

AGREEMENT BETWEEN AND AMONG THE MARICOPA ASSOCIATION OF GOVERNMENTS, THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY, VALLEY METRO RAIL, THE CITY OF PHOENIX AND THE TRANSIT OPERATORS IN THE MAG REGION REPRESENTED ON THE REGIONAL COUNCIL REGARDING TRANSIT PLANNING, PROGRAMMING AND FUND ALLOCATION.

Regarding the coordination of ongoing transit planning for programming federal funds that support the ongoing and future deployment of transit services affecting the Phoenix-Mesa Urbanized Area and the Avondale Urbanized Area, hereinafter referred to as the Urbanized Area (UZA).

This AGREEMENT is between and among the MARICOPA ASSOCIATION OF GOVERNMENTS (MAG), THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA), VALLEY METRO RAIL (METRO), the CITY OF PHOENIX, and other transit operators that are represented on the MAG Regional Council.

This AGREEMENT replaces the Resolution on Metropolitan Transportation Planning and Programming approved by the MAG Regional Council on May, 23, 2007.

WITNESS THAT:

WHEREAS, the RPTA, METRO, the CITY OF PHOENIX, transit operators, and other local government agencies in the MAG region are eligible to apply for and receive Federal Transit Administration (FTA) and/or Federal Highway Administration (FHWA) transit funding for capital, operating, and planning assistance for the delivery of public transportation; and

WHEREAS, MAG is the Metropolitan Planning Organization (MPO) for the UZA, directed by a duly comprised Regional Council of elected officials with a committee structure that represents all of the transit operators in the region to advise the MAG Regional Council on transportation planning and policy questions; and

WHEREAS, this AGREEMENT describes the planning and programming relationship among those agencies; and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires MPOs to work cooperatively with public transit operators to develop Regional Transportation Plans (RTPs) and Transportation Improvement Programs (TIPs) 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, MAG, the RPTA, METRO, the CITY OF PHOENIX and other participating local government agencies rely upon a cooperative relationship to foster regional transit planning which feeds directly into state and national planning;

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

Purpose. The purpose of this AGREEMENT is to set forth the basic structure for cooperative planning and decision making regarding transit planning and programming between MAG, RPTA, METRO, the CITY OF PHOENIX and other participating local government agencies.

Representation on MAG Transit Committee. All MAG member agencies are invited to serve as voting members of the MAG Transit Committee. The Arizona Department of Transportation (ADOT), RPTA and METRO are also invited to serve as voting members of the MAG Transit Committee. The MAG Transit Committee serves as the primary MAG committee to coordinate regional transit planning and programming of federal transit related funds.

Regional Transit Coordination. MAG, RPTA, METRO and the CITY OF PHOENIX agree to work cooperatively with each other and with the other transit operators and local government agencies in ensuring the provision of coordinated, regionwide transit services. Items to be considered should include fares, transfer and pass policies, transit information, marketing, schedules, service coordination, data needed to meet periodic reporting requirements, and other activities as required.

Regional Transportation Plan. MAG agrees to prepare, adopt and maintain, as required, a Regional Transportation Plan (RTP). MAG, RPTA, METRO and the CITY OF PHOENIX agree to work cooperatively with each other and with the other transit operators and local government agencies in the refinement of the RTP through the conduct of and participation in multimodal transportation studies.

Transportation Improvement Program (TIP) Development Process. The MAG TIP development process shall serve as the focal point for making an annual determination regarding the distribution of federal funds available for allocation by MAG within the UZA. The transit operators and local government agencies agree that it is desirable to ensure that a stable funding stream is available for all operators that allows the operators to carry out coordinated services throughout the UZA.

