

RESOLUTION NO. 2004-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF
UNDERSTANDING ISSUED BY SACRAMENTO AREA COUNCIL OF
GOVERNMENTS (SACOG) CONCERNING TRANSIT RELATED FEDERAL FUNDING**

WHEREAS, The City of Elk Grove is a member jurisdiction of the Sacramento Area Council of Governments (SACOG); and

WHEREAS, SACOG has issued a Memorandum of Understanding (MOU) to each of its member jurisdictions in compliance with the requirements of the Federal Transit Administration; and

WHEREAS, the MOU defines the relationship between the City and SACOG with regard to the application process for transit-related federal funding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the MOU to signify the City's acknowledgement of SACOG procedures for any subsequent requests for federal funding for the City's transit system.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 18th day of February 2004.



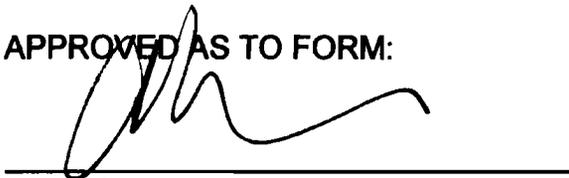
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
SACRAMENTO AREA COUNCIL OF GOVERNMENTS

AND

THE CITY OF AUBURN, THE CITY OF CITRUS HEIGHTS, THE CITY OF ELK GROVE, THE EL DORADO COUNTY TRANSIT AUTHORITY, THE CITY OF FOLSOM, THE CITY OF LOOMIS, THE CITY OF ROCKLIN, THE CITY OF ROSEVILLE, PLACER COUNTY, THE SACRAMENTO REGIONAL TRANSIT DISTRICT, YUBA SUTTER TRANSIT AUTHORITY AND THE YOLO COUNTY TRANSPORTATION DISTRICT

“Regarding the Coordination of Ongoing Transit Planning for Programming Federal Funds that Support the Ongoing and Future Deployment of Transit Services Affecting the Sacramento Urbanized Area.

This Memorandum of Understanding (MOU) is entered into between the SACRAMENTO AREA COUNCIL OF GOVERNMENTS, hereinafter referred to as (SACOG), and the CITY OF AUBURN, the CITY OF CITRUS HEIGHTS, the CITY OF ELK GROVE, EL DORADO COUNTY TRANSIT AUTHORITY, hereinafter referred to as (EDCTA), the CITY OF FOLSOM, the CITY OF LOOMIS, the CITY OF ROCKLIN, the CITY OF ROSEVILLE, PLACER COUNTY, the SACRAMENTO REGIONAL TRANSIT DISTRICT, hereinafter referred to as (SRTD), the YUBA SUTTER TRANSIT AUTHORITY, hereinafter referred to as (YST), and the YOLO COUNTY TRANSPORTATION DISTRICT, hereinafter referred to as (YCTD), hereinafter referred to collectively as the (Parties) and singularly as (Party), as of this ___ day of _____, 2003.

This MOU is supplementary to the MOUs between the Parties and does not intend to replace or supersede any other MOU or Master Agreement that may be in existence between the Parties.

WITNESSES THAT:

WHEREAS, SRTD, the City of Auburn, EDCTA, the City of Folsom, Placer County, the City of Roseville, YST and YCTD are public transportation operators in the Sacramento urbanized area and are eligible to apply for and receive Federal Transit Administration (FTA) and/or Federal Highways Administration (FHWA) transit funding for capital, operating, and planning assistance for the delivery of public mass transportation; and

WHEREAS, all powers of the City of Auburn, the City of Citrus Heights, the City of Elk Grove, the City of Folsom, the City of Loomis, the City of Rocklin and the City of Roseville are vested in a duly comprised city council of elected officials empowered to perform all duties of and obligations of the respective City as imposed by State law, and all powers of the County of Placer are vested in a duly comprised Board of Supervisors of elected officials empowered to perform all duties and obligations of the County of Placer as imposed by State law, and all powers of EDCTA, SRTD, YST and YCTD are vested in a duly comprised Board of Directors empowered to perform all duties of the Transit District or Authority as imposed by State law; and

WHEREAS, SACOG is a Regional Transportation Planning Agency (RTPA) for the Counties of Sacramento, Yolo, Sutter and Yuba, the cities therein, and the Metropolitan Planning Organization (MPO), for the Sacramento Region, directed by a duly comprised Board of elected officials with a committee structure to advise the SACOG Board on all planning and policy questions, including a Transit Coordinating Committee (TCC) for transit issues of regional concern; and

