



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, P.E., Public Works Director
DATE: May 19, 2011
RE: Cooperative Agreement Between the Member Agencies of the Champaign-Urbana Urbanized Area Transportation Study

Introduction

The existing cooperative agreement between the member agencies of the Champaign-Urbana Urbanized Area Transportation Study (CUUATS) was approved in 1979 and was last revised in 2001. The CUUATS Technical Committee and Policy Committee last month reviewed suggested changes and approved the attached cooperative agreement. Each CUUATS member agency is asked to approve this updated agreement.

The changes in this agreement from the 2001 cooperative agreement are as follows:

- (Page 1) Updated terminology according to Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
- (Page 2) Article IB – Added Technical Committee and other Committees to the Policy Committee. Improve wording regarding the Policy Committee and CUUAT's planning process.
- (Page 2) Article IIB – Removed Regional Plan Commission (RPC) Board for approval of the Unified Technical Work Plan due to time constraints.
- (Page 3) Article IIC – Changed 60 day RPC Board comment period for Long Range Transportation Plan to 30 days.
- (Page 3) Article IIIA – Updated titles of representatives for CUUATS Policy Committee.
- (Page 3) Article IIIB – Improved wording regarding rotation of Chair and Vice Chair positions for CUUATS Policy Committee.
- (Page 3) Article IIIB – Provided the order of the rotation for CUUATS Policy Committee.

- (Page 3) Article III C – Added a process for designating proxy voting rights for CUUATS Policy Committee.
- (Pages 4 & 5) Article VA – Changed Technical Committee composition and voting rights by adding another representative for CU-MTD.
- (Page 5) Article VB – Improved wording regarding rotation of Chair and Vice Chair positions for CUUATS Technical Committee.
- (Page 5) Article VC – Added a process for designating proxy voting rights for CUUATS Technical Committee.
- (Page 6) Article VI C, D, E – Changed wording to clarify responsibilities of CUUATS Technical Committee and CUUATS staff.
- (Page 6) Article VII – Removed CUTE C. CUTE C is a subcommittee (working group of non-elected public officials and staff) of CUUATS Technical Committee as other subcommittees (Project Priority Review, Long Range Transportation Plan, Intelligent Transportation System, Safety, etc.); therefore, it does not need to be listed in the CUUATS Intergovernmental Agreement.
- (Page 7) Article X – Included a new article regarding “Use of Surface Transportation Program – Urban (STP-U) Funds”. The article was included to follow federal guidelines regarding use of an evaluation process for project prioritization for assignment of STP-U funds.

Fiscal Impact

The City of Urbana, along with the other six agencies, is a dues-paying member and belongs to the CUUATS planning organization. The city receives many valuable services from the CUUATS staff that would otherwise have to be provided by additional in-house staff or outsourced. The local share is leveraged with an 80% planning grant received from IDOT that helps fund many activities that are elaborated in the Annual Technical Work Program Report. Each year the appropriate amount is budgeted to maintain City participation in CUUATS. The FY12 amount is \$26,284 which is the same as this current fiscal year.

Recommendation

It is recommended that an Ordinance Approving and Authorizing the Execution of an Agreement with Member Agencies of the Champaign-Urbana Urbanized Area Transportation Study be approve.

**COOPERATIVE AGREEMENT BETWEEN THE MEMBER AGENCIES OF
THE CHAMPAIGN-URBANA URBANIZED AREA TRANSPORTATION STUDY**

**City of Champaign
City of Urbana
Village of Savoy
Champaign County
University of Illinois
Champaign-Urbana Mass Transit District
Champaign County Regional Planning Commission
Illinois Department of Transportation**

This cooperative Agreement, entered into by and between the City of Champaign and City of Urbana (herein referred to as “CITIES”), the Village of Savoy (herein referred to as “VILLAGE”), Champaign County (herein referred to as “COUNTY”), the University of Illinois (herein referred to as “UNIVERSITY”), the Champaign-Urbana Mass Transit District (herein referred to as “CUMTD”), the Champaign County Regional Planning Commission (herein referred to as “CCRPC”), and the Illinois Department of Transportation (herein referred to as “IDOT”) is for the purpose of documenting the ongoing framework of a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the Champaign-Urbana urbanized area.

