

PennDOT Agreement No.

Shenango Valley Area Transportation Study Agreement

THIS AGREEMENT, made this day of 2008, by and between the Commonwealth of Pennsylvania, Department of Transportation, hereinafter called the DEPARTMENT, and the County of Mercer, hereinafter called the COUNTY, the Cities of Farrell, Hermitage and Sharon, hereinafter called the CITIES, the Boroughs of Clark, Greenville, Grove City Sharpsville, West Middlesex and Wheatland, hereinafter called the BOROUGHS, the Townships of, Findley, Hempfield, Jefferson, Liberty, Pine, Shenango, South Pymatuning, Springfield, Wilmington and Wolf Creek hereinafter called the TOWNSHIPS, the Mercer County Council of Governments, hereinafter called the COG, and the Mercer County Regional Planning Commission, hereinafter called the COMMISSION.

W-I-T-N-E-S-S-E-T-H:

WHEREAS, the parties hereto desire to organize and conduct a continuing, comprehensive, coordinated transportation planning process for Mercer County, consistent with section 134 of the Federal Aid Highway Act of 1962, Title 23, United States Code, Title 49, United States Code, and with the policies of the Federal Government and the DEPARTMENT established pursuant thereto,

NOW, THEREFORE, the DEPARTMENT, COUNTY, CITIES, BOROUGHS, and TOWNSHIPS, in consideration of their mutual promises hereinafter expressed, and of the other valuable things hereinafter agreed, and intending to be legally bound hereby, do agree among themselves as follows:

1. The continuing, comprehensive, coordinated transportation planning process, hereinafter call "the Study", shall be in accordance with the Work Program entitled "Unified Planning Work Program for the Shenango Valley Area Transportation Study", prepared by the COMMISSION in cooperation with the DEPARTMENT on a year to year basis.
2. The parties hereby establish a Coordinating Committee, which shall consist of the DEPARTMENT, two voting members appointed by the Secretary of Transportation, the COUNTY, one voting member appointed by the Commissioners; the CITIES, one voting member appointed by each Council; the BOROUGHS, one voting member appointed by each Council; and the TOWNSHIPS, one voting member appointed by each Board of Supervisors; one voting member appointed by COG. The appointed voting member is not required to be an elected official. In addition, each member shall appoint at a minimum one alternate voting member. The committee may also contain non-voting members as desired, which shall consist of agencies and other non-municipal entities.

It shall be the duty and responsibility of the Coordinating Committee to establish the policies and objectives of the study, with due regard to the transportation policy issues identified by the represented agencies of government.

3. The Coordinating Committee shall be capped at a maximum of 25 members. Once the membership cap is reached no additional voting members shall be appointed unless a member

drops out of the Metropolitan Planning Organization (MPO). Additional members that wish to join the MPO shall be limited to cities, boroughs and townships. A list should be kept of any communities that wish to join the MPO.

4. The area included in the study hereby established shall include all of Mercer County as seen on the attached map, made a part hereof, and marked Exhibit "A". The Coordinating Committee may approve and direct changes in the study area from time to time.
5. The Coordinating Committee shall hold regularly scheduled meetings and such other meetings, as from time to time, it deems proper, upon call of the chairperson. The Committee shall elect, annually at its first meeting of the new year, a Chairperson and Vice-Chair from among its own membership. A Secretary shall also be elected who need not be a member of the Committee.
6. The parties shall establish a Technical Committee which shall consist of the DEPARTMENT, two voting members appointed by the Secretary of Transportation; the COUNTY, two members appointed by the COMMISSION; the COG, one member appointed by COG; the CITIES, one voting member appointed by each Council; the BOROUGH, one member appointed by the Mercer County Boroughs Association; and one member appointed by the Mercer County Township Officials Association. It shall be the duty of the Technical Committee to study and report on technical aspects as directed by the Coordinating Committee, and to initiate studies and recommendations on technical aspects in pursuance of the objectives of the Unified Planning Work Program (UPWP). The Committee shall elect, annually, a Chairperson from among its own membership. The Committee shall also elect a secretary, who need not be a member of the Committee.
7. Actions of the Coordinating Committee and Technical Committee shall only be taken when a quorum is present. A quorum shall consist of 40% of the total Coordinating or Technical Committee eligible voting membership.
8. Coordinating and Technical Committee members shall be responsible for attending a minimum 50% of the annually scheduled meetings. Failure of voting members or their alternates to attend 50% of the regularly scheduled meetings, without an excusable absence, shall place that member on a probationary period for the following Calendar year. Should the Coordinating or Technical Committee member fail to attend the required meetings in the following year, membership to the MPO shall be revoked.
9. Application for membership to the Coordinating Committee shall be made in writing to the MPO Chairperson. New appointments to the MPO are strictly at the discretion of the MPO Coordinating Committee. The Chairperson shall appoint a Membership Committee annually to review new membership requests and membership attendance records. The chairperson shall also have the ability to establish ad-hoc committees as necessary.
10. The Shenango Valley Area Transportation Study Coordinating Committee recognizes the need for continued cooperation among agencies responsible for transportation operation and implementation with regard to transportation planning and desires to further define their relative and respective transportation planning responsibilities in accordance with the terms, conditions and provisions set forth in Exhibit "B".
11. This agreement shall remain in full force and effect so long as the parties hereto shall not mutually terminate it. In the case of mutual termination or individual withdrawal, a requirement thereof shall be six (6) months notice in writing between each terminator or withdrawer, delivered by registered