WHEREAS, SACOG has memoranda of understanding with the El Dorado County Transportation Commission (EDCTC) and the Placer County Transportation Planning Agency (PCTPA) that describe the planning and programming relationship between those agencies; and

WHEREAS, the Federal Transportation Equity Act for the 21st Century (TEA-21) requires MPOs to work cooperatively with public transit operators to develop Regional Transportation Plans (RAPS) and the Federal Transportation Improvement Programs (FTIPs) for urbanized areas, which are intended to further the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems to serve the mobility of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution; and

WHEREAS, The Federal Transit Administration (FTA) in 23 CFR Section 450.310, requires either an MOU or a unified planning work program between the Metropolitan Planning Organization (MPO) MPO and all local authorities and transit operators receiving FTA funds to specify the procedures for carrying out transportation planning and fund programming; and

WHEREAS, SACOG, the City of Auburn, the City of Citrus Heights, EDCTA, the City of Elk Grove, the City of Folsom, the City of Loomis, PCT, the City of Rocklin, the City of Roseville, SRTD and YCTD rely upon a cooperative relationship to foster comprehensive regional transit planning which feeds directly into State and national planning.

NOW, THEREFORE, in consideration of the mutual benefits to the parties hereto, and in consideration of the covenants and conditions herein contained, the parties agree as follows:

SECTION 1: Cooperative Relationship

1.1 MOU Purpose and Intent

The purposes of this MOU are to:

- a) Foster a cooperative and mutually beneficial working relationship between the Parties for the provision of comprehensive, effective, and coordinated transit planning between each jurisdiction's public mass transportation system; and
- b) Identify the regional transit planning responsibilities, in coordination with the State of California, for programming federal funds within the SACOG Federal Transportation Improvement Program (FTIP), commonly referred to as the Metropolitan Transportation Improvement Program (MTIP) developed by SACOG; and,
- c) Identify the process for federal funds to be distributed to transit operators; and,
- d) Ensure that federal transit funds are distributed in the region in compliance with federal requirements.

The intent of this MOU is to:

- a) Maintain flexibility in funding in order to allow large projects to receive adequate funding in the required years; and,
- b) Ensure funding equity between transit operators ; and,

- c) Foster economies of scale through assistance in the coordination of funding for mutually beneficial capital projects, including shared transit facilities and bus purchase contracts; and,
- d) Provide for coordinated planning and foster coordinated services; and,
- e) Apply federal transit dollars to implement transit priorities identified in the SACOG Metropolitan Transportation Plan (MTP).

1.2 Representation on SACOG Transit Coordinating Committee

All Parties shall provide one (1) representative and alternate to serve as a voting member on SACOG's Transit Coordinating Committee (TCC) on matters that pertain to this MOU, or identify a TCC representative from another jurisdiction to serve as their representative.

1.3 Communication and Agreements

A critical component of coordination involves open and productive communication. SACOG is required to update the FTIP/MTIP every even-numbered year and the MTP every three years. The need to ensure responsive communication between the Parties is imperative in order to meet this mandate.

Within the designated Sacramento urbanized area, SRTD and other transit operators that meet the applicable federal requirements are eligible to apply for FTA and/or FHWA transit funding for capital, operating, and planning assistance for the delivery of public mass transportation under arrangements made through an MOU between YCTD, the City of Davis, and SACOG consistent with FTA and FHWA requirements or MOUs between parties who will be recipients of federal funds. If new FTA and/or FHWA funding opportunities become available for operators and jurisdictions, new MOUs or amendments to existing MOUs may be needed.

1.4 Responsibilities

The Executive Director of SACOG, the Transit Manager of EDCTA, the General Manager/CEO of SRTD, the Executive Director of YCTD, the County Executive of Placer County and the City Manager's/managing executives of the Cities of Auburn, Citrus Heights, Elk Grove, Folsom, Loomis, Rancho Cordova, Rocklin, and Roseville are the primary individuals responsible for ensuring compliance with the provisions specified in this MOU.

SECTION 2: Transit Planning

2.1 Planning Assistance

Upon request, or in order to maintain eligibility for federal funds, SACOG will assist in the development of transit planning documents produced by each Party. The type of assistance provided by SACOG will include, but is not limited to, the following:

- a) Assist in securing funds (e.g., research funding options, grant writing) to conduct required planning studies, including transit demand studies and in-depth analysis of transit ridership.
- b) Obtain and analyze data from various sources to develop concrete demographic, growth, and use assumptions for the purpose of transit forecasting and development (e.g., trip generation tables, census information, maps).

