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# **GIAMPO – Policy Board**

**Tuesday, May 28, 2013**

**Regular Session**

## **Item J1**

### **State of Nebraska Contract & Article 4**

**Staff Contact: Chad Nabity**

# Grand Island Area Metropolitan Planning Organization Designation Agreement

This Grand Island Area Metropolitan Planning Organization (GIAMPO) Designation Agreement is entered into and becomes effective on this 1<sup>st</sup> day of March, 2013.

**WHEREAS**, the parties to this GIAMPO Designation Agreement are committed to establishing and maintaining an effective partnership to undertake a continuing, cooperative, and comprehensive transportation planning process within the metropolitan Grand Island planning area that results in plans and programs that consider all surface transportation modes and supports metropolitan community development and social goals that lead to the development and operation of an integrated, multimodal transportation system that facilitates the efficient and economic movement of people and goods; and

**WHEREAS**, the City of Grand Island was declared an urbanized area on March 27, 2012; and

**WHEREAS**, this GIAMPO Designation Agreement serves to designate the Grand Island Area Metropolitan Planning Organization as the MPO for the Grand Island metropolitan planning area to carry out the required continuing, cooperative, and comprehensive transportation planning process; and

**WHEREAS**, 23 USC § 134(b) and 49 USC § 5303 (c) require the Governor of the State of Nebraska, and unit(s) of general purpose local government representing at least seventy-five percent (75%) of a metropolitan area's population to designate or redesignate a metropolitan planning organization for each urbanized area with a population exceeding 50,000 and the Grand Island urbanized area does exceed the population threshold; and

**WHEREAS**, the Governor of the State of Nebraska, and unit(s) of general purpose local government representing at least seventy-five percent (75%) of the affected metropolitan population have agreed to the initial metropolitan planning area boundary that will be utilized under this GIAMPO Designation Agreement and that this boundary includes the entire urbanized area as designated by the U.S. Census Bureau following the most recent decennial census plus that area likely to become urbanized and to be included in the initial Long Range Transportation Plan for GIAMPO to be completed by March 27, 2016; and

**WHEREAS**, federal regulations pursuant to 23 CFR § 450.308 and 23 CFR 450.310 require specific agreements to be executed by Governor, the metropolitan planning organization and public transit providers, and this GIAMPO Designation Agreement as supplemented with annual Unified Planning Work Programs (UPWP) satisfies those requirements; and

**WHEREAS**, the Governor, and unit(s) of general purpose local government representing at least seventy-five percent (75%) of the affected metropolitan population, including the City of Grand Island as the central city as designated by the U.S. Census Bureau, have signed this GIAMPO Designation Agreement, which is supplemented with a Memorandum of Understanding between the Nebraska Department of Roads and GIAMPO within six months of designation that identifies the roles and responsibilities for each cooperative partner in the metropolitan planning processes; and

**WHEREAS**, pursuant to 23 USC § 134(b) and 49 USC § 5303(c) the City of Grand Island, as the central city, and as the designated recipient of 49 USC § 5307 funds, desires to participate with NDOR in the GIAMPO Designation Agreement; and

**WHEREAS**, the Governor, and the City of Grand Island, by the laws of Nebraska to enter into agreements.

**NOW, THEREFORE**, in consideration of the mutual covenants, promises, and representations herein, the parties agree to redesignate the metropolitan planning organization as required by 23 USC § 134(b) and 49 USC § 5303(c) for the metropolitan Grand Island planning area as set forth below.

#### **ARTICLE 1: Parties to the GIAMPO Designation Agreement**

**Section A:** The parties are as follows:

- **THE STATE OF NEBRASKA**, acting by and through the Nebraska Department of Roads, herein referred to as “NDOR” **THE CITY OF Grand Island, NEBRASKA**, a first class city organized under the laws of Nebraska and the central city for the Grand Island urbanized area as designated by the U.S. Census Bureau following the most recent decennial census, hereinafter referred to as “Grand Island” or the “City of Grand Island.”

**Section B:** All parties identified in Section A above must sign this GIAMPO Designation Agreement for it to become effective. The GIAMPO Designation Agreement will become effective upon all parties signing.

#### **Article 2: Definitions:**

The following words when used in the GIAMPO Designation Agreement shall have the following meanings:

- **Comprehensive** as used as in “continuing, cooperative, and comprehensive transportation planning process” shall mean that all modes of surface transportation shall be considered and that have the interaction between the surface transportation systems with land use, the environment, and natural and human environment will be considered as part of the planning process.

