

MEMORANDUM OF UNDERSTANDING FOR SIOUX FALLS METROPOLITAN TRANSPORTATION PLANNING

ARTICLE I ESTABLISHMENT AND PURPOSE

By virtue of this Memorandum, made and entered into by and among Lincoln County, South Dakota; Minnehaha County, South Dakota; City of Sioux Falls, South Dakota; the State of South Dakota, acting by and through its Department of Transportation; and the South Eastern Council of Governments, there is hereby established a cooperative, continuing, and comprehensive transportation planning process for the Sioux Falls metropolitan 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 Sioux Falls, 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.

The parties to this Memorandum do mutually agree to the statements and provisions set forth in this Agreement, as required in 23 C.F.R. 450.314.

The purpose of the metropolitan planning process is to carry out a continuing, cooperative, and comprehensive multi-modal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP), that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to service the mobility needs of people and freight, and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution.

The transportation planning process shall be **cooperative** so that each party to this Memorandum shall have a voice in the area of planning decisions and that those decisions will be reflective and responsive to both policies and programs of the planning area jurisdictions and the South Dakota Department of Transportation.

The transportation planning process shall be maintained and operated on a **continuing** basis. Current valid data on land use, travel patterns, mode type, and support facilities will be maintained by staff at state and local levels for updating and evaluating the Long Range Transportation Plan as conditions change from those initially analyzed and forecasted. The transportation planning process will ensure that land use changes differing from those forecasted will be collected in a manner that will permit the ready evaluation of their significance with respect to the Long Range Transportation Plan. The transportation planning process shall consider transportation projects and strategies that are within eight (8) areas:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase the accessibility and mobility of people and freight;
5. Protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation; and
8. Emphasize the preservation of the existing transportation system.

23 U.S.C. §134. Metropolitan Planning

The transportation planning process shall be **comprehensive**. The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation system development, land use, employment, economic development, human and natural environment, and housing and community development.

The guiding objectives identified in the approved Long Range Transportation Plan will be used to prioritize long-range transportation investments in the planning area. The guiding objectives shall be as follows:

- Preserving people's ability to travel across the Metropolitan Planning Area;
- Maintaining the region's existing multimodal transportation system;
- Improving connections between smaller communities in Minnehaha and Lincoln Counties and the Metropolitan Planning Area; and
- Improving the quality of pedestrian travel in the Metropolitan Planning Area.

ARTICLE II DELEGATION OF TRANSPORTATION/TRANSIT PLANNING AUTHORITY

The parties to this Memorandum do hereby delegate the authority for transportation and transit planning for the Sioux Falls Metropolitan Planning Area to the Urbanized Development Commission of the South Eastern Council of Governments. The transportation planning process, as developed by the Urbanized Development Commission, shall be the recognized Transportation Planning Process as required by 23 U.S.C. § 134.

The delegation of authority for the transportation planning process in the Sioux Falls Metropolitan Planning Area to the Urbanized Development Commission by the parties of this Agreement carries a commitment and responsibility to cooperatively take part in the transportation planning process. The parties to this Memorandum shall contribute information, cooperative efforts, continuing financial support, and services. Staff serving in support of the transportation planning process shall be comprised of personnel from the agencies signing this Memorandum.

ARTICLE III MEMBERSHIP OF THE URBANIZED DEVELOPMENT COMMISSION

Membership of the Urbanized Development Commission for transportation and transit planning purposes shall be set forth in the Bylaws of the Urbanized Development Commission.

ARTICLE IV DELINEATION OF THE SIOUX FALLS METROPOLITAN PLANNING AREA

The Sioux Falls Metropolitan Planning Area, under which transportation and transit planning will be performed under this Memorandum, is defined as follows:

In Minnehaha County: The townships of Sioux Falls, Split Rock, and Wayne, Sections 1 through 4 and 9 through 36 of Benton Township, Sections 13 through 36 of Brandon Township, Sections 13 through 16, 21 through 28, and 33 through 36 of Hartford Township; Sections 2 through 11 and 13 through 36 of Mapleton Township; Sections 18 through 19 and 30 through 31 of Red Rock Township; Sections 6 through 7, 18, 19, and 30 through 31 of Valley Springs Township.

In Lincoln County: The Township of Springdale, Sections 2 through 11 of Dayton Township, The Township of Delapre except Sections 7, 8, 17 through 20, and 29 through 32 of Township 100 Range 51; Sections 1 through 12 of LaValley Township; Sections 1 through 4 and 12 of Perry Township.

This area includes not only the existing urbanized area, but also area within the metropolitan statistical area, as defined by the Bureau of Census, as allowed under 23 U.S.C. § 134 (e) (2) (B).