- c) Assist in obtaining state and federal funding of projects consistent with the SACOG RTP/MTP and FTIP/MTIP (e.g., completing paper work, facilitating FTIP/MTIP amendments, TEAM billing process).
- d) Provide a program through the FTIP/MTIP or Overall Work Program (OWP), through which federal funds can be authorized for expenditure.

A final copy of all transit planning documents produced by the Parties will be forwarded to SACOG. This will assist SACOG in overall transit planning coordination as well as ensuring that FTA and FHWA transit funds will be used as planned, as per FTA and FHWA requirements.

2.2 Regional Planning

SACOG will provide a forum that will foster partnerships and coordination in the development of public transit services throughout the SACOG region. As part of SACOG's MPO role, SACOG will continue the cooperative and coordinated planning of the transportation system in each jurisdiction party to this MOU and the relationship of the regional and interregional transit network with the regional transportation system.

SACOG will be responsible for the development of regional planning documents that are required to be developed by the MPO, such as the Metropolitan Transportation Plan. Each Party will provide technical information during the development of these regional planning documents through the SACOG committee structure.

2.3 Long -Range Transportation Plan - Metropolitan Transportation Plan (MTP)

In accordance with the planning regulations and FTA and FHWA guidance, the parties to this agreement will participate in the development of SACOG's long range regional transportation plan (RTP), referred to as the Metropolitan Transportation Plan (MTP). The MTP/RTP will assess the transportation needs of the region and set forth improvements necessary to address those needs over a twenty (20) year period. SACOG updates its RTP/MTP every three (3) years, consistent with federal and state guidelines.

In order to comply with the planning regulations and federal guidance for the development of the MTP/RTP, the Parties will cooperate in providing the information required to fully comply with the federal requirements. Examples of the type of information required to be provided to SACOG by transit operators include, but are not limited to, the following:

- a) An overview of key performance measures of existing transit systems.
- b) Transit demand projections.
- c) Anticipated fleet replacement and expansion needs.
- d) Anticipated equipment replacement and rehabilitation needs.
- e) Anticipated facility needs.
- f) System improvement strategies with time frames for action.
- g) A financial plan, including expected revenues, planned expenditures, documentation of fiscal ability to operate and expand services and strategies to deal with potential funding support changes.
- h) Documentation of the public participation process used to develop the local inputs to the MTP/RTP.

To the extent that a current, adopted Short-Range Transit Plan, required by FTA for receipt of federal transit funding, includes the foregoing information, providing SACOG with copies of these Plans will be deemed compliance with the MTP/RTP information submittal requirements.

2.4 Short-Range Transit Plan (SRTP)

In response to FTA and FHWA planning regulations and guidance, the Parties will prepare Short-Range Transit Plans that sets out transit planning and programming for a five-year period. These Plans will provide input for SACOG's preparation of the Transportation Improvement Program. The Plans will address, but not be limited to, addressing unmet transit needs and sustaining appropriate transit service levels. In the development of future Short-Range Transit Plans, the Plans are to contain a list of projects for future FTA and FHWA transit funding. The project list shall:

- a) Identify and describe the scope of the specific projects and services, which address ongoing and increased transit demands. These projects and services include, but are not limited to, Americans with Disabilities Act (ADA), and Transportation Control Measures (TCM) with sufficient detail (design, concept, and scope) to permit air quality conformity analysis to be performed by SACOG. The list shall also address the issues related to unmet transit needs that are reasonable to meet.
- b) Identify the amount and type of federal and non-federal funds required to support the projects for each year represented in the Plan. In addition, the list shall identify anticipated discretionary funding estimates for the FTIP/MTIP.

SACOG will work cooperatively with the Parties, PCTPA and EDCTC in their efforts to generate information needed to prepare their Short-Range Transit Plans and future updates.

For those Parties that are not subject to the requirement to prepare Short-Range Transit Plans, SACOG, in association with PCTPA or EDCTC, as appropriate, will assist them in preparing a five-year list of planned capital maintenance and operational expenditures for use in the programming efforts described in Section 3 of this MOU.

