportation program is the source of additional financial capacity.

**b) Add Project #3015: I-70/I-435 Interchange**

**Project Details:**

- **Sponsor:** KDOT
- **Description:** Construction of a flyover ramp from I-435 NB to I-70 WB in Wyandotte County; this will replace an existing interchange ramp of a different design.
- **Category:** Roadway
- **Cost:** \$77,000,000

- **Period:** 2021 to 2030
- **Financial Constraint:** The project sponsor has indicated additional funding will come attached with the project; the Kansas statewide transportation program is the source of additional financial capacity.

**c) Modify Project #3009: I-435/MO-210 Interchange**

**Project Details:**

- **Sponsor:** MoDOT
- **Description:** In Clay County, Add auxiliary lane to I-435 from Parvin Road to Missouri River; Construction of diverging diamond interchange at I-435/MO-210; this will replace an existing interchange of a different design.
- **Category:** Roadway
- **Cost:** \$18,000,000
- **Period:** 2015 to 2020
- **Financial Constraint:** To account for an increase in the amount of federal funding made available by the FAST Act, revenue estimates were adjusted for MoDOT. Financial capacity in the first period (2015-2020) increased by \$41,318,000. This project is financially constrained.

**POLICY CONSIDERATIONS**

*Transportation Outlook 2040* describes how the region will manage, operate, and invest in its multimodal transportation system over the next twenty-five years. The plan describes goals and objectives for the region, policies to help the region make progress toward the goals, and actions to support the policies. It stresses the interrelationships between modes and promotes the integration of individual facilities and services into a system that efficiently and cost-effectively meets the access and mobility needs of the region.

MARC made the proposed amendment details available for public review and comment from April 20-May 5, 2016, per guidelines in the Public Participation Plan. No comments were received on the proposed amendment.

**BUDGET CONSIDERATIONS:**

The amended projects as proposed are financially constrained.

**COMMITTEE ACTION:**

The proposed amendment to *Transportation Outlook 2040* was considered and formally recommended by the MARC Highway Committee on March 23, 2016. TTPC approved releasing the proposed amendment for public review and comment on April 19, 2016.

**RECOMMENDATION:**

TTPC approves Amendment #1 to *Transportation Outlook 2040*.

**STAFF CONTACT:**

Jim Hubbell

**ISSUE**

*VOTE: 2016 Special Amendment #1 to the 2016-2020 Transportation Improvement Program*

**BACKGROUND**

The *Transportation Improvement Program (TIP)* is the region's short-range program, identifying projects to receive federal funds and projects of regional significance to be implemented over the next three to five year period. MARC amends the *TIP* on a quarterly cycle to accommodate changes to projects in the *TIP*.

The proposed 2016 Special Amendment #1 to the *2016-2020 TIP* includes 5 projects:

- 2 new projects to be added:
  - #280133 – KDOT -- I-435/State Avenue interchange
  - #380151 – KDOT -- K-7/K-10 interchange; High friction surface treatment
- 3 modified projects
  - #349224 – KDOT--Johnson County Gateway Interchange Project
  - #350222 – Overland Park – Prairie Trace - Hilltop Campus Trail
  - #380127 – KDOT-- I-435 from 87th St. East to Pflumm Road

Details of these projects are available for review on the Internet at:

<http://www.marc.org/Transportation/Plans-Studies/Transportation-Plans-and-Studies/TIP/TIP-Amendment-Archive/Archive-assets/16SpecAmend1.aspx>

**POLICY CONSIDERATIONS**

MARC's Public Involvement Plan requires that proposed amendments to the *TIP* be released for public review and comment prior to adoption. No comments from the public were received.

All of the projects in the proposed 2016 Special Amendment #1 are financially constrained.

**BUDGET CONSIDERATIONS**

None.

**COMMITTEE ACTION**

None.

**RECOMMENDATION**

Approve the 2016 Special Amendment #1 to the *FFY 2016-2020 TIP*.

