

**MEMORANDUM OF AGREEMENT**  
**Regarding FTA Section 5309 Projects**  
**By and Between**  
**Michiana Area Council of Governments,**  
**South Bend Public Transportation Corporation,**  
**City of Niles,**  
**Northern Indiana Commuter Transportation District**

This Memorandum of Understanding is an agreement among the agencies cited above to define the basic terms by which funds made available from the United States Department of Transportation, Federal Transit Administration (FTA) under the Section 5309 Capital Program which includes the Fixed Guideway Modernization Program for Fixed Guideway Modernization projects and any Capital Earmarks that will be allocated within the South Bend, IN-MI urbanized area.

This Memorandum shall serve as the basis for ordinances or resolutions, enacted by the policy boards of the respective agencies, as such acts are required to implement the capital programs funded in part through Section 5309 Program funds for eligible projects.

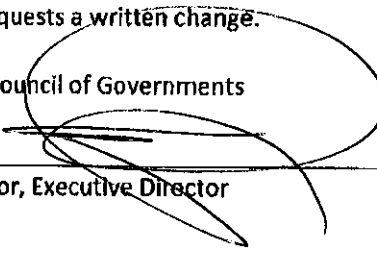
The terms of this Memorandum of Agreement are as follows:

1. Two types of projects are funded under the Section 5309 Capital Program:
  1. Fixed Guideway Modernization Apportionments: Only NICTD is eligible.
  2. Capital Earmarks designated by Congress to eligible recipients in the South Bend, IN-MI urbanized area.
2. The basis of the allocation of the Section 5309 Fixed Guideway Modernization Apportionment for the South Bend, IN-MI urbanized area shall be that which is published in the *Federal Register* for each respective Federal Fiscal year.
3. The basis of the allocation of the Section 5309 Capital Earmarks for eligible recipients in the South Bend, IN-MI urbanized area shall be that which is published in the *Federal Register* for each respective Federal Fiscal year.
4. Actual amounts of these Section 5309 apportionments will be reviewed annually by MACOG.
5. It is understood that NICTD is the only fixed guideway system in the South Bend, IN-MI urbanized area and is the designated recipient of Section 5309 Fixed Guideway Modernization funds.
6. NICTD agrees to inform MACOG each time the rail track mileage in St. Joseph County changes. This information will be used in connection with the Section 5307 South Bend, IN-MI urbanized area allocation.
7. In the event of the passage of new authorizing legislation for the FTA program and/or a change in the operators in the urbanized area that are eligible to receive Fixed Guideway Modernization or Capital Earmark funding, discussions will be held between SBPTC, City of Niles, and NICTD to review the validity of the terms of this Memorandum of Understanding, and allow the opportunity for revisions.

8. MACOG will incorporate the annual Section 5309 Fixed Guideway Modernization allocation in the Transportation Improvement Program (TIP). Capital Earmarks will be incorporated in the annual Capital Earmark section of the TIP when the recipient is designated and the project is approved by the MPO.

9. This Memorandum of Understanding shall be reviewed every three years or when a signatory requests a written change.

Michiana Area Council of Governments

By:   
Sandra Seanor, Executive Director

Date: 7/13/11

South Bend Public Transportation Corp. - TRANSPD

By: Maurice Pearl  
Maurice Pearl, General Manager

Date: 6/10/11

Northern Indiana Commuter Transportation District - South Shore RR

By: Gerald Hanas  
Gerald Hanas, General Manager

Date: 6/24/11

City of Niles

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

Date: 6/14/11