SECTION 3: Programming of Federal Funds

3.1 Federal Transportation Improvement Program (FTIP) Programming

The parties agree to use the SACOG FTIP/MTIP development process as the focal point for making an annual determination regarding the distribution of federal funds available for allocation by SACOG within the Sacramento Urbanized Area. The parties agree that it is desirable to ensure that a stable funding stream is available for all area operators that allows the operators to carry out coordinated services throughout the urbanized area.

SACOG develops its annual program of projects in consultation with interested parties. Following direct consultation among the parties to this agreement, SACOG distributes notices of intent to develop or amend the FTIP, publishes the proposed program of projects to be adopted, and carries out a public involvement and review process for FTIP adoption or amendment, in compliance with 23 CFR Sections 450.312 and 450.324. The same notices of intent, publication of proposed projects, and public involvement and review also shall be used to fulfill the public hearing requirements of 49 USC Section 5307, covering review and approval of FTA grant applications for FTIP projects. Parties to this agreement that may be seeking FTIP programming and subsequent grant approvals will provide SACOG with sufficient project detail to convey understanding of the projects by all interested agencies and persons, meet FTA grant application requirements, and provide

a clear linkage to FTIP project descriptions; SACOG will adjust FTIP project descriptions to a standard format to accomplish these three objectives. Using the approved descriptions, all parties will then advertise the proposed public hearing(s), projects to be programmed, and fund amounts to be programmed through their existing public participation processes.

No later than June each year, the Parties shall meet to draft a program of projects for the following federal fiscal year. Following the enactment of an annual federal budget and publication of funding apportionments and earmarks in the Federal Register, SACOG shall inform the parties of the amounts of the formula and other designated federal funds coming to the Sacramento Urbanized Area. SACOG will then re-convene the Parties to finalize the programming of those funds into the FTIP/MTIP, making adjustments as necessary to the draft program of projects previously completed.

As part of the FTIP/MTIP process, projects are programmed in the MTIP on behalf of all transit providers receiving federal funds. SACOG and the Parties shall meet and confer annually to develop a recommended prioritized list of projects for the allocation of federal funds, which would include all FTA 5307 funds apportioned to the Sacramento urbanized area plus additional federal funds that may be available for distribution from FTA and FHWA. The Parties will identify priority projects and endeavor to program the use of said funds based on factors that include the following criteria:

- a) Consistency with implementation of the SRTPs and RTP/MTP, as described in Section 2 of this MOU.
- b) Degree to which the project will sustain or improve transit levels of service.
- c) Project readiness.
- d) Timely implementation of projects programmed through from the SRTP and MTP planning process.
- e) Ability to segment, phase or defer project work.
- f) Availability of other funds.

If the Parties reach consensus on projects to receive funding, the project list advances to the SACOG Board for approval. If no consensus is reached, SACOG staff will prepare a recommended project list for the operators. The Parties then meet and confer again to discuss the list, and if consensus is reached on the list, or a modification of the list, the recommendations go the SACOG Board for approval. If no consensus is reached, the list prepared by SACOG staff, along with any deliberations of the operators, is presented to the TCC for review and comment which the Parties then use to seek consensus. If consensus is reached, the recommendations of the TCC go to the SACOG Board. If no consensus is reached, SACOG staff will prepare a recommended program of projects for SACOG Board review and action. The SACOG Board shall have the final decision on the recommended program of projects

The process for the programming of FTA and FHWA transit funding agreed to in this MOU is not intended to, nor does it, replace the procedures for programming other federal funds, including earmarked federal funds or the procedures described in the MOUs between SACOG and PCTPA and EDCTC.

3.2 Applications for Transit Funding

The Sacramento Regional Transit District (SRTD) is the designated recipient for federal formula funds allocated under the Federal Transit Act, as amended, in the Sacramento Urbanized Area. Should this change, the Parties shall meet and confer to determine the appropriate party for this role.

Each of the parties seeking federal transit funding, in association with the other transit operators and jurisdictions, will prepare applications to the FTA or FHWA for federal transit funding. Draft applications will be submitted to SACOG using the TEAM system, or another mutually agreed upon method, in advance of the FTA or FHWA submittal to confirm accuracy and consistency with FTIP/MTIP programming requirements and with the local SRTP and SACOG's RTP/MTP, as required by federal guidelines.

All Parties agree to work in good faith to develop consistent programming, documentation, and funding requests in a manner consistent with FTA or FHWA requirements.

SECTION 4: FTIP Project Monitoring & Maintenance

4.1 Progress Reporting

SACOG is responsible for tracking the overall progress of all projects in the FTIP/MTIP and is required to produce an annual list of projects for which federal funds have been obligated in the proceeding year and will ensure that it is made available for public review.