- **Continuing** as used as in “continuing, cooperative, and comprehensive transportation planning process” shall mean that the LRTP, TIP, and UPWP are updated and adopted on time and that the Policy Board of the GIAMPO and its committees shall meet regularly to identify, discuss, and act on regional transportation planning and programming priorities.
- **Cooperative** as used as in “continuing, cooperative, and comprehensive transportation planning process” shall mean that all parties to this GIAMPO Designation Agreement as well as elected officials representing residents within the metropolitan Grand Island planning area will have the opportunity to provide meaningful input into the planning process and will work together to achieve common goals and objectives.
- **FHWA** means and refers to the Federal Highway Administration.
- **FTA** means and refers to the Federal Transit Administration.
- **Long Range Transportation Plan (LRTP)** means and refers to the regional transportation plan developed by the GIAMPO in cooperation with the NDOR that considers all surface and transportation modes and supports metropolitan community development and social goals which leads to the development and operation of an integrated, multimodal transportation system that facilitates the efficient and economic movement of people and goods as required by 23 USC § 134(g) and 49 USC § 5303.
- **Metropolitan Grand Island Planning Area Boundary** means and refers to the planning area as delineated by agreement between the Governor and the Grand Island Area Metropolitan Planning Organization (GIAMPO) and must contain at minimum the entire urbanized area as delineated by the U.S. Census Bureau following the most recent decennial census plus that area forecast to become urbanized as required in 23 USC § 134(b)(1) and 49 USC § 5303 (c)(1), which shall be subject to the Metropolitan Planning Organization’s planning authority under USC § 134 and 49 USC § 5303, 5304, and 5306.
- **GIAMPO** means and refers to the Grand Island Area Metropolitan Planning Organization.
- **GIAMPO Designation Agreement** means and refers to this instrument, as amended from time to time.
- **Parties** shall mean collectively all entities as described in Article 1, Section A.
- **Transportation Improvement Program (TIP)** is the staged four year program or transportation improvement projects developed by the GIAMPO in cooperation with the NDOR and which is consistent with the Long Range Transportation Plan and developed pursuant to Title 23 § 134(h), 49 USC § 5304.
- **Unified Planning Work Program (UPWP)** is the annual program developed by the GIAMPO in cooperation with the NDOR that lists all planning tasks to be undertaken during a program year, together with a complete description thereof and an estimated budget, all as required by 23 CFR § 450.314 and 23 CFR § 420.

### **ARTICLE 3: Purpose of the GIAMPO Designation Agreement**

**Section A:** The GIAMPO is hereby designated by the Governor and unit(s) of general purpose local government representing at least seventy-five (75%) of the

affected metropolitan population to undertake the continuing, cooperative, and comprehensive transportation planning process required by 23 USC § 134(b) and 49 USC § 5303 (c).

**Sub-section 1:** The GIAMPO shall serve as the forum for conducting the required continuing, cooperative, and comprehensive transportation planning process within the metropolitan Grand Island planning area as required by 23 USC § 134 and 49 USC § 5303, 5304, 5306 by:

- (a) Fostering a mutual understanding among the parties to this GIAMPO Designation Agreement and other local officials representing residents within the metropolitan Grand Island planning area about how transportation policy decisions affect community development patterns, natural and human environment, and the physical environment within the metropolitan Grand Island planning area.
- (b) Fostering a mutual understanding among the parties to this GIAMPO Designation Agreement and other local officials representing residents within the metropolitan Grand Island planning area about how local land use decisions can have regional transportation impacts.
- (c) Recognizing that mutual adjustment of individual plans and programs by the parties to this GIAMPO Designation Agreement and plans and programs of other local government jurisdictions may be necessary to accomplish metropolitan-wide community development and transportation goals and objectives.

**Sub-section 2:** Develop transportation plans and programs as required by 23 USC § 134 and 49 USC § 5304, and 5304 in cooperation with the NDOR, that provide for the development of transportation facilities that will function as an integrated, multimodal transportation system.

**Sub-Section 3:** Assure eligibility for the receipt of federal surface transportation funds under Title 23 USC and Title 49 USC within the metropolitan Grand Island planning area.

**Section B:** The GIAMPO is intended to be in the forum for cooperative decision making by officials of the governmental entities and major transportation providers which are party to the GIAMPO Designation Agreement and/or are representing residents in the metropolitan Grand Island planning area in the development of transportation-related plans and programs, including but not limited to:

- (i) Long Range Transportation Plan (LRTP)
- (ii) Transportation Improvement Program (TIP)
- (iii) Unified Planning Work Program (UPWP)
- (iv) Public Involvement Plan

- (v) Performing such other tasks presently or hereafter required by state or federal law or regulations.
- (vi) Performing such other tasks as approved by the Policy Board of the GIAMPO. (See Article 4).

**Section C:** It is the intent of the parties to this GIAMPO Designation Agreement to strive for the highest standards of professional quality in developing the Long Range Transportation Plan, the Transportation Improvement Program, the Unified Planning Work Program, the Public Involvement Plan, and other metropolitan transportation planning and programming products. The Policy Board for the GIAMPO shall adopt positive criteria to evaluate both the products and processes of the GIAMPO. These criteria shall be used on an on- going basis to evaluate the effectiveness of the GIAMPO in meeting its obligations as the MPO for this region.

**ARTICLE 4: Policy Board for the GIAMPO**

**Section A:** A Policy Board for the GIAMPO is hereby created and established.

**Sub-Section 1:** The voting membership of the Policy Board shall be as follows:

- (a) The Mayor of Grand Island.
- (b) Four members of the Grand Island City Council recommended by the Mayor and approved by the City Council with other annual boards and commissions appointments.
- (c) Two members of the Hall County Board of Supervisors who reside within the metropolitan transportation planning area, selected by the County Board of Supervisors.
- (d) The Chair of the Hall County Regional Planning Commission, or their designee from the Hall County Regional Planning Commission. Representative must live within the metropolitan transportation planning area.
- (e) The NDOR Director-State Engineer, or designee.

**Sub-Section 2:** The Ex-Officio (non-voting) membership on the Policy Board shall be as follows:

- (a) The FHWA Nebraska Division Administrator or designee.
- (b) The FTA Region VII Administrator or designee.
- (c) Other members as approved by a majority vote of the Policy Board.

Ex-Officio members for the Policy Board shall have the right to fully participate in the meetings of the Policy Board, except that they shall not be entitled to vote on matters before the Policy Board.

**Section B:** The Policy Board shall develop and approve bylaws that will govern the operation of the Policy Board within six months of the date of this GIAMPO Designation Agreement. Such bylaws will at a minimum provide for:

**Sub-section 1:** The Mayor of Grand Island shall serve as the Chair of the MPO Policy Board and preside over meetings of the Policy Board.

**Sub-section 2:** Frequency and place of regularly scheduled meetings of the Policy Board.

**Sub-section 3:** Method of conducting meetings of the Policy Board.

**Sub-section 4:** A process for the election of a vice-chair to serve in the absence of the Mayor

**Section C:** The voting and Ex Officio memberships of the Policy Board and any of its sub-committees created under Article 5 below will be reviewed following each U.S. decennial census. Adjustments will be made based on the following:

**Sub-section 1:** Expansion of the Grand Island urbanized area by the U.S. Census Bureau.

**Sub-section 2:** Significant shift in population among the various cities and the county as documented by the U.S. Census Bureau.

**Sub-section 3:** Land use forecasts developed by the various cities and counties within the metropolitan Grand Island planning area accepted and/or modified by the Policy Board of the GIAMPO.

#### **ARTICLE 5: Duties and Responsibilities of the GIAMPO**

**Section A:** The Policy Board shall have the authority to take action to effectuate its powers, responsibilities, and obligations enumerated herein; provided that said rules do not conflict with applicable state or federal laws and regulations.

**Section B:** The Policy Board shall have the authority to direct staff assigned to the GIAMPO to work on specific planning and programming activities as described in the annual UPWP.

**Section C:** The Policy Board, in cooperation with the NDOR, shall carry out the metropolitan planning process as required by 23 USC § 134, 49 USC § 5303, 5304, 5306, 23 CFR § Part 450, and 49 CFR Part 613, Subpart A.

**Section D:** The Policy Board and the Governor shall by agreement delineate the metropolitan Grand Island planning area. The map of the metropolitan transportation planning area shall be Exhibit A attached to this GIAMPO Designation Agreement and is incorporated by reference and made a part of this GIAMPO Designation Agreement.

**Section E:** The Policy Board shall assist the NDOR with adjusting the boundaries of the Grand Island urbanized area for functional classification purposes and shall assist the NDOR with functionally classifying roads with the metropolitan planning area.

