

SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION

ITEM 1507-26: Approving the Second Amendment to the Memorandum of Understanding Among the New Jersey Transit Corporation, the New Jersey Department of Transportation, the North Jersey Transportation Planning Authority, the Delaware Valley Regional Planning Commission and the South Jersey Transportation Planning Organization for Exchange of Program Funds for Federal Fiscal Years 2014 Through 2018

PROPOSAL

At its July 13, 2015 meeting, the Technical Advisory Committee recommended adoption of the attached amendment to the Memorandum of Understanding (MOU) for the Exchange of Program Funds from FY 2014 through FY 2018.

BACKGROUND

NJDOT and New Jersey Transit are direct recipients of annual appropriations from the Federal Highway Administration and Federal Transit Administration, respectively, to be used to fund projects and programs on the locally – owned facilities on the federal – aid system. In light of the requirements that must be met for a local agency to use federal funds, NJDOT, NJTransit, and New Jersey’s three MPO’s agreed last year to swap federal funds for an equivalent amount of New Jersey Transportation Trust Funds, which are used routinely by local agencies.

This Second Amendment to the MOU simply updates the programmed amounts of TTF and Federal funds to match actual FY 2016 appropriations, and amends dates where appropriate.

For SJTPO in FY 2016, this would mean that \$7.5 million of the \$10.1 million “Local Lead” program would be state TTF – funded, with the remainder programmed as FHWA Surface Transportation Program (STP-SJ) funds. SJTPO’s local project sponsors will revisit the concept each capital programming cycle.

SECOND AMENDMENT-2016 TO MEMORANDUM OF
UNDERSTANDING AMONG
NEW JERSEY TRANSIT CORPORATION, THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION, THE NORTH JERSEY
TRANSPORTATION PLANNING AUTHORITY, THE DELAWARE
VALLEY REGIONAL PLANNING COMMISSION AND THE SOUTH
JERSEY TRANSPORTATION PLANNING ORGANIZATION FOR
EXCHANGE OF PROGRAM FUNDS
FEDERAL FISCAL YEAR 2014 THROUGH 2018

THIS SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING (this "SECOND Amendment- 2016"), dated as of ~~January 20, 2015~~²⁰¹⁶ is entered into by and among the parties listed as signatories hereto ("NJT, NJDOT and the MPOs", or the "Parties").

WHEREAS, on January 7, 2014, NJT, NJDOT and the MPOs entered into a certain Memorandum of Understanding (the "MOU") which provides for the general parameters of the exchange of program funds for federal and State fiscal years 2014 through 2018 (the "Five-Year Period") and for the specific exchange of program funds for the first year of the Five-Year Period which was federal and State fiscal year 2014; and

WHEREAS, Paragraph B.2 of the MOU provides that the Parties (NJDOT, NJT and the MPOs) agree to enter into amendments to the MOU to set forth for each of the fiscal years within the Five-Year Period, the specific exchange of program funds, subject to federal and State appropriation; and

WHEREAS, on August 4, 2014, NJT, NJDOT and the MPOs entered into an amendment to the MOU to set forth the specific exchange of program funds for the second year of the Five-Year Period which was federal and State fiscal year 2015; and

WHEREAS, the Parties wish to amend the MOU to set forth for Fiscal Year 2016 the FHWA Surface Transportation Program Funds in the amount of \$86.0 million to be sub-allocated to the MPOs;

NOW, THEREFORE, the Parties agree as follows:

1). The Recitals above are incorporated into this SECOND Amendment- 2016 as though set forth verbatim herein.

2) Paragraph C. Programming Exchange for Fiscal Year 2014 (Paragraphs C.1 through C.8, inclusive) of the MOU is deleted in its entirety and replaced with the following:

C. Programming Exchange for Fiscal Year 2016

1. In Federal Fiscal Year 2016, NJDOT agrees to direct the transfer of \$86.0 million of FHWA Surface Transportation Program funds from FHWA to FTA to be allocated by NJT for the program items, Preventive Maintenance - Rail and Preventive Maintenance - Bus.

2. The \$86.0 million comprises \$70.5 million that would have been allocated by NJTPA, typically identified as STP-NJ funds; \$8.0 million that would have been allocated by DVRPC, typically identified as STP-STU funds; and \$7.5 million that would have been allocated by SJTPO, typically identified as STP-SJ funds.

3. As a result of NJDOT's directive to transfer funds as stated in paragraph C.1 above, NJT's 2016 FTA funds will reflect an increase of \$86.0 million.

4. As a result of such transfer, NJT's TTF appropriations are reduced by \$86.0 million and NJDOT's TTF appropriations are increased by \$86.0 million.

5. NJDOT will allocate the \$86.0 million in TTF funds in the Fiscal Year 2016 Transportation Capital Program and in the 2016 program year of the Federal Fiscal Year 2016-2025 STIP for allocation by the MPOs to projects that would be eligible under Moving Ahead for Progress in the 21st Century Act (MAP-21) Sect. 1108 under 23 U.S.C.133.