MAG develops its annual program of projects in consultation with interested transit operators and local government agencies. Following direct consultation among the transit operators and jurisdictions to this AGREEMENT, MAG distributes notices of intent to develop or amend the TIP, publishes the proposed program of projects to be adopted, and carries out a public involvement and review process for TIP 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 U.S.C. Section 5307, covering review and approval of FTA grant applications for TIP projects. RPTA, METRO, other transit operators, and MAG member agencies seeking TIP programming and subsequent grant approvals, will provide MAG 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 TIP project descriptions. MAG will advertise the proposed public hearing(s), projects to be programmed, and fund amounts to be programmed through their existing public participation process.

The CITY OF PHOENIX, as the Designated Recipient, implements the Annual Grant for the FTA. As part of this process, the CITY OF PHOENIX balances the FTA portion of the transportation annual appropriations and provides, to MAG, revisions to the TIP to reconcile the grant and the first year of the TIP. Following reconciliation, MAG works cooperatively with the CITY OF PHOENIX to determine if the TIP is in agreement with the Annual Grant. If agreement is reached, MAG concurs with the reconciliation and informs the FTA of its determination.

The MAG Transit Committee meets to draft a program of projects for the TIP. This program of projects is forwarded to the MAG Transportation Review Committee, Management Committee, Transportation Policy Committee and the Regional Council to be considered for inclusion into the MAG TIP. Following the enactment of an annual federal budget and publication of funding apportionments and discretionary awards in the Federal Register, the CITY OF PHOENIX informs MAG of the amounts of the formula and other designated federal funds coming to the UZA. MAG then consults with the transit operators and local government agencies working through the MAG Transit Committee to finalize the recommended programming of those funds into the TIP, making adjustments as necessary to the draft program of projects completed earlier.

As part of the TIP process, projects are programmed in the TIP on behalf of all transit providers receiving federal funds. MAG, working through the MAG Transit Committee, will develop a recommended prioritized list of projects for the allocation of federal funds, which would include all FTA 5307 funds apportioned to the UZA plus additional federal funds that may be available for distribution from FTA and FHWA. The MAG Transit Committee will identify priority projects and endeavor to program the use of said funds based on factors that are cooperatively developed by the MAG Transit Committee with final approval by the MAG Regional Council.

Grant Application for Transit Funding. The CITY OF PHOENIX is the Designated Recipient for federal formula funds allocated under the Federal Transit Act, as amended, in the UZA. The MAG Transit Committee will develop projects to be submitted to the CITY OF PHOENIX. The CITY OF PHOENIX will prepare applications to the FTA and FHWA for federal transit funding. Draft applications will be submitted to MAG using an agreed upon method, in advance of the FTA or FHWA submittal to confirm accuracy and consistency with TIP programming requirements and with the MAG RTP, as required by federal guidelines. All transit operators and jurisdictions agree to work in good faith to develop consistent programming, documentation, and funding requests in a manner consistent with FTA or FHWA requirements.

Progress Reporting. MAG is responsible for tracking the overall progress of all projects in the TIP, is required to produce an annual list of projects for which federal funds have been obligated in the preceding year, and ensures that it is made available for public review.

Transit operators and local government agencies receiving federal transit funding will assist MAG's and the CITY OF PHOENIX's efforts to track the overall progress of transit projects in the TIP. At a minimum, milestone/progress reports submitted to FTA and reviewed by MAG shall contain all of the information required in FTA Circular 5010, as amended from time to time, for grant administration of procedures. If project specific questions are raised by FTA or MAG that cannot be answered through review of the Transportation Electronic Award and Management (TEAM) documentation, the affected transit operator

or jurisdiction will, upon request, provide MAG or the CITY OF PHOENIX, as applicable, additional information. Examples of information that may be periodically requested include the following:

1. A classification of the projects by the individual categories, as identified in the TIP.
2. A documentation of the stage of project implementation.
3. An explanation for any project delays if the project is behind schedule.
4. The reasons for any cost overruns if the project is over budget.
5. A status on the amount of federal funding obligated, received, and used to support projects.
6. Any identified needs for a TIP amendment.
7. Project savings to be reverted, if any, at project completion.