**STAFF CONTACT**

Marc Hansen

**ISSUE**

*VOTE: 2016 Special Amendment #2 to the 2016-2020 Transportation Improvement Program*

**BACKGROUND**

The *Transportation Improvement Program (TIP)* is the region's short-range program, identifying projects to receive federal funds and projects of regional significance to be implemented over the next three to five year period. MARC amends the *TIP* on a quarterly cycle to accommodate changes to projects in the *TIP*.

The proposed 2016 Special Amendment #1 to the *2016-2020 TIP* includes 1 project:

- 1 new project to be added:
  - #690498 – MoDOT – Grand Avenue over I-670 in Jackson County

Details of this projects are available for review on the Internet at:

<http://www.marc.org/Transportation/Plans-Studies/Transportation-Plans-and-Studies/TIP/TIP-Amendment-Archive/Archive-assets/16SpecAmend2.aspx>

**POLICY CONSIDERATIONS**

MARC's Public Involvement Plan requires that proposed amendments to the *TIP* be released for public review and comment prior to adoption.

All of the projects in the proposed 2016 Special Amendment #2 are financially constrained.

**BUDGET CONSIDERATIONS**

None.

**COMMITTEE ACTION**

None.

**RECOMMENDATION**

Approve the release of the 2016 Special Amendment #2 to the *FFY 2016-2020 TIP* for public review and comment.

**STAFF CONTACT**

Marc Hansen

**ISSUE**

*VOTE:* 2017 Title VI Program Assurance

**BACKGROUND**

As the Kansas City Metropolitan Planning Organization, MARC is required to maintain and update a policy outlining procedures related to Title VI of the Civil Rights Act of 1964 (Title VI). Title VI centers on the statement that,

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The current MARC Title VI program expires in October of 2016. The updated program will run from 2017 to 2019. It is not required that MARC release the document for public review and comment, though once adopted by the agency the policy will be available to the public on the MARC website or in hard copy, if requested.

The draft Title VI Program document may be viewed on the Internet by going to:

<http://www.marc.org/titleVI2016update>

**POLICY CONSIDERATIONS**

Compliance with federal requirements regarding the metropolitan planning process and Title VI is necessary for the region to continue to receive federal transportation funds.

**BUDGET CONSIDERATIONS**

None.

**COMMITTEE ACTION**

None.

**RECOMMENDATION**

Recommend to the MARC Board that the Executive Director be authorized to sign the 2017 Title VI Program’s Policy Statement and Assurance

**STAFF CONTACT**

Darryl Fields  
Ron Achelpohl

### Policy Statement and Authorities

The Mid-America Regional Council (MARC) assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MARC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event MARC distributes federal aid funds to another governmental entity, MARC will include Title VI language in all written agreements and will monitor for compliance. MARC's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other MARC responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

---

David Warm, Executive Director

---

Date

### MARC Title VI Assurance

The Mid-America Regional Council HEREBY CERTIFIES THAT, as a condition of receiving federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Mid-America Regional Council will compile, maintain and submit in a timely manner Title VI information required by FTA Circular 4702.1B as updated and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.7.
3. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
4. Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).
5. The Mid-America Regional Council will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

\_\_\_\_\_ Date:\_\_\_\_\_

David A. Warm, Executive Director  
Mid-America Regional Council

## Department of Transportation Title VI Assurance

The Mid-America Regional Council (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its FTA Programs 5307 and 5309:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FTA Programs 5307 and 5309 and, in adapted form in all proposals for negotiated agreements:

The Mid-America Regional Council, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.