WHEREAS Article VII, Section 10A, of the Constitution of the State of Illinois and the Intergovernmental Cooperation Act 5 ILCS 220/1 et seq. enable the parties hereto to enter into agreements among themselves and provide authority for intergovernmental cooperation, and;

WHEREAS 23 USC Section 134, as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), require that each urbanized area with a population of 50,000 or more as a condition to the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area, and;

WHEREAS the Governor of Illinois has designated the CCRPC as the Metropolitan Planning Organization (herein referred to as “MPO”) responsible for carrying out the 23 USC Section 134 planning requirements for the area in cooperation with the state, and;

WHEREAS this agreement updates the previous MPO agreement from 2001 in order to meet revised federal planning regulations; following the passage of SAFETEA-LU, federal planning regulations require that the MPO and the grantees review any existing agreements to ensure they continue to meet the requirements and modify or adopt a new agreement that is consistent with current regulations, and;

WHEREAS the CCRPC has overseen the Champaign-Urbana Urbanized Area Transportation Study (herein referred to as “CUUATS”) as it performed comprehensive transportation planning for the Champaign-Urbana urbanized area, in accordance with the above stated Federal laws.

NOW THEREFORE, IT IS AGREED by and between the parties hereto, that:

Article I: Purpose

- A. CCRPC shall perform and carry out a continuing, cooperative, and comprehensive area-wide transportation planning process for the Champaign-Urbana urbanized area in accordance with requirements of federal law, policy, and procedure with the cooperation and assistance of its members, IDOT, and the US Department of Transportation.
- B. CCRPC shall maintain a MPO transportation Policy Committee, a Technical Committee, and other standing or temporary/special purpose committees as needed to carry out the duties and functions of CUUATS. The CUUATS planning process shall be guided by the Policy Committee, which shall have final authority over all matters within the jurisdiction of CUUATS.
- C. CCRPC shall direct and oversee the planning process to ensure accordance with State and Federal laws concerning the involvement of appropriate public and private transportation providers, including the freight industry and the general public.

Article II: Planning Activities, Responsibilities

- A. CCRPC shall provide a forum for cooperative transportation planning and programming, and establish a public involvement process that ensures opportunities for early and continuing involvement of local governmental units, transit operators, special interest groups, and the general public in the formulation, review, and evaluation of all transportation plans and programs, in accordance with the CUUATS Public Participation Plan.
- B. A Unified Technical Work Program (UTWP) shall be adopted annually by the Policy Committee following cooperative development of the UTWP by the Technical Committee and appropriate Illinois and US DOT representatives. The UTWP shall include all elements required by state and federal transportation authorities in addition to elements requested by local government representatives.
- C. A Long Range Transportation Plan (LRTP) for land use, facilities, and services in the CUUATS planning area shall be developed under guidance and recommendation of the CUUATS Technical Committee, endorsed by the CUUATS Policy Committee and recommended to the CCRPC Board, who shall be responsible for final adoption of the LRTP. In no instance shall the CCRPC Board modify the LRTP recommended by the CUUATS Policy Committee, but it shall return the LRTP (within 30 days of receipt) to the Policy Committee, noting specific inconsistencies that exist between the

recommended plan and other regional plans, policies, or studies. The CUUATS Policy Committee shall review their recommendation and report back to the CCRPC Board within 30 days. If no inconsistencies have been reported within this time period, then it is assumed that the LRTP has been approved.

- D. The CUUATS Policy Committee shall be solely responsible for the final adoption of the Transportation Improvement Program (TIP), which identifies an annual and multi-year implementation schedule for projects within the metropolitan planning boundary. Such action shall include other required endorsements of planning and programming consistencies.
- E. The CCRPC, as the designated MPO, shall be the recipient of Federal Highway Administration (FHWA) PL and Federal Transit Administration (FTA) Section 5303 Planning funds. Staff of the CCRPC shall serve as staff to the CUUATS Policy Committee. Depending upon State and Federal appropriations for Planning (PL) and Section 5303 funds and subject to IDOT's MPO Distribution Agreement, IDOT shall make funds available to the MPO for the purpose of carrying out these responsibilities.