TIP Amendments. Each transit operator and local government agency receiving transit funding is responsible for notifying MAG if there is the need to amend the TIP. Amendments may require three to four months to process for approval. MAG typically processes TIP 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 and administrative and project budget modifications can be made outside the formal amendment process, but must be requested in writing.

As part of the quarterly progress report, or more frequent reporting if required, each transit operator or local government agency receiving transit funding will notify MAG regarding the reasons an amendment to the TIP is needed. TIP 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 TIP. Subrecipients of FTA funding shall regularly update the CITY OF PHOENIX on project status, and the CITY OF PHOENIX shall periodically provide a grant status review to the MAG Transit Committee.

Public Comment. The federal regulations for metropolitan planning under SAFETEA-LU are incorporated within the MAG adopted public involvement process. Federal law requires that the MPO work cooperatively with the state department of transportation and the regional transit operators to provide citizens, affected public agencies, representatives of transportation agencies, freight shippers, private providers of transportation, representative users of public transit, and other interested transit operators and jurisdictions a reasonable opportunity to comment on proposed transportation plans and programs. All MAG public involvement efforts are consistent with Title VI of the Civil Rights Act and the Executive Order on Environmental Justice.

Public Involvement Process. MAG's adopted public involvement process is divided into four phases:

1. Early phase
2. Mid phase
3. Final phase
4. Continuous Involvement

During each of these phases, MAG will work closely with ADOT, RPTA, METRO, and the CITY OF PHOENIX. Responses to public comment in the Mid Phase and Final Phase Public Input Opportunity Reports are coordinated with the above listed agencies. The public hearing for the TIP and RTP includes representation from the above listed agencies. These groups may also co-host public involvement events, including public hearings and meetings and information booths at special events throughout the region.

Air Quality. In nonattainment areas for air quality standards, the MPO is responsible for determining conformity of the TIP and RTP with the State Implementation Plan to achieve air quality standards. The goal is to ensure that transportation plans, programs, and projects do not cause or contribute to violations of the air quality standards.

Conformity consultation in the MAG region is to be done in accordance with 40 CFR 93.105 and Arizona Administrative Code R18-2-1405. Under these requirements, MAG consults with local governments and appropriate State and federal agencies on the TIP, the RTP, conformity analysis, and the MAG Unified Planning Work Program and Annual Budget. For local government consultation, the MAG Management Committee is the primary contact. This includes RPTA, the CITY OF PHOENIX and other local government agencies that provide transit service.

Human Services Coordination Plan. The MAG Unified Planning Work Program and Annual Budget includes the Human Services Coordination Transportation Plan as required by SAFETEA-LU regulations. This plan is drafted cooperatively by MAG with the CITY OF PHOENIX and other stakeholders. This activity results in the identification of coordination strategies to make human services transportation more efficient and seamless, particularly as it pertains to the FTA Job Access Reverse Commute (JARC, section 5316), New Freedom (section 5317), and Elderly and Persons with Disabilities (section 5310) projects. The CITY OF PHOENIX develops and facilitates the application process for JARC and New Freedom funding. This process requires that applicants demonstrate they are utilizing the coordination strategies identified in the Human Services Coordination Transportation Plan. The plan is updated by MAG in partnership with the CITY OF PHOENIX and other stakeholders as needed.

MAG Unified Planning Work Program and Annual Budget. The MAG Unified Planning Work Program (UPWP) and Annual Budget is developed in a collaborative process with federal, state and local agencies and input is sought from the public on key issues facing the MAG region. Planning for the UPWP is a continuous process. In developing the UPWP, MAG meets with RPTA, METRO, the CITY OF PHOENIX and ADOT to ensure coordination of projects. Portions of the UPWP are brought incrementally to the MAG Regional Council Executive Committee, serving as the MAG Finance Committee, and to the MAG Management Committee and MAG Regional Council. Budget presentations are made from January through May each year.