7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the FTA Programs 5307 and 5309; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under FTA Programs 5307 and 5309.
8. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the FTA Programs 5307 and 5309 and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the FTA Programs 5307 and 5309. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

\_\_\_\_\_  
David A. Warm, Executive Director  
Mid-America Regional Council

Date: \_\_\_\_\_

**The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination**  
**Assurances**  
**DOT Order No. 1050.2A**

The Mid-America Regional Council (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA) is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the FHWA.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Surface Transportation Program Funds (STP):

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with

all STP funds and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Mid- America Council, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of

Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Mid-America Regional Council also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Mid-America Regional Council gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the STP. This ASSURANCE is binding on Kansas, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the STP. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Mid – America Regional Council  
**(Name of Recipient)**

by \_\_\_\_\_  
David A. Warm, Executive Director

DATED \_\_\_\_\_

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the FHWA, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with

litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Mid-America Regional Council will accept title to the lands and maintain the project constructed thereon in accordance with the Fixing America's Surface Transportation Act "FAST Act" § 1105; 23 U.S.C. 117, the Regulations for the Administration of the Surface Transportation Program (STP) funds, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Mid – America Regional Council (MARC) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto the MARC and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the MARC, its successors and assigns.

The MARC, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the MARC will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Mid-America Regional Council (MARC) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, MARC will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the MARC will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the MARC and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Mid – America Regional Council (MARC) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, MARC will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, MARC will there upon revert to and vest in and become the absolute property of MARC and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

**TTPC AGENDA REPORT**

May 17, 2016

**Agenda Item No. 7****ISSUE**

*REPORT:* Kansas City Scout Annual Report

**BACKGROUND**

Kansas City Scout is Kansas City's bi-state traffic management system. The Kansas and Missouri departments of transportation designed Scout to lessen traffic jams by improving rush-hour speeds, to increase safety by decreasing the number of rush-hour accidents, and to improve emergency response to traffic situations.

Scout manages traffic on more than 300 miles of freeways in the greater Kansas City metropolitan area and on I-70 from the Colorado state line to St. Louis. Scout uses cameras to monitor the highways from its traffic management center in Lee's Summit, relies on sensors to gauge traffic flow, uses large electronic message boards to send urgent traffic notices to drivers along the freeways, dispatches Emergency Response operators and vehicles to respond to incidents in Missouri and coordinates with the Kansas Highway Patrol to respond to traffic incidents in Kansas. Scout also operates ramp meters on I-435 from I-35 in Kansas to I-49 in Missouri and will operate them on I-35 in Kansas.

Mark Sommerhouser, Scout's ITS project Manager, will discuss Scout at the meeting.

**POLICY CONSIDERATIONS**

Maintenance and expansion of Kansas City Scout is identified as a key Transportation Management strategy in *Transportation Outlook 2040*.

**BUDGET CONSIDERATIONS**

None.

**COMMITTEE ACTION**

None.

**RECOMMENDATION**

None. Information only.

**STAFF CONTACT**

Ron Achelpohl

**ISSUE**

I-35 Integrated Corridor Management Planning

**BACKGROUND**

On April 28, 2016 MARC hosted a kick-off meeting for the I-35 Integrated Corridor Management (ICM) Planning project. ICM involves the coordination and integration of various institutions, operations, and technologies within particular transportation corridor for the purpose of improving mobility. In regionally significant, high activity corridors like I-35, ICM is a viable solution for optimizing movement of people and goods in a safe and efficient manner.

The I-35 ICM Planning project is focused on the I-35 corridor in Kansas, from the US-56/175<sup>th</sup> Street interchange in Gardner to the Missouri State Line. The scope of this project is to develop a Concept of Operations (“ConOps”) for the integration of transportation modes, agencies, networks, and intelligent transportation systems. It outlines roles, responsibilities and technological requirements for the integration of multi-modal transportation operations within the I-35 corridor.

A team of consultants led by Parsons Brinkerhoff, Inc. will complete the I-35 ICM Planning work. Key members of the consultant team will give a brief presentation about the project, including a general overview of ICM principles. This project was made possible thanks to a competitive CPG grant from the Kansas Department of Transportation.

**POLICY CONSIDERATIONS**

ICM is recommended as a key transportation operations and management strategy in the region’s long-range plan, *Transportation Outlook 2040*.

**BUDGET CONSIDERATIONS**

None.

