

TO: James L. App, City Manager
FROM: Mike Compton, Director of Administrative Services
SUBJECT: North County Transit Memorandum of Understanding
DATE: April 15, 2003

Needs:

For the City Council to consider adoption of a resolution approving a memorandum of understanding.

Facts:

1. As a result of the 2000 census, the Paso Robles, Atascadero and County area along the Highway 101 corridor including Templeton and Santa Margarita have been designated as an "urban area" (UA).
2. With this designation comes eligibility for Federal Transit Administration (FTA) 5307 funding.
3. Transit providers within this UA are eligible to apply for \$551,000 in FTA 5307 funding.
4. FTA requires that eligible agencies enter into a MOU with the regional transit planning agency, San Luis Obispo Council of Governments (SLOCOG).
5. FTA also requires that there be a single sub-grantee recipient for FTA 5307 funds.
6. The attached MOU satisfies the first requirement of FTA.
7. The MOU has been reviewed by the Council's Transit Advisory Committee. TAC recommended approval.
8. The MOU has also been reviewed and received the blessing of the City Attorney.

Analysis
and
Conclusion:

Staff has been negotiating for the past five months with SLOCOG and the other transit providers within the UA, City of Atascadero, County of San Luis Obispo and the San Luis Obispo Regional Transit Authority, to develop the attached MOU. Adoption of the MOU represents the first step towards submission of an application for 5307 funds that have been "earmarked" for our UA.

Under the terms of the MOU, the North County Transit Committee will jointly prepare a program of projects for submission to FTA. The program of projects must be

consistent with regional transit planning programs. Thus, the participation of SLOCOG.

The second and final step towards preparation of an application for 5307 funds is the preparation and adoption of an "operator's agreement". The operator's agreement identifies the responsibilities of the primary sub-grantee as well as the other transit providers. The operator's agreement is still being drafted and identifies the City of Paso Robles as the "sub-grantee recipient" to satisfy the FTA requirement noted above in Fact #5.

Fiscal
Impact:

Once the MOU and operator's agreement are adopted, Paso Robles will be applying for \$170,000 of the \$551,000 allocated by FTA for our UA. This includes \$25,000 for Paso Robles to act as the sub-grantee recipient. As sub-grantee recipient, Paso Robles is responsible for submission of a single joint application to FTA as well as all required financial reporting and transit data reporting. Our application represents 31% of total available FTA funds.

SLOCOG will receive \$80,000 for a comprehensive North County Transit Study. In subsequent years, this \$80,000 will be available to transit provider applications which Paso Robles would be expected to share proportionally.

It is staff's intention to use 5307 funds to supplant TDA funding for transit operations and replace 5311 capital funding for which the City is no longer eligible. A portion of the 5307 funds will be used to fund a new/expanded budget request to expand local fixed route transit services if approved as part of the fiscal year 2004 budget. By supplanting TDA, more funds would be generally available for streets and roads given that there are no "unmet transit needs". Unmet transit needs must be addressed before streets and roads.

Options:

- a. Adopt Resolution No. 03-xxx approving a Memorandum of Understanding with all North County Transit Providers and the San Luis Obispo Council of Governments;
or
- b. Amend, modify, or reject the above option.

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE
SAN LUIS OBISPO COUNCIL OF GOVERNMENTS
AND THE COUNTY OF SAN LUIS OBISPO
AND THE SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
AND THE CITY OF ATASCADERO

WHEREAS, the major population areas of Paso Robles and Atascadero and the less populated north county portions of San Luis Obispo County, as identified in the attached map, have been designated as an “urbanized area”; and

WHEREAS, this Urbanized Area designation provides eligibility to apply and receive Federal Transit Administration 5307 funds for operating assistance, capital and/or planning assistance for transit delivery purposes; and

WHEREAS, the San Luis Obispo Council of Governments, County of San Luis Obispo, City of Atascadero and City of Paso Robles have met and negotiated in good faith the attached Memorandum of Understanding; and

WHEREAS, adoption of an Memorandum of Understanding is a Federal Transit Administration requirement.

THEREFORE BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles that the Memorandum of Understanding attached herewith is approved.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 15th day of April 20031 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE
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AND THE COUNTY OF SAN LUIS OBISPO
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**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
SAN LUIS OBISPO COUNCIL OF GOVERNMENTS
AND THE COUNTY OF SAN LUIS OBISPO
AND THE SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY
AND CITY OF ATASCADERO
AND CITY OF EL PASO DE ROBLES**

“Regarding the Coordination of Ongoing Transit Planning and Programming Federal Funds that Support the Ongoing and Future Deployment of Transit Services in the North County”.

