

RESOLUTION NO. 2019-79

AUTHORIZING A MEMORANDUM OF UNDERSTANDING OF PLANNING RESPONSIBILITIES BETWEEN THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY AND THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, the Code of Federal Regulations (23 CFR 450.314) requires that metropolitan planning organizations enter into agreements with regional transit authorities that identify the roles and responsibilities for cooperatively carrying out transportation planning and programming activities; and

WHEREAS, these agreements are a condition of receipt of federal highway and transit funds; and

WHEREAS, The Northeast Ohio Areawide Coordinating Agency ("NOACA") is the metropolitan planning organization for the five counties within northeast Ohio; and

WHEREAS, the Greater Cleveland Regional Transit Authority ("Authority") is a regional transit authority operating in the northeast Ohio region; and

WHEREAS, both parties agree that the process identified in the agreement defines and clarifies their respective roles and responsibilities in transportation planning.

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

Section 1. That the Interim CEO, General Manager/Secretary-Treasurer of the Greater Cleveland Regional Transit Authority be and is hereby authorized to enter into a Memorandum of Understanding with NOACA for the purpose of meeting the federal requirements for the identification of the roles and responsibilities for cooperatively carrying out transportation planning and programming activities.

Section 2. That this resolution shall take effect immediately upon its adoption.

Adopted: July 16, 2019



President

Attest: 

Interim CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: CONTRACT: AUTHORIZING A MEMORANDUM OF UNDERSTANDING OF PLANNING RESPONSIBILITIES BETWEEN THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY AND THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY (GCRTA)	Resolution No.: 2019-79
	Date: July 11, 2019
	Initiator: Programming and Planning
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 Greater Cleveland Regional Transit Authority ("Authority") to enter into a Memorandum of Understanding ("MOU") with the Northeast Ohio Areawide Coordinating Agency ("NOACA"), for the purpose of identifying the roles and responsibilities for cooperatively carrying out transportation planning and programming.
- 2.0 DESCRIPTION/JUSTIFICATION: The Code of Federal Regulations (23 CFR 450.314) requires metropolitan planning organizations and regional transit authorities to enter into agreements that identify and clarify areas of responsibility for transportation planning activities. These agreements are required in order to receive federal highway and transit funding. This MOU between NOACA and the Authority satisfies that requirement.
- 3.0 PROCUREMENT BACKGROUND: N/A
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: N/A
- 5.0 POLICY IMPACT: The participative planning process outlined in this MOU is consistent with the Authority's planning initiatives and processes.
- 6.0 ECONOMIC IMPACT: Remaining in compliance with federal regulations may assist the NOACA region in maintaining federal funding already received by both parties and is essential for the receipt of federal grants.
- 7.0 ALTERNATIVES: Reject the MOU. Rejection of the MOU would risk making all participating agencies non-compliant with 23 CFR 450.314 and could potentially threaten the ability of NOACA and the Authority to obtain federal funding.
- 8.0 RECOMMENDATION: It is recommended that this MOU be accepted and the resolution passed.
- 9.0 ATTACHMENT: Attachment A – Draft Memorandum of Understanding of Planning Responsibilities between the Northeast Ohio Areawide Coordinating Agency and the Greater Cleveland Regional Transit Authority.

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



Interim CEO, General Manager/Secretary-Treasurer

DRAFT

**Memorandum of Understanding of Planning Responsibilities
Between the Northeast Ohio Areawide Coordinating Agency, and the
Greater Cleveland Regional Transit Authority**

This Memorandum of Understanding (“MOU”), entered into on June __, 2019, between the Northeast Ohio Areawide Coordinating Agency, (“NOACA”) and the Greater Cleveland Regional Transit Authority (“GCRTA”) is for the purpose of identifying the roles and responsibilities of the parties in agreeing to a continuing, cooperative, and comprehensive urban transportation planning process in the NOACA and GCRTA service areas.

