

**MOU 09-01**  
**Memorandum of Understanding**  
**Transit Planning Responsibilities and Coordination within Ada and Canyon Counties**

The Community Planning Association of Southwest Idaho, a joint powers entity, hereinafter referred to as “COMPASS”, and Valley Regional Transit, the authorized regional public transportation authority, hereinafter referred to as “VRT”, hereby enter into this Memorandum of Understanding (MOU) in accordance with Section 23 CFR 450.10b of the United States Code of Federal Regulations.

The purpose of this MOU is to identify and define the process by which COMPASS and VRT will coordinate and conduct public transportation planning within Ada and Canyon Counties.

This MOU supersedes and replaces any existing memorandums of understanding, except for the elements that may be incorporated by reference elsewhere in this MOU.

**1. Basis for Organization and Boundaries**

**1.1 Basis for Organization**

COMPASS is the single Metropolitan Planning Organization (MPO) designated by the Governor of Idaho for the Boise and Nampa Urbanized Areas encompassing northern Ada County and the expanded urbanized area in Canyon County, including the Cities of Nampa, Caldwell and Middleton. COMPASS has legal status as a joint powers entity in accordance with Chapter 23 Title 67 Idaho Code.

VRT is the duly established entity for providing and coordinating public transportation services in Ada and Canyon Counties under Idaho Code 40-21. It was established following a public referendum in November 1998. IC 40-21 gives VRT exclusive jurisdiction regarding the coordination of public transportation services within Ada and Canyon Counties. VRT is the sole designated recipient for Section 5307 funding for the Boise and Nampa Urbanized Areas.

**1.2 Ability to Contract and Receive Grants**

COMPASS is empowered to make and enter into contracts in its own name and to accept grants, gifts, donations and other monies to carry out its purpose and functions. These powers are authorized under Chapter 23, Title 67 of Idaho Code and the Second Restated and Amended Joint Powers Agreement and Articles of Reformation and Organization of the Community Planning Association of Southwest Idaho, a Nonprofit Association, dated November 15, 1999.

VRT is empowered under Chapter 21, Title 40 of Idaho Code (40-2108) to raise and expend funds and to enter into contracts.

**1.3 Planning Area Boundaries**

The area covered by this agreement shall include the entire area of Ada and Canyon Counties, including all municipalities in the two counties.

**2. Funding for Public Transportation Planning**

**2.1 Consolidated Planning Grant**

The United States Department of Transportation (USDOT), under Title 23 U.S.C. and Title 49 U.S.C., provides funds for transportation planning activities within metropolitan planning areas.

Metropolitan planning funds from Title 23 (the Federal Highway Administration {FHWA} planning program {PL}) and Title 49 (the Federal Transit Administration {FTA} Section 5303 program) may be consolidated together to create a single, more flexible category of planning funds. When funds are thereby consolidated, the resulting funding is titled a Consolidated Planning Grant (CPG). COMPASS is the designated MPO to accomplish transportation planning activities and has elected, in coordination with the Idaho Transportation Department (ITD), to consolidate PL and Section 5303 funds.

FTA, through ITD as the designated State agency responsible for administering CPG funds, will make available CPG funds for transportation planning and programming tasks, administrative tasks and products as outlined in an approved Unified Planning Work Program/Budget (UPWP) for the given year. COMPASS will receive the apportionment for both the Nampa and Boise urbanized areas, and said apportionments will be separately identified in COMPASS' UPWP.

## **2.2 Use of Section 5307 Funds For Planning**

Urbanized Area Formula Program funds, commonly referred to as Section 5307 funds, are available for contracts and grants for the planning, engineering design and evaluation of transit projects and for other technical transportation-related studies. Eligible activities include, but are not limited to, studies relating to management, operations, capital requirements and economic feasibility; preparation of engineering and architectural surveys, plans and specifications; evaluation of previously funded projects; and other similar or related activities prior to and in preparation for the construction, acquisition or improved operation of transit systems, facilities and equipment.

The basic comprehensive transportation planning program - including pass-through to transit operators for work activities best performed by the operators - should continue to be funded through the FTA formula planning program, Metropolitan Planning, authorized by Title 49 U.S.C. Section 5303. However, Section 5307 funds may be used to supplement these planning activities. Use of Section 5307 funds is encouraged for technical studies of special interest to the operator, such as maintenance plan development, operational service planning, and management and operation planning studies when Section 5303 funding is insufficient to meet such needs. Similarly, where a high-cost study is proposed, such as one for major capital investments, Section 5307 funds may be used to supplement available Section 5303 and PL funds.

## **3. Metropolitan Planning Documents and Required Activities**

### **3.1 Long-Range Regional Transportation Plan**

COMPASS will prepare a Regional Long-Range Transportation Plan (RLTP) in accordance with Title 23 USC 134(g), 23 CFR 450 and 49 CFR 5303(f). The RLTP will be directed at achieving a coordinated and balanced metropolitan and regional intermodal transportation system. The RLTP will be developed with full cooperation and participation of all affected or interested agencies, including VRT, member agencies, air quality agencies, the public, and the private sector. The RLTP must be financially constrained, have a minimum of a 20-year planning horizon, meet required schedule for updating, and meet air quality conformity determinations within northern Ada County (due to its status as a maintenance area).

