



# **MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**SACRAMENTO AREA  
COUNCIL OF GOVERNMENTS**

**AND**

**PLACER COUNTY  
TRANSPORTATION PLANNING AGENCY**

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between the Sacramento Area Council of Governments ("SACOG"), and the Placer County Transportation Planning Agency ("PCTPA"). PCTPA is executing this Memorandum of Understanding ("MOU") on behalf of its member agencies, with full authority for its entry into this MOU from said agencies.

### SECTION I. RECITALS

- A. ~~The Transportation Equity Act for the 21<sup>st</sup> Century ("TEA 21")~~ Fixing America's Surface Transportation (FAST) Act and successor Federal transportation acts requires metropolitan planning organizations ("MPO"), in cooperation with the State, to develop transportation plans and programs for urbanized areas of the State.
- B. Title 23, Section 134(~~ee~~) states that: "...the boundaries of a metropolitan area shall be determined by agreement between the metropolitan planning organization and the Governor...~~For areas designated as non-attainment areas for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan area shall at least include the boundaries of the non-attainment area, except as otherwise provided by agreement between the metropolitan planning organization and the Governor.~~"
- C. The Sacramento metropolitan area ("Metropolitan Area") has been designated as a non-attainment area for ozone under the Clean Air Act.
- D. Title 42, Section 7506 of the Federal Clean Air Act requires metropolitan planning organizations to ensure that regional transportation plans and programs developed pursuant to ~~TEA 21~~FAST Act or successor act conform to the State Implementation Plan developed for the air basin; Title 42, Section 134(g)(3) requires metropolitan planning organizations to coordinate development of the regional transportation plan with development of the transportation control measures for the State Implementation Plan required by the Clean Air Act.
- E. On July 14, 1992, the Governor delegated responsibility for designating Metropolitan Planning Organizations to the Secretary of Business, Transportation and Housing Agency and approving transportation improvement programs developed according to U.S. Code Title 23, Section 134 to the Director of the Department of Transportation, a department within the Business, Transportation and Housing Agency.
- F. ~~Section 134(b)(3) of TEA 21 states: "Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on the date of the enactment of this section, of a public agency with multi-modal transportation responsibilities to-~~
  - ~~(A) develop plans and programs for adoption by a metropolitan planning organization; and~~
  - ~~(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law."~~

### STATE PLANNING

- G. Government Code Section 65080 et seq. requires each designated transportation planning



agency to prepare and adopt a regional transportation plan and regional transportation improvement program for State purposes. The regional transportation plan is to include consideration of the factors in Section 134 of ~~TEA-21~~FAST Act or successor act.

## ORGANIZATIONS

- H. For the purposes of ~~TEA-21~~FAST Act or successor act, SACOG is the designated Metropolitan Planning Organization for the Sacramento Metropolitan Area. SACOG also has responsibility for making findings of conformity required under section 176(c) of the federal Clean Air Act within the designated Sacramento Ozone Non-attainment Area. This MOU neither extends nor retracts any state or federal planning or programming boundary.

For the term of this MOU and except as specified in Section VII, this MOU establishes the procedures and basis whereby SACOG shall act as the MPO for those portions of Placer County which lie in the designated Ozone Non-attainment Area pursuant to the ~~TEA-21~~FAST Act or successor act and Federal Clean Air Act.

- I. For the purposes of State transportation planning: (1) pursuant to Section 65080 of the Government Code, SACOG is the regional transportation planning agency for Sacramento, Sutter, Yolo and Yuba counties; and (2) pursuant to Section 65080 of the Government Code, PCTPA is the regional transportation planning agency for the County of Placer, except for that portion of the county within the Tahoe Regional Planning Agency ("TRPA").
- J. The County of Placer and the cities of Auburn, Colfax, Lincoln, Rocklin, and Roseville, and Town of Loomis are members of SACOG and have representatives on PCTPA. ~~The City of Colfax and Town of Loomis are not members of SACOG and have representatives on PCTPA.~~
- K. Nothing in this MOU is intended to affect the existing relationship between either SACOG and its member jurisdictions or between PCTPA and its member jurisdictions in Placer County.
- L. Nothing in this MOU affects PCTPA's jurisdiction under State law, nor does it affect SACOG's jurisdiction under State and Federal law.
- M. Nothing in this MOU prejudices the negotiations for, or right to receive funds in the amount apportioned by the Department of Transportation in exchange for Placer County jurisdiction's entitlement to federal regional surface transportation funds pursuant to subdivision (g) of Section 182.6 of the Streets and Highway Code.