Federal regulation 23 CFR 450.314 Metropolitan Planning Agreements requires each metropolitan area, as a condition to the receipt of federal highway and transit funds, to have a continuing, cooperative, and comprehensive transportation planning process and requires transit agencies and the Metropolitan Planning Organization to enter into an agreement identifying the responsibilities for cooperatively carrying out transportation planning and programming.

The purpose of this MOU is to identify and clarify areas of responsibility for transportation planning between NOACA and GCRTA. The parties recognize that the responsibilities imposed by law and/or regulations involve overlapping elements. Accordingly, this MOU is intended to define a process for the attainment of common objectives of the respective parties and to clarify their respective transportation planning responsibilities.

Planning Responsibilities

The following are recognized as the primary responsibilities of NOACA, and GCRTA regarding transportation planning:

Section I – Northeast Ohio Areawide Coordinating Agency

NOACA has transportation planning responsibilities as a Metropolitan Planning Organization (“MPO”) under Section 134 of Title 23 U.S.C. and Title 49 USC, Subsection 1603, 160, and 1607.

As the MPO for the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina, NOACA engages in multi-modal transportation planning for the region, including development of the region’s official Long-range Transportation Plan (“LRTP”) and short-range Transportation Improvement Program (“TIP”). NOACA is also a federally designated Transportation Management Agency (“TMA”) under the Fixing America’s Surface Transportation (“FAST”) Act, a designation given to MPOs in urbanized areas over 200,000 population. Specific responsibilities follow.

1. **Regional Transportation Planning Process:** NOACA will be responsible for the regional transportation planning process and will conduct the activities required to maintain the region’s certification.

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2. **Data and Services:** NOACA will compile data essential to its comprehensive planning responsibilities and will make such data, together with all related services of NOACA, available to the Ohio Department of Transportation (“ODOT”).
3. **Long-Range Transportation Plan and Transportation Improvement Plan:** NOACA will prepare and adopt a regional LRTP with a minimum 20-year horizon, and a TIP, representing four years of federally funded projects. NOACA, as the MPO, will compile these documents and submit them to the appropriate funding agencies.
4. **Metropolitan Planning Area Boundaries:** NOACA will coordinate the periodic review of the established metropolitan area boundaries consistent with 23 CFR 450.312.
5. **National Functional Classification:** NOACA will maintain and periodically review the functional classification of all public roads within the service areas of ODOT District 12 and the NOACA-area portion of ODOT District 3 using the National Functional Classification System.
6. **Congestion Management Process:** NOACA will prepare and document a Congestion Management Process for the NOACA region.
7. **ITS Architecture:** NOACA will be responsible for revising the regional intelligent transportation system (“ITS”) architecture as needed, and will compare LRTP and TIP projects to the architecture for consistency.
8. **Travel Demand Forecast Modeling:** NOACA will maintain and operate the regional travel demand forecasting model used in the development of the LRTP and TIP and of various planning studies consistent with the existing Memorandum of Understanding between ODOT and NOACA regarding travel demand forecasting. NOACA, as the MPO, will use the model to conduct regional air quality conformity analyses.
9. **Financial Planning:** NOACA will use the estimates of available federal and state funds developed cooperatively through the ODOT/NOACA process for developing both the regional LRTP and TIP.
10. **Annual List of Obligated Federally-Funded Projects:** NOACA will develop and share information related to the development of financial plans and the preparation of annual obligation listings.
11. **Air Quality Requirements:** NOACA will comply with the transportation related requirements in the Clean Air Act Amendments of 1990 (“CAAA”). NOACA will be responsible for doing regional analyses of the regional transportation plan and TIP to ensure conformity with state and federal requirements.
12. **Corridor Studies:** NOACA will identify the need for and perform corridor and sub-area studies, access management studies, and data collection in accordance with NOACA’s Overall Work Program (“OWP”).

