

Memorandum of Agreement Covering Metropolitan Planning within the Rapid City Metropolitan Planning Area

By virtue of this Memorandum of Agreement, made and entered into by and among Pennington County, South Dakota; Meade County, South Dakota; City of Box Elder, South Dakota; City of Rapid City, South Dakota, collectively acting as the Public Transportation Operator, known as Rapid Transit System (hereinafter referred to "Public Transportation Operator"); the State of South Dakota, acting by and through its Department of Transportation; and the City of Rapid City, acting as the Rapid City Area Metropolitan Planning Organization (MPO), there is hereby established a cooperative, continuing, and comprehensive transportation planning process for the Rapid City Metropolitan Planning Area.

This Memorandum shall be evidence of the fact that the parties listed herein recognize the need for transportation and transit planning within a metropolitan planning area encompassing the City of Rapid City, South Dakota. It shall likewise be evidence of the fact that the parties listed herein desire to cooperate in a joint effort to execute a transportation and transit planning process, which is comprehensive in scope and continuing in nature.

WHEREAS, joint responsibilities for establishing and maintaining a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process is defined and required by the United States Department of Transportation (USDOT) in regulations at *23 CFR 450 Subpart A – Transportation Planning and Programming Definitions*; *23 CFR 450 Subpart C – Metropolitan Transportation Planning and Programming*, 23 U.S.C. 134 and 135; and 49 U.S.C. 5303 and 5304; and

WHEREAS, the regulations at *23 CFR 450.314 – Metropolitan Planning Agreements* and 49 CFR 613 – *Metropolitan Transportation Planning and Programming* direct that the Metropolitan Planning Organization (MPO), State, and Public Transportation Operator shall cooperatively determine their mutual responsibilities for carrying out the 3-C process and clearly identify them in a written agreement; and

WHEREAS, the Public Transportation Operator is the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation; and

WHEREAS, nothing in this MOA shall be construed to limit or affect the legal authorities of the parties or require the parties to perform beyond their respective authority,

NOW, THEREFORE, SDDOT, MPO, and Public Transportation Operator agree to cooperatively undertake a continuing and comprehensive transportation planning and programming process for the defined metropolitan planning area. The process will be completed in accordance with state and local goals for urban planning, the provisions of 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and 23 CFR 450, as amended, and the provisions of this Memorandum of Agreement, in which it is mutually agreed that each agency has the following responsibilities:

I. Statewide Transportation Plan and Modal Plans

a. SDDOT

- Solicit input from the MPO and Public Transportation Operator early in the development of the Statewide Transportation and Modal Plans.
- Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the draft and final Statewide Transportation and Modal Plans.
- Periodically update the Statewide Transportation and Modal Plans after soliciting input from the MPO and Public Transportation Operator and providing an opportunity for the MPO and Public Transportation Operator to review and comment on such updates.
- Conduct periodic regional meetings on the Statewide Transportation and Modal Plans seeking assistance from the MPO and Public Transportation Operator in accordance with SDDOT Public Participation Plan.
- Facilitate all public meetings with SDDOT Public Participation Plan.
- Review coordination with the Statewide Transportation and Modal Plans with the MPO's Metropolitan Transportation Plan (MTP).

b. Metropolitan Planning Organization and Public Transportation Operator

- Provide input into the development of the Statewide Transportation and Modal Plans and any subsequent updates.
- Review and comment on the draft Statewide Transportation and Modal Plans and subsequent updates.
- Assist and participate in periodic regional meetings.
- Coordinate with SDDOT in all public meetings in accordance with SDDOT Public Participation Plan.
- Coordinate the Statewide Transportation and Modal Plans with the MTP.

II. Metropolitan Transportation Plan and Modal Plans

a. SDDOT

- Provide input into the development of the MPO's MTP and Modal Plans.
- Cooperatively develop estimates of reasonable funding for the MTP period.
- Review and comment on MPO's draft MTP and Modal Plans.
- Provide assistance and available necessary data for the MPO's surveillance and monitoring report; review findings and provide comment.
- Provide input on the periodic update of the MPO's MTP and Modal Plans.
- Participate in public meetings during the development of the MPO's MTP and Modal Plans, when appropriate.

b. Metropolitan Planning Organization

- Develop and adopt an MTP in accordance with federal and state regulations in cooperation with the SDDOT and the Public Transportation Operator.
- Develop and adopt Modal Plans to support and further define MTP.
- Provide SDDOT and the Public Transportation Operator the opportunity to review and comment on the draft, any revisions or amendments of the MTP and Modal Plans.
- Update the MTP at least every five years in cooperation with SDDOT and the Public Transportation Operator.
- Provide an opportunity for SDDOT and the Public Transportation Operator to review and comment on the updated MTP.
- Solicit, in coordination with the SDDOT and Public Transportation Operator, public input in accordance with the MPO's Public Participation Plan.

c. Public Transportation Operator

- Provide input into the development of the MPO's MTP and Modal Plans.
- Review and comment on the MPO's draft MTP.
- Cooperatively develop estimates of reasonable funding for the MTP planning period.
- Provide assistance and data for the MPO's surveillance and monitoring report; review findings and provide comment.
- Assist and participate in obtaining public input in the development of the MPO's MTP in accordance with the MPO's Public Participation Plan.