## SECTION II. PURPOSE & PRINCIPLES

The purpose of this MOU is to coordinate transportation planning and programming for the purposes of ~~TEA-21~~FAST Act or successor act and the Federal Clean Air Act, which is the responsibility of SACOG, with the transportation planning and programming for the purposes of State law, which is the responsibility of SACOG in Sacramento, Yolo, Sutter, and Yuba counties and the responsibility of PCTPA in Placer County except for that portion of the County within TRPA.

For the purposes of avoiding duplication, inconsistencies and unnecessary expenditure of public funds, the long range transportation plan adopted by SACOG pursuant to ~~TEA-21~~FAST Act or successor act and the Federal Clean Air Act and the long range transportation plan adopted by SACOG pursuant to State law for Sacramento, Yolo, Sutter and Yuba counties will be developed with a single planning process and contained in one document, the Metropolitan Transportation Plan ("MTP").

The Metropolitan Transportation Improvement Program ("MTIP") adopted by SACOG pursuant to ~~TEA-24~~FAST Act or successor act and the Federal Clean Air Act and the Regional Transportation Improvement Program approved by SACOG pursuant to State law will continue to remain different programs with different purposes as defined in ~~TEA-24~~FAST Act or successor act and State law.

PCTPA shall, at its sole discretion, adopt a separate regional transportation plan pursuant to State law for that portion of Placer County outside of TRPA. PCTPA shall continue to develop a Regional Transportation Improvement Program.

Therefore, a specific purpose of the parties to this MOU is to establish a process which assures consistency between the Metropolitan Transportation Plan and Metropolitan Transportation Improvement Program adopted by SACOG and the Regional Transportation Plan and Regional Transportation Improvement Program adopted by PCTPA.

A. Federal

For the purposes of developing and adopting the Metropolitan Transportation Plan and the Metropolitan TIP under ~~TEA-24~~FAST Act or successor act, the following principles shall govern:

1. SACOG, as the MPO, in cooperation with the State, has the responsibility for the development and adoption of the Metropolitan Transportation Plan, the Metropolitan TIP under ~~TEA-24~~FAST Act or successor act and for making the air quality conformity finding under the Federal Clean Air Act.
2. A single coordinated process for developing the Metropolitan Transportation Plan and the Metropolitan TIP should be developed and implemented throughout the Metropolitan Area.
3. All jurisdictions within the Metropolitan Area should have the same and equal opportunity to propose and advance goals, policies, objectives, programs and projects.
4. A single set of uniform and internally consistent data for the Metropolitan Area should be used in the development of the Metropolitan Transportation Plan and the Metropolitan TIP and air quality conformity finding.
5. All jurisdictions within the Metropolitan Area should share equitably in the costs of the development of the Metropolitan Transportation Plan and the Metropolitan TIP and air quality conformity; therefore, jurisdictions which are members of SACOG should not be required to pay for the work performed by SACOG for jurisdictions within the Metropolitan Area which are not members of SACOG.

B. State

1. PCTPA has the responsibility for the development and adoption of a Regional Transportation Plan ("RTP") and Regional Transportation Improvement Program ("RTIP") for Placer County except for the portion of the County within TRPA. SACOG has the responsibility for the development and adoption of a RTP and a RTIP for Sacramento, Sutter, Yolo and Yuba counties. SACOG's MTP serves as the RTP for Sacramento, Sutter, Yolo and Yuba counties.



2. In developing and adopting the State RTP, PCTPA and SACOG are required to consider the factors specified in Section 134 of ~~TEA-24~~Title 23, US Code, as updated by the FAST Act or successor act.
3. In developing and adopting the State RTP and RTIP, PCTPA shall use data and methodologies which are consistent and compatible with data and methodologies used by SACOG in the development by SACOG of both Federal and State plans and programs.

### **SECTION III. FEDERAL REGIONAL PLAN, TRANSPORTATION IMPROVEMENT PROGRAM AND PLANNING PROCESS**

#### **A. Metropolitan Transportation Plan**

The Board of Directors of SACOG as the MPO for the Metropolitan Area shall adopt Metropolitan Transportation Plans according to ~~TEA-24~~FAST Act or successor act in accord with Title 23, Section 134(g) and the factors specified in subdivision (f) of ~~TEA-24~~FAST Act or successor act.