In the spring of each year, the draft budget is provided to local, state and federal agencies for review in anticipation of the Intermodal Planning Group (IPG) meeting where questions and comments are heard and, if necessary, adjustments are made regarding state and federal agency comments. At the IPG meeting, MAG, RPTA, METRO, the CITY OF PHOENIX and ADOT participate in the presentations and the meeting. The final budget is presented to the MAG Regional Council in the month of May and, upon approval, is sent in the month of June to ADOT and the FHWA.

Review and Refinement of Transit Planning and Programming Roles and Responsibilities. During FY 2010, a staff Working Group with representatives from MAG, the CITY OF PHOENIX, RPTA, and METRO undertook an examination of the regional transit programming and planning roles performed by the four agencies. This examination was undertaken to achieve the following objectives:

1. Provide better integration of all modes of travel in the Regional Transportation Plan (RTP).
2. Continue development of a transit program that reflects regional priorities identified in the RTP.

3. Ensure that MAG is meeting its responsibilities under federal and state law to develop an integrated long range transportation plan; develop and administer the Transportation Improvement Program; develop and execute the annual Unified Planning Work Program; and provide administrative oversight of the utilization of Proposition 400 funds.
4. Clarify roles and responsibilities among the four agencies to reduce duplication and to ensure a more efficient and integrated planning process.

The Working Group reached consensus on several issues. Four of the Working Group recommendations further clarify the coordination of ongoing transit planning, as outlined below:

1. MAG is responsible for transit system planning activities for the region, including the transit component of the Regional Transportation Plan, transit corridor studies (prior to the identification of project funding), transit system studies and subregional studies. In some instances, MAG may determine to have a transit operator conduct a specific subregional or corridor study.
2. For projects that require a federal Alternatives Analysis (AA) process, MAG, in cooperation with the affected agencies/jurisdiction(s), shall determine the appropriate agency to conduct and manage the AA. The Locally Preferred Alternative (LPA) resulting from the AA will be reviewed and approved through the MAG committee process. The process for review and approval of an LPA includes the following steps: 1) review and adoption by the affected jurisdiction(s); 2) informational review and acceptance by the METRO and/or RPTA Boards, as appropriate; and 3) review through the MAG committee process, with final approval of the LPA by the MAG Regional Council. To ensure continuity in the planning process, RPTA and METRO will provide periodic updates to the MAG Transit Committee on federal Alternatives Analysis projects.

Draft Design Concept Reports (DCR) and other major project scoping documents will be reviewed and approved for concurrence through the MAG committee process, in addition to any other agency approvals. MAG will join the operating agency and affected jurisdictions as a member of the Project Management Team for project planning studies, and MAG will provide oversight and quality control over the use of the MAG Travel Demand Model.

3. Regional sustainability issues should be coordinated at MAG, and project/facility specific sustainability initiatives, in connection with the federal application process, should be coordinated by METRO and RPTA in conjunction with the local jurisdiction(s).
4. Regional Transit Oriented Development planning issues should be coordinated at MAG, and project/facility specific Transit Oriented Development initiatives, in connection with the federal application process, should be coordinated by METRO and RPTA in conjunction with the local jurisdiction(s).

Amendments to the Agreement. This AGREEMENT may be amended at any time by the mutual agreement of the parties hereto.

Agreement Termination. Participation in the AGREEMENT may be terminated by any of the parties hereto provided that the terminating party provides notice to each of the other parties at least ninety (90)

days prior to the date of termination. Termination by any one party does not relieve any other party to this AGREEMENT of its responsibilities under this AGREEMENT.

Agreement Authorization.

MARICOPA ASSOCIATION OF
GOVERNMENTS

REGIONAL PUBLIC TRANSPORTATION
AUTHORITY

Dennis Smith
Executive Director

David A. Boggs
Executive Director

Date

Date

VALLEY METRO RAIL

CITY OF PHOENIX

Stephen Banta
Chief Executive Officer

Debbie Cotton
Public Transit Director

Date

Date

DRAFT