**Section F:** The Policy Board shall perform such other tasks presently or hereafter required by state or federal law.

**Section G:** The Policy Board and the NDOR shall jointly develop and adopt criteria for annually certifying to the FHWA and FTA that the planning process is addressing the major issues facing the metropolitan Grand Island planning area and that the process is being conducted in accordance with all applicable requirements as specified in 23 USC § 134, 49 USC § 5303, 5304, 5306, 23 CFR Part 450, and 49 CFR Part 613.

**Section H:** The Policy Board shall develop and adopt project selection criteria for including all federally funded surface transportation projects in the TIP and LRTP. The Policy Board shall develop and adopt project selection criteria for including all regionally significant projects, regardless of funding source, in the TIP and LRTP. The criteria will include both a process for soliciting projects from parties to this GIAMPO Designation Agreement and from other interested parties and criteria for evaluating the projects proposed. When one unit of government or operator of a major mode of transportation Proposes a project to be included in the LRTP or TIP that will directly impact another unit of government or operator of a major mode of transportation, the criteria will require coordination at the earliest possible stage of the process before the project is included in either the LRTP or TIP.

**Section I:** The Policy Board shall conduct the required continuing, cooperative, and comprehensive, transportation planning process as required by 23 USC § 134, 49 USC § 5303 and 5304.

#### **ARTICLE 6: Sub-committees for the GIAMPO**

**Section A:** A Technical Advisory Committee, hereinafter referred to as “TAC,” is hereby created.

**Sub-section 1:** The voting membership of the TAC shall be as follows:

- (a) Grand Island Public Works Director.
- (b) Grand Island City Administrator.
- (c) Grand Island Manager of Engineering Services.
- (d) Hall County Regional Planning Director.
- (e) Hall County Public Works Director.
- (f) Two representatives from NDOR; one designated by the Planning and Development Engineer and the District Four Engineer



- (g) Merrick County Public Works Director or Highway Superintendent
- (h) One representative from the Village of Alda.
- (i) Other individuals designated by the Policy Board.

**Sub-section 2:** The Ex-Officio (non-voting) membership of the TAC shall be as follows:

- (a) FHWA Nebraska Division Transportation Planner or designee.
- (b) FTA Region VII Transportation Planner or designee.
- (c) NDOR Local Projects Division Urban Engineer.
- (d) Grand Island Finance Director.
- (e) One representative from the Union Pacific Railroad and one representative from the Burlington Northern Santa Fe Railroad may be appointed to the committee by their respective companies, other rail system operators may be added by the policy board as needed.
- (f) One representative from the Grand Island Area Chamber of Commerce.
- (g) One representative from the Grand Island Area Economic Development Corporation.
- (h) The Board of the Central Nebraska Regional Airport may appoint one representative.
- (i) Other individuals selected by the voting membership of the TAC and approved by the Policy Board.

Ex Officio members of the TAC shall have the right to fully participate in the meetings of the TAC, except that they shall not be entitled to vote on matters before the TAC.

**Sub-section 3:** The TAC shall develop and approve bylaws that will govern the operation of the TAC within six months of the date of this GIAMPO Designation Agreement which shall be approved by the Policy Board. Such bylaws will at a minimum provide for:

- (a) A process for the election of a chair and vice-chair to preside over the meetings of the TAC.
- (b) Place of regularly scheduled meetings of the TAC.
- (c) Method of conducting meetings of the TAC.
- (d) The Hall County Regional Planning Director shall serve as the first chair of the TAC. Subsequent chairs of the TAC shall be selected in accordance with the process established in the bylaws of the TAC.

**Sub-section 4:** The responsibilities of the TAC shall be to advise the Policy Board on matters pertaining to the GIAMPO. The members of the TAC shall also be required to assist the GIAMPO with collecting information, performing technical reviews, formulating recommendations, setting priorities, and other matters as directed by the Policy Board.

**Section B:** The Policy Board may create additional sub-committees to advise it as part of the metropolitan transportation planning process.

#### **ARTICLE 7: Staff Support Services for the GIAMPO**

**Section A:** The City of Grand Island shall provide staff support services to the GIAMPO. Hiring and personnel management shall be consistent with the City of Grand Island Personnel policies.

**Section B:** The designated City Department Director along with the Human Resources Department shall establish criteria to evaluate the performance of staff support services. Staff shall be reviewed by the Department Director or their assigned management personnel on an annual basis.

