

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
MICHIANA AREA COUNCIL OF GOVERNMENTS,
INDIANA DEPARTMENT OF TRANSPORTATION,
SOUTH BEND PUBLIC TRANSPORTATION CORPORATION,
INTERURBAN TROLLEY, AND
NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT**

This Memorandum of Agreement is made by and between Michiana Area Council of Governments (hereinafter referred to as MACOG), Indiana Department of Transportation (hereinafter referred to as INDOT), South Bend Public Transportation Corporation, (hereinafter referred to as Transpo), Interurban Trolley (hereinafter referred to as MACOG), and Northern Indiana Commuter Transportation District (hereinafter referred to as NICTD).

WHEREAS, the most recent Federal Transportation Authorization Legislation requires the establishment of Metropolitan Planning Agreements between the state, the metropolitan planning organization, and public transportation operator(s) in accordance with 23 CFR § 450.314; and

WHEREAS, the metropolitan transportation planning process includes MACOG, INDOT, Transpo, and NICTD; and

WHEREAS, transportation planning incorporates a comprehensive, cooperative, and continuing process with relevant agencies including the Federal Highway Administration (FHWA) and the Federal Transit Authority (FTA); and

WHEREAS, MACOG is the designated MPO for the Metropolitan Planning Area (MPA), and the designated Rural Planning Organization (RPO);

WHEREAS, the MPA boundary is determined by agreement between MACOG and the Governor of Indiana, referencing the latest U.S. Census Bureau's Decennial Census; and

WHEREAS, INDOT administers the statewide Tier II Transit Asset Management Plan, and is therefore the Tier II group plan leader; and

WHEREAS, MACOG, Transpo, and NICTD are the designated recipients for Section 5307 funding, 5337 funding (if appropriate) and 5339 funding (if appropriate) in the Urbanized Areas; and

WHEREAS, MACOG is the designated recipient for Section 5310 funding in the Urbanized Area; and

WHEREAS, the appropriate conformity consultation and determination procedures refer to the most recent version of the Indiana Air Quality Conformity Interagency Consultation Group Guidance and the most recent version of the Process and Procedures for the Coordination of Transportation and Transportation Related Air Quality Planning Including the Consultation and Determination of Transportation Conformity.

NOW THEREFORE MACOG, INDOT, Transpo, and NICTD mutually agree as follows:

RESPONSIBILITIES OF MACOG

TRANSPORTATION PLAN (TP)

1. MACOG as the MPO shall develop a Metropolitan Transportation Plan (herein referred to as TP) for Elkhart and St Joseph Counties, in accordance with the requirements of 23 CFR § 450.324, that addresses the planning factors from the most recent federal transportation authorization bill. MACOG as an RPO shall develop and maintain, in cooperation with the INDOT, a regional long-range multimodal Transportation Plan (TP) for Marshall and Kosciusko Counties.
2. MACOG shall follow the most recent version of the INDOT, MPO, & RPO Planning Cooperative Procedures Manual for the development of the TP.
3. MACOG shall develop the TP in consultation with the other parties in this agreement at minimum once every 4 or 5 years as required by law.
4. MACOG develops the financial plan for the TP that demonstrates a fiscally reasonable plan with respect to available and projected sources of revenue.
5. MACOG is responsible for developing and maintaining a travel demand forecasting model for the MPA. MACOG will share the results of Travel Demand Forecasting with INDOT, Transpo, and NICTD as requested.
6. TP amendments and administrative modifications follow the procedures outlined by MACOG's procedures and Public Participation Plan in place at the time of amendment.
7. MACOG shall include documentation of an approved Congestion Management Process (CMP) as specified in 23 CFR § 450.322. The CMP identifies regionally significant projects for major updates to the TP. Requests to amend the TP must comply with the CMP.
8. MACOG shall follow the appropriate conformity consultation and determination procedures to ensure compliance with conformity requirements.
9. The MACOG Policy Board/Committee approves the TP and its periodic updates.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

10. MACOG shall develop a Transportation Improvement Program (TIP) for Elkhart, Marshall, Kosciusko and St. Joseph Counties, in accordance with 23 CFR § 450.326, that addresses planning regulations from the most recent federal transportation authorization bill.
11. MACOG shall follow the most recent version of the INDOT, MPO, & RPO Planning Cooperative Procedures Manual for the development of the TIP.
12. MACOG develops the TIP in cooperation with INDOT, FHWA, FTA, Transpo, NICTD, and other agency partners in accordance with the agreed-upon schedule for the INDOT Statewide Transportation Improvement Program (STIP).