This Memorandum of Understanding (MOU) is entered into between the SAN LUIS OBISPO COUNCIL OF GOVERNMENTS, hereinafter referred to as (SLOCOG), and the CITY OF ATASCADERO, CITY OF PASO ROBLES, SAN LUIS OBISPO REGIONAL TRANSIT AUTHORITY AND COUNTY OF SAN LUIS OBISPO, hereinafter referred to as “Public Transportation Providers”, as of this 2nd day of April 2003. The purpose of this MOU is to:

- 1) Foster a cooperative and mutually beneficial working relationship between noted agencies for the provision of comprehensive, effective, and coordinated transit planning on behalf of North County public mass transportation systems; and,
- 2) Identify the transit planning responsibilities in coordination with the State of California for the purpose of programming federal funds within the SLOCOG Federal Transportation Improvement Program FTIP).

WITNESSES THAT:

WHEREAS, the major populations of the Cities of Atascadero and Paso Robles and less populated north county portions of San Luis Obispo County, as identified in the attached map, are newly designated as an “urbanized area”; and

WHEREAS, the Public Transportation Providers are eligible to apply for and receive Federal Transit Administration (FTA) 5307 funding for capital, operating, and planning assistance for the delivery of public mass transportation; and,

WHEREAS, SLOCOG is a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization (MPO), for San Luis Obispo County; and,

WHEREAS, the Federal Transportation Equity Act for the 21st (TEA-21) requires MPO’s to work cooperatively with public transit operators to develop Regional Transportation Plans (RTPs) and Transportation Improvement Plans (TIPs) for urbanized areas. These plans and programs are intended to further the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems. These systems should 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, SLOCOG and Public Transportation Providers rely upon a cooperative relationship to foster comprehensive regional transit planning which feeds directly into State and national planning; and,

WHEREAS, the need for continued open communication is amplified due to the recent designation as an urbanized planning area.

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: Responsibilities of SLOCOG and the Public Transportation Providers

1.1 Communication

A critical component of this relationship involves open and productive communication, which leads to setting project priorities and federal funding needs. SLOCOG is required to update the FTIP every even numbered year. The need to ensure responsive communication between the two parties is imperative in order to meet this federal programming mandate.

As a designated urbanized area, Public Transportation Providers are eligible to apply for FTA 5307 funding for capital, operating, and planning assistance for the delivery of public mass transportation. The Executive Director of SLOCOG, Transit Manager of SLORTA and the City Managers of the City of Atascadero and City of Paso Robles are the primary individuals responsible for ensuring that the provisions specified in this MOU are followed through.

1.2 Governance

The Public Transportation Providers, individually and jointly, will cooperate with SLOCOG in the development and implementation of a committee structure to assure the application for and use of FTA 5307 funding that is consistent with Regional Transportation Plan (RTP) and Regional and Federal Transportation Improvement Plan (FTIP).

SLOCOG and the Public Transportation Providers shall execute within one hundred eighty (180) days of the execution of this MOU an operating agreement designating a north county transportation provider as the recipient of FTA 5307 funding. By means of this agreement, SLOCOG and the Public Transportation Providers will agree to cooperate fully with all application and reporting requirements as dictated by FTA. The date of the execution of the operator's agreement may be extended upon written agreement of all the parties to this agreement.

SECTION 2: Transit Planning

2.1 Overall Work Program

In accordance with state and federal requirements, SLOCOG annually prepares, adopts, and updates an Overall Work Program (OWP) describing regional planning activities. The OWP relates regionally significant planning activities of the State, transit operators, local governments, and SLOCOG in an integrated, comprehensive program document. Public Transportation Providers agree to annually prepare a list of regionally significant transit related planning studies for the future fiscal year to be completed by the Public Transportation Providers submit to SLOCOG according to the following schedule:

- a) a brief description of said studies by December 1st of each year.
- b) a detailed description of said studies by January 14th of the following year.