**Section C:** The Policy Board and the NDOR both reserve the right to review the work performed by the staff of GIAMPO. Should either the Policy Board or the NDOR believe that the staff support services are inadequate, they shall in writing notify the Department Director of the GIAMPO the deficiency and provide a reasonable opportunity to cure.

**Section D:** GIAMPO staff shall serve as Secretary to the Policy Board and the sub-committees of the GIAMPO. This shall include preparing meeting agenda, keeping meeting minutes, and other work as specified in the position description for employees or contract for contracted staff services.

**Section E:** The specific staff support services to be performed will be described in the annual UPWP.

#### **ARTICLE 8: Unified Planning Work Program (UPWP)**

**Section A:** The UPWP shall:

- Describe in detail the responsibilities for each of the cooperative partners (i.e., GIAMPO and NDOR) in the metropolitan transportation planning process.
- Discuss in detail the transportation planning priorities for the upcoming year.
- Establish major milestones for years two through five to ensure that the long range transportation plan (LRTP) and transportation improvement program (TIP) will be updated in time.
- Describe in detail the work plan for the staff of the GIAMPO.
- Be developed cooperatively by the Policy Board and the NDOR.
- Contain the annual budget, including funding sources for the GIAMPO.
- Be in a format specified by the NDOR.

## **ARTICLE 9: Miscellaneous Provisions**

**Section A:** This GIAMPO Designation Agreement may be amended from time to time by agreement of the parties required to sign this GIAMPO Designation Agreement as specified in Article 1, Section A above.

**Section B:** The Policy Board and the NDOR shall review this GIAMPO Designation Agreement following each subsequent federal surface transportation act, which was most recently titled the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) which sunset on September 30, 2014. Any necessary changes to this GIAMPO Designation Agreement will be made following this review.

**Section C:** After this GIAMPO Designation Agreement goes into effect and by majority vote of the Policy Board of the GIAMPO, additional cities, counties, or operators of major modes of transportation may sign this GIAMPO Designation Agreement. The addition of cities and counties which will modify the GIAMPO metropolitan planning area will occur only by agreement of the Governor and with notice from the NDOR to both the FHWA and FTA.

**Section D:** This GIAMPO Designation Agreement may be terminated by any one of the parties identified in Article 1 Section A above for material breach of the terms of this agreement. The party initiating the termination of the agreement shall provide a written 90-day notice to the other parties of this agreement. Following the notice, another 90-day period will be given to repair the breach after which said period the agreement may be terminated.

**Section E:** For failure of the GIAMPO to comply with the requirements of 23 USC § 134, 49 USC § 5303 and 5304, 49 CFR Part 18, or the terms of this GIAMPO Designation Agreement as determined by the NDOR, the Governor reserves the right to:

- Withhold or reduce funding allocated to the GIAMPO in accordance with the formula developed by the NDOR and approved by FHWA and FTA.
- Withhold or reduce funds obligated in the UPWP for failure to adequately perform activities specified in the annual UPWP.
- Withhold the annual state certification of the GIAMPO planning process.
- Withhold or reduce funds for any material breach of the terms of the GIAMPO Designation Agreement.

**Section F:** Invalidation of any one of the provisions of this GIAMPO Designation Agreement by a court of competent jurisdiction, shall not affect any other provisions, all of which shall remain in full force and effect.


**Section G:** It is further understood that this GIAMPO Designation Agreement and all contracts entered into under the provisions of this GIAMPO Designation Agreement shall be binding upon the NDOR, GIAMPO, their successors in office.

**Section H:** It is expressly agreed that no third party beneficiaries are intended to be created by this GIAMPO Designation Agreement, nor do the parties herein authorize anyone not a party to this GIAMPO Designation Agreement to maintain a suit for damages pursuant to the terms or provisions of this GIAMPO Designation Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this GIAMPO Designation Agreement to be executed as of the date first above written.

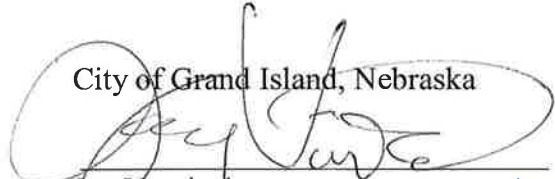
Attest:

