

MEMORANDUM OF UNDERSTANDING

Between

THE MICHIANA AREA COUNCIL OF GOVERNMENTS

THE SOUTHWEST MICHIGAN PLANNING COMMISSION

THE CITY OF NILES and

THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION

This Memorandum of Understanding is an agreement between the Michiana Area Council of Governments (MACOG) and the Southwest Michigan Planning Commission (SWMPC) on behalf of the Designated Recipients and public mass transit operators within their respective geographical areas. This Memorandum is intended to define the basic process by which federal funds made available from the U.S. Department of Transportation, Federal Transit Administration (FTA), under Section 5307 of Title 49, United States Code Annotated, Chapter 53, as amended, are to be divided within the South Bend Urbanized Area.

This Memorandum shall serve as the basis of ordinances or resolutions, enacted by the policy boards of the respective agencies, to implement the capital programs funded by Section 5307.

The process is defined as follows:

1. After publication of the South Bend Urbanized Area annual apportionments in the Federal Register, MACOG will prepare the worksheet to split the apportionment between bus and rail, using the NTD FY data referenced in the Federal Register. This document will be distributed to the City of Niles and the South Bend Public Transportation Corporation within 15 days of the Federal Register publication.
2. Representatives of the City of Niles and the SBPTC will meet prior to submitting capital projects to MACOG or SWMPC. At this meeting, or subsequent meetings, the City of Niles and SBPTC will discuss the capital needs of each transit system and will cooperatively come to a sharing agreement regarding the level of funds that each will receive for the next four fiscal years.
3. The annual funding agreement shall be documented and submitted to the SWMPC and MACOG by the City of Niles, Michigan and the SBPTC within 30 days of receipt of the bus/rail apportionment split.
4. The General Manager of the SBPTC and the Representative of the City of Niles will provide annual letters to MACOG and the SWMPC certifying agreement by each party regarding the funding allocation by dollar amount to be attributed to both transit systems. These letters must be submitted no later than 30 days of receipt of the bus/rail apportionment split. If no agreement can be made between the two transit systems then the decision will be made in a joint meeting between MACOG and the SWMPC. If a joint meeting is required, the Executive Directors of the respective MPOs will meet to develop an equitable agreement. The MPO Executive Directors will include the FTA designated recipients in the meeting. The agreement brokered between the MPO's will be reviewed and presented for approval at their next respective Policy Board meeting.
5. When projects are submitted for inclusion in the Transportation Improvement Program (TIP), MACOG will be responsible for prioritizing all projects in accordance with the documented

funding agreement in Indiana and the SWMPC will be responsible for prioritizing all projects in accordance with the documented funding agreement in Michigan. The SWMPC and MACOG assure that the funding split agreed to will be financially constrained. The MPOs further agree that the annual apportionment will be estimated over four years using the last Federal Register apportionment figures for the South Bend Urbanized Area. Adjustments to the increases or decreases in the actual FY apportionments shall be made as part of the annual update to the funding agreement.

6. Paper copies of draft Section 5307 grant applications will be provided by the City of Niles and the SBPTC to their respective MPO prior to their submission to FTA. Paper copies of final Section 5307 grant applications will be provided to the respective MPO when the grant is executed. The SWMPC and MACOG will be responsible for reviewing and verifying that the programmed projects and associated costs are consistent with the current TIP and STIP. Each MPO will send a letter of concurrence to the FTA representative and to their corresponding state representative with copies to each transit system and MPO. The MPOs agree to perform the concurrence review in a timely manner, and shall report to the FTA and each other its concurrence or lack thereof within seven (7) working days of receipt of the draft grant application.
7. In the event of a change in Designated Recipients, the passage of new authorizing legislation for the FTA Section 5307 Program, or significant revisions to FTA Circular 9030.1D, discussion will be held between the SWMPC and MACOG to review the process outlined in this Memorandum.
8. This Memorandum of Understanding shall be reviewed every three years or when a signatory requests a written change.

CITY OF NILES

By: Kelly Getman-Dissette
Kelly Getman-Dissette, Transportation Coordinator

Date: 4/6/11

SOUTH BEND PUBLIC TRANSPORTATION CORP.

By: Maurice Pearl
Maurice Pearl, General Manager

Date: 6/10/11

SOUTHWEST MICHIGAN PLANNING COMMISSION

By: K. John Egelhaaf
K. John Egelhaaf, Executive Director

Date: MARCH 15, 2011

MICHIANA AREA COUNCIL OF GOVERNMENTS

By: Sandra Seanor
Sandra Seanor, Executive Director

Date: 7/12/11