#### **B. Planning Process within the Metropolitan Area for Metropolitan Transportation Plan**

The parties agree that during the term of this MOU the specific planning process leading to the development and adoption of Metropolitan Transportation Plans will change as needed in order to respond to changes in the law and so that the process can be improved to reflect prior experience. It is the intent of this section to establish certain principles and standards which shall govern the relationship between SACOG and PCTPA but which shall enable the planning process to remain flexible.

1. Whenever feasible, SACOG and PCTPA shall collaborate on the collection and development of demographic and land use data required to support the planning process. Each agency shall make available to the other any such data not constrained by proprietary agreement or other legal device. Any expense associated with providing such data shall be borne by the requesting agency.
2. PCTPA's use of SACOG's travel demand model, related analytical software tools and parametric data shall remain subject to existing agreements or such future agreements as may be negotiated between SACOG and PCTPA.
3. At the commencement of each plan revision, SACOG shall consult with PCTPA and other transportation entities and stakeholders on the schedule SACOG should use during the planning cycle. To the extent possible, the schedule shall specify the dates at which the different draft components (policies, financial, etc.) of the draft Metropolitan Transportation Plan will be first developed and considered. SACOG and PCTPA shall agree to a schedule which shall specify when PCTPA Plan and Program Documents are to be submitted to SACOG in order to be considered pursuant to this Section.
4. In accord with a schedule established by SACOG, PCTPA shall submit Plan and Program Documents for consideration by SACOG for inclusion within the draft Metropolitan Transportation Plan. At a minimum, project data submitted shall include project location, project description, completion year, total cost, and funding

totals for local and non-local sources. SACOG shall review and accept this information in developing its draft Metropolitan Transportation Plan unless there are reasons why it may not meet federal standards. To the extent possible, these submissions shall be presented in a format which is consistent with a database used by SACOG. These submissions shall include all regionally significant projects which are included in the list of funding constrained projects in PCTPA's RTP.

5. After taking into account the Plan and Program Documents received from PCTPA, SACOG shall submit a proposed draft of the Metropolitan Transportation Plan to PCTPA for review and comment. Prior to excluding or revising any project, SACOG shall consult with PCTPA and attempt to develop mitigation actions or to find another project to substitute, if applicable. SACOG will not substitute or revise projects in Placer County into the Metropolitan Transportation Plan without consulting with PCTPA.
6. The procedure for adopting a Metropolitan Transportation Plan shall:
  - a. Include PCTPA in any review of the Metropolitan Transportation Plan by any committee which has a role in resolving conflicts between projects, or recommending amendments or revisions to an existing or draft Metropolitan Transportation Plan. PCTPA shall be a member of any appropriate technical committee.
  - b. Any draft Metropolitan Transportation Plan shall be sent to PCTPA in advance of any formal review by SACOG or any committee, to identify or resolve potential conflicts between the PCTPA RTP and SACOG MTP.
  - c. If a draft Metropolitan Transportation Plan is amended or revised, the amendment or revision shall be sent to PCTPA for review and comment, unless the amendment or revision has no effect upon PCTPA or any jurisdictions which are members of PCTPA.
  - d. A Metropolitan Transportation Plan shall only be adopted by the Board of Directors of SACOG and only after a public hearing, with notice to PCTPA, and the making of appropriate environmental and conformity findings.

#### **SECTION IV. METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM**

- A. The Metropolitan TIP shall include:
  1. A priority list of projects to be carried out within each 3-year period and projects which are proposed for federal funding which are consistent with the Metropolitan Transportation Plan; and
  2. A financial plan that demonstrates how the Metropolitan TIP can be implemented.
- B. The process for adopting a Metropolitan TIP shall be as follows:
  1. SACOG receives projects proposed to be included within the Federal Regional TIP from a variety of state and local entities, including member jurisdictions, transit operators, local and state commissions and state transportation entities.



2. Except as specified in Section VIII, prior to submittal to SACOG by member jurisdictions of PCTPA projects for inclusion in the Metropolitan TIP, at its sole discretion, PCTPA and those member jurisdictions shall establish a process pursuant to which the proposed projects are reviewed for consistency with PCTPA's State RTP and State TIP. PCTPA shall notify SACOG, in writing, of its review and findings.

SACOG shall include approved STIP and Transportation Enhancement Activities projects applicable from PCTPA in developing its draft Metropolitan TIP and Plan unless there are reasons why these projects may not meet federal standards.

