



**Resolution Adopting the  
2024 Transportation Conformity Determination  
for the Bexar County Nonattainment Area**

**WHEREAS**, pursuant to federal law, the Governor of the State of Texas designated the Alamo Area Metropolitan Planning Organization (AAMPO) as the Metropolitan Planning Organization for the San Antonio region; and

**WHEREAS**, AAMPO's Transportation Policy Board is the entity for cooperative decision-making regarding regional transportation issues in Bexar County, Comal County, Guadalupe County, and a portion of Kendall; and

**WHEREAS**, State and Federal Transportation Regulations assign the MPO the responsibility for developing and maintaining the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) and their periodic updates; and

**WHEREAS**, the MTP (*Mobility 2050*) and the FY 2025-2028 TIP were developed or amended using the most recent federal guidance and applicable regulations; and

**WHEREAS**, AAMPO is responsible for carrying out the Transportation Conformity process, in consultation with the State and local air quality planning agencies, State and local transportation agencies, the Environmental Protection Agency (EPA), and the U.S. Department of Transportation (USDOT); and

**WHEREAS**, the EPA designated Bexar County as marginal nonattainment under the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS) effective September 24, 2018 and most currently redesignated the Bexar County area as Serious nonattainment, based on voluntary reclassification requests from the State, effective June 26, 2024; and

**WHEREAS**, the amended *Mobility 2050*, the adopted FY 2025-2028 TIP and the 2024 Transportation Conformity Determination have been developed in compliance with AAMPO's adopted Public Participation Plan; and

**WHEREAS**, the amended *Mobility 2050*, the FY 2025-2028 TIP and the 2024 Transportation Conformity Determination were recommended for adoption to the Transportation Policy Board by the Technical Advisory Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the Transportation Policy Board adopts the amended *Mobility 2050* and the amended FY 2025-2028 TIP.

**BE IT FURTHER RESOLVED** that the Transportation Policy Board approves the results of the 2024 Transportation Conformity Determination, which demonstrates that implementation of *Mobility 2050* and the FY 2025-2028 TIP will not cause any new violations of the 2015 8-hour ozone NAAQS, increase the frequency or severity of violations of the standard or delay timely attainment of the standard.

PASSED AND APPROVED this 22nd day of July 2024.

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Melissa Cabello Havrda, Chair  
Alamo Area Metropolitan Planning Organization

6. Discussion and Appropriate **Action** on a Resolution of Support to Terminate the Continuing Phase Agreement.

### **Purpose**

The purpose of this agenda item is to seek approval to support terminating the Continuing Phase Agreement between the Texas Department of Transportation, City of San Antonio, Bexar County, and VIA Metropolitan Transit.

### **Issue**

The Continuing Phase Agreement, entered into by Texas Department of Transportation, City of San Antonio, Bexar County, and VIA Metropolitan Transit, was used to establish the San Antonio- Bexar County Urban Transportation Study (now known as the Alamo Area Metropolitan Planning Organization – AAMPO) in 1974. Since then, based on changes to the MPO Study Area and Transportation Policy Board membership, the agreement has been updated five times – the latest being in September 2013.

The Agreement is similar to AAMPO's Transportation Policy Board Bylaws. Both documents outline the agency's purpose, voting membership, and Director's responsibilities. Because of the similarities, and more importantly, because the Bylaws and the members of the Transportation Policy Board collectively should be the governing body making decisions about the voting membership, Director's responsibilities, and all other matters (as outlined by the Bylaws) for the agency, AAMPO's Executive Committee is recommending the Agreement be terminated.

The Agreement and the proposed Resolution to Terminate the Continuing Phase Agreement are attached for review. Once approved, staff will officially transmit the Resolution to each signatory agency.

### **Action Requested**

**Motion to approve the Resolution to Terminate the Continuing Phase Agreement.**

# CONTINUING PHASE AGREEMENT

## AGREEMENT

THE STATE OF TEXAS      )(

COUNTY OF TRAVIS      )(

THIS AGREEMENT made this 30<sup>th</sup> day of September, A.D. 2013 by and between the State of Texas, acting by and through its Executive Director of the Texas Department of Transportation, Party of the First Part, hereinafter referred to as the State and the City of San Antonio, a municipal corporation, hereinafter referred to as the City, and the County of Bexar, hereinafter referred to as the County, and the Metropolitan Transit Authority, herein after referred to as the MTA, Parties of the Second Part:

### WITNESSETH

WHEREAS, the City of San Antonio, Bexar County, and the State on November 8, 1974, did agree to participate in a continuing, comprehensive, cooperative transportation planning process for the San Antonio-Bexar County Urban Transportation Study area as provided in the Federal-Aid Highway Act of 1962; and,

WHEREAS, the City of San Antonio, Bexar County, the MTA, and the State on January 12, 1978, January 15, 1992, June 18, 1996, and April 26, 2010, did agree to revise the Study organization; and,

WHEREAS, the San Antonio-Bexar County Urban Transportation Study area is defined as encompassing all of Bexar County, Comal County, Guadalupe County and a portion of Kendall County; and,

WHEREAS, the City of San Antonio, Bexar County, and the MTA have expressed a desire to provide an opportunity for the surrounding counties to participate if they desire; and,

WHEREAS, the San Antonio-Bexar County Urban Transportation Study Steering Committee, hereinafter referred to as the Transportation Policy Board, has been designated by the Governor as the Metropolitan Planning Organization (MPO) for the San Antonio- Bexar County Study area; and,

WHEREAS, it is the desire of the parties hereto that the Study organization be a one-committee structure composed principally of elected officials of general purpose local government which have responsibility for project implementation within the Study area;

NOW THEREFORE, it is hereby agreed that the aforementioned agreements of November 8, 1974, January 12, 1978, January 15, 1992, June 18, 1996 and April 26, 2010 shall be considered null and void and said documents shall be replaced in their entirety by this agreement with the organization and responsibilities as set out in the following paragraphs:

## I. ORGANIZATION

A Transportation Policy Board will furnish policy guidance and direction for the continuing transportation study. This committee will consist of six (6) representatives from the City of San Antonio, four (4) of which shall be members of the San Antonio City Council and two (2) shall be appointed; four (4) representatives from Bexar County, three (3) of which shall be members of Bexar County Commissioners Court and one (1) shall be appointed; one (1) elected official representing Comal County, one (1) elected official representing the City of New Braunfels, one (1) elected official representing Guadalupe County, one (1) elected official representing the City of Seguin, one (1) elected official representing the geographic boundaries of Kendall County, one (1) appointed member of the Board of Trustees for the Metropolitan Transit Authority; one (1) appointed member of the Advanced Transportation District; one (1) appointed member from the Alamo Regional Mobility Authority; one (1) appointed official from the Texas Department of Transportation; one (1) mayor from a suburban city representing the Greater Bexar County Council of Cities (GBCCC), and one (1) elected official from the Northeast Partnership of Cities. The voting membership shall be as follows:

### VOTING MEMBERSHIP

City of New Braunfels	1
City of San Antonio	6
City of Seguin	1
County of Bexar	4
County of Comal	1
County of Guadalupe	1
Kendall County area	1
Metropolitan Transit Authority (VIA)	1
Advanced Transportation District (ATD)	1
Alamo Regional Mobility Authority	1
Greater Bexar County Council of Cities	1
Northeast Partnership of Cities	1
Texas Department of Transportation	<u>1</u>

The Federal Highway Administration and the Texas Department of Transportation (non-District personnel) shall each be represented by a non-voting member. In addition, the President/CEO of the Metropolitan Transit Authority and a non-governmental member, as determined by the Transportation Policy Board, shall be non-voting members. Other agencies and entities, as determined by the Transportation Policy Board, may also be represented by a non voting member.

Each agency shall designate its representative to the Transportation Policy Board and when necessary fill vacancies among its members on the Board.

The functions of the Transportation Policy Board shall be as follows:

1. Provide policy guidance for the transportation planning process.
2. Carry out in cooperation with the State and local governments and annually certify a transportation planning process that is in full compliance with Federal requirements outlined in 23 USC 134, 49 USC 1607, 42 USC 7504, 7506, (c) and (d), The Clean Air Act, as amended, Section 174 and 176 (c), as well as other applicable requirements as specified in 23 CFR Part 450.114.
3. Set goals and cooperatively determine the responsibilities of the participating agencies for planning tasks and a budget in the Unified Planning Work Program.
4. Adopt the Metropolitan Transportation Plan (revised as necessary) which provides for both the near-term and long-term needs of the Study area.
5. Develop in cooperation with the State and local governments a staged multi-year Transportation Improvement Program (revised as necessary) which includes projects in or serving the metropolitan area, initiated by the implementing agencies, and consistent with the Metropolitan Transportation Plan.
6. Review and revise the limits of the Study area as necessary.
7. Designate a Technical Advisory Committee (TAC) and any other such offices, technical committees, or task forces as found necessary to carry out the transportation planning process.
8. Meet at intervals as necessary to perform its function.
9. Hold a public meeting to discuss the status of the transportation planning process at least once a year.
10. Appoint a Director.

## II. DIRECTOR

A Director acceptable to the Transportation Policy Board will be appointed by the Board to work in close cooperation with representatives of various governments and agencies within the Study area. The Director's principal duties will be as follows:

1. Arrange for meetings of the Transportation Policy Board and other subcommittee or task forces created by the Board.
2. Maintain the records, meeting minutes, library, and other documents or correspondence associated with the functions of the Transportation Policy Board.
3. Maintain liaison and act in an advisory capacity to the Transportation Policy Board.
4. Coordinate and maintain liaison between the State, the MTA, and other governmental agencies/entities in the continuing transportation planning process.
5. Coordinate the development of the Unified Planning Work Program, the Metropolitan Transportation Plan, and the Transportation Improvement Program in cooperation with participating agencies.
6. Report to the Transportation Policy Board on the status of the transportation planning process and recommend special studies, revisions to the Metropolitan Transportation Plan, the Transportation Improvement Program, or the Unified Planning Work Program.
7. Prepare progress reports to reflect general development and plan implementation within the Study area.
8. Assemble and maintain an adequate, competent staff to perform all appropriate MPO activities as required by law.

## III. STUDY FINANCING

The expense involved in the continuing transportation planning process, data gathering, reviewing and updating the various study elements will be included in an approved Unified Planning Work Program.

## IV. AGREEMENT MODIFICATION OR TERMINATION

This agreement may be supplemented or renegotiated as necessary to meet changing conditions at the request of one or more of the signatory parties and as



recommended by the Transportation Policy Board. In any event, this agreement shall be reviewed at least every five (5) years and supplemented or renegotiated as deemed necessary. By mutual agreement, the parties hereto may terminate this agreement.

IN WITNESS WHEREOF, the Parties have hereunto affixed their signatures on the dates indicated.

Party of the First Part  
STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: [Signature]  
Executive Director

Date: 03/19/14

RECOMMENDED FOR EXECUTION:

[Signature]  
District Engineer,  
San Antonio District

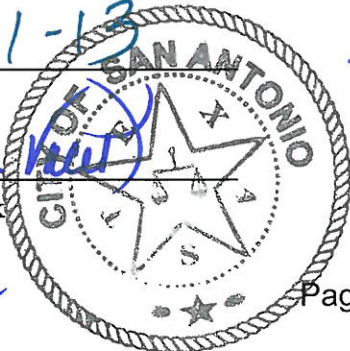
[Signature]  
Director,  
Transportation Planning and  
Program Division

Parties of the Second Part  
CITY OF SAN ANTONIO

By: [Signature]  
City Manager

Date: 11-11-13

ATTEST: [Signature]  
City Clerk



APPROVED AS TO FORM:

[Signature]  
City Attorney

COUNTY OF BEXAR

By: [Signature]  
County Judge

Date: Oct 23 2013

ATTEST:

[Signature]  
County Clerk

APPROVED AS TO FORM:

[Signature]  
Assistant Criminal  
District Attorney

METROPOLITAN TRANSIT  
AUTHORITY

By: [Signature]  
Chairman, MTA Board

Date: December 18, 2013

APPROVED AS TO FORM:

[Signature]  
MTA Attorney



## Resolution to Terminate the Continuing Phase Agreement

**WHEREAS**, Metropolitan Planning Organizations (MPO) were created by Congress in the 1970's to give local elected officials a say in the transportation planning process; and

**WHEREAS**, pursuant to federal law, in August 1977, the Governor of Texas designated the San Antonio-Bexar County Urban Transportation Study Steering Committee as the Metropolitan Planning Organization (SA-BC MPO) for the San Antonio urbanized area; and

**WHEREAS**, subsequent to the 2010 Census and federal regulations, the MPO's Study area was expanded transforming the Steering Committee into the Transportation Policy Board and making it the current forum for cooperative decision-making regarding regional transportation issues in Bexar, Comal, and Guadalupe Counties as well as a portion of Kendall County and converting the organization to the Alamo Area Metropolitan Planning Organization ("AAMPO"); and

**WHEREAS**, now subsequent to the 2020 Census showing substantive population growth for our Urban Area, the AAMPO's Transportation Policy Board is preparing to once again expand its boundary to meet federal requirements by taking in the entirety of Kendall County and a portion of Medina County; and

**WHEREAS**, in 1977, when the SA-BC MPO was established, a document called the Continuing Phase Agreement (Agreement) was used to create and stand-up our local organization. The document has four signatories to it including Bexar County, the City of San Antonio, the Texas Department of Transportation and VIA Metropolitan Transit and outlines board membership as well as other items that are now all included in the AAMPO's bylaws; and

**WHEREAS**, the City of San Antonio, Bexar County, VIA Metropolitan Transit, and the State in January 1978, January 1992, June 1996, April 2010 and March 2013, have revised the Agreement, the most recent to reflect the 2010 boundary expansion; and

**WHEREAS**, in order to amend or terminate the Agreement, all four signatories have to agree to that process, which was reasonable when the organization was established and when it was an MPO primarily located in Bexar County; and

**WHEREAS**, as outlined above, the organization has evolved and transformed significantly since its inception because of population growth and regional transportation infrastructure needs that will continue in the future. Therefore, the AAMPO's board composition decisions should be left to itself, in-line with federal regulations, which consequently already require the inclusions of the City of San Antonio and Bexar County, departments of transportation and transit providers, among others, ensuring that all four signatory entities will always be involved in the cooperative decision-making regarding regional transportation;



**NOW THEREFORE BE IT RESOLVED THAT THE ALAMO AREA TRANSPORTATION POLICY BOARD** asks Bexar County, the City of San Antonio, the Texas Department of Transportation and VIA Metropolitan Transit to take action to terminate the Continuing Phase Agreement; and

**FURTHER BE IT RESOLVED** that this action take place as soon as possible to allow the organization to continue moving forward with its current boundary expansion and board changes expeditiously.

PASSED AND APPROVED this 22<sup>nd</sup> day of July 2024.

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City of San Antonio Councilmember Melissa Cabello-Havrda, Chair  
Alamo Area Metropolitan Planning Organization