2.2 Short-Range Transit Plans (SRTP)

In accordance with the planning regulations and Federal Transit Administration (FTA) guidance, the Public Transportation Providers are required to prepare a five (5) year short-range plans to support sound financial and operations decision-making in the transit planning and programming. In the development of future SRTPs, the Public Transportation Providers will provide a draft list of projects for FTA funding. The 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 are to include provisions for meeting requirements of the Americans with Disabilities Act (ADA).
- b) Provide qualitatively and quantitative analysis showing how the project addresses transit needs.
- c) Identify the amount and type of federal and non-federal funds required supporting the projects for each year represented in the plan. In addition, identify anticipated discretionary funding estimates for the FTIP.

2.3 Long-Range Transit Plan

In accordance with the planning regulations and Federal Transit Administration (FTA) guidance, SLOCOG in coordination with the Public Transportation Providers will develop the Long-Range Transit Plan. The Long-Range Transit Plan will assess the transportation needs of the public and set forth improvements necessary to address those needs over a twenty (20) year period and updated every five (5) years consistent with Short Range Transit Plan.

2.4 Planning Assistance

SLOCOG will provide input into the development of transit planning documents produced by the Public Transportation Providers. An example of the type of transit planning document includes the Short-Range Transit Plan. In addition, SLOCOG will work cooperatively with and assist the Public Transportation Providers in their efforts to generate planning and forecasting information needed to establish and maintain the Short and Long Range Transit Plans. The type of assistance provided by SLOCOG includes, but is not limited to, the following:

- a) 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).
- b) Assist in securing funds to conduct transit demand studies and in-depth analysis (e.g., research funding options, grant writing).
- c) Assist in obtaining state and federal funding of projects consistent with the SLOCOG Regional Transportation Plan (e.g., completing paper work, facilitating FTIP amendments).

2.5 FTIP Programming Criteria

As part of the FTIP updating process, federally funded projects are programmed by SLOCOG on behalf of all transit providers receiving federal funds through FTIP. For proposed transit projects, the criterion used for the programming of federal funds within the SLOCOG FTIP is essential. SLOCOG and the Public Transportation Providers will employ the following selection criteria to establish priorities for transit funding:

- a) Project purpose and need.
- b) Anticipated benefits.
- c) Degree to which a project will improve transit availability.
- d) Degree to which a project will improve level of service performance standards.
- e) Air quality benefits.
- f) Overall cost effectiveness.
- g) Leveraging other funding sources.

2.6 Regional Planning

SLOCOG will provide a forum that will foster partnerships wherein the development of public transit services throughout northern San Luis Obispo County will be accomplished. As part of the coordinated regional transportation system, SLOCOG will expand the continuing, cooperative, and consistent planning of the transportation systems operated by the Public Transportation Providers and such relationship with the regional and interregional transit network.

SLOCOG will be responsible for the development of regional planning documents such as the Regional Transportation Plan, the Long Range Transit Plan, and the analysis and determination of Unmet Transit Needs for the region. The Public Transportation Providers will have the opportunity to provide technical advice during the development of these regional planning documents through the SLOCOG committee structure. As a part of the regional planning process, the Public Transportation Providers will assist SLOCOG with efforts to achieve regional goals including the requirement to assist in the attainment of state and federal air quality standards.

2.7 Application for Transit Funding

As yet to be determined by 1.2.b, the designated Public Transportation Provider shall prepare and submit an application to the FTA for federal transit funding. With the assistance of SLOCOG, the designated Public Transportation Provider will submit draft applications to SLOCOG prior to submittal to FTA. SLOCOG will review the accuracy of application, consistency of projects with FTIP programming, and prepare a letter of concurrence if information is accurate. The applications for federal funding shall be consistent with the SLOCOG Regional Transportation Plan as required by federal guidelines. The designated Public Transportation Provider shall work with SLOCOG to develop consistent funding requests from all potential transit funding sources in order to prevent funding delays.

2.8 Program of Projects

By October 15th of each year, the Public Transportation Providers in coordination with the North County Transit Technical Committee shall prepare and adopt a "Program of Projects" (POP) consistent with the requirements of Title 49 U.S.C Section 5307(c)(1) through (7).

2.9 Incorporation or Rejection in the FTIP

SLOCOG will include all POP projects nominated from the annual urbanized area allocation in its entirety in the FTIP unless SLOCOG finds that (a) the POP is inconsistent with the planning and programming process in this agreement (b) there are insufficient funds to implement the POP based on the federal allocation, (c) the POP is inconsistent with the RTP and/or adopted local transit plans.