mail to the other parties, hereto; in the case of the Department such notice to be signed by the Secretary of Transportation of the Commonwealth of Pennsylvania; and in the case of the other parties; such notice to be accompanied by a certified and attested proof of due and proper action authorizing such notice of termination or withdrawal. Notice of termination or withdrawal prior to expiration of the six (6) months, communicated as hereinbefore provided for the notice of termination or withdrawal, shall leave the study in status quo ante.

12. Any corrections, changes or additions to this agreement shall be by Supplemental Agreement in writing duly executed by all the parties hereto

## Exhibit "B"

### Roles and Responsibilities

1. The Shenango Valley Area Transportation Study Coordinating Committee shall be responsible for insuring the maintenance of planning eligibility for state and federal transportation grants and the maintenance of adequate transportation plans—both long range (LRTP) and short range—and a transportation improvement program (TIP) including an annual Unified Planning Work Program (UPWP), consistent and coordinated with comprehensive planning for Mercer County as performed by the COMMISSION. Along with Mercer County area development priorities, this planning effort shall be in accord with the directives of the United States Department of Transportation and shall give adequate attention to all feasible travel modes. In the furtherance of those objectives, the Shenango Valley Area Transportation Study Coordinating Committee shall be responsible, through staff efforts of the DEPARTMENT, the COMMISSION and the COG for development and adoption of an annual UPWP and maintaining planning process certification eligibility on a biennial basis.

2. The COG shall compile records required by the DEPARTMENT "Operating Guidelines and Standards for Mass Transportation Assistance Programs" with assistance and guidance from the DEPARTMENT and the COMMISSION.

3. The COG shall maintain adequate operating data concerning all aspects of the transit system and market, in accordance with the DEPARTMENT "Operating Guidelines and Standards for the Mass Transportation Assistance Program" and shall make such data available to the Shenango Valley Area Transportation Coordinating Committee upon request.

4. The DEPARTMENT and the COMMISSION shall be responsible for performing the technical analysis required to maintain a current areawide transportation plan and program, according to provision of an annually adopted Unified Planning Work Program. Adoption and readoption of the area wide transportation plan including the short-range element, the long-range element, the Transportation Improvement Program, including an Annual Element for certification purposes, shall rest with the Shenango Valley Area Transportation Study Coordinating Committee. The endorsed TIP for both highways and transit shall be forwarded to U.S. DOT by the Deputy Secretary for Planning of the DEPARTMENT.

5. The DEPARTMENT retains sole responsibility for preparing the State Twelve Year Transportation Program for highways and public transportation for consideration by the State Transportation Commission, but will continue to rely heavily upon the advice and guidance of the Shenango Valley Area Transportation Study Coordinating Committee, the COMMISSION and the COG. Similarly, the DEPARTMENT retains sole responsibility for preparing all capital improvement budgets submitted, through the Governor, to the Pennsylvania General Assembly, except those projects outside their jurisdiction.

6. Finally, in addition to all of the foregoing, it is expressly understood by all parties of this agreement that the Shenango Valley Area Transportation Study Coordinating Committee has the exclusive right within its area of responsibility, to develop in cooperation with the DEPARTMENT highway functional classification schemes, designation or urban boundaries and with the DEPARTMENT to specify the use of Federal-aid Urban System funds.

## DEFINITIONS

Long-Range Transportation Plan (LRTP)—The LRTP is a transportation plan addressing at least a twenty-year planning horizon, including both long-range and short-range strategies/actions of an integrated, intermodal transportation system that facilitates the efficient movement of people and goods and meets Federal requirements (23CFR Part 450.322).

Member—A member is a municipality, agency or other group that has voting membership on the Coordinating or Technical Committees.

Metropolitan Planning Organization (MPO)—The MPO is the regional planning entity responsible for transportation planning and approval of federal transportation funding for the region.

Person—A person is someone who represents a voting member.

Transportation Improvement Program (TIP)—The TIP is a staged, multiyear, fiscally constrained, intermodal program of transportation projects which is consistent with the long-range transportation plan. The TIP develops a prioritized program of projects and its financing plan based on estimate funding available. The TIP covers a four-year period and is updated every other year.