3. SACOG shall prepare and send to PCTPA, as well as all affected jurisdictions, a draft Metropolitan TIP for PCTPA's and the affected jurisdictions' review and comment. Prior to excluding any PCTPA project, SACOG shall consult with PCTPA and attempt to develop mitigation actions.
  4. SACOG shall not adopt a Metropolitan TIP without first reviewing the comments, if any, from PCTPA, and the affected jurisdictions, provided that the comments have been submitted by PCTPA in a timely fashion.
- C. The process for selecting projects for funding from the Regional Surface Transportation Program ("STP") and the Congestion Mitigation and Air Quality Program ("CMAQ") shall be as follows:
1. Placer County jurisdictions shall simultaneously submit STP and CMAQ project proposals to SACOG and PCTPA.
  2. SACOG shall screen proposed STP and CMAQ projects for eligibility under the requirements of the TEA-21/FAST Act or successor legislation and shall transmit these findings to PCTPA as part of the programming process.
  3. PCTPA shall develop priorities for STP and CMAQ funds which shall be derived from planning criteria consistent with TEA-21/FAST Act or successor act requirements and SACOG MTP Goals and Policies.
  4. PCTPA shall approve and submit a prioritized list of projects to SACOG for project selection.

It is the intent of SACOG to distribute to Placer County jurisdictions a fair and equitable share of STP and CMAQ funds over the six-year term of the TEA-21/FAST Act and successor.

## **SECTION V. STATE REGIONAL TRANSPORTATION PLAN, STATE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM AND PLANNING PROCESS**

A. SACOG and PCTPA are required by the provisions of Government Code Section 65080 et seq. to prepare State RTP's and State TIP's for their appropriate jurisdictions. The State RTP's are required to include a consideration of the factors specified in Section 134 of Title 23 of the US Code as updated by the FAST Act/TEA-21 or successor. Nothing in this MOU shall govern the development and adoption of State RTP's or State TIP's which shall be developed, adopted and implemented in accordance with applicable State laws.

B. PCTPA shall use State RTP's or State TIP's, portions of those documents or information derived during the development of those documents to submit to SACOG during the development of

the Metropolitan Transportation Plan and Metropolitan TIP in accordance with the provisions of this MOU.

## **SECTION VI. CONFLICT RESOLUTION PROCESS**

The process for planning and adoption of the federal Metropolitan Transportation Plans after 1993 and the Federal Metropolitan TIP's includes procedures for the exchange of information, consultation and standards for consideration and inclusion of programs and projects. SACOG and PCTPA agree that it is appropriate to include a conflict resolution process which offers both parties representation in the resolution of a dispute which results from the planning process established by this MOU and cannot be resolved through these procedures.

Prior to consideration by SACOG of the adoption of the federal Metropolitan Transportation Plan or the federal Metropolitan TIP, and at a time which will not delay approval of a federal plan or TIP or jeopardize any funding for the Metropolitan Area, either SACOG or PCTPA may request the formation of a conflict resolution committee which shall consist of two members of SACOG's governing board and two members of PCTPA's governing board. If requested by either SACOG or PCTPA, the conflict resolution committee shall meet in an attempt to resolve a disputed issue and, with the consent of the members of both entities, may designate one or more additional persons, not affiliated with either entity, to assist in the resolution of the issue.

Whether or not the conflict resolution committee reaches agreement on a particular dispute, a report of the conflict resolution committee shall be presented to the boards of both SACOG and PCTPA; however, nothing in this section shall be deemed to require either SACOG or PCTPA to adopt a recommendation of the conflict resolution committee.

## **SECTION VII. FUNDING**

To compensate SACOG for performing the transportation planning and programming responsibilities required under TEA-21/FAST Act or successor act and the federal Clean Air Act pursuant to this MOU, the following fees shall be paid to SACOG:

- A. PCTPA shall annually contribute to SACOG from PCTPA's annual work program, for the use in SACOG's federal planning and programming effort, an amount equal to 2% of the Local Transportation Fund apportionment to all Placer County Jurisdictions lying within the Designated Ozone Non-attainment Area, in return for which SACOG shall perform the federal transportation planning and programming responsibilities pursuant to this MOU. This amount shall be calculated after the fund has been reduced by administrative and program costs determined in the final PCTPA Local Transportation Commission Finding of Apportionment (e.g., PCTPA TDA Administration, Placer County Auditor Administrative cost, Article 3 Pedestrian and Bicycle fund not to exceed 2% and Article 4.5 Community Transit Service Allocation) enabled under Section 99233.1 of Chapter 4 Article 3, of the California Public Utilities Code. Pursuant to SACOG Board policy adopted December 14, 2000, the annual LTF planning fund revenue increase/decrease cap shall be 10% on a jurisdiction basis commencing with FY 2001/02 and using 2000/01 as the base year. SACOG shall be paid in equal quarterly installments at or near the beginning of each quarter contingent upon cash flow considerations.