If SLOCOG proposes to reject the POP, it will provide notice to the Public Transportation Providers not later than 10 days after it receives the proposed POP from the North County Transit Technical Committee. SLOCOG's Executive Director may provide notice by letter; the notice does not require formal Board action. The SLOCOG Board will act on the proposed rejection of a POP in a public hearing no later than November 15th. Whenever SLOCOG rejects the POP, the North County Transit Policy Committee shall convene, and the Public Transportation Providers shall resubmit the POP. Unless the new POP is rejected in the same manner, it will be incorporated into the FTIP as an FTIP amendment. This amendment will not require a separate 30-day public notice if the new POP is limited to projects considered in the FTIP public hearing on the proposed POP rejection.

2.10 Committees

The following committees are established through this agreement as illustrated in Exhibit A.

- a) The North County Transit Technical Committee made of six (6) voting staff members: Two (2) from the City of Paso Robles, two (2) from the City of Atascadero, one (1) from SLORTA and one (1) from the County of San Luis Obispo. Three non-voting staff members shall include one (1) representative from SLOCOG, (1) one representative from the Air Pollution Control District, and one (1) representative from Caltrans as ex-officio members.
- b) The North County Transit Policy Committee made of four (4) voting members: One (1) elected representative from the City of Paso Robles, and one (1) elected representative from the City of Atascadero and one (1) SLORTA representative from the supervisorial district(s) the North County Urbanized Area, and (1) member of the County Board of Supervisors from one of the supervisorial district(s) which include the North County Urbanized Area, acting as a representatives for the County. The committee need only meet if there is an unresolved dispute with the POP, but may be convened if requested by signatories in this agreement.

2.11 Disputes

If a dispute regarding the allocation of funds arises between SLOCOG and OPERATOR(S), the agencies shall negotiate in good faith to resolve the dispute. If such negotiation does not result in resolving the differences, the issue shall be forwarded to the North County Transit Policy Committee for review and recommendation. The recommendation of this committee shall be forwarded to SLOCOG for review and potential revision of the urban area POP. SLOCOG shall consider the recommendations of the committee and make a final determination of the POP. Its decision shall be final.

SECTION 3: FTIP Project Monitoring & Maintenance

3.1 Progress Reporting

The SLOCOG will be responsible for tracking the overall progress of all projects in the FTIP. SLOCOG will prepare a mid-year report for the SLOCOG Board of Directors to review that identifies those transit projects that have been programmed, and their status of completion (e.g., on schedule, behind schedule, or completed). In addition, as per TEA-21, SLOCOG 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.

The Public Transportation Providers will assist SLOCOG's effort to track the overall progress of FTIP projects by submitting quarterly reports that address the status of each project receiving federal funds. At a minimum, the quarterly report will include:

- a) Identify and correlate the documentation of projects to individual categories as identified in the FTIP (e.g., Operations, Planning, Capital Purchase, Facility Maintenance, Planning).
- b) Document the stage of project implementation.
- c) If project is behind schedule, the reasons for the delay.
- d) Status of amount of federal funding obligated, received, and used to support projects.
- e) Identify the need for FTIP amendment.

In addition to providing the above supporting documents, the Public Transportation Providers will forward to SLOCOG a final copy of all planning documents produced as a result of receiving FTA funding. This will assist SLOCOG in overall transit planning as well as ensure that FTA Section 5307 funds were used accordingly for planning purposes as per FTA's requirements.

3.2 FTIP Amendments

SLOCOG's Executive Director will exercise the authority delegated by the SLOCOG Board to process minor administrative amendments, involving for example, changes in the project scope, shifting of federal fund between project phases within the triennial element of the FTIP.

As part of the quarterly progress report, or sooner if required, the Public Transportation Providers will alert SLOCOG as to the need for amending the FTIP. In general, reasons for FTIP amendment includes, for example, funding shortfalls, delays in project implementation and/or new projects that need to be included to the document.

SECTION 4: MOU Amendment

This MOU may be amended by the written consent of all parties.

SECTION 5: MOU Termination

Either party upon thirty (30) days of written notification to the other may terminate this MOU.

SECTION 6: Authorization of MOU

By signature, we agree that the responsibilities outlined in this MOU foster healthy collaboration for the purpose of fostering transit planning and programming federal funds within the SLOCOG Federal Transportation Improvement Program.

Frank Mecham Date
Mayor, City of Paso Robles

Peg Pinard Date
President, SLOCOG and SLORTA

Jerry Clay Date
Mayor, City of Atascadero