ARTICLE V OPERATIONS

Operating policy and procedures for the Sioux Falls Metropolitan Planning Process are spelled out in the Operations Plan. The Operations Plan shall be maintained cooperatively by the participating agencies to this Memorandum to describe the products, roles, and responsibilities for the planning process and to serve as a continuing tool directing transportation projects into the transportation planning process for review and decisions. The Operations Plan shall be recognized by the parties to this Memorandum as the description of the ongoing planning process to be followed. The structure of the Operation Plan shall be updated and go through the approval

process when sufficient changes in the planning process warrant modification and amendment. Policies and procedures set forth in the Operations Plan shall be subject to approval by the Urbanized Development Commission.

The Unified Planning Work Program shall be developed cooperatively by the participating agencies to this Memorandum. Annual work activities of the transportation planning process will be identified in the Unified Planning Work Program. The Unified Planning Work Program will set forth activities, products, estimated costs, funding breakdown, and work responsibilities for accomplishing listed tasks during the next calendar year. The Unified Planning Work Program will be prepared and adopted in order to fulfill the requirements in 23 U.S.C. § 104(f), designated for carrying out 23 U.S.C. § 134, and in compliance with 23 C.F.R. § 450 relating to transportation planning requirements for the use of Federal Highway Administration and Federal Transit Administration funds, 49 U.S.C § 5303. The Unified Planning Work Program will be subject to the approval of the Urbanized Development Commission. Due to change in staffing and sources of information, the work responsibilities of the participating agencies may change from year to year.

ARTICLE VI DIRECTION AND CONTROL

Pursuant to 23 C.F.R. § 450.310, the Urbanized Development Commission of the South Eastern Council of Governments has been designated as the Sioux Falls Area Metropolitan Planning Organization. The transportation planning process is directed by and subject to the control of the Urbanized Development Commission of the South Eastern Council of Governments. The Urbanized Development Commission has the authority to develop and approve the the MPO Long-Range Transportation Plan, the Transportation Improvements Program, the Unified Planning Work Program, and other transportation planning policies relating to the Sioux Falls Metropolitan Planning Area. All transportation and public transit plans developed and adopted by the Urbanized Development Commission shall be made available to all parties participating in this Memorandum for adoption at regular or specially called meetings of the Urbanized Development Commission.

Any transportation plan must have the support and endorsement of the public if the plan is going to fulfill the purposes for which it was initiated. The Citizens Advisory Committee, coupled with the adopted Public Participation Plan, provide a means for achieving the public input and support for plans and programs. The Citizens Advisory Committee operates under Bylaws, which are approved by the Urbanized Development Commission.

The Technical Advisory Committee is comprised of technical personnel responsible for, or affected by, implementation of transportation plans. Certain members of the Technical Advisory Committee are invited to serve with the concurrence of the Urbanized Development Commission. The Technical Advisory Committee adopts Bylaws subject to the approval of the Urbanized Development Commission. The Technical Advisory Committee assists and advises the Urbanized Development Commission in matters of a technical nature related to the elements of the Transportation Planning Process.

All committee meetings are open to the public in order that public involvement can occur.

**ARTICLE VII
AMENDMENTS TO
THE MEMORANDUM OF UNDERSTANDING**

The Memorandum may be amended or modified at any time. Any such amendment or modification shall be set forth in writing and signed by the parties to this Memorandum.

It is understood that this Memorandum supersedes all other agreements relative to the Sioux Falls Metropolitan Area Transportation Planning Process. This Memorandum nullifies and declares void all other previous Memorandums executed prior to the execution of this Memorandum.

**ARTICLE VIII
TERMINATION OF THE
MEMORADUM OF UNDERSTANDING**

The parties, by entering into this Memorandum, recognize that the Cooperative, Continuous, and Comprehensive Transportation Planning Process is necessary and appropriate. Any party to this Memorandum may terminate its interest and obligations by giving at least sixty (60) calendar days notice in writing to the other parties to this Memorandum.

**ARTICLE IX
MUTUAL AGREEMENT**

By signing this Memorandum, the parties listed herein do hereby mutually concur with the Articles of this Agreement as required by 23 U.S.C. § 134, and 23 C.F.R. § 450.310.

Signed:

This ____ day of _____, 2008

State of South Dakota
Department of Transportation

Secretary-Department of Transportation

Attest; _____
Assistant Attorney General-Department of Transportation

This ____ day of _____, 2008

Lincoln County
State of South Dakota

Chair-Lincoln County Board of Commissioners

Attest; _____
Lincoln County Auditor

(Corporate Seal)

This ____ Day of _____, 2008

Minnehaha County
State of South Dakota

Chair-Minnehaha County Board of Commissioners

Attest; _____
Minnehaha County Auditor

(Corporate Seal)

This ____ day of _____, 2008

City of Sioux Falls
State of South Dakota

Mayor-City of Sioux Falls

Attest; _____
Sioux Falls City Clerk

(Corporate Seal)

This _____ day of _____, 2008

South Eastern Council of Governments

Chair-South Eastern Council of Governments

Attest; _____
Executive Director-South Eastern Council of Governments