**COMMITTEE ACTION**

None.

**RECOMMENDATION**

None – information only

**STAFF CONTACT**

Jim Hubbell

**ISSUE**

Update on RideKC Regional Transit Plan

**BACKGROUND**

The Mid-America Regional Council, in partnership with KCATA, Johnson County, Unified Government Transit, the City of Independence, and KC Streetcar, is currently developing an implementation strategy that will guide the region towards the goal of doubling the number of jobs accessible by transit in the Kansas City region in the next ten years. In coordination with the development of this implementation plan, MARC and its transit partners, will also be updating the Smart Moves Regional Transit Vision. Together, these projects will make up the RideKC Regional Transit Plan.

MARC staff will provide an update on this effort, the public engagement strategy and the development of a mobility center approach as the foundation for both the job access and long-range transit plans.

**POLICY CONSIDERATIONS**

The results of the planning process will guide future transit expansion in the region and will require an update to transit elements in Transportation Outlook 2040.

**BUDGET CONSIDERATIONS**

*None.* This project is funded through a USDOT TIGER grant, FTA Section 5307 (KCATA), and local matching funds.

**COMMITTEE ACTION**

The Regional Transit Coordinating Council provides oversight to this project and was briefed by staff on its progress on May 4, 2016.

**RECOMMENDATION**

None. Information only.

**STAFF CONTACT**

Karen Clawson  
Martin Rivarola

**ISSUE**

*REPORT: 2016 Green Commute Challenge*

**BACKGROUND**

The 9<sup>th</sup> Annual Green Commute Challenge begins in June and runs through July and August, the heart of ozone season in Kansas City. Sign-ups to participate in this year's challenge have begun at RideshareKC.org. MARC staff will present results and information from the 2015 Green Commute Challenge as well as changes for the 2016 Green Commute Challenge.

**POLICY CONSIDERATIONS**

None at this time.

**BUDGET CONSIDERATIONS**

None.

**COMMITTEE ACTION**

None.

**RECOMMENDATION**

None. Information only.

**STAFF CONTACTS**

Amanda Graor

**ISSUE**

Report on USDOT Transportation Performance Management Rulemaking

**BACKGROUND**

On April 22, 2016, the U.S. Department of Transportation (USDOT) published a Notice of Proposed Rulemaking (NPRM) for National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program (<https://www.gpo.gov/fdsys/pkg/FR-2016-04-22/pdf/2016-08014.pdf>). This NPRM is the third in a series of three related NPRMs that together establishes a set of performance measures for State departments of transportation (State DOT) and Metropolitan Planning Organizations (MPO) to use as required by Moving Ahead for Progress in the 21st Century Act (MAP-21). This third performance measure NPRM also includes a discussion that summarizes all three of the national performance management measures proposed rules.

MARC staff will provide an overview of the contents and performance measures defined in the proposed rule. Additionally, the staff report will include a summary of the USDOT rulemaking process completed to date and an anticipated timeline for the establishment of targets for the MAP-21 performance measures. (The current federal transportation law, the FAST Act is consistent with the performance management elements introduced by MAP-21.)

USDOT is encouraging the public and transportation planning stakeholders to review and submit comments on the proposed rule. MARC staff will review the proposed rule, and will coordinate with MARC committees and regional planning partners to develop comments. According to the NPRM, comments must be received on or before August 20, 2016.

**POLICY CONSIDERATIONS**

The proposed rules and requirements have a direct impact on work activities MARC conducts as the region's MPO. For each of the performance measures defined through the MAP-21 rulemaking process, MARC will be required to establish targets, and monitor progress towards achieving those targets. The targets established for the Kansas City metropolitan region will ultimately be integrated into the Metropolitan Transportation Plan (MTP) and regional performance management process.

**BUDGET CONSIDERATIONS**

None.

**COMMITTEE ACTION**

None.

**RECOMMENDATION**

None – information only

**STAFF CONTACTS**

Jim Hubbell  
Whitney Morgan