13. The TIP shall reflect the investment priorities established in the current TP, cover a period of no less than 4 years.
14. MACOG will develop the financial plan for the TIP that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs.
15. The TIP shall include all federal aid funding projects as well as regionally significant projects, regardless of funding source, within the entire region. Federal funds, other than Metropolitan Planning (PL) dollars, identified for transportation planning activities in the UPWP, must be included in the TIP.
16. MACOG TIP is approved by the Governor of Indiana and incorporated by reference into the STIP which is approved by FHWA and FTA.
17. MACOG will process TIP amendments and administrative modifications in accordance with applicable MACOG TIP amendment and administrative modification procedures as well as INDOT's amendment/modification procedures.
18. The Annual Listing of Obligated Projects (ALOP) will adhere to the process outlined in 23 CFR § 450.334 and as referenced in the most recent version of the INDOT, MPO, & RPO Cooperative Procedures Manual.

UNIFIED PLANNING WORK PROGRAM (UPWP)

19. MACOG will prepare a Unified Planning Work Program (UPWP), in accordance with 23 CFR § 450.308, that addresses the Federal Planning Emphasis Areas (PEAs) identified by FHWA and FTA.
20. MACOG shall follow the most recent version of the INDOT, MPO, & RPO Planning Cooperative Procedures Manual for the development of the UPWP.
21. MACOG will prepare a Unified Planning Work Program (UPWP) in cooperation and consultation with INDOT, FHWA, FTA, Transpo, and NICTD.
22. MACOG will prepare a UPWP for the fiscal year that will take effect beginning on July 1st and will provide the draft UPWP to INDOT Technical Planning & Programming.
23. MACOG will submit a final UPWP to INDOT Technical Planning & Programming in a timely manner that allows for final review and recommendation for approval to FHWA and FTA.
24. MACOG will submit invoices on a timely basis, following the most recent version of the INDOT, MPO, & RPO Cooperative Procedures Manual.
25. MACOG will submit a Cost Allocation Plan (CAP) in accordance with 2 CFR § 200.416 and the most recent version of the INDOT, MPO, & RPO Planning Cooperative Procedures Manual.

PERFORMANCE-BASED PLANNING & PROGRAMMING (PBPP)

26. MACOG shares data and information with INDOT, Transpo, and NICTD to assist with the development of performance targets.
27. MACOG may review and provide comments on proposed INDOT, Transpo, and NICTD performance targets prior to final adoption.
28. MACOG shall provide documentation to INDOT that either supports the statewide performance targets as established by INDOT or provides an alternate set of performance targets.
 - a) In the case that MACOG chooses to adopt the statewide performance targets as established by the INDOT, the expected documentation is a resolution or meeting minutes by the MACOG Policy Board/Committee.
 - b) In the case that MACOG chooses to adopt an alternate set of performance targets, the expected documentation is a description of the procedure used to set alternate performance targets as well as a resolution or meeting minutes by the MACOG Policy Board/Committee. MACOG will be responsible for reporting the two-year and four-year performance targets within the federal reporting system for the MPA.
29. MACOG includes information outlined in 23 CFR § 450.324 (f) (3-4) in any TP amended or adopted after May 27, 2018, and information outlined in 23 CFR § 450.326 (d).
30. Reporting of targets and performance measures by MACOG shall conform to 23 CFR § 490, 49 CFR § 625, and 49 CFR § 673.

PUBLIC PARTICIPATION & INVOLVEMENT

31. MACOG will maintain a Public Participation Plan that is adopted by the MACOG Policy Board/Committee. The Public Participation Plan will include coordination with the INDOT public participation process.
32. MACOG shall follow the Public Participation Plan throughout the planning process, including, but not limited to the development of the TP and the TIP.
33. MACOG's TIP participation process will serve to meet the public participation requirements of Transpo, and NICTD.
34. MACOG will comply with all appropriate federal assurances, civil rights, and DBE requirements, Title VI guidance, ADA requirements, and procurement activities guidelines.
35. MACOG shall comply with the required provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.

TRANSIT PLANNING

36. MACOG will sponsor and participate on committees related to the provision and coordination of transit and para-transit services.
37. MACOG will serve as the lead for the development of the Coordinated Public Transit Human Services Transportation Plan.

RESPONSIBILITIES OF INDOT

INDOT Technical Planning & Programming provides Planning Liaisons to coordinate with MACOG. INDOT Planning Liaisons should regularly attend MACOG Technical Board/Committee meetings and MACOG Policy Board/Committee meetings as non-voting members. The INDOT District Capital Program Manager or their proxy will attend MACOG Technical Board/Committee meetings and have voting representation for INDOT. INDOT District Deputy Commissioners will attend MACOG Policy Board/Committee meetings and have voting representation for INDOT.