Each Party will assist SACOG's efforts to track the overall progress of transit projects in the FTIP/MTIP through providing basic access to their FTA Transportation Electronic Award and Management (TEAM) accounts. At a minimum, milestone/progress reports submitted to FTA and reviewed by SACOG shall contain all of the information required in FTA Circular 5010, as amended from time-to-time, for grant administration procedures. If project-specific questions are raised by FTA or SACOG that cannot be answered through review of the TEAM documentation, the affected Party will, upon request, provide SACOG or SRTD, as applicable, additional information. Examples of information that may be periodically requested include the following:

- a) Classification of the projects by the individual categories, as identified in the FTIP/MTIP.
- b) Documentation of the stage of project implementation.
- c) Explanation for any project delays if the project is behind schedule.
- d) Reasons for any cost overruns if the project is over budget.
- e) Status on the amount of federal funding obligated, received, and used to support projects.
- f) Identified needs for an FTIP/MTIP amendment.
- g) Project savings to be reverted, if any, at project completion.

4.2 FTIP/MTIP Amendments

SACOG processes FTIP/MTIP amendments on a quarterly basis. A formal request for changes in project cost, scope, or schedule must be made to be incorporated in an amendment. Certain minor adjustments can be made outside the formal amendment process, but must be requested in writing.

As a part of the quarterly progress report, or more frequent reporting if required, each Party will alert SACOG, and EDCTC and PCTPA as appropriate, regarding the reasons an amendment to the FTIP/MTIP is needed. FTIP/MTIP amendments may be needed to address issues such as funding shortfalls, delays in project implementation and/or new projects that need to be included in the FTIP/MTIP.

Each Party is responsible for notifying SACOG, and EDCTC or PCTPA as appropriate, if there is the need to amend the FTIP/MTIP. Amendments may require three to four months to process for approval. SACOG only makes quarterly amendments to the FTIP/MTIP. If STIP funds are involved, an additional 75 days are required to process approval of the amendment.

SECTION 5: Conditions of the MOU

5.1 MOU Amendments

This MOU may be amended by the written consent of all Parties. Amendments must be approved by SACOG and the respective Board or City Council representing Parties to this MOU, unless such Board or City Council has delegated amendment authority to their respective Executive, Director, General Manager or City Manager.

5.2 MOU Termination

Any Party, upon ninety (90) days advance written notification, may terminate their participation in this MOU. Withdrawal by any single Party does not affect the continuing validity of the MOU for the remaining parties. Should the majority of the Parties terminate this agreement, the remaining Parties shall meet and confer to determine how best to continue the purpose and intent of this MOU.

5.3 Counterparts

The parties agree that this MOU may be signed in counterparts.

5.4 MOU Authorization

By our signature below, we certify that our respective Boards and Councils have authorized us to enter into this MOU on behalf of our agency.

Beverly Scott Date
SRTD General Manager/CEO

APPROVE AS TO FORM:

Mark Gilbert Date
SRTD Counsel

Terry Bassett Date
YCTD Executive Director

APPROVE AS TO FORM:

Sonia Cortes Date
YCTD Counsel

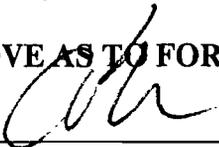
Martha Clark Lofgren Date
City Manager, Folsom

APPROVE AS TO FORM:

Steve Rudolf Date
City Attorney, Folsom

John Danielson Date
City Manager, Elk Grove

APPROVE AS TO FORM:

 2/2/2004

Anthony Manzanetti Date
City Attorney, Elk Grove

Perry Beck Date
City Manager, Loomis

Martin Tuttle Date
SACOG Executive Director

APPROVE AS TO FORM:

Harriet Steiner Date
SACOG Counsel

Craig Robinson Date
City Manager, Roseville

APPROVE AS TO FORM:

Mark Doane Date
City Attorney, Roseville

Henry Tingle Date
City Manager, Citrus Heights

APPROVE AS TO FORM:

Ruthann Ziegler Date
City Attorney, Citrus Heights

Carlos Urrutia Date
City Manager, City of Rocklin

APPROVE AS TO FORM:

Russell Hildebrand Date
City Attorney, Rocklin

Robert Richardson Date
City Manager, Auburn

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-21**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 18th day of February 2004 by the following vote:

AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**