III. Unified Planning Work Program (UPWP)

a. SDDOT

- Provide input into the MPO's UPWP.
- Cooperatively develop estimates of reasonable funding for the UPWP.
- Review and comment on the MPO's draft UPWP.
- Approve the MPO's final UPWP and interim amendments.
- Submit to FHWA requesting approval of the UPWP.
- Prepare and execute agreement with MPO for distribution of FHWA and FTA planning funds.

b. Metropolitan Planning Organization

- Prepare an annual UPWP after soliciting input from SDDOT and the Public Transportation Operator.
- Provide an opportunity to SDDOT and Public Transportation Operator for review and comment on the draft UPWP.
- Submit final UPWP to SDDOT for approval.

- Review and sign agreement with SDDOT for distribution of FHWA and FTA planning funds.

c. Public Transportation Operator

- Prepare and submit Urbanized Area Formula Program and/or any other direct allocation programs to FTA for approval; notify SDDOT and MPO when grant has been approved.

IV. Technical Studies

This section applies to all technical studies, such as corridor studies and sub-area planning studies.

a. SDDOT

- Provide prepared scope of work for review and comment by MPO and Public Transportation Operator, if requested, for SDDOT initiated studies within the Rapid City Metropolitan Planning Area.
- Review, comment, and recommend approval of the scope of work prepared by the MPO and Public Transportation Operator.
- Review and comment on draft study reports prepared by MPO and Public Transportation Operator.
- Implement SDDOT's Public Participation Plan for SDDOT initiated studies.

b. Metropolitan Planning Organization

- Provide prepared scope of work for review and comment by SDDOT and Public Transportation Operator for MPO initiated studies.
- Review and comment on scope of work prepared by SDDOT and Public Transportation Operator.
- Review and comment on draft study reports prepared by SDDOT and Public Transportation Operator.
- Implement the MPO's Public Participation Plan for all MPO initiated studies and coordinate public meetings with SDDOT and the Public Transportation Operator as appropriate.

c. Public Transportation Operator

- Provide prepared scope of work for review and comment by SDDOT and MPO, if requested, for Public Transportation Operator initiated studies.
- Review and comment on scope of work prepared by SDDOT and MPO.
- Review and comment on draft study reports prepared by SDDOT and MPO.

V. Transportation Improvement Plan (TIP)

a. SDDOT

- Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the draft Statewide Transportation Improvement Program (STIP).
- Obtain early public participation on the STIP development with the assistance of the MPO and the Public Transportation Operator.
- Cooperatively develop annual estimates of available funding for each TIP/STIP cycle.
- Cooperate and participate in the annual solicitation of projects conducted by the MPO.
- Submit to MPO a DOT generated list of cooperatively developed federally funded projects which are consistent with the MPO's MTP for development of the draft TIP.
- Review and comment on MPO list of prioritized projects.
- Review and comment on draft MPO TIP.
- Approve final TIP; incorporate MPO TIP into STIP and submit to FHWA and FTA.

b. Metropolitan Planning Organization

- Solicit projects from all implementing agencies which are consistent with the MPO's MTP.
- Review and comment on the draft STIP.
- Develop TIP utilizing input from SDDOT and the Public Transportation Operator.
- Obtain public input on the TIP in accordance with the MPO's Public Participation Plan.
- Submit TIP to SDDOT for approval.

c. Public Transportation Operator

- Submit to MPO candidate projects which are consistent with the MPO's MTP.
- Review and comment on MPO list of prioritized projects.
- Participate in the early public participation process.
- Review and comment on the draft STIP.
- Utilize the MPO Public Participation Plan's public notification procedures in the development of the annual Program and Projects.
- Review and comment on draft and final MPO TIP.

VI. Committees

a. SDDOT

- Attend and participate in MPO Technical Coordinating Committee meetings as a voting member.

- Establish study committees/sub-committees as needed and include MPO and Public Transportation Operator representative as appropriate.
- Participate in MPO and Public Transportation Operator study committees and sub-committees as appropriate.

b. Metropolitan Planning Organization

- Establish a Technical Coordinating Committee which includes SDDOT and Public Transportation Operator as voting members.
- Establish study/committees/sub-committees as needed and include SDDOT and Public Transportation Operator as appropriate.

c. Public Transportation Operator

- Attend and participate in MPO Technical Coordinating Committee meetings as voting member.
- Establish study committees/sub-committees as needed and include MPO and SDDOT representative as appropriate.
- Participate in MPO and SDDOT study committees and sub-committees as appropriate.