TP & TIP

1. INDOT develops the Statewide Long-Range Transportation Plan (LRTP) in congruence with MACOG's TP.
2. INDOT will coordinate with MACOG on TP development and INDOT LRTP development.
3. INDOT will coordinate with MACOG in the development of MACOG's TIP and the development INDOT's STIP.
4. INDOT will develop planned improvement needs on state jurisdictional highways for the development of MACOG's TIP and INDOT's STIP.
5. INDOT will provide TP and TIP amendment requests to MACOG.
6. INDOT will provide MACOG with estimates of available federal and state funding in a timely manner for the development of the financial plans demonstrating the fiscal constraint of MACOG's TP and TIP. Should funding information be delayed for any reason, MACOG may flat-line funding based on past information.
7. INDOT will develop the STIP in congruence with MACOG's transportation planning process and incorporate MACOG's approved TIP by reference in its entirety.
8. INDOT will provide timely lists of INDOT projects within the Elkhart, Kosciusko, Marshall, and St. Joseph Counties. Project information includes DES #, clear project description, total project cost, state and federal share, federal funding program or source, and letting date or fiscal year.
9. INDOT will provide timely lists of INDOT projects within the Transportation Conformity Area but outside of the MPA. Project information will include DES #, project description, total project cost, state and federal share, federal funding program or source, and letting date or fiscal year.
10. INDOT will develop a Statewide Transportation Improvement Program (STIP) that includes the review and written approval of MACOG's TIP in a timely manner.
11. INDOT will provide a list of projects (including investments in pedestrian walkways and bicycle transportation facilities) for which funds under 23 U.S.C. or 49 U.S.C., Chapter 53 were obligated in the preceding program year. The list of projects will be sorted specifically to include all projects in Elkhart, Kosciusko, Marshall, and St. Joseph Counties. Project information will include DES #, county, sponsor, district, route, project

description, work type, phase, fund type, federal obligation amount, advanced construction amount, if any total obligation and obligation date.

12. This will support MACOG in developing the Annual List of Obligated Projects (ALOP) that may be inclusive of projects in Elkhart, Kosciusko, Marshall, and St. Joseph Counties. INDOT will collect and share transportation system information with MACOG to facilitate a cooperative transportation planning process and will conduct training sessions and workshops on pertinent topics.
13. INDOT agrees to fully acknowledge, support, and participate in MACOG's TP and TIP that covers Elkhart, Kosciusko, Marshall, and St. Joseph Counties.

UNIFIED PLANNING WORK PROGRAM (UPWP)

14. INDOT Technical Planning & Programming will assign a planning liaison to participate in transportation planning activities related to the UPWP such as review of the document, preparation of contracts following its approval, review of billings submitted by MACOG, etc.) and to assist with coordination of the PEAs identified by FHWA and FTA.
15. INDOT will provide PL and Transit 5303 estimates to the Indiana MPO Council's PL Committee annually.
16. INDOT Technical Planning & Programming will review and provide approval of the UPWP in a timely manner and begin development of the required contracts and purchase orders. INDOT will strive for a timely notice-to-proceed, a signed contract and a purchase order.
17. INDOT Technical Planning & Programming will review progress reports through the Planning Liaison and initiate the reimbursement of invoices pursuant to applicable Federal Regulations and Indiana Code 5-17-5, Public Purchases.
18. Properly submitted invoices shall be reviewed and processed for payment following the procedures as outlined by the Auditor of the State of Indiana.

PERFORMANCE-BASED PLANNING & PROGRAMMING (PBPP)

19. INDOT will collect bridge and pavement condition data for the state asset management plan for the National Highway System (NHS). INDOT shall coordinate changes to the NHS with MACOG.
20. INDOT, as the Tier II transit provider group plan leader, will collect transit data and produce the Tier II Group Transit Asset Management Plan, to include all Tier II transit providers who elect not to create their own Transit Asset Management Plan.
21. INDOT will provide MACOG with the statewide performance data used in developing statewide targets. Updates of this data will include prior performance data.
22. INDOT will develop draft statewide performance targets in coordination with all Indiana MPOs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication.

23. INDOT shall give all Indiana MPOs an opportunity to provide comments on statewide targets before final statewide targets are adopted.
24. INDOT performance targets will be reported to FHWA and FTA as applicable.
25. INDOT will include information outlined in 23 CFR § 450.216 (f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR § 450.218 (q) in any statewide transportation improvement program amended or adopted after May 27, 2018.
26. Reporting of targets and performance by INDOT shall conform to 23 CFR § 490, 49 CFR § 625, and 49 CFR § 673.