Article III: CUUATS Policy Committee Membership, Voting, Quorum

- A. The CUUATS Policy Committee shall be composed of the following representatives, each having one vote:
 - 1. County of Champaign: *County Board Chair*
 - 2. City of Champaign: *Mayor*
 - 3. City of Urbana: *Mayor*
 - 4. Village of Savoy: *Village President*
 - 5. University of Illinois: *Executive Director of Facilities and Services*
 - 6. Champaign-Urbana Mass Transit District: *CU-MTD Board Chair*
 - 7. State of Illinois: *Bureau Chief of Program Development, District 5*
- B. The CUUATS Policy Committee shall rotate the Chair and Vice Chair positions for a two-year term beginning in July of every even-numbered year, or when a vacancy occurs. The Vice-Chair shall assume the Chair position at the end of the two-year term or if a vacancy occurs. The Chair and Vice Chair of the CUUATS Policy Committee shall not be the Bureau Chief of Program Development of IDOT. The Chair or any member presiding over the Committee may vote and make or second motions. The rotation shall be in the following order:
 - i. Champaign County
 - ii. City of Urbana
 - iii. Champaign-Urbana Mass Transit District
 - iv. City of Champaign
 - v. Village of Savoy
- C. Any member of the CUUATS Policy Committee may select a designated representative to have proxy voting rights at the meeting in their absence. Proxy voting representatives are designated annually by each voting member and kept on file with CUUATS' staff. If

a Committee member wishes to have another individual represent their vote at a CUUATS Policy Committee meeting that is not on their designated proxy list, a written notice signed by the Committee member or an e-mail from the Committee member must be provided before the beginning of the meeting.

- D. As designated by the CUUATS Policy Committee, technical advisors may be called upon to attend the CUUATS Policy Committee meetings. Advisors will be non-voting members.
- E. A quorum of the CUUATS Policy Committee shall consist of a simple majority.

Article IV: Policy Committee Responsibilities

- A. The CUUATS Policy Committee and IDOT shall jointly share the responsibility for developing and maintaining the transportation plans and programs as required by State and Federal law.
- B. The CUUATS Policy Committee shall have the authority to determine membership changes or additions on the Technical Committee, or any sub-committee, in accordance with the terms set forth in this Agreement.
- C. The CUUATS Policy Committee shall have the authority to enact bylaws governing or directing the activities and procedures of CUUATS and expanding the terms of this Agreement, provided such bylaws do not conflict with the terms of this Agreement.
- D. Subject to approval by the CCRPC Board, the CUUATS Policy Committee is empowered to enter into contracts and agreements with units of Federal, State, and local government, private corporations, not-for-profit organizations, partners and individuals for purposes within the authority of the MPO.
- E. Subject to approval by the CCRPC Board, CUUATS is empowered to receive grants, loans, gifts, bequests, and funding from Federal, State, and local units of government, and from public and private sources. All said funding shall be coordinated annually through the MPO Unified Technical Work Program (UTWP) and/or the Transportation Improvement Program (TIP).

Article V: CUUATS Technical Committee Formation, Voting, Quorum

The CUUATS Policy Committee shall appoint and direct a CUUATS Technical Committee composed of technical staff from the jurisdictions represented by the Policy Committee.

- A. The CUUATS Technical Committee shall be composed of the following representatives, each representative having one vote:
 - 1. County of Champaign (2 voting members):
County Engineer, Assistant County Engineer

2. City of Champaign (2 voting members):
City Engineer, Assistant Planning Director
 3. City of Urbana (2 voting members):
Director of Public Works, Community Development Director
 4. Village of Savoy (2 voting members):
Director of Public Works, Village Administrator
 5. University of Illinois (2 voting members):
Director of Planning, Transportation Coordinator
 6. Champaign-Urbana Mass Transit District (2 voting members):
Managing Director, Director of Operations
 7. Regional Planning Commission (1 voting member):
Executive Director
 8. State of Illinois (2 voting members):
Planning and Services Chief (District 5), Federal Aid Coordinator (District 5)
 9. Technical Advisors (non-voting):
IDOT Central Bureau of Urban Program Planning; FHWA Division Office; IEPA; IDOT Public Transportation Division; FTA Regional Office; Airport, Rail, and Freight Representatives; Township Representatives (Somerset, Hensley, Champaign, Urbana)
- B. The CUUATS Technical Committee shall rotate the Chair and Vice Chair positions for a two-year term beginning in July of every odd-numbered year, or when a vacancy occurs. The Vice-Chair shall assume the Chair position at the end of the two-year term or if a vacancy occurs. The rotation shall be in the following order:
- i. City of Urbana
 - ii. City of Champaign
 - iii. University of Illinois
 - iv. Village of Savoy
 - v. Champaign County
 - vi. Champaign-Urbana Mass Transit District
- C. Any member of the CUUATS Technical Committee may select a designated representative to have proxy voting rights at the meeting in their absence. Proxy voting representatives are designated annually by each voting member and kept on file with CUUATS' staff. If a Committee member wishes to have another individual represent their vote at a CUUATS Technical Committee meeting that is not on their designated proxy list, a written notice signed by the Committee member or an e-mail from the Committee member must be provided before the beginning of the meeting.
- D. A quorum of the CUUATS Technical Committee shall consist of a simple majority.