#### **Coordination**

To achieve these ends, COMPASS and VRT will each inform and invite participation by the other in their various planning activities. The UPWP will identify the review and approval process needed to achieve consistency between VRT's plans and studies and the goals and objectives in the RLTP.

If needed to ensure consistency between the RLTP and a plan or study prepared by VRT, a joint panel of COMPASS and VRT Board members may be convened to make recommendations to the respective Boards.

### **3.2 Unified Planning Work Program/Budget (UPWP)**

COMPASS will prepare an annual UPWP in cooperation with VRT. The purpose of the UPWP is to serve as a work plan to identify, guide, and manage transportation planning activities and to identify planning priorities facing the metropolitan area. The UPWP will document planning activities to be performed with funds provided under Title 23, U.S.C. and Title 49, U.S.C. Additionally, the UPWP must contain all significant transportation planning projects, regardless of funding source or agency conducting such projects. COMPASS will include all projects whether funded by CPG, Section 5307, Surface Transportation Program (STP), other federal programs, state or local funds. FTA Circular C 8100.1B states that the level of detail for projects funded by other sources should be the same as that for work elements or activities for which CPG assistance is sought.

COMPASS may, from time to time, submit amendments to the UPWP to reflect changes in local priorities, to add/delete funds and/or projects or adjust project costs. The annual UPWP, as amended, shall be the official COMPASS budget for the fiscal year. COMPASS will provide an annual schedule with monthly deadlines for submitting requests for UPWP amendments.

#### **Coordination**

COMPASS and VRT will meet and agree on a UPWP calendar with critical milestones and the acceptable format for VRT to submit project information that will need to be incorporated into the UPWP. Annually, the COMPASS Board will approve a process that includes these milestones. This process will include early opportunities for COMPASS and VRT to discuss public transportation planning needs for the next fiscal year, and define planning responsibilities, expected products and estimated costs.

During preparation of the draft UPWP, COMPASS will solicit planning projects for CPG funds. This process will identify lead agencies for each project and whether funding will be passed through COMPASS to the lead agency.

COMPASS and VRT will coordinate during the UPWP process on the need for 5307 funds to supplement CPG funds for planning projects. Determination of need will be based on the adequacy of CPG funds to cover the costs of the required transportation planning program activities of COMPASS and the costs of any proposed special studies. The projects funded with 5307 will be consistent with the guidance in FTA Circular C9030.1C.

COMPASS and VRT will enter into project agreements for each project to be funded by pass-through CPG and other pass-through federal funds regarding financial reporting and controls, including details and supporting documentation needed in invoices.

### **3.3 Congestion Management Process (CMP)**

Federal transportation regulations require that the metropolitan planning process in a Transportation Management Area (TMA) include a Congestion Management Process (CMP). Furthermore, "in nonattainment TMAs, any proposed project that would result in a significant increase in capacity for single occupancy vehicles (SOVs), such as adding general purpose lanes to an existing highway or constructing a new highway, must be analyzed to assure that travel

demand reduction and operational management strategies cannot fully satisfy the need for additional capacity.”

CMP is a systematic approach to improving existing and future traffic congestion. A CMP includes (a) identifying transportation facilities that are experiencing or projected to experience congestion; (b) devising strategies to minimize congestion; (c) developing a realistic implementation plan, and (d) regularly monitoring performance of the transportation system to evaluate the effectiveness of implemented strategies.

### **Coordination**

VRT participates as a voting member in the Transportation Model Advisory Committee which reviews the Annual Congestion Management Report. VRT will be provided opportunities to participate in the on-going evaluation of the CMP and the determination of project prioritization and congestion mitigation strategies at a level equal to other implementing agencies.

## **3.4 Metropolitan Transportation Improvement Program**

COMPASS, in cooperation with VRT and other affected transportation service providers, will develop a Metropolitan Transportation Improvement Program (TIP) for both the Boise and Nampa urbanized areas in accordance with Title 23 U.S.C. 134(h) and Title 49 U.S.C. Section 5304. The TIP will be consistent with the RLTP and meet air quality conformity requirements in Ada County. Once adopted, the TIP will be updated at least once every two years. The preparation of the TIP will involve community interest groups and will include reasonable opportunity for public comment. COMPASS agrees to include a notice on its website and on the public notice for the TIP public involvement to the effect that the public comment period satisfies the federal requirements for public involvement on federal transit program of projects.

### **Coordination**

VRT participates in the TIP process as a member of the Regional Technical Advisory Committee (RTAC) and as a member of the COMPASS Board. The TIP process provides opportunity for VRT to recommend projects and comment upon projects proposed by others. In addition, VRT participates as a member of other COMPASS committees, including the Demographic Advisory Committee and the Transportation Model Advisory Committee.

VRT agrees to follow procedures and protocols adopted by the COMPASS Board of Directors regarding TIP development and amendments. COMPASS agrees to develop the time schedule in cooperation with VRT to assure that key milestones can be met within the meeting structure of each Board.

VRT agrees to sponsor COMPASS staff on the Transportation Electronic Award Management (TEAM) software (read-only) in order to allow monitoring and management of transit projects included in the TIP.

## **4. Coordination Guidelines**

COMPASS and VRT will establish the lead agency responsibility for transit planning activities and the role for the remaining entity, along with other public and private entities, during the UPWP process. As a general guide, the following principles are to be used:

### **4.1 Short-Range Service Planning (1-3 year time frame)**

VRT will be the lead agency for short-range service planning with COMPASS providing support as requested. Such projects are typically related to operations planning and implementation and

do not generally involve system-wide or long-term changes. The COMPASS Board will receive status reports as needed but will have no approval role regarding the products. The VRT Board will retain sole approval power on such products. Examples of short-range projects include:

- Route changes
- Transit stop locational studies
- Market plans focused on promoting existing and proposed services
- Ridership and other surveys
- Capital and equipment related to service implementation

#### **4.2 Transit Development Plan (3-5 years)**

VRT will be the lead agency for developing a Transit Development Plan (TDP) focusing on planning/design of specific routes and new services; evaluating the need for facilities, rolling stock and equipment; and establishing fare and other medium-range policies.

#### **4.3 Other Public Transportation Planning (3-5 years)**

Lead agency for other planning projects will be specified in the UPWP. COMPASS will participate as needed in public transportation planning projects along with other agencies. The COMPASS and VRT Boards will have joint review and approval power when needed to assure consistency with the RLTP. Examples of such medium-range projects include:

- Financial capacity evaluations
- Corridor planning for fixed-guideway systems as identified in the RLTP

Preparation and approval of the TIP will remain within COMPASS.

#### **4.4 Long-Range Issues (6-20+ years)**

The major product is the RLTP. Goals are established in the RLTP that will affect medium-range planning and programming documents such as the TDP. COMPASS is responsible for long-range transportation planning activities and for developing and maintaining the travel demand model. The VRT Board as part of the MPO process will review plans, but the COMPASS Board will have sole authority to approve the plans. Examples of long-range projects include:

- Long-range regional transportation plans required in urbanized areas
- Preparation of land use and demographic forecasts
- Major investment studies or similar studies

#### **4.5 Joint Projects**

Projects that will be conducted jointly by COMPASS and VRT will be governed by a letter of agreement for each project, detailing the purpose, roles, and coordination specific to the project. The letter of agreement will also describe any additional respective responsibilities, such as contract administration, budget oversight and reporting.

### **5. General Provisions**

#### **5.1 Amendment**

The establishment of this MOU constitutes an understanding, expression of desire for, and a means of accomplishing the general requirement for a comprehensive transportation planning process in COMPASS' area. This MOU is valid until terminated or changed through written agreement between the parties. Either party can propose changes at any time. Any changes to

one or more of the terms and conditions of this MOU shall not be valid unless made in writing and agreed to by all parties and approved by both Boards of Directors prior to change implementation. Additional terms and conditions may be incorporated as amendments or addenda and may be jointly determined by VRT and COMPASS, provided such agreements are consistent with the purpose of this MOU and are agreed to in writing on the effective date.

## **5.2 Termination**

The parties understand that the purpose of this MOU is to establish, on a part of both parties and the members of local government of COMPASS, a single transportation planning process to serve the interests of all government agencies with responsibilities in the region. Either party may terminate this understanding upon notice of the other by providing notice at least thirty (30) days prior to the effective date of termination and specifying the effective date of termination.

## **5.3 Remedies**

Action inconsistent with the MOU terms of conditions shall be grounds for termination of the MOU by the other party upon serving appropriate notice to that effect.

## **5.4 Limitations**

The following limitations shall apply:

- Nothing in this Memorandum of Understanding between VRT and COMPASS shall be construed as limiting or expanding the statutory or regulatory responsibilities of any involved individual in performing functions granted to them by law; or as requiring either entity to expend any sum in excess of its respective appropriation.
- Each and every provision of this memorandum is subject to the laws and regulations of the State of Idaho and the United States.
- Nothing in this Memorandum of Understanding shall be construed as expanding the liability of either party. In the event of a liability claim, each party shall defend their own interests.
- Neither party shall be required to provide indemnification of the other party except as herein stated.
- Provisions concerning lead agency authority will be waived for projects underway by either party at the time of this agreement. Review and approval processes for such projects will be considered on a case-by-case basis.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their respective officers, duly authorized:

**For Valley Regional Transit**

5/20/09  
Date

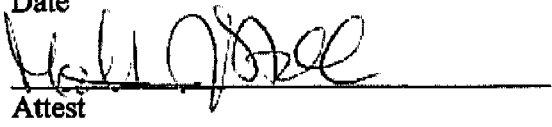
  
Chair, Board of Directors

  
Attest

**For the Community Planning Association of Southwest Idaho**

4.20.09  
Date

  
Chair, Board of Directors

  
Attest