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13. **Planning Studies:** NOACA will identify the need and methodology for conducting transportation planning studies to determine the effect that proposed projects will have on its respective transportation and capital plans.
14. **Public Participation Process:** NOACA will administer a Public Participation Plan that will provide reasonable opportunities for public involvement throughout the planning and program development process. The NOACA Public Participation Plan will be coordinated with any public participation process conducted by GCRTA in accordance with GCRTA's policies, so that comments from any such GCRTA process can be submitted to the NOACA Board of Directors prior to approval of either the LRTP or the TIP.
15. **Consultation:** NOACA will administer a documented regional process for consulting with other governmental agencies and officials responsible for other planning activities.
16. **Overall Work Program and Budget:** NOACA will develop an annual OWP and Budget. NOACA will have administrative responsibility for developing and submitting the OWP and other required materials to the appropriate federal and state agencies in accordance with agreed upon procedures.
17. **Performance Planning:** NOACA will coordinate with GCRTA and ODOT concerning the performance based planning process, including coordination on: data collection, data analysis, data sharing, target setting, reporting of targets and target achievement, data collection for the National Highway System ("NHS") Asset Management Plan, and the Transit Asset Management ("TAM") Plan pursuant to 23 CFR 450; 23 CFR 490; 49 CFR 625; 49 CFR 630; & 49 CFR 673.

Section II – Greater Cleveland Regional Transit Authority

GCRTA is a political subdivision of the State of Ohio recognized under Section 306.31 of the Ohio Revised Code.

Under Ohio law (Ohio Revised Code Sections 306.30, 306.32, 306.35 and 306.53), GCRTA has specific powers and obligations to coordinate public transit services within its jurisdiction. These powers and obligations place GCRTA in the position of working with NOACA to guide and coordinate the use of state and federal transit funds that come into the region. Specific lead responsibilities of the GCRTA are as follows:

1. **GCRTA Service Area Transportation Planning Process:** GCRTA, in cooperation with NOACA, will be responsible for the transit planning process in Cuyahoga County, and as part of that responsibility will supply to NOACA the necessary data and conduct the activities required to maintain the region's certification and eligibility for federal aid for transportation purposes. These activities will result in a detailed comprehensive, multi-modal transportation plan for the area.

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2. **Data and Services:** GCRTA, in cooperation with NOACA, will compile and share data essential to its planning responsibilities.
3. **Capital Improvement Plan:** GCRTA, in cooperation with NOACA, will adopt a rolling five (5) year Capital Improvement Plan (“CIP”) and will submit it to NOACA for inclusion in the LRTP, TIP and state transportation improvement plan.
4. **Financial Planning:** GCRTA will use the estimates of available federal and state funds developed cooperatively through the ODOT/NOACA process for developing GCRTA’s capital budget and NOACA’s TIP.
5. **Planning Studies:** GCRTA and/or NOACA will identify the need for and methodology for conducting transit planning studies to determine the effect that proposed studies will have on the LRTP.
6. **Public Participation Process:** GCRTA will provide reasonable opportunities for public participation throughout the planning process consistent with its public participation process. The GCRTA will coordinate its public participation process with NOACA’s so that any comments from the GCRTA process are submitted to the NOACA Board of Directors prior to approval of either the LRTP or TIP.
7. **Overall Work Program:** GCRTA, in cooperation with NOACA, will develop an annual work program for inclusion in the NOACA OWP.
8. **Performance Planning:** GCRTA will coordinate with NOACA and ODOT concerning the performance based planning process, including coordination on: data collection, data analysis, data sharing, target setting, reporting of targets and target achievement, data collection for the NHS Asset Management Plan, and the TAM Plan pursuant to 23 CFR 450; 23 CFR 490; 49 CFR 625; 49 CFR 630; & 49 CFR 673.

Section III – Modifications

The parties understand that the terms of this MOU are subject to modification by federal or state regulations. In addition, the parties may further modify the terms of this MOU at any time by written agreement.

NOACA-GCRTA Memorandum of Understanding

Section IV - Signatures

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed on this day.

By: _____
Grace Gallucci, Executive Director
NOACA

Date

Approved as to Legal Form:

Nancy Hancock Griffith
Legal Counsel

By: _____
Floun'say Caver, Interim CEO
General Manager/Secretary-Treasurer
GCRTA

Date

Approved as to Legal Form:

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