For the purposes of this MOU, the Designated Ozone Non-attainment area shall include all of Placer County except for that portion of the County within TRPA.



B. The contribution to SACOG for its federal programming and planning effort for Placer County Jurisdictions may be modified through mutual agreement. Any modifications will be based upon an analysis of both (1) the SACOG planning work program excluding activities which are primarily due to SACOG's role as an RTPA, ALUC or COG, and (2) the cost savings to SACOG for PCTPA products provided to SACOG as part of its State designated RTPA activities.

C. Work performed by SACOG on behalf of PCTPA as outlined in Section VII.A. will be considered as that of a contractor for the purposes of Caltrans requirements for the use of State planning funds. SACOG agrees to comply with the requirements for use of these funds as outlined in Attachment 1.

## **SECTION VIII. RELATIONSHIPS WITH MEMBER JURISDICTIONS**

In accordance with Section I.L., it is understood that during the planning and approval process of both plans and programs pursuant to both Federal and State laws, both SACOG and PCTPA will have direct contacts with the jurisdictions which are members of both jurisdictions, and nothing in this MOU is intended to limit the full participation by member jurisdictions in either organization including the right by a member jurisdiction to submit information, projects or plans directly to either organization or for either SACOG or PCTPA to work directly with member jurisdictions with respect to the consideration and approval of information, projects, funding, or plans.

## **SECTION IX. AMENDMENTS**

This MOU shall only be amended in writing after approval of the parties to this MOU. The parties agree to reasonably consider amendments to this MOU, including but not limited to those warranted by changes to ~~TEA-21~~FAST Act, expiration of ~~TEA-21~~FAST Act and its reauthorized federal legislation, the Clean Air Act or other relevant Federal or State laws, regulations or administrative actions.

## **SECTION X. TERM**

This MOU shall become effective upon its execution by all parties. The MOU shall continue to be effective until terminated by one of the parties after 60 days notice to each of the other parties.

## **SECTION XI. COUNTERPARTS**

This MOU has been executed two (2) original counterparts, one of which shall be retained by each party to this MOU (SACOG and PCTPA) and any one of which can be used as the original.

In WITNESS WHEREOF, the parties hereto have caused this memorandum of understanding to be executed by their respective officers, duly authorized.



Martin Tuttle Mike McKeever, Executive Director Officer Date  
Sacramento Area Council of Governments



12-7-16

Celia McAdam, Executive Director Date  
Placer County Transportation Planning Agency



SACOG agrees to the following:

1. To use the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., (subrecipients shall refer to the Office of Management and Budget Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments) to determine the allowability of individual project cost items;
2. To comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
3. To maintain all source documents, books and records connected with their performance of Overall Work Program (OWP) work initiated under the Master Fund Transfer Agreement (MFTA) and each applicable annual OWP Agreement for a minimum of three (3) years from the date of final payment of Rural Planning Assistance or other applicable funds to PCTPA, or until audit resolution is achieved for each annual OWP Agreement, whichever is later, and shall make all such supporting information available for inspection and audit by representatives of Caltrans (DOT), the Bureau of State Audits, or the Federal Government upon request. Copies will be made and furnished to PCTPA to provide to DOT upon request at no cost.
4. To establish and maintain, an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support Requests for Reimbursement which segregate and accumulate the costs of work elements by line item and produce Quarterly Reports which clearly identify reimbursable costs and other expenditures by OWP work elements.
5. To comply with the annual Federal Certifications and Assurances which are included by PCTPA in each final OWP.

6. As mandated by 49 CFR Part 26, not to discriminate on the basis of race, color, national origin, or sex in the award, administration and performance of any State or FHWA/FTA fund-assisted contract or in the administration of PCTPA's Disadvantaged Business Enterprise (DBE) program;
7. To ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment, and comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 CFR, are incorporated into the MFTA by reference and made a part hereof as if set forth in full.
8. To give written notice of their obligations under this clause to labor organizations with which they have collective bargaining or other labor agreement. PCTPA shall include the non-discrimination and compliance provisions hereof in all contracts and subcontracts to perform work under the MFTA.
9. To include language of this certification in any subcontracts funded wholly or in part by any fund sources provided by PCTPA that exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly;
10. In accordance with Title 49, CFR, Part 18, Section 18.37 and state law and procedures, to assure that any subcontracts containing Federal and State planning funds be competitively bid and awarded consistent with LPP-005 or successors thereto.