Article VI: CUUATS Technical Committee Responsibilities

- A. The CUUATS Technical Committee shall provide technical advice and recommendations to the Policy Committee on all matters pertaining to the technical planning functions of

CUUATS and on other related matters referred to them by the CUUATS Policy Committee.

- B. The CUUATS Technical Committee shall provide to MPO staff technical advice concerning special transportation studies.
- C. The CCRPC staff shall develop the annual Unified Technical Work Program (UTWP) to be approved by the CUUATS Technical and Policy Committees.
- D. The CUUATS Technical Committee shall assign funding and develop a prioritized list of projects for the annual Transportation Improvement Program (TIP), to be approved by the CUUATS Policy Committee.
- E. The CCRPC staff and CUUATS Technical Committee shall perform other duties as assigned by the CUUATS Policy Committee.

Article VII: Equal Opportunity Assurance

The parties involved in this Agreement hereby certify that as a condition of receiving Federal financial assistance to conduct transportation planning activities, they will ensure:

- A. That the intent of Title VI of the 1964 Civil Rights Act (42 USC 2000d-1) which states “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” is met.
- B. That CCRPC will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the US Department of Transportation Title VI regulation 49 CFR Part 21.9.
- C. That CCRPC will make it known to the public that the person or persons alleging discrimination on the basis of age, 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 US Department of Transportation.
- D. All meetings shall be open to the public and conducted in accordance with the Illinois Open Meetings Act.

Article VIII: Amendments, Severability

- A. If any one or more of the provisions of this Agreement is declared unconstitutional or contrary to law, the validity of the remainder of the Agreement shall not be affected thereby.

- B. This Agreement is subject to amendment when a majority of representatives of the member agencies adopt the amendment.

Article IX: Ratification, Termination

- A. This cooperative Agreement shall become effective upon approval by all signatory parties.
- B. Approval of this Agreement by the State shall be considered its acceptance of the provisions and objectives contained herein and shall constitute an agreement between the jurisdictions heretofore mentioned to cooperate in the continuing, cooperative, and comprehensive transportation planning process for the Champaign-Urbana urbanized area.
- C. A jurisdiction which is eligible and wishes to be part of this Agreement may do so by adoption of a resolution; said resolution agreeing to provisions of this Agreement shall be delivered to the CCRPC. Approval by a majority of member agencies is required.
- D. This Agreement shall remain in force continuously and shall be automatically renewed on each succeeding June 30th following initial ratification.
- E. Any party to this Agreement may withdraw by giving written notice to the CCRPC. Termination from this agreement shall not relieve the withdrawing party from compliance with Federal requirements for cooperative transportation planning and programming.

Article X: Use of STP-Urban Funds

The parties herein agree that the Policy Committee shall establish and maintain a project selection process, in accordance with Federal guidelines and criteria of the CUUATS Policy Committee that establishes priority for the use of STP-Urban funds. The evaluation process shall follow the criteria established on the CUUATS Project Assessment Guidelines for Assignment of STP(U) Funds approved in September 2008 or any succeeding version of that document as approved by CUUATS Policy Committee.

Mayor, City of Champaign

Date

Mayor, City of Urbana

Date

Village President, Village of Savoy

Date

Chair, Champaign County Board

Date

Secretary, Board of Trustees, University of Illinois

Date

Comptroller, Board of Trustees, University of Illinois

Date

Chair, Champaign-Urbana Mass Transit District Board

Date

Chair, Champaign County Regional Planning Commission Board

Date

Chair, CUUATS Policy Committee

Date

Secretary, Illinois Department of Transportation

Date

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT WITH
THE MEMBER AGENCIES OF THE CHAMPAIGN-URBANA URBANIZED AREA
TRANSPORTATION STUDY (CUUATS)**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

A Cooperative Agreement between the Member Agencies of the Champaign-Urbana Urbanized Area Transportation Study, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor