

RESOLUTION NO. 2003 – 127

AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) AND THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT (ECTP)

WHEREAS, pursuant to Section 306.35 of the Ohio Revised Code, the Authority may enter into agreements with the State of Ohio and any Public Body for grants or loans providing for the development or improvement of transit facilities, mass transportation facilities, equipment, techniques, methods or services; and

WHEREAS, the Governing Board of NOACA by Board Resolution 2002-063 authorized the Executive Director to enter into an Interagency Agreement whereby NOACA commits up to \$10,000,000 of ODOT sub-allocated Congestion Mitigation and Air Quality (CMAQ) funds to the ECTP; and

WHEREAS, the State of Ohio (ODOT), NOACA and the Authority have reached an agreement for the NOACA contribution to Euclid Corridor Transportation Project, a copy of which is attached hereto as Attachment "A"; and

WHEREAS, the General Manager deems acceptance of the agreement with the State of Ohio (ODOT) and NOACA to be in the best interest of the Authority, and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the General Manager be and hereby is authorized to execute and enter into an interagency agreement with the State of Ohio (ODOT) and NOACA for the contribution of funds to the Euclid Corridor Transportation Project.

Section 2. That the terms of said agreement shall be substantially in the form of Attachment "A" hereto as agreed to by the parties subject to state and federal law, and this Board's policies and all other regulations governing the conduct of the Greater Cleveland Regional Transit Authority, NOACA, and the State of Ohio (ODOT).

Section 3. That this resolution shall become effective immediately upon its adoption.

Attachment: A – Intergovernmental Agreement

Adopted: August 19, 2003



President

Attest: 

CEO, General Manager/Secretary-Treasurer

Interagency Agreement

This Agreement is entered into this ___ day of _____, 2003, by and between the **NORTHEAST OHIO AREAWIDE COORDINATING AGENCY ("NOACA ")**, located at 1299 Superior Avenue, Cleveland, Ohio 44114-3204 and **GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY ("GCRTA")**, a political subdivision of the State of Ohio, located at 1240 West 6th Street, Cleveland, Ohio 44113-1331 and **THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION ("ODOT")**.

Whereas, the NOACA serves the five counties of Cuyahoga, Geauga, Lake, Lorain and Medina and is the region's Metropolitan Planning Organization (MPO); and

Whereas, the Governing Board of NOACA recognizes the importance of the Euclid Corridor Transportation Project to the region and has by previous Resolutions 95-092 and 99-023 adopted the Euclid Corridor Transportation Project; and

Whereas, the NOACA Governing Board has authorized financial participation by NOACA in the ECTP by Revised Resolution No. 2002-063; and

Whereas, the \$10,000,000 financial participation by NOACA will reduce the City of Cleveland's financial share of the ECTP by \$7,000,000 and the GCRTA's share by \$3,000,000; and

Whereas, the Euclid Corridor Transportation Project addresses the NOACA goals of enhancing mobility for the transit dependent, improving air quality, encouraging economic development and helping the urban core of the region.

Now, therefore, in consideration of the foregoing and of the premises and mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

Section 1. NOACA will support the Euclid Corridor Transportation Project by contributing an amount not to exceed \$10,000,000 to the Euclid Corridor Transportation Project (ECTP) portion by initiating the transfer of Congestion Mitigation/Air Quality (CMAQ) funds to

the Ohio Department of Transportation. The Ohio Department of Transportation will then transfer those funds directly to the GCRTA.

Section 2. That the \$10,000,000 NOACA contribution will be in \$2.0 million annual installments for five consecutive years to the GCRTA beginning in SFY 2005 with the annual distribution being made in the first quarter of each SFY. NOACA may, at its option, make early payments or advance payments if NOACA determines it has sufficient obligation authority in a given year and if this is done, then ODOT agrees to transfer without delay to GCRTA a grant agreement or amendment for the amount of such early or advance payment.

Section 3. The NOACA contribution is contingent upon the continuation of the CMAQ program at the federal level and the continuation of the ODOT policy to sub-allocate CMAQ funds to NOACA.

Section 4. GCRTA agrees to comply fully with all federal, state and local laws, regulations, executive orders and other legal requirements, as the same may be amended from time to time. If there is a conflict among the foregoing laws, regulations, executive orders and other legal requirements, GCRTA and NOACA agree that the federal laws, regulations, executive order and other legal requirements shall govern this agreement.

Section 5. GCRTA agrees to submit to NOACA, ODOT and/or the FTA such data reports, records, contracts, financial records and other documents relating to the ECTP as may be required by NOACA and/or the FTA from time to time.

Section 6. Neither this Agreement nor any rights, duties or obligations described herein shall be assigned by GCRTA hereto without the prior express written consent of NOACA.

Section 7. This Agreement constitutes the entire agreement between the parties and any changes or modifications hereto shall be made and agreed to in writing.

Section 8. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections in this Agreement.

Section 9. If any provision of this agreement is held to be invalid or unenforceable by a court of competent jurisdiction, such holdings shall not affect the validity or enforcement of the remainder of this agreement. All provisions of this agreement shall be deemed severable.

Section 10. All notices required to be given or made hereunder shall be given or made to the address of each party set forth above.

Section 11. This agreement shall be construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the parties have executed this Interagency Agreement at Cleveland, Ohio this _____ day of _____, 2003

NORTHEAST OHIO AREAWIDE
COORDINATING AGENCY

By: _____

Its: _____

GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY

By: _____

Joseph A. Calabrese, CEO
General Manager/Secretary-Treasurer

The legal form and correctness of the within instrument are hereby approved.

Sheryl King Benford, General Counsel
Deputy General Manager for Legal Affairs

STATE OF OHIO
Ohio Department of Transportation

By: _____

Its: _____



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

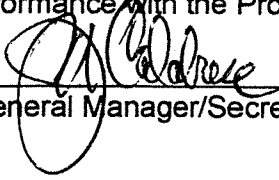
0-5

TITLE/DESCRIPTION: AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) AND THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT (ECTP)	Resolution No.: 2003- 127
	Date: August 14, 2003
	Initiator: Euclid Corridor Transportation Project
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will allow the Authority to execute the Intergovernmental Agreement with ODOT and NOACA for the ECTP project.
- 2.0 **DESCRIPTION/JUSTIFICATION:** In mid-2002 NOACA approached GCRTA to become a funding partner in the ECTP project to decrease the amount of local GCRTA and City of Cleveland contributions toward the project. The Governing Board of NOACA by Board Resolution 2002-063 authorized the Executive Director to prepare an Interagency Agreement with GCRTA to commit up to \$10 million of ODOT sub-allocated Congestion Mitigation and Air Quality (CMAQ) funds to the ECTP. An Intergovernmental Agreement with NOACA has been prepared defining the financial commitment of \$10 million with payments of \$2 million/year for five years starting with the first quarter of State Fiscal Year 2005. The NOACA Transportation Advisory Committee (TAC) is scheduled to approve the agreement on August 15, 2003, and the NOACA Governing Board is scheduled to approve the agreement on September 12, 2003.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** The execution of this agreement will significantly enhance our upcoming FTA New Starts Application by formally defining NOACA's financial commitment to the ECTP project. The execution of the agreement is also required prior to the submittal of our Full Funding Grant Agreement (FFGA) application later this year.
- 6.0 **ECONOMIC IMPACT:** This agreement commits NOACA to provide \$10 million in CMAQ funding for the ECTP project with a defined payment schedule as well as ODOT's concurrence for this use of CMAQ funds.
- 7.0 **ALTERNATIVES:** Reject the resolution. Rejection of this resolution would be detrimental to our New Starts ranking of the project and could delay the submittal of our FFGA application.
- 8.0 **RECOMMENDATION:** It is recommended that this Resolution be approved to allow the execution of the Intergovernmental Agreement with ODOT and NOACA for the ECTP project.

9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer