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**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 Brandon, South Dakota; City of Harrisburg, South Dakota; City of Sioux Falls, South Dakota, also acting as the public transit provider known as Sioux Area Metro; 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 Planning Area (MPA).

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 (also known as the long range transportation plan or LRTP) 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.

As part of the transportation planning process, the parties to this Memorandum shall jointly develop the LRTP and TIP including the development of a prioritized and fiscally constrained program of multi-modal transportation improvement projects. The improvement projects included in the TIP must conform to the project prioritization and evaluation criteria identified in the LRTP. When developing the LRTP and TIP, the MPO, public transportation operator, and the State will cooperatively develop a financial plan which includes project cost estimates and revenues that will be reasonably expected to be available to support implementation of the LRTP and TIP. The financial plan shall include cost estimates and revenues that are reasonably expected to be available to adequately operate and maintain Federal-aid highways and public transportation. The federal funds obligated for the transportation improvement projects shall be reported annually as part of the Annual List of Obligated Projects.

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 (SDDOT).

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 LRTP 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 LRTP. The transportation planning process shall consider transportation projects and strategies that are consistent with the current planning factors and planning emphasis areas as identified by the U.S. Department of Transportation Federal Highway Administration and Federal Transit Administration.

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 LRTP will be used to prioritize long-range transportation investments in the planning area. The guiding objectives shall be determined as part of the update to the LRTP.

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 (UDC). The transportation planning process, as developed by the UDC, 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 UDC 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 parties signing this Memorandum.

ARTICLE III MEMBERSHIP OF THE URBANIZED DEVELOPMENT COMMISSION

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

**ARTICLE IV
DELINEATION OF THE SIOUX FALLS
METROPOLITAN PLANNING AREA**

The Sioux Falls MPA, 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 thru 4 and 9 thru 36, of Benton Township; Sections 13 thru 36 of Brandon Township; Sections 13 thru 16, 21 thru 28, and 33 thru 36 of Hartford Township; Sections 2 thru 11 and 13 thru 36 of Mapelton Township; Sections 18 thru 19 and 30 thru 31 of Red Rock Township; Sections 6 thru 7, 18 thru 19, and 30 thru 31 of Valley Springs Township.

In Lincoln County: The Township of Springdale; Sections 2 thru 11 of Township 99 Range 49 of Dayton Township; the Township of Delapre except sections 7 thru 8, 17 thru 20, and 29 thru 32, of Township 100 Range 51; Sections 1 thru 12 of LaValley Township; Sections 1 thru 4 and 12 of Perry Township.

The MPA includes not only the existing urbanized area, but also the contiguous area expected to become urbanized within a 20-year forecast period, as allowed under 23 U.S.C. § 134 (e) (2) (A).

**ARTICLE V
OPERATIONS**

Operating policy and procedures for the Sioux Falls Metropolitan Planning Process are spelled out in the Operations Plan, <http://siouxfallsmmpo.org/resources/publications/>. The Operations Plan shall be maintained cooperatively by the parties 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 UDC.

The Unified Planning Work Program (UPWP) shall be developed cooperatively by the parties to this Memorandum. Annual work activities of the transportation planning process will be identified in the UPWP. The UPWP will set forth activities, products, estimated costs, funding breakdown, and work responsibilities for accomplishing listed tasks during the next calendar year. The UPWP 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 UPWP will be subject to the approval of the UDC. Due to change in staffing and sources of information, the work responsibilities of the participating parties may change from year to year.

The parties to this Memorandum shall cooperatively develop and share information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the MPA, and the collection of data for the State's asset management plan for the NHS. These provisions will be identified in a separate document and will be attached to this Memorandum after approval by the UDC.

ARTICLE VI DIRECTION AND CONTROL

Pursuant to 23 C.F.R. § 450.310, the UDC has been designated as the Sioux Falls Metropolitan Planning Organization (MPO). The transportation planning process is directed by and subject to the control of the UDC. The UDC has the authority to develop and approve the MPO's LRTP, TIP, UPWP, and other transportation planning products relating to the MPA. All transportation and public transit plans developed and adopted by the UDC shall be made available to all parties participating in this Memorandum for adoption at regular or specially called meetings of the UDC.

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 (CAC), coupled with the adopted Public Participation Plan, provide a means for achieving the public input and support for plans and programs. The CAC operates under Bylaws, which are approved by the UDC.

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

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

ARTICLE VII RESOLUTION OF DISAGREEMENTS

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

1. Initial Resolution: The parties to this Memorandum shall, at minimum, ensure the attempted early resolution of disagreement relating to such matters. Early resolution shall be handled by direct discussion between the following officials: SDDOT MPO Coordinator and SECOG Transportation Planner and/or Executive Director.
2. Resolution by Directors: If the disagreement remains unresolved, the disagreement shall be resolved by the following officials: SDDOT Planning and Engineering Director and SECOG Executive Director.

3. Resolution by Senior Officials: If the disagreement is not resolved through the resolution of disagreements pursuant to "Initial Resolution" and "Resolution by Directors" above, the disagreement shall be resolved by the Secretary for the SDDOT or their delegate, and the SECOG Executive Director, SECOG Chair, or UDC Chair or their delegate.
4. If an agreeable resolution is not provided, the parties may pursue any other remedies as set forth by law.

**ARTICLE VIII
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 IX
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.

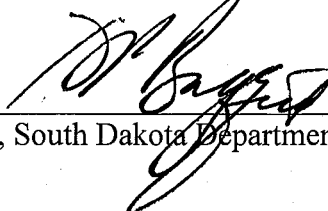
**ARTICLE X
MUTUAL AGREEMENT**

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.

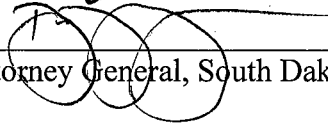
(Signature Pages Follow)

Signed this 27th day of December, 2017

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION



Secretary, South Dakota Department of Transportation

Attest: 

Assistant Attorney General, South Dakota Department of Transportation

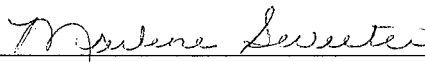
Signed this 24th day of October, 2017

LINCOLN COUNTY, SOUTH DAKOTA

(Corporate Seal)



Chair, Lincoln County Commission

Attest: 

Auditor, Lincoln County

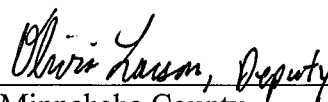
Signed this 3rd day of October, 2017

MINNEHAHA COUNTY, SOUTH DAKOTA

(Corporate Seal)



Chair, Minnehaha County Commission

Attest: 

Auditor, Minnehaha County

Signed this 2nd day of November, 2017

CITY OF BRANDON, SOUTH DAKOTA

(Corporate Seal)

Larry D. Beasley
Mayor, City of Brandon

Attest: [Signature]
City Administrator, City of Brandon

Signed this 7 day of August, 2017

CITY OF HARRISBURG, SOUTH DAKOTA

(Corporate Seal)

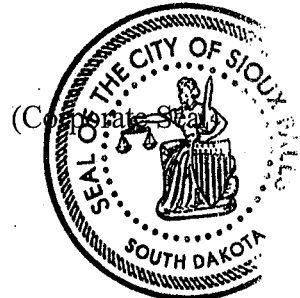
[Signature]
Mayor, City of Harrisburg

Attest: Mary McClurg
Finance Officer, City of Harrisburg



Signed this 15 day of Sept, 2017

CITY OF SIOUX FALLS, SOUTH DAKOTA; AND
SIOUX AREA METRO



[Signature]
Mayor, City of Sioux Falls

Attest: Tamara Jozyner
City Clerk, City of Sioux Falls

9/18/17

Signed this 13th day of December, 2017

SOUTH EASTERN COUNCIL OF GOVERNMENTS

D. Michael Borden
Chair, South Eastern Council of Governments

Attest:

[Signature]
Executive Director, South Eastern Council of Governments