6. NJDOT will allocate the \$86.0 million in TTF funds to each MPO as follows: \$70.5 million to NJTPA, \$8.0 million to DVRPC and \$7.5 million to SJTPO.

7. The State Fiscal Year 2016 Transportation Capital Program provides a TTF funded line item for each MPO showing where these funds will be allocated.

8. The Federal Fiscal Year 2016-2025 STIP and MPO TIPs identify the individual projects and funds allocated to each MPO for each year.

3) Except for the amendment to Paragraph C of the MOU as set forth above, all other provisions of the MOU shall remain unchanged and shall remain in full force and effect.

IN WITNESS WHEREOF, NJT, NJDOT and the MPOs have caused this instrument to be signed and attested by their duly authorized representatives.

ATTEST/WITNESS:

Anika James
Secretary, ANIKA JAMES

NEW JERSEY DEPARTMENT OF
TRANSPORTATION
By: *[Signature]*
Acting Richard T. Hammer
Commissioner

ATTEST/WITNESS:

Joyce J Zuczek
Secretary
Joyce J Zuczek
Notary Public
New Jersey
My Commission Expires 08-16-2016

NEW JERSEY TRANSIT CORPORATION
By: *[Signature]*
Veronique Hakim
Executive Director

(SEAL)

ATTEST/WITNESS:

AMANDA M ZEGA-GRECO
ID # 50019905
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires July 23, 2020

Amanda M Zega-Greco
Secretary
COMMONWEALTH OF PENNSYLVANIA

NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY
By: *[Signature]*
Mary K. Murphy
Executive Director

TAMMY DINEO
Notary Public
PHILADELPHIA CITY, PHILADELPHIA CNTY
My Commission Expires Jan 8, 2017

Tammy Dineo

DELAWARE VALLEY REGIONAL PLANNING COMMISSION
By: *[Signature]*
Barry Seymour
Executive Director

ATTEST/WITNESS:

Monica A. LoGuidice
Notary Public of New Jersey
My Commission Expires 2/22/2017
This Agreement has been reviewed and approved as to form.

JOHN J. HOFFMAN,
Acting Attorney General of New Jersey
By: *[Signature]*
Deputy Attorney General
Date: 12/16/15

SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION
By: *[Signature]*
Timothy Chelius
Executive Director

SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION

RESOLUTION 1507-26: Approving the Second Amendment to the Memorandum of Understanding Among the New Jersey Transit Corporation, the New Jersey Department of Transportation, the North Jersey Transportation Planning Authority, the Delaware Valley Regional Planning Commission and the South Jersey Transportation Planning Organization for Exchange of Program Funds for Federal Fiscal Years 2014 Through 2018

WHEREAS, the South Jersey Transportation Planning Organization (SJTPO) is the Metropolitan Planning Organization (MPO) designated under federal law for the southern region of New Jersey including Atlantic, Cape May, Cumberland, and Salem Counties; and

WHEREAS, NJDOT receives federal funding through the Federal Highway Administration (FHWA) and NJ Transit receives federal funding through the Federal Transit Administration (FTA); and

WHEREAS, FHWA apportions federal funding for various programs and uses; and

WHEREAS, one of the programs by which FHWA apportions federal funding is the Surface Transportation Program; and

WHEREAS, a portion of FHWA Surface Transportation Program funds are sub-allocated by NJDOT to SJTPO to be programmed for projects on the federal-aid system, which funds are designated as STP-SJ funding, and NJ Transit and NJDOT program State Transportation Trust Fund (TTF) funds; and

WHEREAS, by federal and State law, NJ Transit, NJDOT, and SJTPO, biennially, establish the federal and State revenue levels that each organization will program for projects and programs in the State's Transportation Capital Program, the Statewide Transportation Improvement Program (STIP), and the SJTPO Transportation Improvement Program (TIP); and

WHEREAS, NJ Transit, NJDOT, and SJTPO may face circumstances that require changes in the mix of federal and State funding that each organization allocates, and it is advantageous to SJTPO to program a mixture of State funds and federal STP-SJ funds as circumstances change; and

WHEREAS, in September, 2013 the SJTPO Policy Board adopted a Memorandum of Understanding for the Exchange of Program Funds for FY 2014 through 2018; and

WHEREAS, this MOU must be amended annually to reflect current appropriations of Federal and State funds.

NOW, THEREFORE, BE IT RESOLVED, that the Policy Board of the South Jersey Transportation Planning Organization hereby authorizes the Executive Director to execute the Second Amendment to the Program Funds Exchange MOU, as may be slightly amended with the concurrence of all parties, with subsequent notice to the Policy Board.

Certification

I hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Policy Board of the South Jersey Transportation Planning Organization at its meeting of July 27, 2015.

A handwritten signature in blue ink that reads "Will Pauls/mol". The signature is written in a cursive style and is positioned above a horizontal line.

Will Pauls, Secretary/Treasurer