VII. MPO Certification

a. SDDOT

- Monitor federal and state legislation and inform the MPO and Public Transportation Operator of new or changed requirements.
- Review and accept MPO's self-certification documentation and submit to FHWA and FTA as part of the TIP submittal.

b. Metropolitan Planning Organization

- Prepare and include in annual TIP an adopted self-certification statement.
- Every three (3) years develop a more detailed self-certification report.

c. Public Transportation Operator

- Review MPO's self-certification documentation.

VIII. Performance Based Planning

The parties to this agreement will work cooperatively to develop, identify and implement a performance-based planning approach to address federal performance measures. This coordination effort is outlined in a separate document titled *SDDOT Performance Measure Procedures Agreement with the Rapid City Area MPO* as approved by the Executive Policy Committee of the Rapid City Area MPO.

IX. Resolution of Disagreements

The parties of this Agreement jointly agree that in order to continue a cooperative, continuing, and comprehensive transportation planning process, there must be continuous, proper, timely, and respectful communication between all participating parties. In the event that a conflict arises, a good-faith efforts to address the major concerns of the other party must be made through the following resolution steps:

- a. Initial Resolution: The parties to this Memorandum shall, at minimum, ensure the attempted early resolution of conflicts relating to such matters. Early resolution shall be handled by direct discussion between the following officials: SDDOT MPO Coordinator and Rapid City Area MPO's Long Range Planning Division Manager for all transportation planning activities. For transit planning activities direct discussions shall be handled between the following officials: SDDOT Transportation Specialist II in Transit and the Transit Division Manager of the Rapid Transit System.
- b. Resolution by Directors: If the conflict remains unresolved, the conflict shall be resolved by the following officials: SDDOT Planning and Engineering Director, SDDOT Air, Rail and Transit Program Manager and Rapid City Area MPO's Long Range Planning Division Manager and/or Transit Division Manager.
- c. Resolution by Senior Officials: If the conflict is not resolved through the conflict resolution pursuant to "Initial Resolution" and "Resolution by Directors" above, the conflict shall be resolved by the Secretary for the SDDOT or their delegate, and the Rapid City Area MPO's Executive Policy Committee Chair or their delegate.
- d. If an agreeable resolution is not provided, the parties may pursue any other remedies as set forth by law.

X. Period of Agreement

- This Memorandum of Agreement shall be effective once all signatures have been obtained and may be terminated by any one of the parties by giving 90 days written notice to each of the other parties. This Memorandum of Agreement will remain in effect until terminated as provided in this clause, or until replaced by a new Memorandum of Agreement.
- Amendments to this Memorandum of Agreement must be mutually agreed to in writing.
- It is mutually agreed that this Memorandum of Agreement will be reviewed (and amended as determined necessary) following the reauthorization of the current surface transportation authorization act.

XI. Authorized Representatives

The SDDOT authorized representative for transportation planning activities is Sarah Gilkerson, MPO Coordinator, 700 E. Broadway Avenue, Pierre, SD 57501, 605-773-3093, sarah.gilkerson@state.sd.us, or her successor.

The SDDOT authorized representative for transit planning activities is Jack Dokken, Program Manager, 700 E. Broadway Avenue, Pierre, SD 57501, 605-773-7045 or his successor.

The Rapid City Metropolitan Planning Organization authorized representative is Kip Harrington, Long Range Planning Manager, 300 6th Street, Rapid City, SD 57701, 605-394-4120, kip.harrington@rcgov.org, or his successor.

The City of Rapid City – Rapid Transit System authorized representative is Megan Gould-Stabile, Transit Division Manager, 333 6th Street, Rapid City, SD 57701, 605-394-6631, megan.gould-stabile@rcgov.org, or her successor.

IT IS FURTHER UNDERSTOOD, that this MOA will be effective once all signatures are obtained and remain in effect until such time as any party gives to the affected parties a 90-day written notice of its intent to withdraw from the MOA.

IT IS FURTHER UNDERSTOOD, that this MOA is not a legally binding agreement and creates no legally binding obligations for any party. Because of a mutual desire to proceed, each party fully intends to make a good faith effort to achieve the goals described above including working together to find mutually beneficial solutions when problems arise.

(Signature Pages Follow)

Signed this ____ day of _____, 2024

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

Secretary, South Dakota Department of Transportation

Attest: _____
Assistant Attorney General, South Dakota Department of Transportation

RAPID CITY AREA METROPOLITAN
PLANNING ORGANIZATION

ATTEST:

Chairperson, Executive Policy Committee

Notary Public SEAL
Commission Expires:

CITY OF RAPID CITY

ATTEST:

Mayor, Rapid City
SEAL

City Finance Officer, Rapid City

CITY OF BOX ELDER

ATTEST:

Mayor, Box Elder
SEAL

City Finance Officer, Box Elder

PENNINGTON COUNTY BOARD OF
COMMISSIONERS

ATTEST:

Chairperson, Pennington County
SEAL

County Auditor, Pennington

MEADE COUNTY BOARD OF
COMMISSIONERS

ATTEST:

Chairperson, Meade County
SEAL

County Auditor, Meade