RESPONSIBILITIES OF TRANSPO, MACOG, and NICTD

TRANSPORTATION PLAN (TP)

1. Transpo, MACOG, and NICTD will provide data, including financial planning information, upon request, and participate in the development of the TP update.
2. Transpo, MACOG, and NICTD will provide copies of its Transportation Development Plan, as updated.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

3. Transpo, MACOG, and NICTD will provide a Financial Capacity Analysis showing a 5-year Financial Plan as part of the TIP development process.
4. Transpo, MACOG, and NICTD will provide a 5-year capital project and operating plan (program of projects) for inclusion in the TIP to MACOG. The capital and operating plan will be updated annually and submitted with the Financial Capacity Analysis. This will be reviewed by the INDOT Transit Office within the Multimodal Division.
5. Transpo, MACOG, and NICTD will provide TIP amendment requests to MACOG.
6. Transpo, MACOG, and NICTD will provide a copy (PDF file preferred) to MACOG of each final grant request to FTA and provide a copy of each grant award acceptance.
7. Transpo, MACOG, and NICTD will provide on an annual basis, no later than 90 calendar days following the end of the program year, a list of transit projects for which funds under 23 U.S.C. or 49 U.S.C., Chapter 53 were obligated in the preceding program year.

UNIFIED PLANNING WORK PROGRAM (UPWP)

8. Transpo, MACOG, and NICTD will provide MACOG with details for any significant planning activities requiring the use of federal funds and/or planning document outlined in this agreement.

PERFORMANCE-BASED PLANNING & PROGRAMMING (PBPP)

9. Transpo, MACOG, and NICTD will annually update their Transit Asset Management Plan and performance targets.
10. Transpo, MACOG, and NICTD may share and request comments on proposed transit targets with INDOT and MACOG prior to adopting them.
11. Transpo, MACOG, and NICTD will provide MACOG with performance data used in developing targets, as requested.
12. As the designated recipients of federal transit funds, Transpo, MACOG, and NICTD will offer to complete a Group TAM for eligible subrecipients. If a Group TAMP is completed,

Transpo, MACOG, and NICTD will share its performance data and targets with MACOG and INDOT.

13. Transpo, MACOG, and NICTD will share the public transit safety plan, any amendments, and its supporting documentation and data with INDOT and MACOG.
14. Reporting of targets and performance by Transpo, MACOG, and NICTD shall conform to 23 CFR § 490, 49 CFR § 625, and 49 CFR § 673.

PUBLIC PARTICIPATION & INVOLVEMENT

15. Transpo, MACOG, and NICTD will assist, as requested by MACOG, in any public meetings regarding transit.
16. Transpo, MACOG, and NICTD will coordinate with MACOG to ensure that the TIP participation process states it will serve to meet Transpo's, MACOG's, and NICTD's public participation requirements for the Program of Projects (POP).

TRANSIT PLANNING

17. Transpo, MACOG, and NICTD will provide a staff liaison to assist with transit planning efforts.
18. Transpo, MACOG, and NICTD will participate in committees, advisory groups, and MACOG Technical Board/Committee.
19. Transpo, MACOG, and NICTD will participate in the development of the Coordinated Public Transit Human Services Transportation Plan.
20. Transpo, MACOG, and NICTD will be responsible for its Capital Improvement Plan and its ADA Compliance Plan and other activities directly related to the operation of public transit services in MACOG's Urbanized Areas.
21. Transpo, MACOG, and NICTD, as the designated recipient of federal transit funds, will be required to maintain all necessary records in support of the expenditure of funds where it is a direct recipient and oversight of expenditures of Transpo's, MACOG's, and NICTD's subrecipients. For all other monies, those direct recipients are responsible to maintain records and make them available to all necessary parties.
22. Transpo, MACOG, and NICTD is responsible for the local matching dollars for all funds for which it is a direct recipient. Transpo, MACOG, and NICTD is not responsible for the local matching dollars for its subrecipients.
23. Transpo, MACOG, and NICTD agrees that it will comply with all required federal objectives.

SIGNATORIES & AUTHORIZATION

IN WITNESS WHEREOF, the undersigned executive staff members of MACOG, INDOT, Transpo, and NICTD have authorized this Memorandum of Agreement on the dates indicated.

INDIANA DEPARTMENT OF TRANSPORTATION (INDOT)

Lindsay Sust 6/4/24
Deputy Commissioner of Capital Program Management Date

MICHIANA AREA COUNCIL OF GOVERNMENTS (MACOG) AND INTERURBAN TROLLEY

John T. Sust 05/08/24
Executive Director Date

SOUTH BEND PUBLIC TRANSPORTATION CORPORATION (Transpo)

John T. Sust 6/3/2024
President & CEO Date

NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT (NICTD)

Mark H. Hall 06/04/2024
President & CEO Date