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State of Nebraska  
  
Dave Heineman  
Governor 3/1/2013

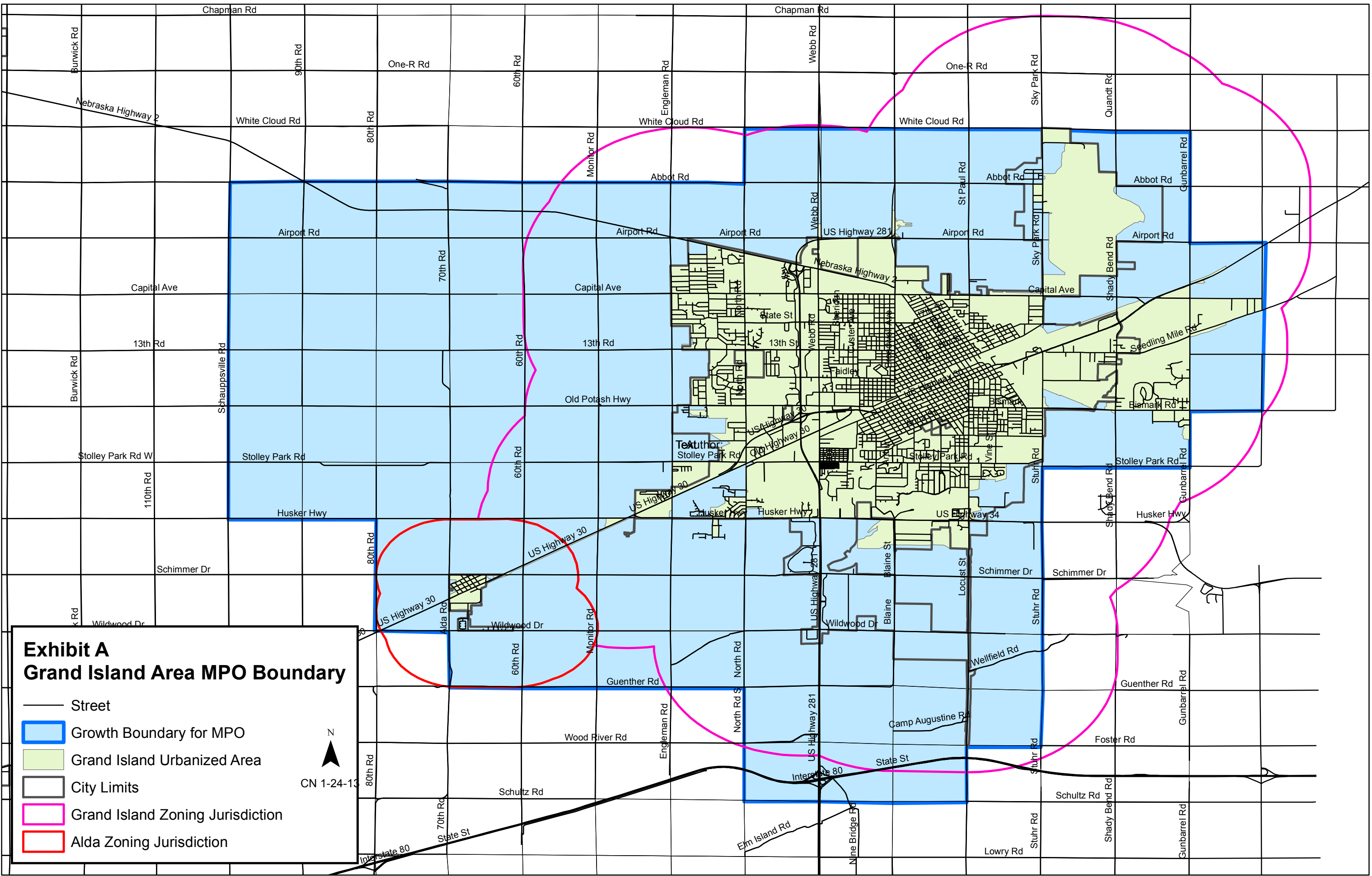
Attest:

  
RaNae Edwards, Grand Island City Clerk

City of Grand Island, Nebraska  
  
Jay Vavricek,  
Mayor 2/12/2013

Approved:

 2/12/13  
City Atty.



**Exhibit A**  
**Grand Island Area MPO Boundary**

- Street
- Growth Boundary for MPO
- Grand Island Urbanized Area
- City Limits
- Grand Island Zoning Jurisdiction
- Alda Zoning Jurisdiction

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## **ARTICLE 4: Policy Board for the GIAMPO**

**Section A:** A Policy Board for the GIAMPO is hereby created and established.

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- (b) Four members of the Grand Island City Council recommended by the Mayor and approved by the City Council with other annual boards and commissions appointments.
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